

MINUTES OF THE WATERWAYS MANAGEMENT COMMISSION MEETING

Tuesday July 21, 2020 - 4:00 p.m. Zoom Remote meeting

A meeting of the Waterways Management Commission was duly scheduled for Tuesday, July 21, 2020. This meeting was held remotely through zoom meeting 867 1716 2368, pw: 0161856, due to the closure of all municipal office buildings under the Governor's COVID-19 ban on public gatherings. The meeting was called to order by Chairman Hickey. Present and participating were all members: Gerald Hickey, Roger Race, Andy Herlihy, Warren Hathaway, Kevin Murphy, Geoff Marshall, and Patty Sweriduk. Also present was Steven Melo, Harbormaster and Finance Committee (FinCom) liaison Mr. Robert Gauvin. The minutes of the last meeting of 5/21/20 were reviewed and discussed. It was moved by Patty Sweriduk and seconded by Roger Race to accept and post the minutes as presented. All approved. The meeting agenda item order was re-arranged slightly to accommodate Commission quorum.

A. Agenda Item 7: Dias Landing (a): Marina Feasibility Study with UHI/UMASS Boston:

The Urban Harbor Institute of UMASS Boston and Town Administrator MacInnes need to work out a contract for services to conduct this feasibility study under the requirements of the Seaport Economic Council Grant awarded after the 2/25/2020 Harbormaster presentation in Salem, MA. The contract between the Town and UHI is in the Administrator's hands, as he must sign on behalf of the Town. Waterways will be a primary source of input on the study and the Harbormaster will be the principal contact in Town. The current Grants Administrator is retiring at the end of July, and no announcement has been made regarding further grants administration or compliance. **(b): Security Camera Invoice from DEG, Fall River:** Mr. Murphy declared that what has been installed is not the operational success Waterways was seeking or promised. He pointed out that a comprehensive initial proposal from a competent, licensed, insured, resident-owned contractor from back in November of 2017 was only at \$7,796.00. That proposal came with proper installation height, one PTZ camera, and instant remote access. Instead, the Town was presented with a \$10,000 DEG invoice for many listed items that were not installed. HM Melo stressed that what is there is not our project. We did not procure, or even know this contractor. We never prepared, or knew of any purchase order for the project or this vendor. Mr. Race declared that the invoice presented is "totally bogus" and that the install height is wrong, the product charges are misrepresented. He stated that Town Hall brought in this contractor without any waterways input and apparently no bidding process. Mrs. Sweriduk wants a strongly-worded, cogent, and detailed email or letter with all Commission names directed to all involved, responsible, or concerned at the Town level. Mr. Murphy believes that the Town Administrator failed to fulfill his fiduciary responsibility to Waterways and the Town in allowing this project to occur in this way. Mr. Hathaway stated that he considers this invoice a "scam" by the contractor and that all future work by this contractor in town should be canceled. Based on this experience so far, we can't rely on anything further from them. Mr. Gauvin announced that he will bring up this issue before a future FinCom meeting. Motion made by Mr. Murphy, seconded by Mrs. Sweriduk, approved unanimously to draft a letter of complaint to Select Board, Town Administrator, Town Treasurer regarding this Town-initiated project. Their letter will seek to "divorce" the Waterways Dept. from anything further from DEG of Fall River, to pay for our own vendor and a proper independent system similar to what Park Dept. has at the bucket. Mr. Race said that we could get a better system for less money on our own than what the "town-wide" system would offer. The link for access to an improved waterways system would be shared with the Police, Town Hall, or any proper Department for transparency and cooperation. Mr. Hathaway stated that it should be made clear to the public that Waterways is not in charge of what is supposed to be there.

B. Agenda Item #6: Maritime Center (a): New Peristaltic Waste pump: HM Melo announced that the purchase order has been approved allowing for the replacement of the existing waste extraction pump with a more powerful system. This was made necessary by the increased length, rise and bends in the new dock. Installation, using the remaining Seaport Grant funds for the Maritime Center, will be completed in August by LA Management. They are the local

authorized installer of Edson systems and the same contractor who initially installed our system over a decade ago. It will be a hands-off project for our staff and should not disrupt waste service to boaters. Mr. Murphy requested an accounting of DEG work done for the Town in the Maritime Center building. Mr. Melo has no knowledge of, and has received no information or instruction on any surveillance system that exists in that building. He did relay that one flat screen computer monitor which was originally in place in the utility closet of the Maritime Center, was removed from that building by DEG, and placed at the Dias Landing, and now is a separate line item on that previously discussed landing invoice from DEG.

- C. Agenda Item #5: Rogers Street facility launch ramp:** HM Melo gave an update on his initial Bouchard oil spill remediation grant application (submitted January 2012) for a temporary, roll-out boat ramp to be rolled out on top of the beach sand at the bottom of Rogers Street. That was desired as a simplified, easily permitted, and removable structure with an estimated cost of \$25K. When those grant funds were awarded to the Town, the prior Town Administrator directed the funds away from Waterways and gave the funds and project to Conservation. That prior Administrator told the Harbormaster that he was off this project, and now the Harbormaster seeks to remain “off” anything to do with what is there. The current structure is made of large pre-cast concrete slabs that are concreted together and installed so that the surface of the ramp appears to be blow the grade of the beach on either side. Mr. Herlihy explained how recent construction has made use of that beach launch area more dangerous to use. He described how much less useful that area is for Community Boating youth programs, and how disheartening it all is to him as a taxpayer. An obvious break in one of the storm drain pipes during construction created a sink hole in heavy rain. Mr. Hickey pointed out that the Town Administrator asked the Harbormaster to come up with a “maintenance plan” with Waterways funds going forward. Both he and Mr. Melo politely declined. He stressed that this project was taken away from Waterways and should remain so. We do not have equipment or expertise to remedy this problem created by others without input from waterways. Mrs. Sweriduk asked why the Town now wants Waterways funds to develop a corrective plan and pay for ongoing maintenance on a design that we had nothing to do with. Mr. Hickey stated that he expressed to the recent Select Board Chair that Waterways wants nothing to do with correcting the problem now. Mr. Murphy stated that this ramp is another example of symptomatic problems currently plaguing the Town. He feels that the Town management fails to seek or follow advice of those with specific expertise, put into positions for that expertise. Mrs. Sweriduk moves to write another letter to all concerned describing the problem with the Rogers Street ramp. Mr. Hathaway warns against allowing it to become a waterways problem, financially or otherwise at this point. Mr. Herlihy commented on how quickly the Town attempted to place the burden back on Waterways once the problem was highlighted by CBC. Mr. Murphy wants waterways input on any Town correction of the ramp issue. He believes that input is important, but funding to correct this error by others should not come from boater fees. Mrs. Sweriduk’s motion was seconded by Mr. Murphy and it was unanimously approved that Mr. Hickey, working with HM Melo and Mr. Herlihy should communicate the Commission’s position on not leading or paying for maintenance or reconstruction.
- D. Agenda Item #4: Transient Mooring use:** HM Melo described the difficulties reigning in mooring use to keep everyone consistent with Local, State and Federal mooring regulations. He believes that Waterways needs to work over the winter to better define what constitutes “transient” use, and allows safe and proper visitor use that does not violate or interfere with the purposes of our established waiting list. Visitor/transient use should never be allowed as an “end-run” for any individual to gain mooring accommodation or access by virtue of any membership or affiliation. He reports that it appears to be a particularly difficult season regarding new boaters and mooring uses. HM Staff has been working diligently to reign in and control proper, safe mooring use with NBYC staff and the public. It will be an on-going process to better define allowances and expectations consistent with the mandated Harbormaster responsibilities.

- E. Agenda item #3: Dartmouth Rock PATON marker:** One boater with a mooring in the vicinity emailed a request to have the Town place a marker atop Dartmouth Rock, off Bush Point in Padanaram Harbor. Mr. Melo described the process of permitting, purchasing, installing and maintaining a Private Aid to Navigation (PATON) under USCG guidelines. He also relayed the potential liability to the Town or Department based upon proper maintenance of any marker. He also relayed that at least one mooring currently in use over the rock, would be lost. The shoal draft vessel with a permitted mooring SW of the rock can safely pass over the rock in all wind directions. The addition of a marker would prevent use of that mooring. Mr. Race moves, Mr. Murphy seconds that Waterways continue to rely upon the Government Nuns 10 & 12 to keep navigation away from Dartmouth Rock. Unanimously approved.
- F. Agenda Item #8: Patrol Boat replacement:** HM Melo stated that the Town Meeting approved funds for the purchase of a new summer rescue/patrol boat will roll over to the next fiscal year, according to the Town Accountant's procedures. He continues to search, but there are no suitable used purpose-built boats available anywhere. He has emailed a request for detailed instructions on the proper procurement process for a boat purchase order from Treasurer Barnes. It is a substantial purchase, and he wants to make sure it is done correctly and for the right platform.
- G. Agenda Item #9: SNEP water quality grant:** Due to technical difficulties, Mr. Race took over the meeting at this point and reported that the planned collaboration with the Buzzards Bay Coalition on this grant project is not going to happen this year. The Coalition pulled the plug on this due to a lack of volunteer staff and other pending projects. Mr. Race hopes to explore the opportunity next year.
- H. Financial status of Waterways Enterprise fund:** Covid Closures at Town Hall has caused a delay in the fiscal year-end report. Mr. Melo expects that the Department will meet budget revenue expectations despite the pandemic. A complete report is expected by next month's meeting.
- I. Staff Update:** Through adaptive measures and tenacious persistence, one new seasonal Assistant Harbormaster has been brought aboard to address the pumpout demands under Covid. A second prospect was unable to start this season through no fault of anyone. HM Melo reports that he continues to try to meet the expectations set by the Town Administrator regarding staffing levels.
- J. Next meeting:** 4:00 pm on 8/18/2020 by remote-zoom.
- K. The meeting was adjourned at 5:15 p.m.**