

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING
MARCH 08, 2011

A meeting of the Waterways Management Commission was duly called and held on Tuesday, March 08, 2011 at 7:00 p.m. at Dartmouth Town Hall. The meeting was called to order by the Chairman, Joseph Hannon. The following people were present: Gerry Hickey, Roger Race, Chris Hemingway, Gerald Clark, Warren Hathaway and Michael Gill. Excused was Gerald Hickey. Also present was Mr. Steven Melo, Harbormaster.

Mr. Hannon reviewed the agenda for the evening. Mr. Race asked to insert Mr. Seth Garfield to the agenda under New Business. It was moved and seconded to accept the agenda with the change.

New Business.

Mr. Seth Garfield of Cuttyhunk and Dartmouth was present to discuss Shellfish issues. He said that he will be willing to help in anyway he can regarding shellfish issues. Mr. Race asked how Cuttyhunk handles shellfish issues. Mr. Garfield said that Mass. laws give the Select Board authority to handle shellfish issues in a Town. Mr. Melo said there are four commercial permits currently in Dartmouth. Mr. Garfield said that we have valuable shellfish resources in Dartmouth and that they should be used. He said that prices of shellfish is low down due to the economy and new regulations. He said that there is alot more rules and regulations being drafted that a Town has to keep up with. He noted if the water reaches 80° temperature in the summer all shellfish beds have to be closed; temperature regulators are being put in water to regulate temperature. He said that he has one of the largest coastlines, approx 90 miles, in the state for shellfishery; but not many commercial fishermen. He said that some sites were zoned out in the 1990's for people who wanted to do aquaculture; they could apply for permits through Mass General Laws; Westport has done this. He said that people seldom apply for shellfish grants for aquaculture due to the lengthy process. He feels that in around 1985-86 Dartmouth voted to put a moratorium on any new agriculture in the Town; this would need to be rescinded. Mr. Garfield said he knew of the moratorium because he got a letter before applying. He suggested reviewing the Mass Laws and Westport's By-Laws if the Waterways Division merges with the Shellfish Division. He noted that there are alot of municipal and state divisions involved in shellfishery. Mr. Hemingway asked what water quality is a prerequisite for this to begin. Mr. Garfield said that water quality is very important since people may not apply in areas that could be closed part of the year; he said water quality north of the bridge could be a concern. Mr. Melo said that areas of Slocum River and Little River are closed to shellfishery. Mr. Garfield said that with water quality you also get involved in issues with landowners. Mr. Melo said while he was away in a training course, the Dartmouth Shellfish Warden resigned and there was one request for aquaculture. Mr. Melo said that he was asked to look into managing the Shellfish Division. Mr. Garfield said that different shellfish licenses expire at different times of the year. He said that an Agriculture Grant could be given for up to five years, he said that it requires a few years revolving time to grow oysters. The government can take back a Grant but it has to be for legitimate reasons. Mr. Melo mentioned that the oysters help purify the waterways. Mr. Garfield agreed, the water is changing and some animals are not surviving. He said that quahogs can reseed themselves, but others are not rejuvenating as strong as they did in the past. Mr. Garfield said that you have to be a resident of the Town to be a Shellfish Officer. He said that at times you can purchase polluted shellfish and plant them in an area that will be closed, then in the future open the area; this can also be a learning experience for children. Mr. Melo has not seen many scallops in this area for a few years. Mr. Garfield said that ell grass is good for scallops. Mr. Hemingway asked if there was value in oysters; he said there is some along little island. Mr. Garfield said that they are random and have survived winters and are sparing; but if you go a little ways out into the water they cannot survive. He said that these oysters have an impact on swimmers cutting their feet. Mr. Melo noted that Westport has a full-time Shellfish Division. Mr. Race asked if it would be good to close the Shellfish Area for a few years to assess the shellfish situation in Town. Mr. Garfield said that the Town can close shellfishing for a pollution problem, and for management issues or to assess the area. Mr. Hemingway said that there are alot of people taking shellfish from the area of Little Island and now no one to report it to. Mr. Melo said he has seen people digging at the end of streets and now just calls the Police Department. He said that he wants to help out the Town in these tough times, but he is not sure he has the time to work on Shellfish issues. Mr. Hannon asked if Mr. Neil Churchill could come to a future meeting to discuss shellfish issues. He said that we should determine whether we want the shellfish duties to come under our division. Mr. Melo said that he has a meeting this Friday at Town Hall to discuss the aquaculture issues with the Town.

Mr. Hathaway wants to go on record that the WMC enterprise fund is for the recreational boaters of Dartmouth and we don't think the two departments should merge. Mr. Melo said that \$20,000.-\$25,000. is budgeted by the Town for the Shellfish Division, he said that this department is not self-sustaining; it only brings in about \$2,000

in annual permits. Mr. Clark feels that this is a valuable resource to the Town and a job description could be created to attract a person with environmental experience that would help to the Town. Mr. Hannon stressed that the Shellfish Division has to be separate from the Waterways Enterprise. Mr. Race suggested that this department should be privatized and we could supervise that. Mr. Hannon said that even if it were privatized Mr. Melo would still have enforcement responsibilities. Mr. Hathaway asked if the Police Department could help out with this. Mr. Gill said no because of the general laws and the Police cannot enforce them. Mr. Hannon said that we have voted to consider the needs of the Shellfish Division. Mr. Gill moved to have Mr. Melo advise Mr. David Cressman that the WMC would like to be involved in any discussion regarding the Shellfish Division. Mr. Race seconded. So Moved.

The minutes of the meeting of February 15, 2011 were reviewed. Mr. Raced moved to accept the minutes. Mr. Hannon noted he didn't write the letter on Shellfish, he thought that Mr. Melo would write it. Mr. Gill seconded. So Moved.

The Executive Session minutes of February 15, 2011 were reviewed. Mr. Clark moved to accept the minutes as accurate. Mr. Race seconded. So Moved. Next Mr. Hannon asked about releasing the minutes to the public. Mr. Race moved to hold the minutes from the General Public until all negotiations on this issue are complete. Mr. Hemingway seconded. So Moved.

New Business.

Town Dock Repairs. Mr. Melo said that wind and waves caused damages to the float. He said that he hired Pioneer do the repairs since their barge was already in the water.

2011 Invoices. Mr. Melo said that the bills have been mailed and they are receiving payments.

Old Business.

CLE Engineering. Mr. Melo said that he has not received a large-scale plan. Mr. Hannon feels we need a large plan with an overlay with the boat names on it. Mr. Melo does not have an overlay, but he has a spreadsheet with the names on it. Mr. Race said that there might be an additional charge by CLE to add the names to the plan. Mr. Melo feels that Julian Race might be able to do this. He said that a public hearing is included in the contract with CLE. Mr. Melo said that we need a plan to show the mooring companies to get prices on moving the moorings and we have to determine at what precision we need the moorings to be moved. Mr. Hannon feels this could be up to the Harbormaster. Mr. Melo feels a public hearing in June, when the boaters are around, with a plan in place and how it will be paid; the job can be done in the fall. Mr. Race suggested waiting until July for the public hearing to get more feedback from the people. Mr. Melo said that if we assign new moorings on the North side now, we will need a revised plan from CLE. Mr. Hemingway said we need to be sure how this is going to be done before the public hearing. Mr. Melo feels a sub-meter GPS has to be used, should we buy one GPS to use for all mooring companies, or should the companies buy their own. Mr. Hemingway said that we should require the companies to have a Sub-meter GPS, leave it to the professionals to do the complete job. Mr. Hathaway said that Mr. Melo will still have final say on the position since it is a close area and they will need his 'eyeball' on it. Mr. Melo said that Pioneer did this job in New Bedford, but our harbor is a tighter area.

Rogers Street Update. Mr. Melo said that Lisa Litos has been doing alot of research and we owe the DEP a 'compliance closeout fee' of \$4,000. Mr. Race feels that we have done a public service cleaning up this area. Mr. Melo feels that the Licensed Site Professional should have known when our anniversary date was to get the paperwork in by that date. He said that the Professional blames SITEC that they took longer because an intern did the work and took longer to submit the plans. Mr. Hannon said that if we have the money in the Grant to pay the fee we should pay it. Mr. Melo said that we have \$32,467.20 left in the grant and the WMC should determine what to spend it on. Mr. Melo said that lighting is still not done, Mr. Cressman is getting bids on the job. He said asked about the perimeter fence between the neighbors. He said we estimated for a sidewalk on the street but it cannot be done due to the drainage problems. He said that we planted shrubs at the site and some were stolen within days. Mr. Race said that we will be putting up a gate at the third entrance and a payment box will be made, he said he has approved the vendor starting this. Mr. Race feels we should not close the CPC grant to be sure we don't receive more bills from DEP. Mr. Melo asked if we want cable for monitoring the security system; or it can be a closed system.

Mr. Hemingway said that he has spoken with CBC on leasing the property. He said that Mr. Peter Durant doesn't feel that they can afford the property. Mr. Hemingway said he explained that we cannot use boater money to supplement CBC use of the property. Mr. Race feels that CBC will try to use the property anyway, so we should try to find someone else for the property. He said that we need to leave access to the public. Mr. Race asked if No Parking signs will be going up on Rogers St. Mr. Melo said that is Town-controlled between Mr. Cressman, DPW and the Police. He said that the safety officer will instruct the DPW when and where to put signs. Mr. Melo said that the entry signs posted are similar to the signs posted at the town beaches. Mr. Race feels we need the signs for the Police Department to enforce the regulations. Mr. Hannon asked if we should have an annual fee for the spaces. Mr. Melo said that we have regulations. Mr. Melo said that the Park Department is not interested in the using this area. Mr. Gill moved to approve the signs as read by Mr. Melo. Mr. Hathaway seconded. So Moved.

Mr. Melo said that this area cannot be opened until everything is ready to go. Mr. Race said that the gate will take 8 weeks to install. He said that according to Mr. Michael O'Reilly we will not hear from the State DEP anymore, we received the \$4,000 state invoice because everything was not submitted by the LSP by the anniversary date.

Mr. Melo said that we need 6 curb stops to finish the project. These are needed so that cars do not roll forward onto the beach. Mr. Race said that the bars used to install them can be used on the beach side of the area. It was agreed to have the DPW install the curb stops.

Waterways By-law Revisions. Mr. Melo handed out a draft of the by-laws; they are still working on it but the Town By-Law committee wants a draft by next Tuesday. Mr. Clark said that the first four pages should go to Town Meeting. Mr. Melo said that the definitions could be moved. Mr. Hemingway moved that the by-law committee work with Mr. Melo to submit it by next Tuesday. Mr. Hemingway seconded. So Moved.

Harbormaster Report.

Budget Update. Mr. Melo said that he has not received the up-dated budget from the Town Accountant.

Vehicle/Vessel Update. He said that there is nothing to report on vehicles/vessels. He said that there is confusion at the Town on inspection stickers for the diesel vehicles. He is waiting to hear an update on this.

MUNIS Training. Mr. Melo said that they are doing their own entry of funds to the Town Collectors Office. He will get a new computer and deposit funds on-line. This is a program that is being instituted Town-wide.

'Stink Pond'/Causeway. Mr. Melo said that there is a smell at the bridge near Smith Neck Road. He said that people are still digging shellfish near the smell. He said that mosquito control opens the area in the Spring.

Mr. Warren Hathaway said that he has a person interested in being on the WMC. He said that he told him to submit a resume. Mr. Melo said that the WMC considers applicants and submits names to the Select Board when there is an opening. Mr. Hathaway said that he will submit the resume to the Chairman for future consideration. Mr. Hannon said that the application will be held for consideration when there is an opening.

Public Comment.

Mr. Don White said that the WMC should honor Mr. Robert Metcalf for his time and devotion to the Town.

The next meeting is scheduled for Tuesday, April 5, 2011 at Town Hall.

It was moved and seconded to adjourn at 9:15 p.m.

Respectfully submitted,

Diane L. Vieira