

MINUTES OF THE WATERWAYS MANAGEMENT COMMISSION MEETING

Tuesday November 29, 2022 - 4:00 p.m. Zoom/Remote Meeting

DCTV rebroadcast link:

<https://reflect-dctv-18.cablecast.tv/vod/8340-Waterway-management-Commission-11-29-22-v1/vod.mp4>

A meeting of the Waterways Management Commission was duly scheduled for Tuesday, November 29, 2022. This meeting was held remotely under the Governor's COVID-19 allowances for public gatherings.

1. The meeting was called to order at 4:00 p.m by Chairman Hickey. Present and participating were members: Gerald Hickey, Roger Race, Andy Herlihy, Patty Sweriduk and Kevin Murphy. Also present was Fin Com representative and Chair Robert Gauvin and HM Melo.
2. **Minutes of prior meetings:** 6/21/2022 meeting was moved for approval by Roger Race and seconded by Patty Sweriduk as printed. Unanimous approval voted. 9/8/2022 meeting minutes approval was moved by Patty Sweriduk and seconded by Roger Race. Unanimous approval as printed voted.
3. **Project Updates:** Patty Sweriduk gave a snapshot overview of her 6 month report of the Harbor Management Implementation Committee (HMPIC) to the Select Board. Ongoing projects touching upon the HMPIC function include the Buzzards Bay Coalition water quality Project for Buttonwood Brook to Apponagansett Bay; the DPW storm drain and outfall mapping grant; The Dartmouth Cultural Center series of the past summer and for next summer as well; the Harbor economic Analysis Grant project application to SEC. This \$35K grant would complete the last 20% of that project begun by NOAA; the dredging needs study for Padanaram Harbor. Both of these grant applications should receive a decision in December; the MVP grant reapplication due to be filed in 2023 following a negative result for the 2022 application; the residential docks and piers subgroup seeking to streamline residential dock and pier permit applications by adopting a stronger local option and also establishing local use zones within the Harbor. Patty Sweriduk stated that the Dias Landing proposed Marina project remains on track under the direction of Foth engineering. Her group is still exploring parking options around the Village and Landing areas. They are also now looking at combined sewer overflow notification issues with New Bedford. HM Melo gave a brief explanation of the Sustainable Coastal Solutions recent report to the Select Board regarding storm mitigation at Apponagansett Point. A future meeting and presentation between SCS and Waterways will be planned.
4. **Public Hearing for input on FY2024 (or 2023 boating season) Waterways Rates:** Mr. Hickey opened the public hearing on this topic and asked HM Melo to give a background on the financial cycle and needs of the Waterways Enterprise Department. HM Melo explained that the fiscal year begins each July 1st and ends the following June 30th. The majority of waterways fees for boat, mooring and dinghy permits are billed and collected in March and April of each year. The fees that are being billed and collected now through the end of April 2023 are factored into the budget for fiscal year 2023 ending June 30th of 2023. Any changes to rates for a fiscal year now would be factored into the budget formation for FY2024 to be considered at the June 2023 Town Meeting and preliminary processes. Boat waterways permit applications being sent to commercial slip or mooring customers now for Concordia, NBYC, Davis & Tripp and South Wharf show the fee schedule adopted for FY2023. HM Melo stated that no bills for 2023 season mooring permits have been generated yet. Reserved Dinghy rack spaces have far greater demand than spaces available and that annual rate has not increased since the racks were initially constructed. Those two fees are what he would like to focus upon for this hearing. Mr. Hickey asked where Dartmouth waterways rates were in comparison to neighboring communities. HM Melo reported that Dartmouth has always sought to be competitive and in the middle of the pack when compared to neighboring waterways rates. Dartmouth is somewhat unique in that the only funding for the Waterways Department comes from fees and revenues raised through boater fees. We get no general fund tax money, and in fact pay a substantial percentage of our annual operating budget back into the General Fund as "overhead" or indirect costs. Those indirect costs

increase with the rise in insurance, supervision and other general costs of administering the Enterprise by the Town. Mr. Salvidio reports that he did an informal survey of similar operations outside of the local area to get a bigger picture. He understands the need for non-residents to bear a larger burden of allowable fees with the understanding that residents are already contributing to certain tangential services such as DPW, Police and Fire service. HM Melo reminded the Commission that State law prohibits disparate mooring permit fees based upon residency within the Commonwealth. He also reminded the Commission of an early 1990's Federal lawsuit (Capobianco/LCM Enterprises) that upheld the higher non-resident waterways rate. He has always been cognizant of that decision (upheld by the US Supreme Court) in maintaining a consistent ratio between resident and non-resident boat fees. Mr. Race restated that Dartmouth has always sought to be in the midrange for boater fees, but points out the sharp increase on all costs under the current state of inflation. Mr. Murphy introduced a discussion regarding half of all boat excise taxes collected by the Town remaining in the Town's General Fund. Mr. Race announced that increases are needed and warranted in the range of 8% to 10% which will maintain Dartmouth as a reasonable, affordable bargain on the water. Mrs. Sweriduk asked if our reserved dinghy rack rates can still be changed, or have they already been billed? HM Melo answered that dinghy rack rates can still be set for the upcoming season. The \$50 annual fee for each rack space has not been adjusted since the racks were built in 2006. He noted the problem with people continuing rack rentals for the small fee of \$50 whether being used or not, while many others seeking a reserved rack space are denied and looking at empty spaces. Mrs. Sweriduk suggested a "use it or lose it" policy for actual use of the dinghy racks, while Mr. Salvidio does not want anyone putting the ugliest excuse for a dinghy into a rack space just to hold it. HM Melo also cited the futility in documenting "bed checks" for rack space use during the season. Mr. Salvidio suggested a simple percentage increase across the board. HM Melo asked them to consider the difficulty in charging odd dollar/cent amounts per boat length. He requires easy round numbers per foot of boat length to calculate waterways use fees. HM Melo also reminded the Commission of the need to improve staff service and the number of waterways staff available to the Public under the newly-increased seasonal hourly rate. Mr. Salvidio argued against justifying rate increases only based upon the current increases in the cost of living since we do not decrease fees when the cost of living drops. The rates should reflect an averaging of the highs and lows of inflation. Mr. Murphy declared that a \$50 increase per reserved rack space is a "no-brainer" and new racks should be built to replace the aging ones in use. Mr. Race moves, and Mr. Murphy seconds that reserved dinghy and kayak rack rates will be increased to \$100 each for the 2023 season. All voted by roll call unanimously in favor. Mrs. Sweriduk asked if additional racks could be installed. HM Melo replied that there is no more additional beach space available. There may be room for one more kayak rack, but that is unclear. He hopes that the proposed dinghy marina will relieve some of the pressure. Mr. Hickey asked HM Melo what his recommendation for mooring fees going forward would be. HM Melo suggested that an increase from the current \$70/\$140 rates (individual/commercial) to \$80/\$160 would improve the Enterprise funding situation. Mr. Murphy made a motion to set the 2023 season mooring rates at \$80 for individuals and \$160 for commercial rental moorings, then withdrew that motion before a vote was taken. Mrs. Sweriduk reported that an increase to \$80/\$160 reflected approximately an 11% increase while an increase to \$90/\$180 reflects nearly a 13% increase. Mr. Race moved to set the 2023 mooring permit rates at \$90 per individual mooring and \$180 per commercial permit. Mr. Murphy seconds that motion. Mr. Salvidio stated that he feels that is a steep increase, but he will follow the will of the Commission. Mr. Gauvin urges the Commission to stay ahead of the curve on inflation, giving an example from the Park Department rates. All voted unanimously to advise for that mooring rate. HM Melo reports no issue with the \$15 mooring waiting list fee and sees no justification to changing that rate.

5. **Candidates seeking appointment to Waterways:** Mr. Hickey reports two current candidates seeking appointment to waterways. HM Melo confirms that those are the only two active applicants reported from the Select Board Office. Mrs. Sweriduk asked if the Commission has a process for evaluating applicants before reporting a recommendation to the Board. She believes

the Commission needs a process to make their recommendation to the Board more meaningful. A comparison was made to applicants for the Conservation Commission. Mrs. Sweriduk volunteers to compile questions with additional information to be distributed before inviting these candidates to a future meeting. Mr. Murphy notes that no end date for the Waterways Commission posting appears on the Town site. Mr. Hickey relays the general lack of volunteers generally for Town boards. Mr. Hickey said he will report back to the Town Administrator regarding the process the Commission will undertake before making their recommendation.

6. **Community Preservation Grant deadline for June Town Meeting:** Mr. Melo reports no projects ready to submit for evaluation of eligibility to CPC for June. November 30th is the deadline for submissions for that Town Meeting. Mr. Murphy would like to see a grant project application to SEC for each round of funding. HM Melo reminds that not all SEC projects would meet the purposes and requirements of CPC.
7. **Maritime Center / Village Holiday festivities:** The Select Board, upon motion of Shawn MacDonald, approved the Village Buoy tree at the Maritime Center as well as all lighting and festivities proposed. The tree has been fully decorated, along with the entire dock rail. Popularity is growing each year. The master of ceremony for this Friday night lighting event will be former bridge tender, hopefully future Assistant Harbormaster Yves Louis, better known to all as "Lou." The Lt. Governor is expected to be in attendance. HM Melo reports that a second full day of activities is planned for Saturday, including the expected arrival of Santa Claus by boat. Mr. Salvidio commented that this is a great community effort and a positive use of the maritime resources and draws people from everyone to the beauty of the harbor.
8. **Comments:** Mr. Murphy believes that more money will be coming into SEC coffers and wants Dartmouth to have at least one project on their docket for each round. He sees potential for a feasibility study regarding the Rogers Street facility reconfiguration or improvements. Mr. Salvidio agrees that there is great pressure at Rogers Street to help alleviate pressure at Dias Landing. Mr. Gauvin announced that the Finance Committee is now looking at capital projects that exceed \$10 million. Mr. Gauvin asked about storage of the new rescue boat with DPW. HM Melo is working with Steve Sullivan of the water/sewer division of DPW for possibilities. He announced that all dock floats associated with the Dias Landing were removed earlier this day and stored in the parking lot. This is done to protect and preserve the floats from winter weather.
9. **Next meeting** is scheduled for 4:00 p.m. on Tuesday 12/20/2022 via remote/zoom technology.
10. The meeting was adjourned by unanimous roll call vote @ 5:12 p.m.