

MINUTES OF THE WATERWAYS MANAGEMENT COMMISSION MEETING
Tuesday February 7, 2023 - 4:00 p.m. Zoom/Remote Meeting
DCTV Re-broadcast link: <http://75.147.58.17/CablecastPublicSite/show/8535?site=2>

A meeting of the Waterways Management Commission was duly scheduled for Tuesday, February 7, 2023. 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, TJ Salvidio and Kevin Murphy. Also present was HM Melo and Commission Candidate Dana Dornbusch.
2. **Minutes of the prior meetings: 1/17/2023** moved for approval by Roger Race and seconded by Andy Herlihy. All voted unanimously to approve as presented.
3. **Rogers Street Facility: (a) Roof Repairs:** HM Melo reports that a temporary band-aid tarp has been attached over the leak to stop the rain water from intruding. Mr. Hickey said that Roland Valois has been very good to the Town, back to the Maritime Center construction. His company is overwhelmed with work, but arranged to have the tarp laid over the damaged area. Mr. Hickey believes that the small roof over the entryway, as well as the sloping section immediately south of that entry roof should be replaced. The interior water damage should be cleaned and dried to prevent mold. Mr. Race has a one-man contractor with substantial experience who would be available to make a more substantial, permanent repair without triggering prevailing wage issues. **(b) Building use/Feasibility:** Mr. Race then asked to ramp-up the issue of what does waterways want to do with the house structure ultimately? Mr. Herlihy asked what waterways wants to ultimately use the house for? He suggested this might be a good topic for a further SEC feasibility grant. Mr. Murphy doesn't want to spend significant money on the house without a plan. Mr. Race agrees that an engineering study of the structure and land for possible alterations or use changes is advisable as part of an overall study of the area. Mr. Hickey reminded the Commission of a similar inquiry made years back, finding that the house now sits on an undersized lot due to the facility driveway. Mr. Murphy wants to seek Planning Board dispensation to combine the lot with the parking facility. He also believes that a non-residential structure in a flood zone might not need to meet elevation requirements. Mr. Race wants to coordinate with CBC project engineers to include this property as well. FOTH was asked and provided a potential cost of \$100,000 for an area-wide feasibility engineering study of the entire Rogers Street area. Mr. Murphy suggests CPC for matching grant funds on this study.
4. **Current Grant Project Updates: (a) Dias Landing Marina:** HM Melo reports that his presentation to the Select Board regarding the design aspects of the project has been rescheduled to next Monday. He is working on a brief powerpoint presentation. Parking and the MOU issue might be raised, but this presentation is to seek Select Board approval of the design concept. **(b) Pending SEC awards:** Mr. Murphy reports that the Town has endorsed the dredge study award and it has gone to pre-contract status. No information regarding the economic value study grant yet. Mrs. Sweriduk noted that Cody Haddad has ended Town employment, so that may change reporting on the bidding or reporting aspects of the grant studies. She volunteers to give Mr. MacInnes a call on this to check on the issue of bidding. **(c) Harbor Management Plan Implementation/Dock**

permitting subgroup update: Mrs. Sweriduk reports that she is on the mend from recent surgery, but has been off the grid for the past month or so. She reports no recent meetings due to her surgery and recovery, but outlined the progress of the Implementation Committee and Docks/Piers subgroups to date. She then invited all to the scheduled live meeting at Town Hall from Dan Goulart solely to report on the first year of the Buttonwood to Bay water-quality project between BBC and Town. Dock permitting subgroup is still in the data collection phase. Mr. Race asked if we are still waiting for other staff at Town Hall to do anything with that data? Mrs. Sweriduk will check into that. Mr. Melo anticipates asking his computer yogi for more up to date data upon his imminent return from Antarctica.

5. **Next Projects?** Mr. Hickey announced that the next SEC grant application deadline is May 1st. Mr. Murphy stated that many municipalities have had their SEC grants prepared entirely by engineering firms on behalf of the Town. He believes that might be an option with Cody's departure. Mr. Race believes that the Rogers Street feasibility/engineering study should be project #1. He does not see how the study of Apponagansett Point is anything but a Planning exercise that should be done at the municipal level. Mr. Murphy moves to proceed with an SEC application for the Rogers Street area. He wants to include a request for permission from the Select Board to apply for such grant funding and to have the grant prepared on behalf of the Town. Mr. Race seconds that motion. Mr. Murphy notes that Mr. MacInnes strongly wants to proceed with the Rogers Street project as announced at a recent Implementation meeting. All voted in favor of that motion. That is what the Town wants to go for at this time. Mr. Hickey will send Mr. MacInnes an email explaining what the Commission just voted for.
6. **Dinghy Rack replacements:** HM Melo is working on assembling options and quotes to continue the needed replacement of the racks damaged in the Christmas storm, or all the original racks. The original racks were installed in 2006 with an expected life-expectancy of 5-10 years. They need to be replaced, and the costs for materials have skyrocketed. The economics of rack revenue and numbers of spaces were discussed. Mr. Murphy wants to consider replacing any damaged dinghy racks with more kayak trees instead. The 8 kayaks in a rack means more revenue and more public accommodation.
7. **Any issue not known/anticipated 48 hours in advance:** HM Melo reports that the past weekend storm removed two rows of asphalt shingles from the west side of the Dias Landing roof. He will look into having new shingles weaved into the roof by someone versed in such repairs. Mrs. Sweriduk asked Mr. Melo if he knew of any substantial dock damage caused by the recent storms. He relayed that the Wainer dock appears askew with a large section lifted and hanging. He also noted that the berm recommended for the Park at Apponagansett Point has been started by nature with the strong NW winds of last weekend. Large amounts of beach sand blew across the area and mounded up on the park area grass. Mr. Hickey asked to revisit Agenda topic 4 asking Mr. Murphy for any update on his meeting with the Park Board. Mr. Murphy read CPC funding condition 3(B) mentions only parking at Apponagansett Point, Landing and Park areas. There is no mention of off-site street parking. Mr. Murphy believes that any language in the MOU regarding street parking should be removed as it goes beyond what was asked. Mr. Murphy is unsure about the legality of payments from waterways Enterprise Funds to Parks for their use of Landing parking and trash collection on Park property, toilet use, landscaping and plowing. HM Melo understood the CPC requirement for an MOU between Parks and Waterways sought only a reduction to writing of the verbally-agreed

current practices in place for at least the past decade plus regarding shared parking and minimal landscaping. He believes that CPC wanted to see, in writing, the factors involved in the practices that have led to successful shared use of the peninsula. HM Melo stated that he believes one person on CPC seems to have taken that CPC requirement for an MOU as an invite to select a percentage to the Park Dept. to make up for lost Town funding and that's not what CPC intended. He understood that CPC wanted to memorialize what we've been doing into writing so they can see it and all can rely upon it. HM Melo stated that he is not in favor of using boater fees that are dedicated to an Enterprise Fund for non-enterprise purposes. That would invite a lawsuit for blending of funding or double taxation. HM Melo stressed that we are not asking for any percentage of concert revenues, whatever those might consist of. The Commission discussed bringing this to Mr. MacInnes for guidance, but most were in favor of seeking clarification from Mr. Baker-Smith and CPC and asking if ethics considerations are raised where one member sitting and voting on CPC appears to be using the MOU requirement as an opportunity to negotiate funding percentages to benefit Park revenue? Mr. Race questioned the illegality of using the Enterprise Funds in that manner. HM Melo expressed agreement with that question and concern. Mrs. Sweriduk believes that a resolution on what is expected needs to come from the CPC. HM Melo believes that CPC never intended for their funding condition of an MOU detailing current practices to put anyone over a barrel. All expressed agreement for the Commission to go back to Mr. Buddy Baker-Smith for clarification. Mr. Hickey agreed to contact Mr. Baker-Smith.

7. **Public Comment: None.**
8. **Next meeting** is scheduled for 4:00 p.m. on 3/7/2023 via remote/zoom technology.
9. The meeting was adjourned by unanimous roll call vote @ 5:09 p.m.