

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING

OCTOBER 30, 2007

A meeting of the Waterways Management Commission was duly called and held on Tuesday, October 30, 2007 at 7:00 p.m. The meeting was called to order by the Chairman, Roger Race. The following people were present: Robert Metcalf, Warren Hathaway, Gerald Hickey, Chris Hemingway, and Ira Perry. Excused was Norman Peloquin. Also present was Mr. Steven Melo, Harbormaster.

Mr. Race reviewed the agenda for the meeting. Mr. Hathaway moved to accept the agenda as amended. Mr. Hemingway seconded. So Moved.

The minutes of the meeting of October 2, 2007 were reviewed. Mr. Hickey moved to accept the minutes. Mr. Perry seconded. So Moved.

Harbormaster Report.

Zodiac Boat. Mr. Melo stated that the Zodiac boat and trailer is here. He said that the original mover hired wasn't able to do it, but another was hired to get the boat. Mr. Melo said that the total acquisition cost would be approximately \$2,600.00. He said that it has Twin Honda 135 outboard motors. He said that the whole rig is five years old. He said that he would like to have the boat evaluated before more money is spent on it. He said that the trailer is in excellent condition, the mover doesn't believe the trailer was ever in the water. Mr. Melo said that it needs a new collar, which could run new between \$10,000. to \$40,000. He feels the total cost should run about \$40,000. It is a 27-foot boat with a full cabin that can hold six people.

Select Board Approval. Mr. Melo said that he has received approval from the Select Board to continue the working relationship between Mr. and Mrs. Harbormaster.

Padanaram Bridge Vandalism. Mr. Melo stated that vandals cut through Kryptonite cables during the Columbus Day weekend. He said it was 3/8" thick cables that were cut through. Also a section of the chain link bridge channel fence was reported taken by the DPW, it was an aluminum fence. Mr. Hickey asked if the Web Cam set-up could record any thefts. Mr. Melo reported that the web cam doesn't reach the bridgetender area and at low tide the boats are below the covered area. Mr. Hickey said that it should be posted that there is a Web Cam recording system in operation. Mr. Melo said that two or three more cameras could cover the whole harbor area. Mr. Melo reported that about 15 gas cans were recovered in the DNRT wooded area. He said that only one can was labeled. Mr. Melo said that the police have caught a person and there is a case pending, but he is out on bail and apparently still getting his car gas from boats.

AIS Station. Automatic Ship Information Identification and tracking System. Mr. Melo said that he has been approached by the people setting this up along the coastline. They suggest putting an antenna in Dartmouth, paid for by the company and in exchange we would have free access to their system. Mr. Melo said that it would be a help showing how much commercial travel there is in Dartmouth's share of the bay, which could help when seeking grant money.

Harbormaster Office Rent Increase. Mr. Melo said that the rent has gone up to \$400.00 monthly from the present \$350.00; this includes the utilities for the office.

Concordia ACE Application. Mr. Melo stated he has received approximately 40 letters in support of Concordia's application. He said it seems all letters are in support of them. He stated the Coalition for Buzzards Bay and Hazelette Mooring Company are the only negative ones. The Coalition for Buzzards Bay writes that the Town should consider the impact of the moorings on pollution. Mr. Hathaway asked if there are some letters from Concordia renters. Mr. Melo said most are.

CPC Grant. Mr. Race said that the WMC has received the grant from Community Preservation Commission, which is good news.

Old Business.

Rogers Street Property. Mr. Michael O'Reilly of the Conservation Commission was present to discuss the history of the Rogers Street property. He said when the Town took over the property from Park Oil there were oil tanks on the site. There was a release of oil on the site which was reported to DEP. Along with the contamination report to DEP there was also a Use and Activity Limitation on the site. He said the Town went through the proper procedures but because of the type of site it was, the DEP stepped in and did an audit on the work that was done. As a result of the audit, the DEP determined that the Town would have to do more work on the site. The Town did more testing and entered into an Administrative Consent Order with the DEP to do the work. With grant money the Town did more evaluation and at this time the Town is just about done with the closing of the site. He said that the LSP, Licensed Site Professional, working on the site felt that the DEP would be interested in the lead in the groundwater at the site; this is new to the closing of the site. He said that when we were closing the site in the early 1990's the DEP standards were different. There is now a bigger concern with lead at the site, which wasn't part of the early plan. The Town tested the groundwater and there was some lead at the site. He said the DEP is being cooperative regarding this. Mr. O'Reilly said they are now in the process of finalizing the closing including the activity and use limitations. He said the LSP is trying to establish that the lead in the groundwater is a result of background conditions and not a result of the contamination. He feels that the lead in the groundwater will be found to be universal to this area and not coming from the site. Everyone is working together to finalize this and it should be accomplished in 6 to 8 weeks. Mr. O'Reilly handed out a copy of the draft that will be recorded at the Registry of Deeds. He said a parking lot at the site would be good; there shouldn't be a picnic area. Mr. O'Reilly said that it's up to the DEP to make the final determination regarding lead at the site. He said lead testing as been done at adjacent sites. Whatever DEP says, the Town will have to do.

Mr. Race said that they now just want to clear the area and put up fences to protect the area, then put gravel down for the parking area. Mr. Hickey said that we have a \$75,000. CPC grant to start the project. He feels that the neighbors should be involved in the decisions. He asked what could be done in clearing the property. Mr. O'Reilly said that he recommends not doing anything at the present time. He said DEP is watching the site. He said that the Town has done their part and the DEP hasn't provided the money for their end, they have only submitted part of the money. He said while the process was held up due to the mistake by the DEP, they charged us compliance fees. He called them and said we shouldn't have to pay the fees because it was their mistake; the decision was that they couldn't waive compliance fees. He feels only what is required to do should be done until the final approval is given. Mr. Hickey asked what should be done at the site. Mr. O'Reilly said that the activity and use limitations are only limited to the area that is to be capped; it shouldn't be a problem to clear the rest of the area. Mr. Hickey asked about the area outside the capped area. Mr. O'Reilly said there would be no limitations on the rest of the area; he will be willing to help with all the necessary permits. Mr. Hemingway asked if we should start the paperwork. Mr. Melo asked if we have to fill to the berm level. Mr. O'Reilly said that it has to be 2-3 feet above ground level. Mr. Metcalf said the neighbors may want the berms to stay for protection. Mr. Melo asked about repairing the fence, we may have to dig into the ground. Mr. O'Reilly said for now to keep it closed to the public. Mr. O'Reilly said that there should be a fence around the area were the tanks were.

Mr. Melo asked if any revenue could come from the people responsible for the contamination. Mr. O'Reilly said the DEP is concerned with the Town because they took it over. He will look into other options. Mr. Hickey asked what we could be doing. Mr. O'Reilly said that we could do the permitting process. He said within a few weeks there should be some answers.

Mr. John Manheiro, Clearwater Architects, attended the meeting. Mr. Metcalf said that there is more control having one entrance from Rogers St. to the site. Mr. Melo said that other architects are already looking at the project. Mr. Hickey would like to see a timetable for the work to be done. Mr. Manheiro said that there aren't time limits on CPC money. Mr. Melo asked if the lead in the area would affect the CPC money. Mr. O'Reilly said it should not have any hold-up with CPC funds. He said minor amounts were found in the saltwater. He said lead is the only metal they are looking into. Mr. Melo said that there are two storm drains in the area. Mr. Race said that we could look into grant money for the storm water runoff. He said there is a grant available for this. Mr. O'Reilly said that this is something that should be looked into; he said that the Rogers Street drain is in bad shape. Mr. Metcalf would like to see some work done by the spring. Mr. Race said the only plan for a building at

the site is the current house. Mr. Manheiro said that if the house is to be open to the public it has to be ADA compliant and have access to a bathroom. Mr. O'Reilly said that the senior U-Mass project was this house. He said that they did a lot of preliminary work on the house. He said that SITEC oversaw the project and you could get a copy of the report.

Mr. Race said that the first order of business is to get the DEP decision. Mr. O'Reilly will keep the WMC updated on the progress. Mr. O'Reilly said that once the activity and use limitation is recorded at the registry, there is no further testing required at this time. Mr. Hickey asked if the stonewall can be repaired. Mr. O'Reilly said that the Conservation Commission would have to look at it; he said that there are now salt marshes to consider at the site. Mr. Melo asked if gravel or crushed shells should be used in the parking area. Mr. Manheiro said that grass to gravel with shell would be good. Mr. Hathaway asked about closing off the street. Mr. O'Reilly said that right-of-way issues should have to be looked at, he thinks it is a paper street; if it is discontinued the street is taken over by the abutters. Mr. Hickey asked about the sand at the end of the street. Mr. Melo said that mother nature puts it there. Mr. O'Reilly said that there would be a lot of questions when the boat ramp is ready to be put in. Mr. Hickey said that the plan is the key for the area. Mr. O'Reilly said that the Army Corp. of Engineers does site work for free using it as training. He said it is a way to get free work that is good. He said that the Town used it for the soccer fields. He will find out the contact person at ACE.

New Business.

Harbormaster Boater Course. Mr. Melo said that he is trying to set up a safe boating course at the library. He will look into courses for adults and children. He will like to work with CPC for courses with the children. Mr. Metcalf said that the Power Squadron has information on this. Mr. Hickey said that the Coast Guard auxiliary does this. Mr. Hickey said that courses of this type have been successful in the past.

Mr. Hickey asked if there were any legal rights to requiring licenses in the water. Mr. Melo said that it would have to be approved by the State, but it would probably be no because the waters go through several towns.

Public Comment.

Mr. Don White said that after about 22 years, it finally looks like something will be done at the site.

The next meeting is scheduled for Tuesday, November 20, 2007 at 7:00 p.m.

It was moved and seconded to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Diane L. Vieira