



MEETING MINUTES
Waterways Commission Meeting
Wednesday, July 10, 2019
Maritime Center

Commission Members in Attendance: Brian Kelly, Chair; Michael Gibbons; David Friedman; Tucker (James) Patterson; Stephen Mone, Harbormaster; Craig Rosenquist, David Sincoski

Commission Members not in Attendance: Howie Kreutzberg, Vice Chair; Rick Murray

Also in Attendance: David Haley, Associate Member; Jamie Davenport, Shellfish Committee; Susan Harrison, Shellfish Committee; Officer Brendan McAuley

The meeting was called to order by Brian Kelly at 7:03 PM.

Brian Kelly made a motion to approve the minutes from the June 5, 2019 meeting, seconded by Mike Gibbons; Unanimous Vote (6-0).

Brian Kelly made motion to approve the agenda, seconded by Mike Gibbons; Unanimous Vote (6-0).

Opening Remarks: Brian Kelly

- The Chair of the Marshfield Waterways has been invited to the September Meeting
- Meeting with Jim Boudreau tomorrow to talk about Shell fishing
- Craig received comments from the Commission regarding the Shell Fishing Rules and Regulations and the Application
- Wednesday August 7, is the Shellfish Committee Presentation to the public at the EOC, Public Safety Complex
 - Will put a sign at dump and article in the Mariner
 - Mike DiMeo updated the Commission that the ramp in Cohasset (for shell fishing access) was federally funded so anyone can park there

Harbormaster Report – Stephen Mone

Pedestal/Electrical Project:

- Project completed, pedestals all in place and working
 - Ordering spare parts
 - Old pedestals removed

- Covers being made for the winter (isinglass)
- A few GFCI issues, Stephen sent out information to all the slip owners
- Gone through first stage of FEMA reimbursement
- 4 damaged pilings were fixed (Town Pier) that were broken in a storm

River dredging Project:

- Had meeting at Pier 44
- Starts Tuesday, will be on site during dredging Weekdays (7-9) Friday (7-7) during the proper tides
- First week in September will be complete (40 days)
- Equipment stored off of Humarock
- Buoys 8 and 9 were removed

Mooring Info Update:

- System up and running
- Payment made
- Will tweak system
 - Add items to library
 - Properties (moorings and slips) will add second line to retain the old number
 - Will be able to download an Excel file for re-gridding the harbor if wanted
- Reached out to Dockwa, charge 3.5% fee for rentals of transient slips
 - Mooring Info going live once 3.5% fee is approved, Brian will follow up with Nancy

David asked if you reserve an actual slip, Mike Gibbons said no, that you put in a request for a slip through Dockwa.

Fran McMillen 79 Cole Parkway, said that there are different levels of management with Dockwa, there are free systems and one's that cost up to \$500 a month.

Mike Gibbons asked about the 91 permit, Stephen said it was with the lawyers and he did not have an update at this time.

*David Friedman asked why the "no wake" sign was moved so far into the harbor, Stephen said they are looking into the location of the old stone, **Fran will let the harbormaster office know the location.***

Driftway Ramp Improvement, David Sincoski

- Did not hear back from Conservation, will go on online and request to get on the Agenda.

Future Mooring/Slip fee discussion

Brian met with Nancy Holt, Finance. The current financials show \$1.09 M in expenses and over \$2M in revenue. It does not reflect the 4 pilings that were replaced from the storm damage, electrical work in Cole Parkway which was an additional expense of \$252,000 (potential of a 75% reimbursement from FEMA). Brian will re-run numbers with assumptions. He added that in 2024 the debt decreases and that the goal is to keep \$400,000 in the Enterprise Fund.

Brian said he ran financials with and without FEMA reimbursement and the Enterprise Fund will be negative without FEMA, however the Capital Plan includes expenses over the next 5 cycles that may not happen (pushed back) or that may be reimbursed. Stephen added that the pump out boat will be reimbursed.

Brian said that replacing the docks will be a big project that will cost over \$1M. We are going through the grant process and Stephen thinks it will be successful. Brian said we could also turn the project into debt over 10 years.

Stephen Mone said that the dumpster “encloser” will be put over the dumpster which is to the right of the Maritime Center.

Dave Dauphnee, 356 Clapp Road, said that rate increases for fees had been discussed in prior meetings and he was wondering if the discussion had gone any further and he suggested setting up a subcommittee to look at potential opportunities for increasing revenue. Brian thought a subcommittee was a good idea and added that he thought the Commission had run into dead ends for most of the revenue generating ideas previously discussed. David Dauphnee said that he thought you could collect user fees for ramps. He is concerned that kayakers use a lot of resources. Brian Kelly said we look at all aspects before we raise fees. Mike DiMeo said they use a parking meter in Marshfield and thinks we are losing money at Jericho Ramp. They also charge \$75 for Annual Boat Hauling sticker and he said you are allowed to charge up to \$500. They do not charge for kayaks or paddle boards, but agrees that they are a huge problem.

Stephen Mone said that the State dictates what collected fees can be used for.

Brian asked David Dauphnee to be on the subcommittee which will look into increasing fees and asked who else wanted to be on the subcommittee: Mike Gibbons, David Friedman and David Sincoski volunteered.

Brian Kelly asked for a motion to form a subcommittee to look for alternative revenue sources, David Friedman made a motion, seconded by Mike Gibbons; Unanimous Vote (6-0).

Stephen Mone exited the meeting around 8:00 PM

Shellfish Committee Meeting Update - Craig Rosenquist, Jamie Davenport

A map with the acreage plotted out was displayed, the Shellfish Committee thinks it will be valid and Jamie added that Jamy Buchanan Madeja, the lead lawyer from the Cole Parkway project agreed. Jim Boudreau had recommended using a title search lawyer. There was some confusion regarding would pay for the title search (\$400), Brian said he would follow up with Nancy.

Greg Morris Engineering put together the lease area. There are 32 lots which are 208 ft. x 208 ft. Craig said that they would like to start with a Pilot Program first which would entail allowing 5 farmers to use plots for 2 years. Then depending on how the pilot went they could open up another 15 acres. The would like to have a maximum of 3 acres per individual which would cost the farmer \$9000. Craig said that some areas are better than others and that the pilot program would start with the prime locations. Jamie explained that you are not required to have buffer zones between areas, but said that we would recommend a 50 foot buffer between farms. If people owned multiple lots you could eliminate the buffer zone and have more acreage available. Jamie said that some would be for education some would be commercial.

Jamie thinks that Scituate should work with Cohasset to form a good relationship by offering them plot for farmers or public areas for the Town.

David Friedman asked about public (non-assigned) plots. Craig and Mike Dimeo didn't think it would be a good idea because it would make it more difficult to manage the process. David Sincoski thought that it may be premature to make "future" decisions.

Susan Harrison, Shellfish Commission agreed that it may not be a good idea to allow public plots because you are farming and selling raw seafood for consumption, she felt it should be strictly managed and could be a liability for the Town. You need to have farmers who know what they are doing.

Jamie explained that from mid-May to mid-October the bacteria can thrive and that there are ice requirements that have to be followed during that time period.

David Dauphnee said that one area is approved, but the bigger picture is that we are looking for all our waterways to benefit. There are 1000's of acres that can be used for recreation. This is just the first step.

Shellfish – Rules and Regulations emailed comments, discussion and changes

Craig asked who would make the final recommendations, Brian said that Waterways and Shellfish will both give their opinion/recommendation (if they disagreed) and that the Board of Selectmen will make the final decision.

Brian said that he believes that oysters harvested should have Scituate in the name. There was a brief discussion whether or not you could use a Town name for an Oyster. Jamie said you just cannot trademark it.

Brian read the comments from the Commission:

Fees: Are per application

Do other Towns have administration fees: Yes. What fee's and how could Town recovery upfront costs? Shellfish Committee will look into.

Has the Town Clerk agreed to receiving hand delivery of applications: **No, Susan Harrison will talk to her**

Add verbiage regarding acreage to application

Acreage increased to 3: Due to access and policies from other Towns

Contiguous plots: Does not need to be contiguous

However, Mike DiMeo added that it is easier to mark off with buoys if they are contiguous

Business days not calendar days

Board of Selectmen is the licensing authority, (add to Rules and Regulations?)

Timeframe to notify the abutters of a hearing too tight, **Jamie will research**

Accredited Training requirement: No, Craig said a business plan, experience and schooling is asked on the application.

John Tedeschi, 1 Jericho Lane agreed that there should not be a training requirement.

Should there be a lottery to assign, due to conflict of interest. Craig said we can have the Board of Selectmen select or we can look at applications blind. Jamie said you cannot get rid of conflict of interest completely.

Jamie said other Towns do not use a lottery and it does not give the Board of Selectmen any control over who the farmers are.

Shawn Harris, Board of Selectmen said that you should complete an application and an interview process. **Craig will add that an interview is part of the process.**

Is Town Counsel going to check general law provisions, Craig said yes

Farmer must be registered with Shell Fish Department

No more than 3 acres per individual, no household limit. Board of Selectmen may limit per household

Should we create a waitlist: Should there be a wait list of the qualified applicants after the 2 year pilot program. There will be a \$25 fee to stay on the wait list. You would have to grade (rank) and date as the applications come in. There was a discussion on how the waitlist would work.

Shawn Harris, Board of Selectmen said he would prefer ranking applicants versus a lottery process.

Brian Kelly made a motion to approve a waitlist process once the initial pilot plots are assigned and having the remaining plots assigned by the Board of Selectmen, seconded by David Friedman; Unanimous Vote (5-0)

Ability to transfer plots: The Commission thought this would stop new farmers from coming in. Jamie Davenport said most towns allow transferability. Craig said you should only be able to transfer (sell) it to a person on the waitlist. There was a discussion regarding whether or not plots should be allowed to be transferred. **A final recommendation could not be made.**

Shawn thinks the Board of Selectmen will not allow transfers.

Minimum levels of investment and production: Brian thought that the \$4000 production (for the 4th year) average was too small for enforceability for the Board of Selectmen. **The Commission changed the minimum to \$10,000.**

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Remove **the line stating that after 60 days the license will be automatically approved.**

Proof of Insurance—**Add: as required by the Town:** what type of insurance and amount should also be added

Shellfish Constable will manage waitlist not the Scituate Shellfish Department

Shellfish - Application discussion and changes

Add email address and phone number

Require written confirmation on how you will access the site.

Closing Statement, Brian Kelly

Brian said that Tony Vegnani, Board of Selectmen wrote a letter congratulating the Waterways Commission on doing a great job with the Pedestal Project.

Next Meeting: Wednesday, August 7th at the EOC at the Public Safety Complex.

There being no more business to discuss, Brian Kelly made a motion to adjourn at 10:08 PM, seconded by David Friedman; Unanimous Vote (5-0)

Respectfully submitted,

Lianne Cataldo
Recording Secretary

List of Documents:

- Agenda
- Meeting Minutes from 06/05/19
- Financial spreadsheets
- Shellfish acreage map

Agenda Items:

- Review budget for 2021
 - Reservation agent for the Maritime Center coming from Enterprise Budget
 - Some Operational Expenses for the Maritime Center charged to Stephen's budget.
- Slip Fees
- Buoy Marking Costs – September

Follow up:

- Mooring Info going live once 3.5 fee is approved, Brian will follow up with Nancy
- Fran McMillen to contact the harbormaster office to tell them the location of the old stone to move the No Wake sign back into place.
- There was some confusion regarding who is paying for the title search (\$400), Brian will follow up with Nancy.

Shellfish Rules and Regulations:

- Has Town Clerk agreed to receiving hand delivery of Shellfish applications, Susan Harrison will talk to her
- Timeframe to notify the abutters of a hearing too tight, Jamie Davenport will research

On-Going Items:

- Pump out Boat/Marshfield MOU
 - He will also follow up with Jim Boudreau who was supposed to contact the Marshfield Town Administrator.
- Shellfish Commission to make a presentation and invite the public at the August meeting. Stephen Mone will look into added a sign at the dump and Rick will contact the Scituate Mariner once he knows the date, Stephen will talk to Town Hall about putting a message at the dump
- David Sincoski will make the request with Frank Snow to get on the Conservation Committee agenda.
- Driftway Ramp:
 - Brad White continue to work with Ducks Unlimited

- Once a direction is established, David Sincoski and Brian agreed to work with Frank Snow and the Conservation Committee
- David Sincoski, Ed Dixon and Brad White to be the point people
- Design of ramp needed
- Stephen to look into Capital Plan to see how much money was available.
- Stephen Mone to start the process of selecting an engineering firm to start Master Dredging Plan
- David Friedman to work on discrepancies before sending final Slip Contract to Town Council for review
- Security Cameras for Harbor and Rivers:
 - Look into getting access to Marshfield cameras to see the rivers
 - Identify blind spots, check with Scituate Harbor Yacht Club to see if they would allow cameras on their property to help monitor the harbor.
 - Look into current live feed and to see if monitored by Police
- David Friedman to do a cost savings analysis of the deicer usage