

Town of Wareham

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Marine Resources Commission

Meeting date: September 1, 2017

Attendees: Larry Bearse, Dick Wheeler, Garry Buckminster, Alan Slavin

The meeting opened at 10:30 AM in Room 228 in the Multi-Services Building.

The minutes for the August Marine Resources Meeting were reviewed and approved.

Chairman Don Jepson advised those present that he had heard back from the Massachusetts Attorney General's Office which advised him that it is not a violation of the Open Meeting Law for a committee to have a meeting in a residence so long as the residence is open to the public. The Attorney General's office also advised that one can have a public meeting in an office so long as there is ample space for those attending and that it does not disrupt transactions that are normally conducted in that office.

Chairman Jepson handed out two write-ups that were proposed to be submitted to the Board of Selectmen for consideration to be articles on the Wareham Fall Town Meeting.

The first article asked the voters to approve \$10,000 for a consultant to be project leader to follow-up and communicate with the US Army Corps of Engineers regarding the Town's application to dredge the Wareham River Channel.

The second write up asked for \$1,000 for office supplies, printing and preparation costs to create educational brochures, and printing costs to make copies of a map that shows public land access to Wareham's waterways. The write-up indicated that MRC members have been spending their own money for office supplies.

Selectmen's Liaison to the Marine Resources Commission, Alan Slavin, opined that what was being proposed would not be considered by the Selectmen because what was written up to be considered was being submitted too late. The copy of the Selectmen's Process for Calling A Town Meeting instructions that Chairman Jepson received in the MRC mailbox read: THURSDAY, September 7, 2017 Last day for articles and/or petitions to be inserted in the Warrant. WHRC Section 2-4(c) – **45 days or more before Town Meeting convenes**. Mr. Slavin also indicated that the Marine Resources Commission could not submit requests for money as the Town's budget was set at the Spring Town Meeting and all requests for money had to be submitted and approved at the Spring Town Meeting.

The members present voted to approve that both write-ups and indicated that they should be submitted to BOS Chairman Peter Teitlebaum and BOS administrative assistant Janet Wilson.

The meeting was adjourned at 10:40 AM.

Addendum

Both proposals were submitted as attachments to an e-mail sent on September 1 by Chairman Jepson to Chairman Teitlebaum and Janet Wilson. On Tuesday morning September 5th, Chairman Jepson received an e-mail from Janet Wilson indicating that the submissions he attached to his September 1st e-mail were sent as pdf files, and they needed to be submitted in Word. Janet Wilson attached to her e-mail the Guide to Warrant Articles and Motions for Town Departments. Chairman Jepson was unable to print that attachment so he drove to the BOS Office to obtain a copy.

At the BOS meeting that night (Sep 5th) Acting Chairman Alan Slavin asked for an opinion from Town Counsel Richard Bowen as to the legality of the two proposed articles that the Marine Resources Commission had voted to be submitted for consideration to be added to the Fall Town Warrant. Mr. Bowen advised that they could not be considered as articles as they were not in the prescribed format. Chairman Jepson indicated that he could rewrite the proposals in the correct format and provide them to the selectmen the next day. His appeal was denied. He learned subsequently, although he has not seen it in writing, that Town Department heads and Committee heads had to have there submissions in by Tuesday September 5th. The September 7th date was the last date for private citizens to submit petitions to go before voters at Fall Town Meeting.

As an alternative to what the Marine Resources Commission put forward, the Acting Chairman indicated that instead of hiring a consultant, that the preferred course was for the Town Planner to be project leader to follow up and provide data and information required by the US Army Corps of Engineers as pertains to the Town's application to the Army Corps of Engineers to dredge the Wareham River Channel. The Acting BOS Chairman suggested that the Marine Resources Commission members work with the harbormaster to obtain office supplies and printing costs for educational brochures and printing copies of the map that shows public access via land to Wareham waterways.

I attest these are the true MRC minutes of the meeting held September 1 and the addendum that describes subsequent action regarding the proposed articles voted at the September 1st MRC meeting and acted on at the BOS meeting held September 5th.

Attached are copies of the proposed articles that were voted on at the special MRC meeting held September 1, 2017

A handwritten signature in dark ink, appearing to read "Donald H. Jepson", with a long, sweeping horizontal line extending to the right.

Donald H. Jepson, Chairman

cc: Board of Selectmen, DNR Office.

Office Supplies and Printing Fall Town Meeting Article

The goal of the Wareham Marine Resources Commission is to Protect, Preserve, Promote and where possible Improve upon the marine resources of the town; we strive to ensure that adequate policies, procedures and practices, and stewardship continue well into the future. The primary purpose of the Marine Resources Commission is the recognition that the long term environmental health of Wareham's marine resources take precedence over all other considerations of harbor management. We report to the selectmen and advise them on matters pertaining to Wareham's harbors and waterways.

The members of the Wareham Marine Resources Commission have in the past had no budget or money to purchase copying paper, printing ink cartridges, presentation folders, stationery, and other office supplies. We are asking that a sum of \$1,000 be appropriated so that we will not be out of pocket which will also enable us to produce and print educational brochure. We intend also to use the money to print copies of a shoreline access map that will assist residents and visitors in identifying public water access locations within the town. A recent visitor to the town spent \$130 for a shellfish license, and a Marine Resources Commission member was approached by the visitor asking where he could walk into the water without trespassing. There is only one copy of the map available and that member did not have a copy. Neither The Beach and Tourism Committee nor The Open Space Committee have copies of the same shoreline access map.

Dredging Fall Town Meeting Article: The Marine Resources Commission proposes that the Town of Wareham hire a parttime consultant to oversee and manage the current application before the Army Corps of Engineers to dredge the Wareham River Navigation channel.

Reason for hiring a consultant: Almost every town and city that have harbors and waterways are seeking the assistance of the Army Corps of Engineers to dredge because of siltation. This was evidenced at the August 2nd Baker-Polito Dredging Listening Session – South Shore that took place in Plymouth. The Commonwealth of Massachusetts has a budget of \$4 million and it is estimated that the towns and cities that were in attendance are seeking roughly \$500 million in dredging. There is significant competition to obtain dredging by the Army Corps of Engineers.

The Town of Wareham has failed twice in their home grown efforts by the then town administrators and former harbormasters Bill Ellis and Mike Parola to obtain dredging via the Army Corps of Engineers. The records that we were able to locate show that on May 23, 1997 a letter was written by Eugene Cavanaugh, Director, Executive Office of Environmental Affairs to Bill Ellis to identify locations of shoals and areas to be dredged. Almost a year later on April 16, 1998, a response letter to Eugene Cavanaugh was sent by Bill Ellis including an outline map and verbage describing areas of channel dredging and mooring areas needing dredging. The letter references that the project is in a preliminary stage and mentions a Condition Survey was conducted by the Army Corps of Engineers several years earlier in May 1993. A request was made to the ACOE for an updated Condition Survey to be done July 2, 1991.

In a folder dated 2000, we found that Mike Parola partially completed a Harbor Information Form provided by the US Corps of Engineers. Also in that folder was a letter to Mike Parola from John Murphy dated July 19, 2000, referencing a meeting to be held August 18, 2000 with the Corps of Engineer's Carl Boutilier. The meeting was to be attended also by Bill Kavanaugh of the US Army Corps of Engineers.

While the record keeping was skimpy the result was the same – no dredging was ever done by the Corps of Engineers.

More recently, in March of 2016 the Wareham Board of Selectmen voted to write a letter to the Army Corps of Engineers. That letter, dated January 2017, was sent along with a letter from the current Harbormaster in February 2017, almost a year later than it was agreed to at the Selectmen's meeting. No support package accompanied those letters.

If we are to get any favorable response from the Army Corps of Engineers we need to do a better job in following up and giving focus to the application's requirements. The Selectmen, Town Administrator, and Harbormaster have too many other responsibilities which prevent them staying focused on the dredging request to the Army Corps of Engineers, and we need to have someone who is familiar with the process being in charge. The Town has failed twice before and it will cost the Town more than \$4 million dollars if the current effort fails. It is the Wareham Marine Resources Commission's request that the Town's voters agree to a sum of \$10,000 for a part time consultant to be project leader for following up and providing information to the US Army Corps of Engineers as part the Town's request to the dredging the Wareham River channel.

We need to be successful in obtaining dredging to revitalize Wareham's downtown village which is gradually becoming economically dead. The argument for dredging the Wareham River Channel is

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Without an increase in tourism Wareham's downtown village will continue to decline. Support this initiative or it will cost the taxpayers between \$4-5million down the road to dredge the channel. Stated differently,"If you do not feed the cow, you will get no milk".