

**Date: June 3, 2014**

*Date Minutes Approved: June 16, 2014*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Shawn Dahlen, Chair; David J. Madigan, Vice Chair; and Theodore J. Flynn, Clerk.

**Absent:** (none)

**Staff:** René J. Read, Town Manager; and C. Anne Murray, Administrative Assistant

### **I CALL TO ORDER**

The meeting was called to order at 5:05 PM in the Clifford Room at the Duxbury Bay Maritime School (DBMS), 457 Washington Street, Duxbury, MA.

*Editorial Note: This meeting was specifically to meet with Congressman William Keating and representatives of Senators Elizabeth Warren and Edward Markey in response to letters sent to them requesting assistance in obtaining funding for the dredging of Duxbury Harbor and the approach channel.*

#### Others Present:

Congressman William “Bill” Keating

Ms. Julia Frederick, Aide to Sen. Elizabeth Warren

Ms. Christina Pacheco, Aide to Sen. Edward Markey

State Rep. Josh Cutler

Don Beers, Duxbury Harbormaster

Chuck Leonard, Exec. Director DBMS

J.R. Kent, Owner of Bayside Marine

(Mr.) Sandy Salmela, Duxbury Yacht Club

Mr. Dahlen began the meeting by welcoming everyone.

Mr. René Read, Duxbury Town Manager, made some opening remarks. He began by recognizing some of some of the individuals who have been collaborating on this project. In addition to the Duxbury Selectmen and the individuals named above he also recognized: State Rep. Tom Calter; Jeff Welch, Deputy Treasurer from the Plymouth County’s Treasurer’s Office; Jake Emerson, Executive Officer of the Duxbury Harbormaster’s Office.

He explained that a letter was sent to Duxbury’s congressional delegation (see attached sample). Mr. Read noted:

- The Federal project was last dredged in 1997, when approx.. 260,000 cubic yards of material were removed and deposited at the Cape Cod Bay Disposal Site;
- No further work has been done for 17 years;
- The shared view by many in attendance is that obtaining Federal funding is crucial not just for public safety, but also to maintaining Duxbury’s significant commercial, recreational and financial interests.

Mr. Read then invited several speakers to address the meeting.

#### **Don Beers, Duxbury Harbormaster:**

Mr. Beers began by citing the crucial need with respect to public safety. He mentioned the following:

- The Duxbury Harbormaster Department is a primary Law enforcement, search and rescue, and port security agency within this region.
- The existing Federal project was adopted in 1945.

- Involves 21 acres over 1 mile and 100 ft. wide to be dredged to a depth of 8 ft. deep at mean low water (MLW).
- Past dredging was done in 1997; 1976-77; and 1962. He mentioned that ideally dredging should be done every 10 years.
- The Town pier, Town floats and Town landing were developed in 1990 through a Coastal Zone Management (CZM) –CFIF grant, which was a 75% CZM funding -25% town-match grant.
- Proximity to a nuclear plant (i.e., Pilgrim Nuclear Power Station).
- Department has received Federal Port Security funding, which requires Duxbury Harbormaster’s Department to be available and respond 24 (hrs.)/ 7 (days), but he noted it is difficult to do so at certain tides because of the water depths.

**Mr. Chuck Leonard, Executive Director of Duxbury Bay Maritime School (DBMS):**

Mr. Leonard mentioned the following:

- The DBMS serves 2100 students in competitive and recreational boating and rowing.
- They serve students from ages 3 to 83 years old.
- The issues that lack of the dredging impacts:
  - Boating safety: Because of the narrowing width of the channel it is challenging for boats being passed and passing safely.
  - DBMS is prepared to do dredging near its facility, but it makes no sense to do so if the Federal dredging project hasn’t been done as material from there will fill in what they dredge. So DBMS is looking to “piggyback” on the larger Federal dredging project.
  - As was mentioned previously, there are a couple of hours every day that the area is not useable due to the shallow depths.
  - Aquaculture impacts: DBMS rents upweller space to the Duxbury aquaculture farmers. Without the area being dredged the upweller operations may become less useable and this will likely mean fewer oysters and fewer aquaculture jobs.

**Mr. J.R. Kent, Owner of Bayside Marine**

Focusing on the impacts to the Bayside Marine, Mr. Kent mentioned the following:

- 315 families use the Bayside Marine facilities
- Has 35 employees, whose livelihood could be impacted.
- Bayside Marine is the only facility with a launching ramp available 24/7 for emergency access. Its continuing operations are dependent on maintenance of the Federal project.

**Mr. Sandy Salmela, Duxbury Yacht Club**

**Mr. Salmela representing the Duxbury Yacht Club mentioned the following:**

- The Duxbury Yacht Club is a 140-year old institution.
- It serves over 550 families or a total of about 1800 individuals.
- There are 350 boats are owned by its membership.
- It maintains 11 floats, a launch service, several deep water moorings, and a waterfront facility.
- The DYU is another facility that is interested in piggybacking on the larger Federal maintenance dredging project.

To the comments of the above speakers, Mr. Read added the required permits have been received, and the project is ready to go.

Mr. Dahlen mentioned another waterfront facility, which should be mentioned; namely the Battelle property.

This is a property approx. 9-11 acres, which has been purchased by a private investor group. They are in the process of working out a lease with UMass-Boston for the property to be used for a graduate and undergraduate marine studies facility. It will need dredging as well to accommodate deep water access.

State Rep. Josh Cutler said he felt it was important to “have as many logs in the fire” as possible. He mentioned that at the state level the representatives have filed an amendment to a bill for \$500,000. (to be designated to these types of projects). He also stressed that the dredging is not just for recreational needs, but the importance of it for public safety, esp. given the proximity to the Pilgrim Nuclear Power Plant.

**Congressman William Keating:**

Congressman Keating then addressed the meeting and mentioned the following:

- He said that it is understood that harbors, such as Duxbury’s, are vital for access.
- Last March he met with Colonel Semaris, of the Army Corp. of Engineers (ACOE) -N.E. District Command Engineer, and Mr. Curt Spalding, EPA (Administrator for New England Region). He passed along the information provided about the dredging of Duxbury Harbor and channel and said that they are aware of the navigational need.
- Most of the funding comes via the Harbor Maintenance Trust and the Congressional delegation is trying to get 10% allocated to smaller harbors. He explained that the funding in the Trust comes from taxing ocean liners and cargo ships/ports, so most of the money goes to maintaining the larger ports.
- He stressed during the meeting how ready Duxbury is to move forward saying it could be as early as Sept. – Dec. IF funding was available, but it is not.
- Connecticut and Oregon worked with ACOE in which private local port monies came into play and used with hope of getting reimbursements. He was not sure how much was reimbursed and is trying to find out.
- On May 20, 2014 the Water Resource and Development Act was passed which will allow for: (a) More flexibility, (b) Speeding things up, and (c ) Better coordination to accelerate actions.
- Assured attendees that congressional delegation is prepared to pursue any 2014 residual funding, but added that it is likely to go to remediate more hazardous needs.
- Federal congressional delegation understands that the need exists.

Mr. Dahlen asked for clarification about the CT / OR funding. To clarify it Cong. Keating explained that it was a reverse, cost-sharing with 100% of the funding provided upfront and then a percentage reimbursed. He is trying to obtain more details on the percentage reimbursement received. He added that 100% has to be funded federally in cases of maintenance, but with available funding provided the dredging was able to move forward.

Mr. Michael Jackman, Cong. Keating’s District Director, mentioned that the ACOE brought the information about the CT / OR funding strategy to Congressman Keating’s office.

Mr. Read asked the Congressional representatives “If there would be value in partnering with other towns, such as Kingston and Plymouth?” The answer given was that they were not sure, but could certainly ask the ACOE.

Mr. Flynn asked “What the towns (in CT / OR) were reimbursed and if their situations are similar to Duxbury’s situation?” Congressman Keating’s response was that Colonel Semaris definitely understood the navigational issues, but the funding is just not there. The sense he got is that the ACOE

seem enthusiastic about the “reverse, cost-sharing approach.” He mentioned he is trying to get more information about the percentage of reimbursement.

Unidentified audience member asked about the possibility of raising a bond and if anyone had an estimate of the cost of the suggested dredging project? Mr. Madigan responded that to do so, Duxbury would probably have to raise taxes and given the recent increases for building projects he would be reluctant to do so. Mr. Dahlen added the estimated cost was \$3.5 million. However Mr. Ned Lawson pointed out that estimate was about 4-years old so the cost would likely be closer to \$5 million now.

Mr. Chris Sherman, of Island Creek Oysters mentioned the following:

- Island Creek employees 30 people.
- Has \$8 million in sales
- Includes 1-21 aquacultures
- Stressed that the Island Creek oysters are tied to Duxbury because the flavor of the product comes from its environment.
- Access is vital to be able to farm the product.

Gregg Morris, also an Aquaculturist, added that there is an ecological advantage for having the upwellers in the area. He suggested that they help provide water quality improvements.

Unidentified woman/ audience member asked “Who makes the decision?” And commented that that individual or group should come and explain why Duxbury is not receiving the funding. In response, Congressman Keating said that on the navigation side the decision maker is Col. Semaris of the ACOE. He added that Congress cannot earmark funding as they were able to do in the past; can only vote in the aggregate.

Mr. Sandy Samela mentioned that Cohasset was or was about to be dredged and Marshfield was in the pipeline for dredging as well. He questioned how they got funding but Duxbury has not. Congressman Keating said that both Cohasset and Marshfield were in the queue earlier.

Mr. J.R. Kent mentioned that they had asked about cost sharing, but were told that it has to be 100 % or the ACOE didn't want any part of it. Congressman Keating said that for navigational maintenance they do require the project to be 100 % funded –either thorough federal funding or by privates sources (i.e., in a reverse, cost-sharing model). In the Connecticut and Oregon scenario the parties did pay for all of it upfront.

Mr. Chuck Leonard said that it sounds like we (Duxbury) might be on the radar, but we are not on the list. Congressman Keating basically agreed. He suggested that the Congressional delegation would still be trying to get any leftover monies from this fiscal year, but the chance for funding in this fiscal year was not likely. After September they would be looking for funding in the next fiscal year. He said “It will get done, but the question is when.” They will be trying to stress that (a) the project is permitted and (b) something to be considered is the impacts of delays.

Mr. Charlie Rourke asked about the 10 % allocation. Said he thought he heard the House passed it but the Senate didn't. Congressman Keating clarified that it passed in the House, but wasn't included by the Senate because revenue comes from large concerns / ports. He suggested that they will be trying

again to get it through and assured the audience that our Senators are working to help pursue this with the ACOE.

Unidentified man asked “What else can we do?”

In response Congressman Keating said:

- It is on the radar.
- ACOE knows the places and the navigational needs. Colonel Semaris understand the project is worthwhile, but just does not have enough funding for all the projects. He added that the local officials have done a lot of work and the project is ready to go (i.e., permits are in place); funding is the issue.

Mr. Gregg Morris asked if a letter writing campaign would be helpful. Congressman Keating said he was reticent to say “no”.

Unidentified man asked “Does anyone know the difference (for getting funding) now versus for the past dredging projects?” Congressman Keating’s response was in the past funding was obtained through earmarks, which are no longer allowed. He stressed there is great need and probably the coastal storms have also increased the demand.

Mr. Dahlen added to one of the previous comments that it might be possible to bond within the levy limit. He also mentioned he would like to know the “higher ups” to the decision maker.

Mr. Madigan suggested that for the future Duxbury needs to be focused on the 10-year dredging schedule and to begin pursuing the next project sooner.

Mr. Dahlen concluded the meeting by thanking the Congressional representatives and the audience members for attending.

At approximately 6:08 pm Mr. Flynn moved that the Board of Selectmen adjourn. Seconded by Mr. Madigan. VOTE: 3:0:0.

### **ADJOURNMENT**

At approximately 6:08 PM, Mr. Flynn moved that the Board adjourn. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

### ***LIST OF DOCUMENTS FOR 06-03-14 SELECTMEN’S MEETING***

1. *Agenda for 06-03-14 Selectmen’s Meeting*
2. *Sample of 05-14-14 Letter sent to Federal Legislators*
3. *Federal Project Maintenance Dredging Locus Map; Federal Anchorage and Shore Facilities; Attachment 2 – Map of Duxbury Harbor Federal Navigational Project; Attachment 3- Map of Cape Cod Bay Disposal Site; Attachment 4 Non-Federal Dredging Proposals (by others)*