

Final
Town of Stonington, CT
Stonington Harbor Management Commission
Regular Meeting
February 8, 2010
7:00 PM
Stonington Police Public Meeting Hall

A regular meeting of the Stonington Harbor Management Commission was held on Monday, February 8, 2010, at the Stonington Police Public Meeting Hall. In attendance were Chairman Peter Vermilya, Jack Gorby, Alan Banister, Jean Dixon, Rodney Johnstone, Jesse Diggs, Harbormaster Eric Donch and Deputy Harbormaster Charles Estabrooks. William Abt, George Kenyon and Ed Smith were not in attendance.

Call to Order

The meeting was called to order at 7:03PM by Chairman Vermilya. The presentation of the Stonington/Watch Hill Ferry/Waterlink Project Update was moved to the front of the meeting. The minutes of this presentation are recorded under Old Business.

Minutes

Mr. Gorby motioned to accept the minutes of the January 11, 2010, meeting as amended and Mr. Johnstone seconded. The motion was approved unanimously. Chairman Vermilya commended the recent practice of identifying action items (asterisk *) within the commission minutes.

Correspondence

Chairman Vermilya reported the following correspondence:

- A) Out of Jurisdiction
 - 1. DEP Permit, Mason's Island
- B) In Jurisdiction
 - 1. Notification of DEP Approval Permit granted to the East Grand Street Homeowners Association to rebuild their dock.
 - 2. Letter, dated February 4, 2010, from Mark Kulaga, seeking reinstatement on the Mooring Wait List. His reinstatement was confirmed and was further noted in Mr. Johnstone's Mooring List report under Old Business.
 - 3. Notice of Hearing to be held by Borough of Stonington P&Z Commission on 3/9/2010, re text amendments to the Borough Zoning Regulations for the Planned Waterfront Zone sought by the Dog Watch Café. The notice is accompanied by an explanatory letter from the Dog Watch's counsel, Frank Eppinger, listing the proposed amendments. The change proposed seeks to modify the restaurant classification for special permitted usage.

*The Commission found no objection to the proposal and Chairman Vermilya will confirm that position by letter with the P&Z Commission.

4. R. Michael Payton, DEP Marine Headquarters Supervisor, advised Chairman Vermilya by telephone and by confirming letter of the No Wake Buoy application status. (Old Business #D)

C) Bills Paid/Outstanding

Payment to Harbormaster Donch for June-December, 2009 expenses: \$512.21

Treasurer's Report

No monthly Treasurer's Report was submitted.

* ASAP Software charge resolution was deferred.

Harbormaster's Report

The Harbormaster's Report, February 8, 2010, was presented by Harbormaster Donch (Attachment A).

Extended discussion:

- a. Under "Moorings in Jurisdiction":
 - i) The 438 total moorings are an estimate based on a year 2000 paper mooring chart prepared by Commission members as well as active records in the mooring database. They represent mooring locations which may not represent actual physical moorings because they were ambiguously buoyed, deserted, never assigned, eliminated for other usage of the location or various other reasons. The Commission will initiate a project to determine true mooring numbers and locations in the spring, comparing what is identified in the water against the 2000 paper mooring survey and the mooring database. The database covers the waters from Pawcatuck to Wamphassuc Points.
 - ii) The 12 non-renewals from 2009 represent actual moorings, 6 of which are not in Stonington Harbor "proper."
 - iii) The 14 unassigned in harbor and 7 unassigned outside harbor in the database need confirmation as actual moorings described above.
 - iv) The wait list is for moorings in Stonington Harbor "proper".
- b. *Mssrs. Vermilya and Banister will compare an RTF format version of the Management Plan with a copy of the original, unedited, Plan. If it is a faithful copy of the original, the RTF version will be used on the SHMC website. In the interim, a .pdf version of the Plan will be used.

The RTF version has the ability to be full-text-searched by both the public and search engines.

- c. Harbormaster Donch reported on this week's public meeting held by the US Fish & Wildlife Service which is assuming management of the Sandy Point nature reserve. Mr. Donch reviewed heavy vessel areas around the island with USFWS staff.
- d. The Commission encourages participation in the Stonington Harbor Yacht Club flare demonstration and training on May 22, 2010. The Commission supports and encourages educational and safety programs such as this to further public awareness.

Mr. Gorby motioned to accept the Harbormaster Report as written. Mr. Banister seconded and the motion passed unanimously.

Old Business

A) Stonington/Watch Hill Ferry/Waterlink Project

- 1. Wendy Bury of the Stonington Borough Merchants Association presented an update on the project. Harbormaster Donch, Ms. Bury and Mr. Lobdell evaluated several local docking areas for the vessel and concluded that Stonington Commons Community dinghy docks, Ingrid Feddersen's planned marina and Skipper's Dock were viable options. The Commission and Harbormaster discussed dockage considerations for each option with Ms. Bury including water depth; area congestion and usage (sailing, swimming); loading factors (height, fixed/floating structures, piling configuration); exposure to various sea conditions impacting boarding safety; and seasonal/daily scheduling. Ms. Bury indicated that there are land-based issues requiring resolution as well such as parking, proximity to merchant facilities and traffic.

The Commission advised Ms. Bury that it supports the concept of the ferry and requested that she notify the Commission when the location is selected.

B) Accuracy and Reporting of Mooring Data

Chairman Vermilya presented a draft of new mooring-related guidelines that were developed with Harbormaster and Assistant Harbormaster Donch and Estabrooks (Attachment B). The new guidelines are intended to enhance the administration of the mooring renewal and wait list processes to ensure fairness, transparency and timely assignment of newly available moorings. Msrs. Johnstone and Banister and Ms. Dixon will assist the Harbormaster office in ensuring that responses are returned to that office in a timely manner. The guidelines will be modified over time as circumstances and experience dictate. A guidelines summary follows.

1. Permit Renewal Process

- a) Mooring permit renewal forms must be returned by 3/31 with all information and monies included.
- b) Contact with incomplete renewals will be attempted by the Harbormaster via email, telephone or postal mail; the contact committee will assist in this effort. The mooring renewal process will end on March 31.
- c) During April the Harbormaster will assign moorings that have become available. Current mooring holders who wish a change in location will be addressed first. Secondly, persons on the wait list will be contacted in the proper list order considering the mooring capacity and boat specs. If no contact can be made by the Harbormaster and contact committee within 28 days, the mooring will become available to another wait list person.
- d) The status of renewal applications and moorings in process will be reported at the monthly SHMC meeting.

2. Waiting List Update

- a) The wait list must be updated annually by 3/31 of the current year in order to facilitate timely assignment of moorings that have become available during the renewal process.
- b) An extensive wait list update was initiated in 2009 (spring). 95 people did not respond to SHMC with wait list information and the effort to contact them to ascertain their status continues under Mr. Johnstone's direction. 28 names were successfully contacted and wish to remain on the list. 45 applicants will be removed from the list for various personal reasons as well as no response after repeated unsuccessful efforts to contact them. 20 names are still underway in the contact effort.
- c) For 2010, the Harbormaster will contact approximately only the first 25 names on the wait list for verification because of the recent mass update. This process must be completed by 3/31/10 with the assistance of the contact committee. In future years, the update process should run concurrently with the mooring renewal process.
- d) Harbormaster monthly reports will report aggregate numbers on mooring totals and type. Moorings relinquished, offered and reassigned will include names to enhance tracking and transparency in the management of wait and renewal lists.

3. Aerial Harbor Survey/GPS Mooring Location Project

A draft of the mooring service provider letter was reviewed and amended to ensure optimal location accuracy and ease of reporting. Mooring service providers will be required to submit

data to the Harbormasters in both paper and electronic form to ensure future recovery efforts.

* Assistant Harbormaster Estabrooks will follow-up with service providers to ensure understanding of collection and data transfer procedures.

C) 2010 SHMC Budget

1. The 2010 Budget Presentation and Review is deferred to the next meeting.

D) No-Wake Buoy Proposal

1. Mr. Gorby submitted the DEP permit application for six No-Wake buoys on January 11, 2010.
2. R. Michael Payton, DEP Marine Headquarters Supervisor, advised Chairman Vermilya by telephone and by confirming letter that the application has been denied because of enforcement issues ("no local ordinance exists to enforce these marked areas") and potential boater "confusion".

*Mr. Banister will review and clarify the proposal specifics with Mr. Payton to support reconsideration by the DEP.

E) Harbor Management Plan Rewrite

No report was given.

F) Harbormaster Boat Dock

Discussion deferred to future time.

New Business

No new business.

Public Comment

No public comment.

Adjournment

Throughout the meeting, the Commission acknowledged the work that members and the Harbormaster staff had volunteered this month to accomplish mooring list procedural changes, mooring contact initiatives and mailings.

The meeting adjourned at 9:21 upon a motion by Mr. Gorby. The motion was seconded by Mr. Banister and approved unanimously.

Submitted by Jean D. Dixon

Attachment A
Harbormaster Report
February 8, 2010

New Mooring permits issued: 0

Moorings being given up (this month): see below

New Mooring assignments offered: 0

Additions to Waiting List: 0 Total: 148

Deposits to SHMC account since last report: \$ 100 (2009 total = \$ 7920) (2010 YTD = \$0)

Mooring Renewal Status:

Renewals sent: 275 (272 private, 3 commercial (114 DBY, 11 DD, 5 CC)) 402 total

Moorings in Jurisdiction:

Total 438 in mooring database (need to be confirmed in water)

130 commercial (114 DBY, 11 DD, 5 CC)

272 renewable (private) mailed in 2010

12 non renewals from 2009

14 in harbor, in database, unassigned (are these really in harbor ?)

7 outside harbor, in database, unassigned (are these really in water ?)

2 given up at time of Wad Club expansion (possibly 2more)

1 N-11 (counted twice, as DD-1 and N-11)

24 Letters were sent to mooring holders who had not responded at all for 2009 season. 8 of the 22 mooring holders are littoral. 12 letters of renewal were sent from this group which includes those paid as well as littoral per discussion during January SHMC meeting.

Renewal applications for the 2010 season were mailed Jan 31. Thank you Jean for doing the envelope stuffing.

From March Minutes: "An electronic copy of the Stonington Harbor Management Plan at the Stonington website has been located. That copy will be proofed against the approved version to ensure that the correct copy is at the website." Has this been followed up on?

Stonington Harbor Yacht Club will be holding a flare demonstration and training on 22 May 2010 at SHYC and Stonington Point. This will be open to the general public.

Robert G

December 12th the boat was placed in the Velvet Mill Building for winter storage.

Respectfully Submitted

Eric Donch
Stonington Harbormaster

Attachment B

2/3/2010 Meeting. Donch, Estabrooks, Vermilya

INTRO

The purpose of the meeting was to make a number of mooring related procedures more transparent.

1. MOORING RENEWALS and REASSIGNMENTS

1.a Mooring renewal paperwork will be sent to last year's permit holders by the end of January.

Mooring permit renewals forms returned by 3/31, 100% complete, present no problem.

1.b **Pending mooring renewals:** Incomplete renewals (no check, missing information, etc.) will be held by the Harbormasters pending their completion. The Harbormaster will make the first attempt to contact the permittee via email (if supplied), telephone, or mail. If no contact is made within 10 days, the Harbormaster will then supply contact information to a three member SHMC subcommittee for further effort. The Harbormasters may, at their discretion, supply the contact information on pending mooring renewals in batches rather than one renewal at a time.

1.c The mooring renewal process ends 3/31.

1.d By 4/15 Eric should have a good handle on what moorings are available for reassignment.

His first act will be to address requests from present permit holders who wish to be shifted in location, fondly called "the shuffle".

1.e **Eric will then begin to offer moorings** he knows have been given up to appropriate names on the Waiting List. This process will not be completed for all available moorings at one time. Perhaps 4-6 offerings might be made at one time. Doing them all at once would create a paperwork nightmare.

If Eric gets no response from a waiting list name **after 14 days +/- he will refer the name to the SHMC sub-committee** for further efforts at contacting. The sub-committee will need instruction about what to say once they make contact (possibly just "Contact Eric").

If the subcommittee can make no contact after **14 +/- days** then the name will be dropped from the waiting list and Eric will offer the mooring to another name on the Waiting List.

NO action is to be taken by any commission member to move along any permit application if not requested by the Harbormasters .

1.f **Monthly Reporting of Mooring Renewal progress:** Eric will bring a list of pending mooring permit applications to each meeting. To shield a permittee's personal information, no contact information, just the mooring # and the permittee's name will be on Eric's list. (As of 2/3/2010, only a coded reference to what the problem is with a renewal can be supplied. The list will also contain the date the permittee was assigned for contacting to the sub-committee. The list will be date-sorted to facilitate this.) The subcommittee and Eric will work together to

produce the monthly Harbormaster status report on the progress of moorings being worked through this process.

2. WAITING LIST UPDATE

2.a The Waiting list needs to be updated on an annual basis by 3/31 of the year

2.b An update of the Waiting List was initiated in Spring of 2009. It is still ongoing, under Rod's direction.

2.c Because much of the information in the Waiting list has been so recently verified or updated this year, only the first 25 names will be contacted for verification of information for 2010, and only if necessary. (the number of moorings assigned to names on the Waiting List each year has run from 3 to 25) Charles has e-mail addresses for 17 of the top 25 Waiting List names. **Charles will e-mail** them now (first week in February +/-), using the text which was used for the 2009 WL updating.

2.d Or - Charles and the subcommittee may want to work the process for 2010 out themselves

2.e After a week or so, Charles will combine those names out of the 17 he was unsuccessful in contacting by e-mail with the names of the 8 who supplied no e-mail addresses, and supply these names to the sub-committee for further contacting effort. The sub-committee will need to be instructed in the proper method to do this (e.g.: to avoid "leading the witness"). Charles may provide a print out of each name on the combined list. This process should be completed by 3/31.

2.f For 2011, the update process should be done concurrently with the mooring update process

3. HARBOR MANAGEMENT REPORTS

The harbormasters believe that a number of changes to their monthly reports will make the various mooring processes more transparent. They will include in their report:

For the mooring assignment process:

1. The total number of moorings in the harbor (see the following section for a discussion of this number)

Broken down into:

2. The three commercial mooring holders (aggregate numbers only)

3. The private moorings (aggregate number only)

Broken down into:

4. Those moorings validly permitted (aggregate number only)
5. Those moorings given up (a list w/mooring #, permittee name, and date given up)
6. Those moorings offered (a list w/mooring #, offeree, and date offered)

7. Those moorings reassigned (a list w/mooring #, to whom assigned and when)

No contact information will appear in the Harbormaster's Report lists. This part of the Harbormaster's Report will allow a person to track the progress of a mooring over time and would constitute a public record of the effort taken to contact the names on the waiting list. This could be useful in today's litigious society.

(Charles may be able to develop database based "reports" that will find the above numbers.)

3.8 An eventual goal is to have the mooring and waiting list databases live on a server. The Harbormasters would have data input rights, the Commission would have read-only rights, to begin with. This may change over time. The public will eventually have read-only rights. (Charles is working on getting this set up, but does not have unlimited time to devote to the task. If the Commission wishes to speed the process, it could work with Charles to hire a programmer.)

4. TOTAL NUMBER OF MOORINGS IN THE HARBOR

4.1 As of 2/3/2010, no one knows the true number of moorings in the harbor.

4.2 Present estimates are based on the paper mooring chart prepared by Commission members in 2000 and on the active records in the database.

4.3 Those who put the chart together in 2000 admit that the chart may contain erroneous data. Not all the moorings were uniformly buoyed by 2000. It was not always clear if a lobster pot buoy was a mooring or a trap. Charles has said that the database may contain mooring numbers or locations that have never been assigned but that can be accessed. He is working on this. Charles will compare the moorings in the database with the moorings located on the 2000 Chart.

4.3a In the Spring the Commission will **compare the chart and the database with what they see in the water.**

4.3.b There may be records in the database for moorings which are authorized but not assigned

4.4 At one time, the total number of moorings once stood at 406. Since then some moorings have been eliminated or given up:

Some 10 in the area of the SHYC

Dodson has given up at least 4

Some 4 moorings were given up in the Wadawanuck Club area

Eric is working on getting definite numbers.

4.5 263 mooring permit renewals were sent out in 1/2010.

3 were to commercial entities: Dodsons (114), Dons Dock (11), and Cardinal Cove (5)

260 to private permit holders

Eric will be getting out up to 10 more before 2/8/2010 for a potential of 390 permits renewable in 2010.

4.6 384 is the number supplied to Bill Abt for budgeting purposes.

4.7 When all mooring service providers provide lat/long data for the moorings under their care, it will be necessary to provide a record in the mooring database for each commercial mooring.

PTV 2/8/2010