

FINAL
Town of Stonington, CT
Stonington Harbor Management Commission
Regular Meeting
January 10, 2011
7:00 PM
Stonington Police Station

A Regular Meeting of the Stonington Harbor Management Commission was held on Monday, January 10, 2011 at the Stonington Police Meeting Hall. Attending were Chairman Peter Vermilya, Alan Banister, Jesse Diggs, Ed Smith, Rodney Johnstone, George Kenyon, Sherman Krites, Harbormaster Eric Donch and Assistant Harbormaster Charles Estabrooks. Jean Dixon and William Geary did not attend.

1. Call to Order

The Meeting was called to order at 7:01 by Chairman Vermilya

2. Minutes

Mr. Kenyon motioned to accept the minutes of December 13, 2010, as written and Mr. Smith seconded. The motion was approved unanimously.

3. Correspondence

Chairman Vermilya reported the following items of correspondence:

a. Out of Jurisdiction

- i. Six items from the CT DEP concerning out of jurisdiction items: 1 item on the West side of Wamphassuc Point, 3 items on Masons Island, 1 item on Mystic Harbor, and 1 item on Quana Duck Cove.

b. In Jurisdiction: None

4. Treasurer's Report

Chairman Vermilya read Treasurer Dixon's Treasurer's Report (see Attachment A).

Mr. Kenyon motioned to accept the Report as written and Mr. Banister seconded. The motion was approved unanimously.

5. Harbormaster's Report

Harbormaster Donch presented his report (See Attachment B). After discussion, Mr. Kenyon motioned and Mr. Smith seconded to accept the Report which was passed unanimously.

6. Old Business

a. Update of Harbor Management Plan:

A task was undertaken by a sub-committee of the SHMC to revise and update the Plan. Headed by Rod Johnstone, the sub-committee met on several occasions to go over every section of the plan with the goal to clean up and clear up the language and assure that the Plan's provisions were relevant to the current and future use of the waters within the jurisdiction of the SHMC, and that moorings are fairly allocated. The most recent revision to the Plan was previously distributed to all SHMC members and each paragraph was reviewed at this meeting. Further

revisions/corrections were inserted into the MS-Word working copy of the Plan during the meeting by Ed Smith, sub-committee member. The major changes and items of discussion were (with reference to the new section numbers):

1. Article 1: General Provisions:
 - a. Front Page: Change "Rewrite" to "Update"
 - b. Sec 5: Harbor Management Fund: Retain reference to a waiting list fee to have that option available to the SHMC if desired (but recognize that it may be zero), add "CT State Statues" and include "safety" in list of items the funds shall be used for
2. Article 2: Safety and Traffic Control
 - a. Section 2: Include reference to recommended expansion to "Slow No Wake Zone" and include the SNW details in an Appendix. Assumes the SNW will be accepted. If not, it will be deleted from the Plan.
3. Article 3: Harbor Use Regulations
 - a. Section 5: Water Skiing (change to "Water Sports"): Expand prohibited activities beyond water skiing to include tubing, wakeboarding and other high speed water sports.
 - b. New Section 8: "Wharfing Out Policy": Add words that identify the existence of a "Wharfing Out Policy", reference it, and also include it the Appendices
 - i. Insertion of this new Section 8 will displace the numbers of the sections that follow.
 - c. New Section 11: Settlement of Disputes: Eliminate confusing 2nd sentence and state simply that disputes will be settled by the SHMC at special meeting requested by the disputing parties.
4. Article 4: Mooring, Anchoring and Securing of Vessels
 - a. Section 1: change "will" to "shall". In general, this change to be made throughout the entire Plan
 - b. Section 2: Uses of Individual Moorings:
 - i. Change "Individual" to "Private" as the designation, be consistent throughout the document and include in Definitions
 - ii. The issue of verifying that the mooring permit holder is also the legal and bona fide owner of the boat assigned to the mooring was discussed at great length. The conclusion was to replace "51%" ownership with "majority" ownership and to retain the "notarized statement" of such ownership as a requirement, to be submitted with the initial application and any annual renewal applications.
 - c. Section 4: Uses of Public Access Moorings:
 - i. Change title to "Special Purpose Moorings" and use this terminology throughout the paragraph and in Definitions
 1. Note that concern was raised over the effect Special Purpose Moorings will have on the waiting list applicants. The response was that such moorings "may" be provided at the discretion of the SHMC based on specific selection

requirements and must be reviewed annually. Insert "may" as appropriate, replacing "will".

d. Section 5: Application for Mooring Permit:

- i. New Applications: After much discussion it was concluded that rather than define an age limit, require that an applicant have a valid CT Safe Boating Certificate to apply for a mooring permit. Proof of such shall be inclusion of the Certificate Number on the Waiting List Application form (requires changing the form). Some discussion occurred over what the age limit was for CT Boating Certificates and if that was sufficient. We may need to add that the applicant must be able to operate a boat without supervision (see below), which implies that the mooring holder be 18 years of age or older:

Further research after the meeting revealed the following Q&A (source: http://www.ct.gov/dep/cwp/view.asp?a=2686&q=322290&depNav_GID=1620#Certification):

"My child is ten-years-old and wants to operate the family boat. Does he need a Boating Certificate? Yes, he needs the Safe Boating Certificate to operate the vessel. He must take a boating course in order to obtain the boating certificate. By law, any person under the age of 16 may operate a vessel without being certified, other than a PWC, if under the direct supervision of a person 18 or older, who has had their Safe Boating Certificate (SBC) or Certificate of Personal Watercraft Operation (CPWO) for at least two years.

- ii. Renewal Applications: Considerable discussion regarding how best to "force" the waiting list applicants to maintain up-to-date contact data with the Harbor Master (HM). Even though the application form itself requires that the applicant keep their contact information current, history has shown this has not always occurred which has led to considerable efforts by the HM and SHMC members to contact applicants. Alan Banister offered a re-write to the section that included a mandatory \$5 annual renewal fee, the concept of which was supported by the HM to retain the "privilege" of potentially getting a mooring in the Harbor. The cancelled check would provide proof of updated information and continued interest in a mooring.
 1. Some alternate options discussed were (but not limited to):
 - a. Continue to contact the top 25 applicants via registered letter. This minimizes the paperwork but does not weed out higher level applicants that may not really want a mooring and keeps the waiting list

number artificially high, possibly discouraging new applicants

- b. Be firm about enforcing the current contact requirement and drop any applicant from the list that cannot be contacted by ordinary postal letter at their presumed "current" contact address

An acceptable approach was not resolved and the SHMC members and the HM agreed to table any further attempt to resolve it at this meeting. Further thoughts and an agreeable approach needs to be developed, reviewed and agreed upon.

- iii. Mooring Permit, Restrictions: Extended discussion over mooring limits occurred with such concepts as: 1) one mooring permit per family, and 2) one mooring permit to littoral property owners, gaining favor by the SHMC. However, this area was not fully resolved and will require further deliberations to assure that moorings are distributed fairly.

5. Article 5: Review and Modification of the Harbor Management Plan: Tabled until next meeting
6. Article 6; Definitions: Tabled until next meeting.

b. Status of Moorings

Covered under the Harbormaster's Report

c. Slow/No Wake Ordinance

Mr. Banister reported that 1st Selectman Ed Haborek has not yet set a date for the next Town meeting, at which the SHMC will have time to present its proposed Ordinance. Mr. Haborek indicated there were approvals needed for some financial matters, and therefore he expected a meeting could be as early as later this month.

*Mr. Banister will keep the SHMC posted.

d. Dock for use by Harbormaster Boat and Pump out Boat

- a. Chairman Vermilya reported that the SHMC successfully received a Bid Waiver from the Town's Finance Board which allowed the SHMC to present the Town with only two, not three, bids on the new dock. The low bid from Gwenmor has been selected by the Town and the contract has been signed by First Selectman, Ed Haborek, and mailed to Gwenmor.

*Harbormaster Donch and Chair Vermilya will monitor work progress, which should be completed by end of March.

- b. Chairman Vermilya also reported that in February of 2008 the SHMC voted to increase the off-set distance of the tie off piles from 12', as permitted by the DEP, to 15', to more safely accommodate the

Harbormaster's boat. The DEP was not approached at that time as to their opinion on this as all activity pertaining to the dock ceased in 2008 when the necessary monies were not forthcoming from the Town for the Pumpout portion of the total cost. When the DEP was approached this December, it ruled that the change involved significant additional encroachment and that a new permit would be required. Docko is now at work obtaining the new permit, which should take about a month and will not delay the progress of the project. It will cost \$375.00 to file for the permit and \$625.00 for Docko's time.

Mr. Banister motioned and Mr. Smith seconded a motion to authorize the expenditure of \$1000.00 to obtain a new Permit. The motion was approved unanimously.

e. Review of Mission Statement for Harbormaster Boat.

Tabled

f. Review of proposed Capital Expense items not addressed at 12/13/2010

Tabled

7. New Business

None

8. Public Comment

None

9. Adjournment

The meeting was adjourned at 9:55 pm

Respectfully submitted,

Peter Vermilya, Chairman

* represent "to -do" items