

**Five Mile River Commission
Minutes
January 15, 2009**

Commission members in attendance:

Matthew Marion, chairman
William Jessup
Dirk Leasure
John deRegt
Ray Meurer, harbor superintendent

Guests:

George Ward, Five Mile River Works
Fred & Mary Ilcheret, Five Mile River Works
Art vanSciver, The Bait Shop
Phil Koenig, The Boatworks
David Snyder, 23 Chipmunk Lane, Norwalk, CT
Samuel Pierrepont, 19 Five Mile River Road, Darien, CT

Matthew Marion took the chair at 7:35 p.m.

Minutes of the December 11, 2008, meeting were unanimously approved on a motion by Mr. Marion, seconded by Mr. deRegt. Mr. Marion directed the harbor superintendent to send the minutes and the agenda to the Town of Darien and the City of Norwalk.

Mr. Marion welcomed the representatives from the boatyard and thanked them for attending. He noted the purpose of meeting annually was to share common interests and concerns regarding the River, to ensure safe navigation in the river and to enable the boatyards and the commission to work together to resolve any problems that might occur from time-to-time. He then asked for comments from the boatyard representatives.

Mr. Koenig, representing The Boatworks, asked for more up-to-date information about what boat owners put on their mooring permit applications about the boatyard they say will be servicing their ground tackle. A general discussion of the subject ensued and it was subsequently agreed that the harbor superintendent would supply that information as soon as possible in the spring after all mooring permits had been received for the year. This would enable boatyards to certify that they were indeed going to service the ground tackle.

Mr. Ward noted that a small percentage of boat owners do not service their ground tackle every two years and sometimes do not have the proper ground

tackle in place. He said that his yard informs boat owners when inspection of the ground tackle is required or larger ground tackle is needed, but the boat owner does not give him the permission to proceed with the necessary work. He cited one boat owner who has not had his ground tackle inspected for two years and now has a larger boat that requires larger size mushroom anchors. The boat owner was informed of the need to do the work, but never gave permission to the yard to proceed.

It was noted that naming a service provider on the mooring permit application, the boat owner is giving consent to the service provider to inspect and repair the ground tackle. It was suggested by the commissioners that the boatyards look into devising a service agreement contract to help ensure that ground tackle is inspected every two years as required by the ordinances governing the river.

The close proximity to the channel of moorings and docks located off of 99 Rowayton Ave. was discussed with the concern that the Federal Channel becomes quite narrow at that location. There was some agreement that the cause might be attributed to boats on the moorings pulling the ground tackle to the east toward the channel as the result of strong westerly winds during the boating season. Others felt the narrowing was caused by large boats at the docks sticking out into the channel. It was noted that boats at the docks pay a sales tax on the dollar amount of their summer contract while boats on mooring do not pay a sales tax.

Art vanSciver said he receives many calls about transient moorings and where boaters can land a dingy to go ashore for brief periods to explore the town and eat at restaurants. Mr. vanSciver said he responds by referring the callers to the harbor superintendent. He suggested that the commission look into setting up a website to provide information to the public. It was suggested that the Town of Darien and the Rowayton Civic Association have websites that might be useful to the commission.

Regarding the first time placement of a new red and a new green floating aid to navigation at the mouth of the river April through November, it was suggested that a notice be sent to boaters, the boat yards and the marinas so that everyone is aware of the new aids to navigation. Mr. Marion directed the harbor superintendent to send out an appropriate notice.

A discussion of the sharing of bow and stern ground tackle followed with agreement that this is the preferred method of safely installing moorings in the river. It eliminates mooring buoys becoming entangled because they are placed one right next to the other, thus reducing the holding power of the ground tackle.

Mr. Marion thanked the representatives from the boatyards for their helpful comments and noted that the commission was going to continue the meeting by

discussing various applications for docks and that they were welcome to stay. All the boatyards representatives left at this point.

The commission members then reviewed applications from the DEP for docks at 19 Five Mile River Road, 25 Five Mile River Road, 43 Rowayton Ave. and 55 Rowayton Ave.

Mr. Jessup reported he has visited both Five Mile River sites and had talked with the home owners. He recommended supporting the dock at 25 Five Mile River Road.

However, Mr. Jessup said the proposed dock at 19 Five Mile River Road would be in the functioning channel of the river. The owner of the property, Samuel Pierpont, attended the meeting, to support his application. A discussion ensued during which the commissioners expressed concern about setting a president of allowing a dock in the channel, whether the channel is a federal channel or a functioning channel. It was agreed that the commissioners would visit the site together with Mr. Pierpont to take a close look at the positioning of the proposed dock before making a final decision on whether or not to support the would review those two with the harbor superintendent before proceeding.

Regarding the dock applications for 43 Rowayton Ave. and 55 Rowayton Ave., Mr. Marion said he would review those two with the harbor superintendent before proceeding.

The 2008 Annual Report to the Town of Darien and the City of Norwalk prepared by the harbor superintendent and reviewed by Mr. Marion was reviewed by the commission members and unanimously approved on a motion by Mr. Marion, seconded by Mr. Jessup. Copy attached.

Tammy Papp, administrative assistant, provided a written statement that as of January 14, 2009, YTD income from harbor use fees was \$6,050 and expenses were \$102.43. Copy attached.

Mrs. Papp also reported that she audited print outs of deposits and expenses recorded by the City of Norwalk controllers office for 2007 and 2008 and noted that the entries matched her records of deposits and expenses for those two years. Copy of print outs attached

At the end of 2008, \$370,528.71 was being held in an account for the commission by the controller's office. In 2008, \$12,895 in earned interest was credited to the commission's account.

The harbor superintendent submitted the following report:

- The two new floating aids to navigation at the mouth of the river will be installed mid – April by David Campbell, former harbor superintendent and former member of the commission, along with Phil Koenig, yard manager, The Boatworks.
- A survey of four nearby harbor masters to determine ground tackle inspection procedures, requirements for demonstrating boat registration/documentation and requests for information about whether or not boaters carry liability insurance showed a wide range of practices. Regarding ground tackle inspection: one recommend inspection while three require inspection every two years or every three years. Regarding boat registration/documentation: three ask for that information on the permit application, while one requires a copy of the boats registration/documentation papers. Regarding liability insurance: one has boat owners sign a disclaimer statement; one requires a copy of the insurance papers; one requires the information on the permit application form; and one does not ask for the information in any way. A more complete report of the survey is available from the harbor superintendent.
- Ground tackle inspection verification forms are being sent to all boatyards in January.
- Service moorings are being assigned to boatyards in January
- A revised mooring map will be distributed to boat yards in January
- The Barclay's Landing home owners association has taken over management of the eight docks located there and will make sure all boats kept at docks receive and complete an application for harbor use fee decal.
- All mooring locations have been assigned. There are no open moorings. Renewal applications are due February 15, 2009, which may result in some moorings becoming available.
- There are 50 people on the wait list for January, 2009.
- David Snyder, a Norwalk resident and boat owner, has volunteered to check boats at docks for decals. He also will check boats on moorings and make sure a mooring number is painted on all southerly most mooring buoys.

The meeting was adjourned at 9:32 p.m.

The next meeting of the commission is March 15, 7:30 p.m., in the boardroom of the Rowayton Community Center, 33 Highland Ave., Rowayton, CT

Commission meetings also will be held in 2009 on May 14, July 1, September 17 and November 19.

Respectfully submitted,

Ray Meurer
Harbor Superintendent