

Five Mile River Commission Minutes
November 7, 2013
The Boardroom, Rowayton Community Center
33 Highland Ave., Rowayton, CT 06853

Commission members in attendance:

Matthew Marion, Chairman
William Jessup, Commissioner
Dirk Leasure, Commissioner
John deRegt, Commissioner
Ray Meurer, Harbor Superintendent

Guests:

Andy Glazer, Rowayton resident
Tammy Papp, The Boatworks
Mary Ilchert, Five Mile River Works
George Ward, Five Mile River Works
Steve Bartush, Norwalk resident

Chairman Marion took the chair at 7:35 p.m. and noted that the main purpose of the meeting was to discuss the issue of winter storage in the River, including the Department of Energy and Environment Protection (DEEP) regulations regarding the storage of floats, ramps, and docks (collectively "docks") on moorings in Five Mile River and to solicit comments regarding that issue from the various stakeholders (boatyards, marinas and residents).

Chairman Marion reviewed the various storage scenarios, both permitted and proscribed, in the River. First, he noted that the winter storage of docks (and anything else) on the intertidal waters known at the "mud flats" is prohibited under any circumstances. Second, the "off-season" storage of these items within the boundaries of the various marinas is permitted by marinas and boatyards upon prior authorization of the DEEP.

The third scenario, involving the use of moorings in the River, is somewhat more complex, as noted by Chairman Marion. The FMRC specifically prohibits boats from being stored on private moorings during the winter. However, the storage of docks on service moorings may be permitted under certain circumstances provided the party first obtains written permission from the FMRC and DEEP. Considerations include whether the party seeking permission is a qualified marine service provider (FMRC), whether the proposed arrangement would negatively impact navigation (FMRC and DEEP), and whether the docks would sit on the river bottom or otherwise harm the environment (FMRC and DEEP).

The Chairman noted the FMRC is discussing with the DEEP the feasibility of authorizing temporary storage of docks on moorings during the transitional spring and fall seasons when marina slips are still occupied, and also identifying possible locations, if any, for the temporary and over-winter storage of docks on service moorings.

Local resident, Andy Glazer, stated that residents he had talked to on both sides of the River object to the storage of docks and floats on moorings in the river because such storage is unsightly, fails to generate any revenue to the FMRC for future dredging, allows private dock owners from outside the area to store their floats in the river, and harms the environment. Mr. Glazer does not object to the storage of docks within marina facilities but called for the immediate cessation of such storage on moorings at any time of year and regardless whether a fee were charged by the Commission.

George Ward and Mary Ilchert, representing Five Mile River Works Marina, noted that storing docks on the mud flats has been an accepted practice for decades. George confirmed that he ordinarily stored floats in the mud flats beginning in late August and early September to protect them from storm damage and indicated he had no other place to store them. One heavily built dock owned by a resident of Wilson Point is 80 feet long and six feet wide, which is too large to be stored on a mooring in the River. After some discussion, he agreed to ask one of the local boatyards in Norwalk harbor whether these docks could be stored there during the winter. George noted the DEEP (Susan Jacobson) had confirmed to him that the DEEP is also looking into storage alternatives for his docks.

Mary Ilchert stated that Five Mile River Works' dock customers were all private dock owners who resided in Darien and Norwalk. She also confirmed that Five Mile River Works only charged customers for towage of the floats to/from the River and not for storage, unless the docks were winter stored at their marina.

Tammy Papp reported The Boatworks provides fee-based winter storage of its customers' floats at their marina and also stores these floats on deep water moorings temporarily during the spring and fall transition seasons prior to moving them to/from their marina. She stated that the FMRC should charge a fee for the use of such moorings. She noted that floats are comparatively safe because there is no chance of a fuel spill or a float sinking. Also, in her opinion, people moving to Rowayton know that working docks, boat repair facilities, and yard cranes are an integral part of the waterfront, and part of Rowayton's charm and character. Storing floats on moorings has always been a part of that activity.

Chairman Marion asked the guests to provide a written statement within two weeks describing their positions on the winter storage of docks, floats, and ramps. (Attached are the statements already provided by Mr. Glazer, and The Boatworks.) He thanked the guests for attending the meeting and sharing their thoughts with the FMRC.

All of the guests left the meeting at 8:14 p.m. except Steve Bartush.

The 143 Rowayton Ave., Norwalk, Conn., bulk heading application was discussed. It was determined it is acceptable as long as the bulkhead and docks move no closer to the federal channel.

The Harbor Superintendent reported:

There was no ticketing activity since the last meeting.

Income and expenses year-to-date reported by Tammy Papp, administrative assistant, were:

- Expenses of \$9,813.23 compared with YTD 2012 expenses of \$8,362.92. A difference of plus \$1,450.13.
- Income from moorings was \$14,400 compared with YTD 2012 of \$15,750. A difference of minus \$1,350.
- Income from boats at docks was \$29,100 compared with YTD 2012 of \$27,650. A difference of plus \$1,450.

Fees collected from boat owners who keep their boats at docks showed non-payment by 26 out of 279 owners. It was agreed that a notice of violation of ordinances would not be sent to the 26 boat owners but that the Harbor Superintendent would continue to press these late-payers to pay the outstanding use fee.

Dirk Leasure asked that the names of boat owners who have, and have not, paid the fee in 2013 be broken out by marina and emailed to the commissioners.

To increase collections from non-payers, Steve Bartush suggested asking the marinas to include a statement in their summer contract voiding the contract in the event of non-payment (such as "Non-payment of the harbor use fee by May 31 of this year voids this contract and prevents any future rental by you of a boat slip at this marina"). It was agreed the Harbor Superintendent should approach the marinas and ask their support, reminding them that without dredging of the river their rental of boat slips would not be possible.

The new harbor use fee will be applied in 2014. The \$50 fee increases to \$100 and the \$100 fee to \$150, while the \$200 fee remains the same.

The Harbor Superintendent agreed to send an email to all mooring permit holders no later than November 20, 2013 reminding them all boats must be off moorings during December, January and February.

Mooring permit renewals will be emailed to boat owners rather than sent via the United States Postal Service. The three part forms used in the past have been reduced to one page. The new procedure reduces printing and mailing costs for the Commission as well as marina operators, who mail the application to their dock customers along with a summer contract.

John deRegt suggested the FMRC facilitate the provision of a twice weekly pump out service that boaters could sign up for. He said he would look into who could provide the service and under what terms.

Steve Bartush circulated an article he wrote for *Currents* that explains the green marine growth that appeared on the mud flats this year. He said it is a bloom of sea lettuce that has occurred locally and around the world on intertidal flats. The growth is caused in part by non-point source run-off of fertilizers and will eventually inhibit the growth of marine life in the waters underneath the sea lettuce. There is little that can be done on a practical basis to remove the growth.

The Commissioners agreed to update their inquiry at the next Commission meeting regarding the timeline for, and cost to, dredge the River.

Meeting dates for 2014 were discussed. The Chairman will circulate proposed dates via email for the Commission's consideration.

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,
Ray Meurer, Harbor Superintendent

GLAZER CONSTRUCTION

TO: FIVE MILE RIVER COMMISSION
FROM: ANDY GLAZER
SUBJECT: DOCKS MOORED IN FIVE MILE RIVER
DATE: 11/12/2013
CC: SUE JACOBSON, ANTHONY DECHELLIS, BILL SULLIVAN

First let me thank the Commission for hearing our concerns regarding the storing of docks in the open river.

I want to clear about a couple of points.

We have absolutely no problem with marinas storing docks inside their marina structures. We think that is an excellent place to store them and I know they can maintain bubbling to protect them from freezing.

We do object strongly that any docks are moored in the open river and that would mean any part of the river that is not an enclosed or semi enclosed dock area. That would include mud flats or fully filled water that is not exposed at low tide.

This is not an issue of not getting fees. The fact that fees were never paid to the Commission in the past is extremely unfortunate but at this point that is a non-starter for us who live on the river.

The facts as stated by George, (I'm sorry I don't know his last name) are that he is paid to tow these docks into the river in the fall and to return them to their owners in the spring. He is not paid to store them.

Theses docks owners are all very substantial individuals who could well afford to store these floats on land if that was the only avenue available to them. George would still be paid to tow them to these locations be it Cove Marina or any other reasonably close location so he would not lose the income that he gets.

Though the practice has been in place for 40 years it has never been and is not now the responsibility of the Five Mile River to store docks of individuals located along the sound front nor does the past practice justify continuing this in the present or future.

I strongly urge the Commission to impose a no storage policy in the open river unless the docks are stored inside existing dock structures. There is no reasonably compelling reason to do anything else and there are legitimate alternatives to this practice.

Meurer

From: "Tammy Papp" <boatwork@optonline.net>
Date: Friday, November 08, 2013 12:18 PM
To: "Matthew Marion" <marionlaw@hotmail.com>; <deregtjohn@gmail.com>; "David Snyder" <dsnyder@snydergroupinc.com>; <dirk.leasure@bmo.com>; <wmjessup@aol.com>; <william.jessup@rascalllc.com>; "Meurer" <jmeurer@optonline.net>
Cc: "Clute Ely" <cluteely@aol.com>; <groveely@aol.com>
Subject: Five Mile River Dock Storage

Hi, Matt. Thank you for inviting the marinas on the Five Mile River to the river commission's meeting last night. It is clear that storage of docks on the river is a heated subject. As I drove home last night I had an hour to reflect on what I brought away from the meeting. I would just like to restate why I feel it is important that this service is important to all of us...the marinas, the boat and dock owners, the community and the commission.

Rowayton is a beautiful waterfront community. The residents here in town voice their opinion on the importance of keeping marinas on the river. Not only do the marinas provide many services necessary for a successful active boating community, they support the charm that the Five Mile River is known for. When buying a home along the river one expects to hear the crane start up in the morning, the sounds of polishers cleaning boats, the motors of boats up and down the river, etc., as well as the visual aspects of working marinas year round. This includes the storage of docks on the river which has been a common practice on the river, including the mud flats, for 40+ years.

Within the past 2 weeks it has been brought to our attention that the CT DEEP received a letter in reference to docks stored on the river. Upon speaking to Susan Jacobson at the DEEP I have learned that the storage of docks on the mud flats is not permitted. She indicated that docks could be stored on private or commercial moorings with permission of the Five Mile River Commission or within the marina itself. Because we, The Boatworks, do not store docks on the river throughout the winter she said business as usual until we need to apply for a permit for any reason at our marina. At that time they will ask what our dock storage situation is – we may be required to supply an application of dock storage each year showing the square footage of stored docks. I explained to her that there is a temporary need to store docks on moorings until our basin is free from the summer stored vessels. She indicated this would not be a problem as long as it is not on the mud flats, and obviously not in the channel. Please note that Boatworks temporary storage of docks is on moorings and not the mud flat.

At the meeting Andy Glazer made comment that he does not think that docks should be stored on the river at all, moorings and mud flats, but that within each marina is acceptable. Other than it being a visual eye sore in his opinion, Andy had no reason as to why docks shouldn't be allowed to be stored on moorings. As the commission gets ready to make their decision on this issue, it is important to keep in mind that the temporary storage of docks on moorings is necessary each year until the boatyards are free of the summer stored boats. I also feel that storage of docks should be allowed on moorings outside of the channel throughout the winter as long as the dock owner knows it is stored on a mooring with chance of ice damage during a hard freeze. If stored on the mooring, the commission should bill the dock owner a fee, based on square feet, that can be used toward future dredging of the river. It appears that Five Mile River Works is the only marina that would require this option at this time. Also, as I mentioned before, when someone purchases waterfront property they expect to visually see and hear operations of a working marina, including the storage of boats and docks. This has been practiced for decades without complaint.

RECAP

- DEEP made clear no storage of docks on mudflats at anytime
- DEEP is OK with temporary dock storage on moorings necessary until summer boats are cleared from marinas

11/12/2013

- Storage of docks on moorings with permission from the Five Mile River Commission should be allowed throughout the winter with a storage fee to be paid to Five Mile River Commission for use in future dredging projects
- Dock storage within marina perimeters is permitted

To reiterate my final point when someone purchases waterfront property on Five Mile River they should expect to visually see and hear operations of a working marina, including the storage of boats and docks. This has been practiced for decades without complaint.

If you should have any questions during your review please let me know.

Sincerely,
Tammy

Tammy Papp
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