

Five Mile River Commission Minutes
April 11, 2013

Commission members in attendance:

Matthew Marion, Chairman
Dirk Leasure, Commissioner
William Jessup, Commissioner
John deRegt, Commissioner (via Skype)
Ray Meurer, Harbor Superintendent
David Snyder, Assistant Harbor Superintendent

Guests:

Mary Ilchert, owner, Five Mile River Works

Chairman Marion took the chair at 7:36 p.m.

Guest Mary Ilchert was invited to comment generally about conditions on the River, including the impact of Sandy and water depths in and around her boatyard. She said depths appear to be getting shallower in the federal channel and around her docks, but that her yard manager, George Ward, could provide more specific information in that regard. She noted that during Sandy there was a foot and a half of water in the work shop, but that no boats or docks were damaged. In response to questions from the Commission, she also noted that her yard contacted their customers in advance offering to help prepare for the storm. She inquired if any plans were underway to dredge the federal channel. She noted that one customer reported that a 400 pound mushroom anchor had disappeared last spring and that she would have George Ward call with details about the missing anchor and the shallowness of the water at her docks.

Chairman Marion thanked Mrs. Ilchert for her comments and she left the meeting.

The Commission reviewed the minutes of the February 28, 2013 meeting and unanimously approved them as amended. The Harbor Superintendent was directed to send the minutes electronically to the Darien and Norwalk clerks.

The absence of a number of boatyard representatives at the meeting was discussed, as was the possibility of inviting the absentees to the next Commission meeting on June 6. Commissioner Leasure suggested the three main yards which did not attend should be polled about key issues such as dredging and the proliferation of kayaks in the River, and asked whether they could attend the Commission's June meeting. Chairman Marion offered to provide the Harbor Superintendent with several key topics for these discussions.

It was noted that property owners who only provide dock space, but no repair facilities, represent a large population of boaters and are not invited to the annual meeting with boat yards. Chairman Marion pointed out that property owners who only offer dock space have a

vested interest in the River. It was agreed to invite them to the June 6 meeting pending feedback from the Harbor Superintendent's talks with the boatyard owners.

(Note: Fourteen property owners rent docks to 151 boat owners. The four boatyards rent docks to 111 boat owners. Private docks account for 40 boats. The total number of boats at docks is 302)

Procedures for filing documentation with the Town of Darien and City of Norwalk were discussed. After discussion, the Commission voted unanimously to adopt the following procedures:

First, the Harbor Superintendent will submit (via email) the Commission's meeting agendas to the Clerk's offices in Norwalk and Darien 48 hours before every Commission meeting and shall "cc" the Commissioners and Assistant Harbor Superintendent on all agenda submissions;

Second, the Harbor Superintendent will circulate draft meeting minutes electronically to the Commissioners and Assistant Harbor Superintendent no later than five days after every meeting;

Third, within 24 hours after receiving draft minutes, the Commissioners will reply with comments and corrections (or no comments) that, collectively, shall constitute the approved meeting minutes in the absence of further discussion;

Fourth, the Harbor Superintendent will submit final, approved meeting minutes electronically to the Clerks' offices in Norwalk and Darien within seven days after each meeting, and shall "cc" the Commissioners and Assistant Harbor Superintendent on all such submissions; and

Finally, the Harbor Superintendent shall maintain a written log listing each submission (agenda/minutes) submitted to the Clerks Offices in Norwalk and Darien, and shall attach a copy of the log to the Commission's annual report. Other administrative procedures are being reviewed by the Commission.

The Commission discussed the creation of a website for the Five Mile River Commission, including hosting requirements and alternatives, creating the website and updating it, as well as potential uses. Chairman Marion directed the Assistant Harbor Superintendent and the Harbor Superintendent to look into the steps involved in developing a website for the Commission.

The Commission discussed the Harbor Superintendent's use of a "Notice of Violation of Ordinances" against boaters who do not pay the harbor use fee. Last year, all boaters not displaying harbor use fee decals were served with such notices by the Assistant Harbor Superintendent. In response to follow-up questions by the Commission, the Harbor Superintendent and Assistant Superintendent will identify the exact number of boat owners served at the next meeting, as well as those specifically who never ultimately paid the harbor use fee, so the Commission can systematically address these violations. . At the Commission's

request, the Harbor Superintendent also agreed to update the Commission regarding ticketing activity at each meeting of the Commission.

(Note: A fine of \$100 a day is assessed beginning seven days following service of a "Notice of Violation of Ordinances." Boaters have 15 days to appeal the notice in writing to the Commission. Upon receipt of the appeal, a hearing must be held by the Commission within 15 days.)

Future dredging was discussed. Commissioner deRegt emphasized the need to clearly identify the steps necessary to prepare for dredging, including lead times for activities such as permitting and funding. Commissioner Leasure suggested a marine consultant be invited to the next meeting for an understanding of the services he would provide. Commissioner Jessup suggested taking informal soundings to get an idea of current depths in the river to determine what areas are in need of dredging and noted that only the upper part of the River may require dredging. Chairman Marion agreed to invite a marine consultant to the next meeting.

The Harbor Superintendent reported that the "No Wake Zone" and "No Discharge" buoys, the red and green private aids to navigation at the mouth of the river and the yellow buoys that provide a guide to users of kayaks and paddle boards have been installed in the River. He also noted that five service moorings were assigned to The Boatworks and two service mooring were assigned to All Seasons Marine Works.

The Harbor Superintendent said the owner of a section of wooden dock aground at 116 Five Mile River and a metal ramp on the rocks in front of the Wiggins property had been identified and that the owner was advised of the steps required to remove those two items.

Administrative Assistant Tammy Papp reports showed YTD income of \$26,450 and expenses of \$4,349.25.

The meeting was adjourned at 9:08 p.m.

The remaining meeting dates for 2013 are June 6, August 1, October 3 and November 7.

Respectfully submitted,
Ray Meurer
Harbor Superintendent