

Five Mile River Commission
September 8, 2022 Minutes

In attendance:

Matt Marion (Chairman)
Craig Jung (Commissioner)
Wim Jessup (Commissioner)
and
Steve Bartush (Harbor Superintendent)

Absent: John deRegt (Commissioner)

The Five Mile River Commission commenced its meeting via Zoom at 6:00 p.m.

Chairman Marion opened the meeting with a brief discussion of a recent federal appellate court decision, *Southold v. Wheeler*, in which a Second Circuit panel upheld the DEEP's designation of a permanent eastern Long Island Sound (LIS) disposal site for dredged spoils. The decision, which acknowledges the continued existence of the Western and Central LIS disposal sites, answers an open question about the number of available sites in the Sound and facilitates future dredging operations in the Sound.

Next, Mr. Marion initiated discussions about several pending dock applications. First, the Commission discussed the recent engineering and technical submissions covering 9 Rowayton Avenue and, by unanimous vote, approved the application subject to the condition that the dock owner store the float ashore during the offseason. Then, the Commission discussed the dock application covering 27 Rowayton Avenue, including the recent site visit by Commissioner Jung and Harbor Superintendent (HS) Bartush. After discussion about the angle of the proposed dock, Mr. Jung promised to take drone photos, which the Commission agreed to review before issuing its decision. Finally, Commissioners Jessup and Jung confirmed they would review the site plans for a proposed swimming pool at 112 Five Mile River Rd., and would alert the Commission to any concerns about the proposed site development.

The Commission also discussed the possible development of 'oyster gardens' in Five Mile River harbor to help improve water quality. Mr. Jung indicated he would explore possible models, including the University of Maryland's Sea Grant program, and would consult with the HS before reporting to the Commission.

Last Mr. Marion noted that 2022 revenue was similar to 2021, but that current expenses were running about \$2,600 higher than last year. HS Bartush confirmed to the Commission that the 2022 expenses included \$3,570.17 in unbilled 2021 marine services and that the vendor in question had agreed to avoid billing any of this year's work in 2023.

In his HS report, Mr. Bartush reported on various projects, confirming that he had: (i) completed the lengthening of the ground tackle for the rock marker buoy adjacent to Rowayton Beach; (ii) ordered the replacement of the damaged 'no discharge zone' buoy near the harbor mouth, repositioned the 'no wake' buoy at the mouth of the river, and ordered a second 'no wake' buoy, all of which were approved by the Commission; (iii) reduced the 2022 mooring wait list to one boat (for which no dinghy docking space was available); (iv) confirmed the kayak trail buoys had been treated with antifouling and installed outside the channel; (v) received all fully executed ground tackle inspection forms from Tammy; (vi) noted fewer Dockwa reservations this year, in part because some prospective users had requested launch service; and (vii) raised the possibility of formalizing a minimum mooring occupancy standard for mooring holders on the river. After discussion regarding these items and with no further business, the meeting concluded at 7:03 pm.

The Commission's next meeting will be held on Thursday, October 20, 2022, at 6:00 p.m., via Zoom. To join the meeting, please contact Matt Marion in advance of the meeting via email at mmarion@marionlawllc.com to obtain the relevant meeting entry code.

Respectively submitted,

Five Mile River Commission
and Harbor Superintendent