

Five Mile River Commission
May 19, 2022 Minutes
(Meeting via ZOOM)

In attendance:

Matt Marion (Chairman)

Craig Jung (Commissioner)

Wim Jessup (Commissioner)

and

Steve Bartush (Harbor Superintendent)

Also present: Officer Peter Lapak (Norwalk P.D. Marine Unit), James Bajek, William Sullivan, and John Hilts.

Absent: John deRegt (Commissioner)

The Five Mile River Commission commenced its meeting via Zoom at 6:04 p.m.

Chairman Marion opened the meeting by thanking Officer Peter Lapak for his assistance, and for the continued support of the Marine Unit of the Norwalk Police Department which he heads, during the past year. Officer Lapak confirmed his intended retirement later in 2022 and stated that he would be mentoring his replacement in the interim. The Commissioners and Harbor Superintendent Bartush wish Officer Lapak well.

Next, Mr. Marion noted that two applications related to the Five Mile River were under consideration: (i) a request for the relocation of three mooring string sections between the dock at 135 Five Mile River Rd., Darien and the federal channel, and (ii) a replacement dock application at 35 Rowayton Avenue in Norwalk.

The 135 Five Mile River Rd. application requests the Commission move several short mooring strings in order to accommodate the applicant's claimed right to re-dredge and utilize a private access way between its dock and the federal channel. There is no question that the partial strings lie between the applicant's dock and the channel, only whether the strings should be moved. The Commission reviewed two historic permits applicable to the site which, respectively, authorized the applicant in 1954 to dredge a direct accessway to the channel and in 1996 to re-dredge that accessway. In addition, however, the Commission noted the mooring strings in front of the applicant's dock have been in place undisturbed for a number of years. Accordingly, to confirm that the applicant had not waived any claimed right to dredge or, implicitly, to claim an historic

accessway to the federal channel, the Commission requested that the applicant confirm through official documentation that it had conducted maintenance dredging of the accessway under the 1996 permit. Conditioned upon receiving acceptable proof from the applicant of dredging in 1996, the Commission indicated that it would arrange the relocation of the mooring strings in question.

On the second dock application (35 Rowayton Avenue, Norwalk), the applicant's representative, John Hilts, summarized the main features of the application and responded to the Commission's questions relating to the most recent dock permits for the site, the proximity of the shellfish concentration area in which the dock would be located, the height of the proposed pier, and whether the applicant has considered using a boat hoist. The Commission thanked Mr. Hilts for his feedback. At this point in the meeting, the applicants and their representatives left the meeting.

Finally, in reviewing the YTD financial summary, Mr. Marion noted the significant arrearage in 2022 collections (mooring and dock use fees) compared to 2021. HS Bartush advised the Commission that the YTD results may have omitted recent receivables and stated that he would double check their accuracy. Commissioner DeRegt (in absentia) agreed to contact several marinas to confirm they had forwarded their use fees to the Commission's secretary.

In his HS report, Mr. Bartush reported on the following: (i) difficulties in prepaying the HS cell phone, (ii) the installation of the rock marker buoy adjacent to Rowayton Beach, (iii) updating the 2022 mooring wait list, and (iv) delays by the marine service providers in completing the mooring and ground tackle inspection paperwork and in issuing boat stickers.

With no further business, the meeting concluded at 6:58 pm.

The Commission's next meeting will be held on Thursday, July 14th, 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