

MEMORANDUM

To: Waterfront Safety Committee/Infrastructure Committee

From: Michael Lannan, IC Chair

Date: April 7, 2021

RE: Waterfront Use and Mooring Storage Draft Motion for Consideration

At the last Overseers meeting there was continued discussion with respect to the beach area and mooring storage. The basis of this discussion was a letter endorsed by a number of Baysiders that use the beach and were interested in having moorings removed that are either abandoned or not in use for safety and aesthetics.

The Village Agent was tasked with removing the abandoned moorings, and he did an excellent job removing approximately 35 moorings. This completed task has greatly reduce the number of moorings in the area, but this task is not going to fully address the previous safety, visual, and environmental concerns expressed to me throughout the seawall design and construction process. Furthermore, now that the old, abandoned moorings are gone, we should be asking ourselves:

- How did we end up with this many decaying, rusty, old, abandoned moorings on the beach? and
- Now that we have a clean slate, how do we prevent the same thing from happening going forward?

Moorings are pulled in from the bay each fall for different needs: winter storage, service, annual storage, and/or because they have reached the end of useful life. We can easily have a basic plan for each of these needs. Right now, many of the remaining moorings have been labelled and identified as part of the previous effort get rid of the old ones. We currently have an opportunity, with the clean slate created by the seawall project and Billy's due diligence removing the old moorings, to simply organize a little better to make things safer for swimmers, to improve the view of those people sitting on their porch, beach, or the park, and to prevent the build-up of old moorings again.

Ruggles park shorefront, near the boat ramp is a working waterfront, but that does not mean that it cannot be better managed for use by all Baysiders including boaters with larger moored boats, small watercraft users, swimmers, sunbathers, beachgoers, starfish collectors, and those that simply want to look out over the shoreline. Based upon the concerns raised to me as the point person for the seawall construction, I will propose at the attached six-point motion to be included in the Waterfront Safety Ordinance at the Overseers Meeting.

It is a simple proposal to use this reset from Billy's great efforts to collect and discard old moorings to make the beach a little safer, especially for the children, and to provide a better way to keep track of man-made materials we place in the bay. Personally, I have taken some heat on social media for noting that we still could improve our procedures in order to fully addressed the needs and concerns expressed. The criticism expressed are that there is nothing broken, so why are we fixing anything? And adding rule seems like government overreach, and it will add unnecessary costs to boat owners. These are simply not part of the proposed motion. The attached motion is not about rules and regulations or added efforts or costs. It is about planning better in the fall each year for the following swim season, the next year.

It is based upon the discussions had over the last few years of planning, design, and construction of the seawall, and specifically with a very succinct observation made by the Harbormaster last fall. When I asked Scott Munroe whether we should use the heavy equipment on-site for the seawall construction to reorganize the moorings at that time, he said, *"Mike, we can do whatever you want, but what we really need is a plan for the end of this next season and when the moorings come out again, each and every year after this one, not a plan for now (this winter). Most of these mooring will be moved out by summer, so why move them now?"* In other words, it is not about organizing it once, but being smarter in the fall for the spring.

It is not rocket science. It is not a money grab. It is not added taxes hidden as fees. And it is not a proposal for the NVC to overregulate. It is an effort to maximize the use of the working waterfront AND the Swim Area.

DRAFT Motion to Add Definitions to the Waterfront Safety Ordinance to Allow the Ruggles Park Working Waterfront and Boat Ramp Area and the Needs of Beach Goers and Swimmers to be Best Met Together

Bayside Ruggles Park Definitions:

“Working Waterfront” – *The tidal area between the low tide and the high tide areas in front of common areas in Bayside, with an emphasis on areas near the boat ramp or other man-made or natural access points.*

“Swim Area” - *A continuous area that begins below low tide and extends around the swim float and permanent wharf structure extending out into the open water from these structures with radius length equal to the shortest distance from the swim float to the swim marker placed each summer on the harbor side that delineates the edge of the swim area and the boat approach/harbor to the east and inland to the limits of the granite seawall on both sides of the boat ramp.*

“Swim Season” – *The Swim Area is in season between July 1st and Labor Day. The rest of the year is considered “off-season for swimming.*

“New Mooring Production Area” - New concrete moorings traditionally have been poured in the beach area or in an area in the park that makes it easy to move to them to beach for launching. This shall be an acceptable activity in off-season. As long as these moorings are launched, then there is no change from the previous procedures. (Thanks to Art for bringing this need up to address).

“New Mooring Storage Area” – The Village Agent, or Overseer designee, shall meet with the Harbormaster and/or Wharfmaster to find a designated area acceptable to Bayside Marine (or other marine services companies that may wish to build moorings and store them for use after July 1st each year) to build them and store them between July 1st and Labor Day, if desired.

“Winter Mooring Storage Area” - Moorings pulled in for winter storage that shall go back out in the spring, can be placed inside the swim area, where they can be easily placed and relaunched in the spring. Yacht Club, NVC, Bayside Marine, Other Marine Services, and individuals. It only makes sense that each of these should have their own general area to store moorings, so that the general ownership can be easily identified, if or when necessary. The date for relaunching shall be July 1st, but with an understanding that arrangements can be made for the last few remaining season moorings to be launched as soon as possible, since often some moorings are not “all in” by July 1st.

“Winter Mooring Service Area” - Moorings pulled in the fall for service that shall go back out in the spring shall be placed in the Swim Area in the fall, where they can be easily placed and relaunched in the Spring. The mooring experts informed me that they should not be stacked or bunched too closely because they are obviously heavy and access is needed around them completely for service.

“Annual Mooring Storage Area” - Moorings pulled in the fall for storage through the next summer, or for indefinite storage shall NOT be placed in the Swim Area when removed. They should be placed in a pre-designated long-term storage area. That area could be south of the wharf, or north of Park Row, or elsewhere, as long as it is outside of the Swim Area, the water access to the boat float, and the sewer outfall. By placing these moorings properly in the fall, it shall ensure that once the moorings stored for the winter have been launched, there will be unfettered safe swimming access during the peak summer months. Kids swim, climb, paddle, find critters, and play constantly in this area, and there really is no reason for the risk associated with summer mooring storage in this area, when it can be done elsewhere without the risk.

“Mooring Storage Area for those that are Uncommitted to relaunching the Following Season” - Mooring owners that pull, or have their moorings pulled by a service, shall have a choice to put them in the annual storage areas away from the designated swimming areas where they would not need to move them, or in the Swim Area for easier access. If a mooring is placed in the Swim Area, and the owner does not relaunch it, then they would need to move it themselves, or have the option to pay a nominal fee (fee TBD) for a marine services company to move it, on the water, via changing tides. The owner would not need to remove the mooring from the bay unless it is failing or no longer in use.

“Failing Mooring Storage” - Moorings that Owners pull, or have pulled, that have clearly reached the end of their useful life must be removed from the area as soon as possible. Abandoning moorings in the tidal area historically should never have been an option, and it shall not be one going forward. Mooring Owners are responsible for removal of failing moorings or moorings that are no longer needed or in use. Of course, an owner would always have the option to pay a service and disposal fee (fee TBD by Bayside Marine) for Bayside Marine (or another company) to remove them. And yes, there would be a cost for mooring removal, but that should be a cost of boating that an individual owner should bear, not the village at large.

These simple definitions are recommended to establish expectations, mostly for fall planning purposes, to make the transition from spring to summer easier. We should also consider that there likely has been some historical liability with kids climbing and playing on the stored moorings that we have ignored to date. It is human nature, regardless of how many times the lifeguard or a parent warns them not to do so. An insurance agent could note during a claim/issue that we should have been realistic about kids' curiosity and expect that if there is something new, or unique, sticking up in the water that they will try to play on it, climb on it, or could accidentally fall on it. The NVC could be liable, especially if there is another simple solution to storing these objects away from the Swim Area during the swim season.

It is our charge to acknowledge that liability concerns are more today than they have been in the past, and to develop ways to lessen the burden of increased usage. These definitions are one step towards that effort. The goal is to not inhibit Working Waterfront activities while also providing the optimal Swim Area for all.

Adopting these definitions will however require us as a village to acknowledge and accept that “the way it has always been” is getting harder and harder to justify, as demand for the public spaces in Bayside continues to increase.