

Transcript of
Maryland Boat Act Advisory Committee

Date: September 19, 2013 on Thursday

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1 MEETING OF THE
2 MARYLAND BOAT ACT ADVISORY COMMITTEE

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5 The above-entitled matter came on for
6 meeting on Thursday, September 19th, 2013,
7 commencing at 10:00 a.m., at Downs Park, The
8 Chesapeake Room, Pasadena, Maryland, committee
9 chairman, presiding.

10
11 COMMITTEE MEMBERS:

| | | |
|----|-----------------------|----------------------|
| 12 | Coles Marsh, Chairman | Kathy B. Smith |
| | Amy Craig | Frederick R. Levitan |
| 13 | John Pepe | Robert Nickel |
| | Edric McSween | Robert Lunsford |
| 14 | John Ferman | John Bush |
| | Thornell T. Jones | Christopher Parlin |
| 15 | Steve Kling | |
| | Ramona Trovata | |

16
17 Mike Grant, State Liaison
18

19
20 Reported by: Kelly A. Taylor
21

1 P R O C E E D I N G S

2 THE CHAIRMAN: Call the Boat Act
3 Advisory Committee meeting to order, I appreciate
4 you all showing up this morning and your concerns.
5 We are a diverse group on the committee, we're
6 selected after interview by the secretary of the
7 Department of Natural Resources and we're a
8 volunteer group, we're a diverse group and have had
9 a lot of boating experience and I'll have each one
10 introduce themselves as we go along. Those that
11 sign up for or against, you'll have an opportunity
12 to speak and we'll give you a microphone, state
13 your name. This is being recorded, so it's a
14 public meeting, we'll ask you to speak for about
15 three minutes, some redundancy takes place, but we
16 want you to have a chance to speak, that's why
17 we're here today to hear you speak. We are a
18 concerned group, we are concerned about all of the
19 waters of the bay, including Deep Creek Lake.
20 We're concerned that the use of the waterways is
21 enjoyed by waterskiers, surf boarders, wake

1 boarders, fishermen, commercial fishermen. We're
2 concerned that swimmers, that everybody has a
3 chance to use the beautiful waters of the
4 Chesapeake Bay and we're concerned about your
5 issues and we'll stake them seriously in our
6 deliberations. We'll go through the morning with
7 hearings, after that we will close down for lunch,
8 after lunch, after we have lunch the committee will
9 come back for deliberations and at that time you
10 won't be permitted to speak again unless some of
11 the committee members, unless some of the committee
12 members have a question specifically for you. You
13 won't be permitted to speak at that time, you'll
14 have time this morning to speak. So with that I'm
15 going to ask the committee member -- yes, please,
16 if you have cell phones, these nice electronic
17 devices, if you want those on silent mode it would
18 be very helpful for us. Thanks, Mike. I'm going
19 to ask the committee members to introduce
20 themselves and I'll start down that way with
21 Mr. Bob Lunsford down there.

1 (Committee members introduce themselves.)

2 THE CHAIRMAN: Are we ready, Mike?

3 What we're going to do is we have a mic
4 here for you to use, you get up and state your name
5 we're going to ask Mike to give us a description
6 first of why we're here and then each person will
7 have a chance, those that are in favor will have a
8 chance to speak. The petitioner would like to give
9 an overview first and then those in support would
10 follow after that. So Mike, we're ready to go.

11 MR. GRANT: Okay. Good morning, thank
12 you for coming. I'm sure most of the people in the
13 room here are people that I have heard from. We
14 have heard just for your information from phone
15 calls, I received about 19 phone calls pro and 18
16 phone calls con, e-mails approximately 31 pro and
17 con 8. That's what I have received to date, a
18 couple of them came in this morning. And
19 specifically we're talking about Main Creek, not
20 Bodkin Creek, but Main Creek. You all know where
21 that is obviously or you wouldn't be here. This is

1 the specific area in question, not the entirety of
2 the creek. It runs from Spit Point across the
3 current line that exists. The speed limit that
4 runs Saturday, Sunday and holidays and goes about
5 two thousand feet up the creek to Graveyard Point
6 across the other side. These are the approximate
7 dimensions of the area. As you can see, we've got
8 Hammock Island down here, Ventnor here, Ventnor
9 fuel pier is right here, this is the area in
10 question. It is not Bodkin, nothing is being
11 considered in Bodkin or back or up Main Creek, it's
12 just this area here.

13 THE CHAIRMAN: Okay. I'd like to invite
14 the petitioner, the one that signed the petition,
15 if you please come up and you can have three
16 minutes and then we'll ask those in support of that
17 to follow along after that. Thank you, sir.

18 MR. GRASSO: Good morning everyone, my
19 name is Louis Grasso, I represent the owners of
20 Ventnor Marina. We're here primarily out of
21 concern for public safety, we're experiencing very

1 dangerous circumstances as a result of people
2 ignoring the existing posted limit along, in front
3 of both this marina as well as Hammock Island. We
4 have people in the audience who can show you
5 pictures of damaged boats, I have people who have
6 said to me that they have been blown out of their
7 bunks at night. I have seen masts crossed at
8 Hammock Island as a result of the waves. We have
9 people who are fearful of sometimes being on our
10 gas dock while they were trying to fuel their
11 boats. We don't like appearing here to restrict
12 anything but the existing restriction is not
13 providing the safety to the boaters and we're
14 concerned about it. We have a lot of elderly
15 people, we have a lot of families who use our
16 marina and that's true of Ventnor and we need help
17 and we have no other way to do that than to ask you
18 to extend the hours of this restriction for the
19 2000 linear feet of the Main Creek that we're
20 asking for, that's all we're asking and it is
21 simply a matter of concern about somebody being

1 physically hurt. That's all I really have to say,
2 I will be glad to answer any questions.

3 THE CHAIRMAN: Anybody have any
4 questions from the committee? You'll have a chance
5 to speak.

6 MR. PARLIN: I have a question. The
7 marina has been there for how many years?

8 MR. GRASSO: 40 years, over 40.

9 MR. PARLIN: What is it that changed
10 that makes you come to us now that hasn't been an
11 issue in this the past?

12 MR. GRASSO: I think it's almost been an
13 issue to some degree but I think it well may be
14 larger boats berthing in marinas further down
15 Bodkin Creek, and I think it's just something that
16 we have noticed and become very concerned about in
17 recent months. For years the department berthed
18 its boat, its police boat there and that was almost
19 what really was a great preventer because as you
20 know when you're driving down the road and you see
21 a police car you automatically look down at your

1 speedometer, but that's, we just have had a lot of
2 recent experiences that are concerning us.

3 MS. TROVATO: I was just wondering have
4 there been any insurance claims from damages to
5 boats from people?

6 MR. GRASSO: Not to my knowledge.

7 AUDIENCE MEMBER: Yes.

8 MR. KLING: You started off, you said we
9 need this because people are ignoring the existing
10 limit.

11 MR. GRASSO: Yes, sir.

12 MR. KLING: I speak personally, one of
13 my concerns is distinguishing between an
14 enforcement problem and the need for an existing
15 regulation. In part you're motivated to be here by
16 people ignoring the existing limit, why would we
17 expect that an additional limit would be getting
18 more respect by the --

19 MR. GRASSO: Well, to some degree I
20 would be the -- I misspoke for part of that. As
21 you know there is more traffic on the weekend than

1 during the week and that's primarily what our focus
2 is, there are more boaters out during that time
3 than any other and I don't think people really are
4 paying much attention and we're just hoping this
5 will help and if you have any better ideas we would
6 love to hear them because we're just interested in
7 people not getting hurt period.

8 THE CHAIRMAN: Anymore questions from
9 the committee? Thank you, sir, and next person.

10 MR. GRASSO: Thank you very much for
11 giving us an opportunity to speak, okay.

12 THE CHAIRMAN: Thank you, sir,
13 appreciate you being here. Next person in support?
14 We'll do the support people first and then those
15 that do not support that would be next, so we're
16 working with those that support the petition now.

17 MR. DURR: Thank you, my name is Bill
18 Durr, my wife and I own Hammock Island Marina and
19 we've been there since 1972, so we've had a lot of
20 opportunity to see the effect the boat wakes on the
21 boats in the marina. I can tell you it's pretty

1 dramatic and pretty costly. We got 64 slips, all
2 sailboats, they range in size from 25 to 40 feet,
3 they all have masts, of course. The masts are
4 about 30 to 50 feet in height. When we get a large
5 boat wake which happens pretty often coming through
6 the marina, the boats naturally begin to rock,
7 sometimes very violently, and it can cause some
8 damage, but that's not compared to what's going on
9 30, 50 feet in the air. When the masts swing,
10 they're not in unison. Of course, they swing
11 together, they can transverse as much as 15 feet or
12 more and occasionally they will collide. It's a
13 terrible sound when it happens and there's always
14 damage. Antennas, lights, wind instruments,
15 sometimes the masthead fittings and rigging itself,
16 sometimes they get tangled and we can't separate
17 them. The normal response is get a rigger to come
18 up and repair it, they come normally from, from
19 Annapolis, they travel in pairs for safety and
20 other reasons, they charge you time in and time
21 out, time at work. I would say conservatively

1 you're talking about a minimum of 300 dollars to
2 repair, plus the cost of materials, so say it's
3 five hundred dollars. How often does it happen?
4 Sometimes weekly, sometimes biweekly, but fairly
5 often. So if you got a season that's maybe 20
6 weeks long and perhaps it's happening every two
7 weeks and it cost five hundred dollars, that's five
8 thousand dollars year in and out for damage to the
9 mastheads and items up there. Now, I don't think
10 this is going to be a cure-all, we're sometime
11 going to have people who violate the laws, will
12 create boat wakes, but I do think generally
13 speaking this is a pretty modest proposal. Modest
14 because, one, it covers only a small area of the
15 creek. You still have over a mile of navigable
16 water above Ventnor Marina, you have Back Creek,
17 you got Bodkin Creek so there's lots of opportunity
18 for skiers and fishermen and for anybody that wants
19 to go fast, we're talking about a relatively small
20 area within that area, maybe a quarter of a mile.
21 You have over two hundred boats, we have 64 and our

1 neighbors have twice as many if you count the slips
2 across the marina, we're talking about 200 boats
3 over a restricted area, maybe a quarter of a mile,
4 I think it's pretty -- who will be affected by
5 this, most boaters are not affected by this. Most
6 boaters know they're responsible for their wake,
7 they behave accordingly, they don't need a posted
8 speed limit to know they're supposed to slow down
9 when they come to a large group of concentrated
10 boats. I think, for example, you have a totally US
11 operator that keeps his boats up the creek, he's
12 got three boats up the creek, they come and go all
13 of the time, weekday, weekend, it doesn't make any
14 difference, they slow down when they come near the
15 marinas, there is no wake, no problem. The biggest
16 boat on the creek, Purely Pleasure, and he's a
17 regular transit, back and forth, 85 feet, he would
18 wreak havoc if he accelerated beyond six knots. It
19 doesn't matter if it's weekday or weekend, he knows
20 to slow down. Most boat owners are exactly that
21 way, they don't have to be told what the speed

1 limit is, they know they're responsible for their
2 wake. I think you got a minority of people that
3 don't get it, they're either oblivious to what
4 they're doing or uncaring in what they're doing.
5 They don't slow down with no wake speed. They
6 don't -- they may on weekends pay more attention to
7 the boat speed limits. We're hoping that with this
8 proposal they will pay attention to the speed limit
9 even though they're ignoring the fact that their
10 wakes create a problem, so I think it's a pretty
11 modest proposal. I think that it could make a
12 difference, it's not going to cure everything, but
13 I think it's worth trying. Do you have any
14 questions?

15 THE CHAIRMAN: Any questions for the
16 gentleman? No questions, thank you, sir,
17 appreciate it. Someone else to speak in support
18 and let's try to about three minutes, if you would,
19 please.

20 MR. DOBRY: I'm Rich Dobry (phonetic).
21 If you look at Spit Point I'm the second house in

1 actually across from his marina. In order to avoid
2 the marina they hug my shoreline at high speed, I
3 call them the big ass wave maker, they come in like
4 that. They have actually flooded my pier, my
5 bulkhead, and sunk two small John boats. It's very
6 dangerous to be on my pier when a boat goes by at
7 that speed. I grew up on the Bodkin, I have been
8 there almost 40 years now and we've had some
9 accidents and stuff damaged because of the wake,
10 they pay no attention to you are responsible for
11 your wake signs, not at all, they come in at high
12 speed. I think it's about time we're doing
13 something. This will not affect waterskiers and
14 jet skis. The other side of the Bodkin, which is
15 back there, that's all open for those guys,
16 including my family and friends, so if -- that's
17 going to be to my opinion and by the way I sold 47
18 houses on that long road out there and they all
19 waterski and jet ski and they do the water and jet
20 skiing out there, they shouldn't be doing it in
21 front of a marina. Thank you.

1 THE CHAIRMAN: Any questions for the
2 gentleman? Thank you, sir, appreciate it. Next in
3 support of the petition.

4 MR. STOCKEL: Thank you, Mr. Chairman,
5 for the opportunity to speak here. My name is Joe
6 Stockel, I have a sailing vessel at the Hammock
7 Island Marina, I have been on the Bodkin with a
8 sailing vessel for at least a little over 40 years.
9 You heard all of the reasons why a potential damage
10 can occur and to back that up I'll show you what
11 happened to my vessel one year ago. This is a
12 masthead transducer that is on the top of my mast
13 and as you can see it's bent 90 degrees. I cannot
14 imagine any other incident that would cause such a
15 dramatic failure of this other than the boats
16 rocking and colliding. I did not personally see
17 this happen, I thought maybe it was a goose or an
18 Osprey, but I don't think -- this is a solid piece
19 of metal. The cost -- and I would like this as
20 evidence -- is about 60 or 70 dollars it cost me
21 out of my own pocket so therefore I suggest with

1 the information that you have heard so far that you
2 do consider passing this resolution. Thank you for
3 this opportunity.

4 THE CHAIRMAN: Any questions?

5 MR. KLING: Sir, you don't happen to
6 know what date that happened?

7 THE CHAIRMAN: A question for you, sir.

8 MR. KLING: Do you happen to know what
9 day of the week that happened?

10 MR. STOCKEL: I don't know what day of
11 the week or the time of day.

12 THE CHAIRMAN: Any other questions?
13 Thank you, sir. Next person in support.

14 MS. ZELLERS: Hello, I'm Susan Zellers
15 and I represent the Marine Trades Association of
16 Maryland, that's an association for the trades, the
17 industry. I represent marina operators from all
18 over the state and I'm here in support of this
19 request. To me the most telling thing here is
20 we're talking about three minutes and 20 seconds
21 that we're interrupting somebody's life for the

1 travel time. Actually, it's probably less than
2 that, if you figure what they're traveling at now.
3 These marina, marinas all over the state are
4 fighting to stay in business these days. If this
5 request is impacting a thousand feet of waterway
6 and that's it and about three minutes out of
7 someone's life I think it's pretty telling that we
8 should support this.

9 The marine industry in Maryland used to
10 register over two hundred thousand boats a year,
11 we're down to 190 thousand boats registering in
12 Maryland and we're on the decline and marinas
13 should be supported anyway that they can so again I
14 have a written paper as well for you and copies and
15 we're very much in support of this.

16 THE CHAIRMAN: Thank you, Susan. Any
17 questions for Susan?

18 MS. TROVATO: I have a question. So I
19 understand that it's only a three minute and 20
20 second reduction if you're transiting the area, but
21 what about the folks that live on the shore there,

1 in the area, how does it affect them to do this?

2 MS. ZELLERS: Well, I'm reading his
3 chart, so I'm going to let him answer what his
4 chart means here, that's, that's the time that he
5 calculated at six knots travel time.

6 MR. GRANT: Correct.

7 MS. TROVATO: So you haven't considered
8 people that own homes on that shoreline who aren't
9 transiting, that just live there, this is only
10 about the people that are coming and going?

11 MR. KLING: What's the recordation on
12 use of the area that this would inhibit, not just
13 in transit time?

14 MS. TROVATO: Yeah, what's the
15 recordation on --

16 MS. ZELLERS: You mean as far as
17 swimming or?

18 MS. TROVATO: Jet skiing, skiing.

19 MS. ZELLERS: I think you would have a
20 hard time skiing in front of there. That's, you
21 know, but --

1 MS. TROVATO: Thank you.

2 THE CHAIRMAN: Thank you. Anyone else
3 in support? Thank you, sir.

4 MR. QUINONES: What I would like to
5 point out is that passageway --

6 THE CHAIRMAN: What's your name, sir?

7 MR. QUINONES: My name is Armando
8 Quinones and I'm at Ventnor Marina. I happen to be
9 right along the line here. One of the things that
10 you can see here is that this piece, this area
11 right in here actually narrows. It narrows when
12 you come in from Bodkin to the Main Creek and then
13 it opens back up again so in that area the wake
14 that is created is actually a much smaller area
15 than in the rest of the areas, so it is, it is
16 pretty profound when they come through there,
17 because a lot of times you'll have two boats coming
18 through there and they're having to get close
19 together and a lot of times they will go through at
20 a speed that is higher than they should be going.
21 Now, when that happens, it gets pretty violent.

1 I happened to be on my boat, I was
2 washing it and I usually pay attention and this day
3 I didn't and I almost got thrown into the water
4 through my boat and had I not caught myself I
5 probably would have hit my head and it, I could
6 have been knocked unconscious, who knows what would
7 have happened. At this point whenever I wash my
8 boat my wife stands guard and watches for boats in
9 case I'm not paying attention and warns me, brace
10 yourself.

11 Now, one of the questions that was asked
12 well, are there any insurance claims? Well, one,
13 we wouldn't know that because, first of all,
14 Ventnor is not responsible for that. We really
15 can't catch the boat that caused the damage because
16 we would need to have at least the marking or the
17 numbers. A lot of times they're coming out of
18 there from Chesire crab house so they're not
19 actually part of that area. Do I think it would
20 inhibit the pathway through there of residents?
21 No, I don't. Do I think it would actually make

1 matters safer in that area? Yes. The other piece
2 of this is there was a boat, this happens a lot,
3 but I happened to be there one day and I saw the
4 damage that this boat incurred that I incurred as
5 well and I do have an insurance claim. You will
6 see in one of the pictures on the side of the
7 boat -- what happened is a boat came through there,
8 flying through and it pushed the boat under the
9 pier and there was really nothing we could do to
10 stop it. We saw it coming, we attempted to, but in
11 the, in the violence of the wake I could not keep
12 the back of my boat from hitting and causing
13 damage. There was another gentleman, his boat is
14 smaller, his got trapped under the pier for a
15 second and then he was able to pull it out. Once
16 this is coming all you can do is really brace
17 yourself, that's pretty much all you can do. So
18 the other question is, you asked a question about
19 what is happening that has increased this? Well, I
20 believe it's the age of the operators of the boats.
21 I think what we're seeing a lot more is the family,

1 the young members of the boat owner that live along
2 here, I see a lot of times it's young kids that are
3 coming through there that are just speeding through
4 there because it's not very well marked. It's
5 just, they're not thinking about this and I have to
6 say that even I have become acutely aware of that
7 now that I'm seeing this. When I'm in other
8 creeks, I actually pay attention to that now
9 because it's, the light has been turned on, but I
10 think that's the problem, it's not very well marked
11 so, you know, I think possibly also is the vessels
12 have gotten bigger that are going through there.
13 It is that one area that is small, that narrows,
14 that we're going to see a lot of, a lot of activity
15 in that area. So any questions?

16 THE CHAIRMAN: Any questions from the --

17 MR. PEPE: You had damage to your boat,
18 do you remember what day of the week it was, this
19 occurred?

20 MR. QUINONES: No, it was during the
21 week, but I don't remember. I was there just

1 running the boat because of the heat and all of
2 that. It was probably a Thursday.

3 THE CHAIRMAN: Any other questions?
4 Thank you, sir. Anyone else to speak in support of
5 the petition?

6 MR. SCHRATT: Julius Schratt, I keep my
7 boat at Hammock Marina, Hammock Island. This
8 problem -- I come down every Thursday, stay through
9 Sunday, I do this from March through December.
10 John's asking do we know a certain date that they
11 do this? Well, I know they do it Thursday,
12 Fridays, Saturdays and Sundays. I don't know about
13 the rest of the time. There's like a twofold thing
14 that goes on here when these boats go past us.
15 First of all, if a boat is coming in, coming in
16 this way he makes a swing. A lot of times they go
17 back over on this area because he's going to try to
18 stay away from the marinas, but what happens is we
19 get a wake that will start here and come through
20 the marina this way, so what happens now is all of
21 the boats will start to hobby horse, front to back,

1 front to back. If people have stuff like motors,
2 deboarding ladders on the back of the boats, if the
3 wake pushes them far enough forward in their slip
4 the back of the boat tears the marina slip out,
5 busts boards up, et cetera. Now, on the other
6 hand, if the boat is coming outbound and he's
7 coming around this way, the wake comes this way and
8 comes into the marina and we get it twice. First,
9 we get it when the water hits our boat in this
10 direction and then when it hits these wave walls
11 hit the bulkheads, it comes backs and what happens
12 is you have two, two wakes coming together. Now,
13 this is when the boats will do this (indicating),
14 mast to mast, and somebody already mentioned 15
15 feet. 15 feet is mild, you can almost put up with
16 that, but when the boat comes all of the way over
17 and you happen to be below in your rack sleeping or
18 something and you end up on the deck, that's
19 another problem, it's coming over more than 15
20 feet, certain amount of degrees. If you happen to
21 be sitting at your table eating and you have

1 something hot, hot cup of coffee or cocoa or
2 something or even a good highball you wear it in
3 your lap.

4 Now, they told you when this first
5 started coming around quick, get a picture, get
6 numbers of boats. Well, if you're down below on
7 your boat -- I happen to be out near the end -- if
8 you're down in the boat, by the time this wake gets
9 you this boat is here (indicating). Same way when
10 the boat comes this way and you get hobby horsing,
11 the boat is up to here. We can't get numbers. We
12 can't even see the boat especially if it happens at
13 9:30, 10 o'clock at night. It doesn't -- there is
14 no time limit. It can be anywhere from 5:30 in the
15 morning until 11 o'clock at night. I am usually in
16 bed by 9, but I have other people in the marina
17 tell me did you wake up last night, yeah, I woke
18 up, I fell out of the rack. So the marina sustains
19 damage. At Ventnor Marina, I was there a couple of
20 weeks ago fueling up, a wake come by, pushed me
21 into the fuel dock and I lost one of my boarding

1 ladder bronze hooks. There was nothing -- no
2 fender would help me, there was fenders around. It
3 doesn't matter what you're doing, fueling,
4 sleeping, drinking or just plain relaxing we need
5 to stay on this. Thank you.

6 THE CHAIRMAN: Any questions for the
7 gentleman? Bob.

8 MR. LUNSFORD: You said you were there
9 normally from Thursday through Sunday, is there
10 compliance on the weekend when there is a speed
11 limit?

12 MR. SCHRATT: I'm always there on
13 Thursdays. No. What's really upsetting about this
14 is you can watch these boats, jet skis, you know,
15 any kind of boat, and they will bulldoze their way
16 through. Sometimes going slow is worse than going
17 fast and you won't get the bulldozer effect and
18 they will push mountains of water in front of it,
19 whereas if they can stay up a little bit they go
20 through and there is no problem with those people
21 but they know how to boat. They're a real boater.

1 It's the people that don't know how to boat and
2 they take advantage of all of the wake and push it.
3 Any other questions?

4 MS. TROVATO: I know you said that a lot
5 of times the boat is gone before you can see them,
6 I'm sure there is occasions when you see the boats,
7 what kind of boats are causing this?

8 MR. SCHRATT: Anything from a 60, 80
9 footer down to a 20 footer up to a jet ski. You
10 get two or three jet skis that are coming past the
11 marina and they come deliberately behind 20 feet
12 outside of the boats and two or three jet skis
13 wanting to jump that wake that just came through
14 they make another wake which creates problems for
15 us. I mean it's -- and you can't see the boats,
16 believe me, we have tried. I have climbed up the
17 ladder and done everything to try to get up there
18 quick enough and you can't see that.

19 THE CHAIRMAN: Any other questions for
20 the gentleman?

21 THE REPORTER: Excuse me, sir, what is

1 your name?

2 MR. SCHRATT: Julius Schratt. I keep a
3 boat down at Hammock Island.

4 THE CHAIRMAN: When you start out, state
5 your name pretty clearly because we are recording
6 this session. So the next person speaking that is
7 in support.

8 MR. PERRY: My name is Robert Perry, I'm
9 a tenant at Ventnor Marina. I'm two slips in from
10 the fuel dock and I'm at my boat often, Monday
11 through Friday. Normally on weekends I'm away, I'm
12 transient, I go away and enjoy my boat, but I spend
13 a lot of evenings and recently I set up a video
14 camera. I gave Mike a video, hopefully it will
15 work for him, this was a Wednesday evening.
16 Because our marina does not have floating piers
17 it's actually impossible to tie the boat up to
18 where at all levels of the tide it won't hit the
19 pier. If you tie it too tight at low tide it's
20 hanging off the lines and if you tie it too loose
21 it hits the pier. This is an example of an evening

1 when I was on my boat and I heard the boat coming
2 and I grabbed my video camera, you'll see the fuel
3 dock, the guy misses the pier probably by maybe a
4 hundred feet.

5 We're part of the Clean Marina Act which
6 I'm very proud of. We have special areas to clean
7 barnacles, special precautions for the oil and
8 special precautions at our fuel dock and I have
9 witnessed many a time a fuel nozzle fall out of the
10 fill and pump gasoline into the Bodkin which is
11 unhealthy for everybody. This is a matter of
12 safety, it's not a matter of trying to ruin
13 someone's time. I don't care if you live down the
14 creek, it's three minutes to get by the marina.
15 Most people respect it.

16 Now, because we have a lot of
17 waterskiers they get fuel at our fuel dock, I walk
18 up and try to educate them. Hey guys, where are
19 you from, we live down the end, I see you've been
20 doing some waterskiing, do you waterski down there,
21 no, we come up here to the circle, why don't you

1 waterski down there, our neighbors don't like the
2 wakes, we don't like the wakes, take it out into
3 the middle. I believe this video is short, a
4 minute and 40 seconds, if Mike can cue that up that
5 would be great.

6 MR. GRANT: I'm working on it.

7 MR. PERRY: Does anybody have any
8 questions while he's working?

9 THE CHAIRMAN: Any questions?

10 MR. PERRY: Thank you. I do have it on
11 my iPad, I could play it on my iPad, I have it on
12 YouTube if you have Internet access, we can -- I
13 think that anyone that watches it will take any
14 doubt out of their mind of what's going on.

15 (Discussion held off the record.)

16 THE CHAIRMAN: We'll come back to that
17 as soon as Mike can get it. In support of -- state
18 your name.

19 MR. SALVO: Joe Salvo and I'm one of the
20 owners of Ventnor Marina and of course we are a
21 clean marina and like he had just stated, you know,

1 when people go by the fuel dock and are fueling
2 boats the nozzle can fall out and they are spilling
3 gas into the water. Of course we take preventions,
4 you know, with the proper boat owners and things
5 like, that but a lot of people are missing the fact
6 that it's not only fuel, it's septic. We do
7 pumpouts, now you're looking at the septic as
8 coming disconnected and septic getting pumped or
9 drained back in. Just there is so many other
10 problems and it's not just for the weekend, it's
11 during week too. I see more people asking
12 questions about weekend problems. It's a seven day
13 a week problem. When something like this happens,
14 you hear it. We have a hand that almost got thrown
15 off his boat, what do you think happens when a 10
16 year old child is on a boat like that, more than
17 likely he's going off the boat or a 60 or 70 year
18 old lady or even somebody like me, you know, there
19 is just too much danger that can be done if this
20 doesn't get taken care of, but it needs to be done
21 seven days a week, not just three.

1 And the other thing that a lot of people
2 are missing there probably aren't a lot of
3 insurance claims because as you all know we have
4 deductions and most all of the boat deductibles are
5 anywhere from a thousand to five thousand dollars,
6 all depending on the size of your boat, you're not
7 going to see claims and a lot of people don't want
8 those anyway because the insurance goes up.

9 And here's another, another thing as a
10 marina owner, of course, you know, we're inside of
11 these boats changing oils and motors and all types
12 of things and, you know, if a boat is in the water
13 and you're pulling a six hundred pound motor and a
14 wake comes by and you have this thing swinging on
15 the dolly, what do you think the mechanic is doing
16 inside, he's running for his life because he's
17 scared the motor is going to fall on him and if
18 nothing else it's going to half beat him to death
19 because of the motor swinging around and this is a
20 constant problem at a lot of marinas, not just
21 Ventnor, so that's just another, you know, aspect

1 that nobody even sees, we're not thinking about it
2 and that happens seven days a week, if we work
3 seven days a week sometimes.

4 That's really basically all I have to
5 say. But I really think that everybody here should
6 consider this not just a weekend problem, it is a
7 seven day a week problem and I have actually
8 watched wakes come over our bulkhead and onto our
9 docks, they are that bad. I'm in the marina at
10 times and that is not just on weekends, that's
11 weekdays, all of the time. Thank you for your
12 time.

13 THE CHAIRMAN: Thank you. Any
14 questions?

15 MR. PEPE: Sir, this damage that you see
16 occurring on the weekends, do you think people are
17 just ignoring the regulations that currently in
18 place?

19 MR. SALVO: I think some people are
20 ignoring them and I believe a lot of people are
21 just ignorant and then I also believe that if it

1 doesn't get enforced people figure well, oh, no,
2 it's not a big deal. It's not bad enough that the
3 police are here so why should we worry about it?
4 Yeah, it's just, it's -- I mean I don't know in
5 many other places that they would let this be
6 allowed. You go to most marinas, and like the
7 other gentlemen said, a lot of people are very
8 ignorant, they don't know how to run their own
9 boats and they go too fast and sometimes will not
10 make a very big wake, but are going too slow and
11 plowing. I mean people just are not aware of what
12 they're doing. I think they get caught up in the
13 moment of having fun and that's a great thing too,
14 but it hurts a lot of people in the meantime.

15 THE CHAIRMAN: Thank you, sir.

16 MR. LUNSFORD: One of the options that
17 the committee has is to recommend a boating season
18 the question regards would the, would a boating
19 season, April to October limit, be of any benefit
20 in this situation or does the problem seem to be
21 year round, do you have the problem in the

1 wintertime?

2 MR. SALVO: By the time the end of
3 November comes, the beginning of December,
4 definitely after the Rockfish season, most of the
5 boats are off of the docks, they're on land, so I
6 would say yeah, from December to April we're
7 probably good, but, you know, even in December when
8 there is only a few boats we're still working on
9 boats, so we're still, you know, in danger, so if
10 you were to limit it down to the time I would say
11 December to April could be fair.

12 AUDIENCE MEMBER: If I could interject,
13 more than two-thirds of our boats at Hammock Island
14 remain year round, they don't get pulled.

15 MR. LUNSFORD: My question had to do
16 with the amount of traffic that was in the creek in
17 the winter.

18 MR. SALVO: There is not as much, there
19 is the work boats and tow boats even things like
20 that and most of, you know, all of those people --

21 MR. LUNSFORD: Hard core boaters in the

1 winter are better about watching some things than
2 the summer boaters.

3 MR. BUSH: I have one question, has
4 anyone contacted the DNR police when these things
5 are occurring?

6 MR. SALVO: Yes.

7 AUDIENCE MEMBER: Regularly.

8 AUDIENCE MEMBER: I have their phone
9 number on speed dial.

10 MR. BUSH: What's been the reaction?

11 MR. PERRY: They do respond, not always
12 in the creek, but they do show up but five minutes
13 too late and that's why I videotaped it.

14 THE CHAIRMAN: Okay, let's watch.

15 MR. PERRY: I do have -- testing,
16 testing. I do have audio, I don't know if there is
17 audio on the projector. Here comes a powerboat by,
18 you can see the fuel docks, they're right there,
19 they were the pumps, okay, so now he's gone by,
20 what are his numbers, can you tell me, I can't read
21 them, I can't read them when I'm standing there.

1 This guys lives down the end and every night he
2 takes a midnight cruise up and back, he's there
3 every day, here comes the waves, this is my Tiara,
4 I'm the second slip in from the fuel dock, here
5 comes the rollers. Now, I have the boat tied in
6 the center of the slip, I'm where I need to be,
7 there's four lines on the boat at all four corners.

8 A lot of times I'm asleep in there, so when this
9 comes through it throws me out of bed. Now watch
10 the corner of my boat against the pier, here it
11 comes, get ready. All right, so now I'm against
12 the pier, here's the other boats, rocking away.
13 Now, imagine trying to fuel your boat while the
14 boat is shaking like that. It's virtually
15 impossible. Like I said there is audio with that,
16 I'm narrating, I state the day and the date. It's
17 a little more impressive with the audio, but you
18 get the general picture.

19 THE CHAIRMAN: Thank you. Any questions
20 before we move on? Anyone else speaking in
21 support?

1 MR. WOLFE: Hi, I'm Robert Wolfe, I hold
2 the distinction of owning the oldest sailboat and
3 oldest slip over in Hammock Island, it was my
4 father's boat, and this happened in April of this
5 year, I have got some pictures that we can pass
6 around, that's what happens when two sailboat masts
7 get together. Everything has been cleaned off of
8 the top of my mast through the year, except the UHF
9 antenna.

10 MR. GRANT: That's in the back of your
11 packet.

12 MR. WOLFE: This happened April 10 of
13 this year, this was low tide and I know you all
14 know boats that at low tide boats, sailboats are
15 very vulnerable to this sort of thing because
16 they're hanging on the dock lines and they're
17 dancing like this, but I came down there, I got an
18 e-mail from the marina that my mast was entwined, I
19 called my slip mate, he was out of town, so
20 fortunately I was home that afternoon, so in three
21 hours I got down there about 7 o'clock, I mean

1 boats were dancing and there was boats going by, I
2 mean this is April 10, the season hasn't really
3 started yet, so I have to take my rear mast halyard
4 loose and in the meantime I winched a few masts
5 together so I could take them apart slowly while
6 keeping my mast up. Had that been left overnight I
7 could have been dismasted, thousands of dollars of
8 damage, but the point I'm trying to make is these
9 wakes come in -- I have the halyard loose, I'm on
10 the stern of his boat and I'm trying to whip this
11 thing around to get back to my boat, a boat went
12 by, I don't know how big it was, I wasn't paying
13 attention, I know it was a two or four foot wake
14 that threw me off of the back of boat, I'm still
15 hanging on the to halyard, I Tarzan'd (sic) over
16 the bow of my boat, and I was the only one down
17 there that night, there was nobody around. And
18 here's an e-mail that I also shared with Mike about
19 the experience. It's more, it's not just an
20 inconvenience. I mean I'm there 37 years on the
21 bay and the boat traffic has gotten much larger,

1 displacements and one thing we haven't addressed
2 about these wakes is it might start as a very small
3 wake but by the time it gets to the marina it's
4 three or four feet because you get into shallow
5 water and it's like a mini tsunami.

6 THE CHAIRMAN: Any questions?

7 MR. PEPE: Do you have in your marina,
8 do you have any problems with boats on bottom?

9 MR. WOLFE: I would say occasionally. I
10 have got on my boat and you can feel it kind of hit
11 the mud, but that's in extremely low tide, but that
12 can happen too, but like I say they're like hobby
13 horses hanging from the docks and they bounce
14 around and it's gotten terrible in the last 10
15 years because the boat traffic is incredible. This
16 is not just weekend, like he said, this happens all
17 of the time, seven days a week. And as far as one
18 thing we haven't addressed as far as people,
19 getting people to comply, have you ever thought of
20 a fake speed camera out, somebody sees a speed
21 camera -- I live in Howard County and they have

1 them all over Howard County, you know where that
2 is, you're going 30 miles an hour, you're getting a
3 40 dollar ticket. Thank you, appreciate that.

4 THE CHAIRMAN: Any other questions?

5 MR. PARLIN: Just a statement, April 10
6 was a Wednesday.

7 THE CHAIRMAN: April 10 was a Wednesday.
8 Next person in support, thank you.

9 MR. WATKINS: My name is George Watkins,
10 I have been at Ventnor Marina since 1984. It's
11 changed. It's not the same creek it was back in
12 the 50s, 60s, 70s, 80s or 90s. The whole area has
13 grown, something needs to be done, somebody is
14 going to get seriously hurt. I have been there and
15 I have witnessed two fires, not because of what's
16 going on today, but from boating accidents. What's
17 going to happen down there -- I have had my wife
18 actually step off to get on the finger pier and she
19 has fell in due to wakes. I have had my boat, I
20 got a 31 Silverton Flybridge, I have been in the
21 bed and -- this is all repetitive, a lot of it --

1 and basically knocked out of the berth. By the
2 time you come out, they're gone. I have seen water
3 come over the fuel dock, up at the bbq grills.
4 Water has come up and hit the office walls, I have
5 seen cleats popped and -- people, you want to take
6 a look at these pictures -- there is pictures of
7 boat damage. I have seen boats with holes in the
8 side of them. It's not going to stop. You have
9 got to change this. If it doesn't stop I'm telling
10 you -- you can see it coming, somebody is going to
11 get hurt. I have seen fuel nozzles -- it's all
12 repetitive -- they have been knocked out. I don't
13 know what to tell you, it's got to stop. They
14 tried to get a couple, several years ago to get
15 this done, and it's like people just aren't paying
16 attention, they don't care, they come by and we'll
17 say something to them, oh, really, I'm not making a
18 wake, well, how come you couldn't tie up to the
19 dock, it's your own wave. The boats are beating
20 against the dock. I cannot fuel my boat up during
21 the week. It happens seven days a week and

1 sometimes it goes past 11 o'clock at night. People
2 just don't listen, something has got to be done.

3 THE CHAIRMAN: Any questions? No
4 questions. Thank you, sir. Next person in support
5 of the petition.

6 MR. ZURHUESIN: Could I have your little
7 pointer?

8 (Discussion held off the record.)

9 MR. ZURHUESIN: My name is Henry
10 Zurhuesin (phonetic). My boat is at Hammock Island
11 Marina right there on the very end. When we take
12 our boat out in the bay or even in the ocean on
13 windy days it bounces around a lot. It's a 37 foot
14 sailboat, it heels way over, but when we do that,
15 we, we expect rough weather and everything down
16 below is secured with bungee cords or put away in
17 lockers and we always are hanging onto something so
18 when the boat lurches we know we can protect
19 ourselves from being knocked down or bumping into
20 something and getting bruised. So when we come in
21 to Bodkin Creek and tie up in our slip I think we

1 as boat owners paying thousands of dollars a year
2 to rent a slip in Bodkin Creek should have a
3 reasonable expectation of calm water where the boat
4 does not bounce around and lurch back and forth
5 from the wakes that come in from the high speed in
6 Bodkin Creek. Thank you.

7 THE CHAIRMAN: Thank you, sir. Any
8 questions for the gentleman? No questions. Next
9 person that would like to speak in support of the
10 petition.

11 MR. VORHEES: My name is John Vorhees, I
12 dock my boat at Ventnor Marina. I'm on the same
13 dock that you saw on the video. On Friday, April
14 26th approximately 4 p.m. a boat came around at
15 reasonably high speed, around the end of it, of the
16 fuel dock, and my boat was damaged. Yes, I did
17 file an insurance claim. The bow chock on my
18 pulpit was yanked out from the violence of the
19 wake.

20 AUDIENCE MEMBER: One of those pictures
21 are in there.

1 MR. VORHEES: So I think that sort of
2 speaks for itself. You have heard enough comment
3 about what we need to do to at least to attempt to
4 mitigate what's going on.

5 THE CHAIRMAN: Thank you, sir. Any
6 questions for the gentleman?

7 MR. JONES: Do you have any idea the age
8 of the people who are violating the regulation?

9 MR. VORHEES: In my opinion it's all
10 ages. You see, you see the younger people in
11 somewhat smaller more open boats and then you see
12 folks my age in somewhat larger boats, but it
13 really doesn't make any difference in my opinion on
14 the age it's an awareness that they're responsible
15 for their wake and we need it well posted and
16 enforced.

17 THE CHAIRMAN: Anymore questions for the
18 gentleman? Anyone else wishes to speak in favor of
19 the petition?

20 MS. NITKOSKI: Thank you. Good morning,
21 my name is Janice Nitkoski and I'm sorry to say

1 that I'm not a boat owner. I would like to be some
2 day. I am an employee of Ventnor Marina and my
3 office is very close to that bulkhead they were
4 referring to. I see boats going by at high speed
5 on a regular basis all during the week, I do not
6 work on the weekend, and the wake that is caused is
7 tremendous. No, I cannot see the boat numbers,
8 they're too far away, they're moving too fast, but
9 I have personally witnessed the water crashing up
10 over the wall. I have seen the little, the small
11 marina boat just tossed almost onto its side. The
12 wake is incredible going through there. This is an
13 issue that really does need to be addressed. There
14 is the safety issue, personal safety. You have the
15 environmental issue from the possibility of spills
16 of fuel, oil, the pump out, raw sewage into the
17 creek. You have an economic issue -- well, this
18 issue is both economic and environmental and that
19 is the erosion that is caused by these boats going
20 through there at high speed and also economic as
21 far as the boat damage and as the marina we have

1 actually had slip holders that are not renewing
2 their leases due to the wake that comes through
3 there. That's all that I have to say.

4 THE CHAIRMAN: Any questions?

5 MR. JONES: What hours of the day?

6 MS. NITKOSKI: I'm normally there from
7 the morning until 5 or 6 so I'm seeing it all
8 during the day.

9 MR. JONES: What you are saying is
10 people are under or over 40?

11 MS. NITKOSKI: I could not tell you,
12 sir. They're at a far enough distance and I really
13 couldn't tell you.

14 THE CHAIRMAN: Any other questions?
15 That's fine. Next person that is in support of the
16 petition state your name and you'll have a chance
17 to in just a minute, sir.

18 MR. MCDONOUGH: Good morning,
19 Mr. Chairman, members of the committee, staff, my
20 name is Gerard McDonough, I'm an attorney with
21 offices in Columbia, Maryland. I'm here today

1 representing on behalf of the owners of Ventnor
2 Marina. Just my personal boating experience is
3 somewhat limited. I used to own one and kept it in
4 Back Creek in Eastport, Annapolis at Mears Marina,
5 it was a sailboat, never experienced this problem
6 the three or four years that I was there, but it's
7 so far back up the creek you can't really go fast
8 enough to create a wake so I have enjoyed a quiet
9 time. I can appreciate what these people go
10 through viewing this situation but I'm really not
11 here about the facts because I don't, I haven't
12 experienced them. I'm here to give you a window or
13 a glimpse of the standard that you know you have to
14 employ, which is that the regulation that's
15 proposed here is reasonably related to the public
16 health, safety and welfare. I think you have heard
17 sufficient facts on both issues, on all issues,
18 boat safety, environmental and then frankly some
19 property damage issues aside. I think all of that
20 together there is the requisite substantial
21 evidence here to impose this regulation and

1 basically what substantial means is it's just that
2 reasonable minds can differ; in other words, if you
3 decided to impose this regulation that there is
4 sufficient evidence before you here today, that
5 would withstand the common law test in a court to
6 be upheld and that's all I have to offer today.
7 Thank you.

8 THE CHAIRMAN: Thank you, sir. Any
9 questions for the gentleman? No questions. Next
10 person in favor of the petition.

11 MR. CONNELLY: Good morning, my name is
12 Dan Connelly, Jr, I'm a boat owner at Ventnor
13 Marina. Actually, I'm on the bulkhead over at
14 Ventnor, probably five slips in from the end of the
15 bulkhead, and I have a smaller 22 foot Grady White
16 which I enjoy very much. We're right about there
17 (indicating). Now, my parents have been down the
18 marina and my family has been in the marina many
19 years, 15, 20 years now. I have enjoyed the
20 marina, would like to say that myself and my wife,
21 we have two children, my son is three, my daughter

1 is 11, I have been down there though many times
2 during the week and on the weekend as such where
3 I'm unloading or loading my boat to where my kids
4 are getting thrown around in my boat very
5 violently. I have seen my boat almost come up over
6 a finger pier. I have seen several boats along
7 that bulkhead almost come up onto shore several
8 times and it's, it is, it's actually a very big
9 problem. My boat is tied to where it needs to be
10 tied, but it's pulling on my pilings, it's pulling
11 on my, all of my lines. It's, I mean my rub rails
12 are getting beat up and all of this. I hear you
13 guys keep asking about an age of who is coming
14 through the creek. Age is not an issue. Yes,
15 there's kids on the creek now, there is more boats
16 on the creek now because of Chesire, the big
17 enclosed area they have down there, and there is
18 bigger boats on the creek that I don't remember
19 being down there growing up, but the age, age
20 really isn't an issue. I have gotten into a couple
21 of arguments with younger kids, older people on the

1 creek, yelling at them, hey, I have my kids, man,
2 I'm trying to get in my boat and you're doing 30
3 miles an hour or plowing through here. It doesn't
4 matter if you have an 18 foot boat coming through
5 there doing 30 or a 32 foot boat coming through
6 there doing 15, they actually do the most damage,
7 and I have seen a lot of bigger boats really
8 rolling through there. Like the video showed, that
9 boat was 30, 32 foot just cruising on along and my
10 boat is only 22, that's going to -- that almost
11 will put me almost in the yard at the marina. I
12 don't have video of it, but actually if you
13 probably just pan over a little more you would have
14 seen the smaller boats on the bulkhead get tossed
15 around. You saw the bigger boats. Really, the
16 smaller boats come up over the bigger piers onto
17 shore. I have to wait if I'm loading, unloading.
18 I go fishing a lot, if I want to get on
19 my boat or -- I have been on the fuel dock and
20 gotten knocked around on the fuel dock as well on
21 the weekend. And I know you guys were asking about

1 how people comply with weekend and whatnot.
2 Honestly, they do for the most part, but you have
3 your few who are above whatever signs are put in
4 place. I'm doing six knots an hour, no, you're
5 not. It's a big problem. I'm definitely for this,
6 I'm definitely for this, six miles an hour.

7 I'm a new boat owner, I've been boating
8 my entire life, I bought a boat in April and I have
9 been down there and I'm excited about it and I
10 don't want to, you know, have to dish out --
11 boating is expensive -- I don't want to dish out
12 any extra costs due to other people's negligence.
13 Just common courtesy on the water. That creek is
14 not that big and people just want to waterski all
15 hours of the week, it is from early in the morning
16 until late in the evening, especially say on Friday
17 there is people that do roll through there very
18 late at night coming from or to Chesire or Mike's,
19 or one the great restaurants around the area, they
20 want to go through the creek, they just want to get
21 home, now I'll just take it up. It's a weekday but

1 those boats are getting knocked around.

2 THE CHAIRMAN: Thank you. Any
3 questions?

4 MR. PEPE: Does anybody that you know of
5 in the marina, has anybody been taking the numbers
6 of one of these boats that has been going up and
7 down this creek causing this, has anybody been held
8 in account, has anybody caught any of these boats
9 that have being going up to be held accountable for
10 the damage they have caused?

11 MR. CONNELLY: No.

12 AUDIENCE MEMBER: Can I say something?
13 The problem is when we call the DNR they have to
14 see it from what I was told. If they don't see it,
15 that you or I or whoever in this room we have to
16 say I'm pressing charges and then you end up going
17 to court and this and that and that. You want to
18 lose a day from work, okay, no. No, most people
19 don't. They're like oh, okay, what's the sense,
20 I'm not going to do it, nothing is going to change,
21 it's going to happen again. There's people that

1 live down the creek, there's a Rampage, the boat is
2 called Baycation, he comes through there during the
3 week in the evening, it's like a 42 foot boat, he
4 lives there, he keeps his boat on a T-head -- I
5 have had hatches hit me. I have had, you know, you
6 name it I have had things happen. I have stress
7 cracks on the cleats and I'm probably one of the
8 most pickiest people in that marina, this is --

9 MR. CONNELLY: This is true.

10 AUDIENCE MEMBER: What is going to
11 happen -- Ventnor used to have a waiting list to
12 get in, that marina is 40 percent empty now, it's
13 affecting everything.

14 THE CHAIRMAN: Let's let this gentleman
15 keep going. You have answered the question.

16 AUDIENCE MEMBER: The bulkhead is
17 twisted.

18 THE CHAIRMAN: Thank you, sir. Any
19 questions for this gentleman?

20 MR. JONES: I want a clarification, you
21 talked about my question about age, you talked

1 about my question about age, the reason I asked
2 about that is because the law says if you're born
3 after July 1, 1972 you have to have a boating
4 safety class but if you're over 41 you don't. So a
5 lot of people buy boats and they never take a class
6 and there is no way for them to find out if they
7 don't take a class unless you put together a
8 community association and have people come sit
9 around and talk about it.

10 MR. CONNELLY: Well, DNR -- I have mine,
11 I was born in '82, I have my license in my wallet.
12 I carry it and did the whole thing online. Like I
13 said I've been boating my entire life. I have been
14 boating before I could walk, I have been in the bay
15 before I could walk.

16 MR. JONES: The problem is that many of
17 the boaters don't take classes.

18 MR. CONNELLY: I agree, there's a lot
19 more younger kids getting on the creeks now because
20 of the area and the affordability to do that. It
21 spans all ages from younger to older. It really

1 doesn't matter. It's just a complete disregard for
2 other people's property and other people's stuff.
3 I mean just as common courtesy, you know, I'm a
4 boat owner just putting down the creek, I don't go
5 cruising down the creek. I have never gone down
6 that creek at any speed other than just six miles
7 an hour just putting along.

8 THE CHAIRMAN: Thank you, sir. Any
9 other questions for the gentleman?

10 MR. SIMON: To your knowledge has there
11 by any citations, has there been any citations
12 issued in regard to the problems of slowing down
13 and the wake?

14 MR CONNELLY: Actually, I believe there
15 has. DNR, that's why -- DNR recently has been down
16 at the marina and we have asked him just hang out
17 for a little while and you'll see it, they have
18 seen people --

19 THE CHAIRMAN: Al, we'll save that
20 because NRP is here so we'll move in that direction
21 on that. Thank you, Al.

1 MR. SIMON: One question, you mentioned
2 they go too fast and they're out of site before you
3 can -- I wonder if any have names and numbers have
4 been taken down from the boat owners regarding the
5 situation?

6 THE CHAIRMAN: None has been as we
7 understand it because they go by too fast, but we
8 do have the NRP that will speak at the end.

9 MS. TROVATO: My question is are the
10 boats that you have observed, are they boats just
11 going from one end of the creek out to the river or
12 are these boats that are recreating in the area?

13 MR. CONNELLY: Both. There's a lot of
14 skiing, a lot of wake boarding, which I'm all for,
15 I like doing that but, you know, you have a whole
16 other area out in the creek to do so that's more
17 open and better made for it, you know, not very
18 close to the creek where people try to come in and
19 out.

20 THE CHAIRMAN: Thank you, sir. Any
21 other questions?

1 MR. BUSH: I would like to make an
2 observation of what I have seen in all of these
3 pictures and what I'm hearing. As I said, I have
4 owned boats for over 40 years and the one thing
5 that I notice is that there are very few fenders on
6 the corners associated between the boats and
7 actually the pier or piling. Now, that's not going
8 to correct everything and even though this is put
9 in -- I'm making an overall suggestion -- it may be
10 good to get some fenders so the boat would not get
11 damaged because when I've had like four or five
12 fenders all of the time all around my boat and when
13 I'm traveling, I travel down to North Carolina, all
14 around on my boat, when you go into different
15 marinas you don't know what's going to happen, but
16 if you have a bunch of fenders you put them out and
17 that will help everyone in here. That's my
18 comment.

19 MR. CONNELLY: Well, I do have fenders,
20 so -- and you pay your money to, you know, have
21 that slip for, you know, the insurance of hey, my

1 boat is safe here, you don't want to have to worry
2 more about it.

3 THE CHAIRMAN: Thank you, sir. Any
4 other questions? Thank you, we appreciate your
5 comment. Is there any others to speak in favor of
6 the petition?

7 AUDIENCE MEMBER: My name is, my name is
8 Mike and I'm one of the mechanics at the marina.
9 To answer somebody's question, somebody was held
10 accountable. I personally chased them down in our
11 shop boat last year, came by -- the video you saw,
12 that's an every day thing, that's an all day, every
13 day thing. One guy came by making eight foot
14 waves, a 50 foot catamaran boat came by and did
15 some damage, boss lady told me go and get him, I
16 went and got him, he came back, I don't know what
17 happened after that, but he came back and
18 apologized to the bosses and owners. What came of
19 it, if they made him pay for any of the damages, I
20 don't know. My boss has been working there for 28
21 years, last year during winterizing time he was

1 thrown off a boat, he went in between the boat and
2 the pier, luckily he went further in so that when
3 the boat slammed against the pier he didn't get
4 smushed in between there. He could have died.

5 THE CHAIRMAN: Any questions for the
6 gentleman? Thank you, sir, appreciate that. In
7 favor to support the petition. Sir.

8 MR. PERRY: Thank you. Glenn Perry, no
9 relation to Rob Perry that did the film, but my
10 boat was one of the extras in the film. I just
11 want to say a couple of words only because one of
12 the, one of you asked about, you know, has this
13 been a concern, it has been before. I have been a
14 boat owner at Ventnor for a little over 10 years,
15 I'm one of the newer people, but the reaction has
16 always been well, they won't do anything about it,
17 it's a problem, it's always been a problem since
18 we've been there. And this is an opportunity for
19 me to come out and take time out of my day to come
20 here and speak, I think, on behalf of the other
21 owners that can't be here today and tell you this

1 is a real issue. I have fenders on the side of the
2 pier, the problem is when you saw that picture, the
3 boat is just going like this so far up and down
4 (indicating) that the fenders help a little, but
5 they don't, depending on what the tide is or
6 whatever it doesn't always help, but most people,
7 many of the people here have fenders out, but it
8 has to do with the amount of action and the amount
9 of tilt the boats are going and then whether or not
10 they hit it. Thank you.

11 THE CHAIRMAN: Sure, sir. Any
12 questions? Thank you, sir, appreciate it. Anyone
13 else to speak in favor of the petition?

14 MR. GRIFFITH: I've got three or four
15 short videos.

16 THE CHAIRMAN: Name, please.

17 MR. GRIFFITH: Eric Griffith. You were
18 asking about fenders, they end up laying on top of
19 the bulkhead or pinched off, snipped and gone when
20 you get back down, they cutoff from the pier.

21 I'll go through quickly some stuff that

1 I have had. I've been, I have had to cleats, deck
2 cleats completely removed, ripped loose, I have
3 stress cracks on all of my cleats. I have had to
4 help many people at the gas dock try to control
5 their boat, just being out there and there has been
6 an attempt to control them -- there you go.

7 (Discussion held off the record.)

8 MR. GRIFFITH: You see parts of the deck
9 busted up there. Keep going. That's a close up of
10 my stress cracks, go to the next one, it looks
11 better.

12 MR. GRANT: Right here?

13 MR. GRIFFITH: Yeah, like two and a half
14 feet long, same image. Can you get to the videos?

15 MR. GRANT: I don't know, I'll find out.

16 MR. GRIFFITH: There is stress cracks
17 there that run --

18 MR. GRANT: That's a pier.

19 MR. GRIFFITH: The stress cracks run
20 right along that seam. The video is what we really
21 want.

1 MR. GRANT: No guarantee.

2 (Discussion held off the record.)

3 MR. GRANT: Can't open it. Suffice to
4 say it's boats banging against the pier.

5 MR. GRIFFITH: I have bulkhead length of
6 boats hopping and jumping, but that's hearsay now.

7 MS. GRIFFITH: I'm Eric's wife and I
8 just want to say the red boat that you saw is the
9 boat that's next to us and on this particular day a
10 boat came in, while it was coming in there was, you
11 could see the boat scratching the finger pier, that
12 little piece of wood came up from the finger pier,
13 as I bent over to pick it up his boat came up to my
14 face so that is what's on the video that he can't
15 pull up, but it's happening all of the time. We're
16 on the same bulkhead with the gentleman that was
17 talking before and it happens all of the time. I
18 believe it was a Sunday afternoon, we were
19 crabbing, I'm in a small boat now, a little 20
20 foot, and there was a gentleman that was flying in
21 and I said slow down, please, we're going that way,

1 we don't have blinkers, so I'm pointing and he
2 slows down, my husband gives him the six fingers
3 letting him know it was six knots an hour, he
4 looked at us and said I know and I don't care.

5 THE CHAIRMAN: Your name?

6 MS. GRIFFITH: Jeanette Sutton Griffith.

7 THE CHAIRMAN: I think we have --

8 MS. GRIFFITH: It looks like he's able
9 to pull it up.

10 THE CHAIRMAN: -- questions.

11 MR. PARLIN: You were on the bulkhead of
12 Ventnor?

13 MS. GRIFFITH: Yes.

14 MR. PARLIN: You're outside of the zone.

15 MS. GRIFFITH: Yes. Just outside, a
16 little bit, not much.

17 MR. GRIFFITH: If we had our druthers we
18 would love to see the red line swing in a little
19 bit, but we'll take what we are get.

20 THE CHAIRMAN: Do you have the video up?

21 (Video presentation.)

1 MR. GRIFFITH: There is the damaged pier
2 right there. My spring line is there. That was my
3 boat. That's a very mild day.

4 MR. GRANT: This one?

5 MR. GRIFFITH: Please.

6 THE CHAIRMAN: Is there another video?

7 MR. GRIFFITH: There are three more very
8 short ones. These are my cleats. I have had two
9 pull off completely, both of these are still loose,
10 or loose now.

11 MR. GRANT: This one?

12 MR. GRIFFITH: This is the end of the
13 bulkhead. I tried to pair these down to make them
14 as short as possible. Like I said these guys are
15 quite mellow compared to what can come through,
16 they come through anytime, any day. Friday evening
17 is probably the best time to come down. First one
18 please.

19 (Video presentation.)

20 MR. GRIFFITH: These are average,
21 average waves and they come through 30, 40 times a

1 day. This is continual snatch, snatch, snatch.

2 That's cool. Any questions?

3 THE CHAIRMAN: Okay, sir. Just
4 questions only, no comments, but just questions for
5 the gentleman. Thank you, sir, appreciate it.
6 Anyone else that would like to speak in support of
7 the petition? No one else in support of the
8 petition?

9 Okay. Next we'll have those that are
10 opposed to the petition and anyone that would like
11 to speak has already signed in, if you get up and
12 state your name, please, and we'll record that and
13 then we'll move on. This is this opposed to the
14 petition? Any opposition.

15 MR. MOORE: My name is Jim Moore, I have
16 lived on this creek for 22 years and first I would
17 like to say that I have not heard, except for one
18 person falling off the pier and drunk, one
19 accident, one, somebody getting hurt in the creek
20 in 22 years, so I'm not sure what that is all
21 about. The other observation I would like to make

1 is that most of the boats in Ventnor are in slips
2 that are too small for the boat and they're
3 improperly tied up so those little waves, those
4 little waves that you see in those videos, that's,
5 that can occur at any speed. Those are, if
6 anything, if those are causing damage to your boat
7 you need to learn how to tie your boat up. Thanks.

8 THE CHAIRMAN: Thank you, sir. Anyone
9 else that would like to speak?

10 MR. BURKE: My name is Bruce Burke and I
11 live on Bodkin Creek, also down near the end where
12 the Pleasure Cove Marina is, excuse me, and I have
13 been boating since I was 15 years old and I think
14 that, you know, when we read this and it says
15 request is made on behalf of boating safety. To
16 me, the six miles, six knots on the weekends is for
17 boating safety because of boating traffic, there's
18 so many people going in and out of it that just
19 boats on the weekend, especially the ones at the
20 marinas that you need that. During the week, I go
21 out since I'm retired I go out quite often either

1 in a power boat, jet skis or sailboat and I hardly
2 see any traffic down around the marinas, not that
3 it doesn't happen at night like these gentlemen
4 have said but to me it sounds like it's more of a
5 question of enforcement as opposed to changing the
6 speed limit. Thank you.

7 THE CHAIRMAN: Thank you, sir. Any
8 questions for that gentleman? Anyone else that's
9 opposed to?

10 MR. TIPTON: My name is Charles Tipton
11 (phonetic) and I live on Bodkin Creek as well and
12 further in than the yacht club there. It appears
13 to me -- I have a great sympathy for all of the
14 people that are having trouble with the boats and
15 having difficulty with the waves and the wake, but
16 I was also wondering if the committee, a question
17 you to guys, I hope that you might be able to help
18 me, does the committee have any power or ability to
19 go to the police department and find out what is
20 really going on there, are they doing the job out
21 there, are they actually out there patrolling and

1 stopping all of these people that are causing the
2 damage to these people? Is there any power that
3 you guys might have that you could get them to do a
4 better job of enforcement? And I thank you very
5 much.

6 THE CHAIRMAN: We do get reports from
7 those areas in question and we have the NRP here
8 today that will speak to that. We do get reports
9 and especially if we request it, if it's a need to
10 have reports of any violations that are happening,
11 we can do that, yes, sir. so it's available to us
12 as a committee to get reports and we do on the
13 creeks in question such as this one. We have a
14 full scale of reports from the NRP so we do, yes,
15 sir, we do get reports.

16 MR. TIPTON: Would those types of
17 reports be available to the general public like
18 myself or anyone else?

19 THE CHAIRMAN: The reports for
20 violations?

21 MR. TIPTON: Yes.

1 THE CHAIRMAN: I think that's a public
2 record, sir. You can, you can access those,
3 they're public records. If there is a citation
4 that NRP has given for a violation on the creek
5 that's public record.

6 MR. TIPTON: I could get that off of the
7 DNR website?

8 THE CHAIRMAN: I believe -- Mike, where
9 is that?

10 MR. GRANT: You have to write a letter
11 to get it.

12 THE CHAIRMAN: Write a letter.

13 MR. GRANT: To request the information.

14 THE CHAIRMAN: Request the information
15 to the colonel of NRP and request that information
16 and it's public record.

17 MR. TIPTON: Thank you very much.

18 THE CHAIRMAN: Any questions for that
19 gentleman? Thank you, sir. Anyone else want to
20 speak against? Let's let this gentlemen and I'll
21 catch you right here.

1 MR. WAREBUSH: My name is Merrill
2 Warebush (phonetic) and I have been on Bodkin Creek
3 since 1965 and when I moved down to Bodkin Creek
4 the marina was only about half of what it is now,
5 and they keep increasing and increasing and
6 increasing, and they make the boat slips smaller
7 like the gentleman before me stated which is one of
8 the main problems, and if they're having problems
9 as far as when they are getting gas, why couldn't
10 they have an amber light up maybe to let people
11 know that a boat is there getting gas. Don't
12 penalize the entire creek for the boat yards.

13 And another thing, I know these people
14 have a problem, I understand that, but I -- to me
15 it looks like you got a meeting here between the
16 boat yards and the board because all of these
17 people are from the boat yards, most of the them.
18 You people have don't have any people that live on
19 Bodkin Creek. I didn't know nothing, I got a call
20 last night, we're having a meeting tomorrow, I
21 didn't know it. I think it's a doggone shame that

1 this board cannot let the people who are involved
2 know, not just the subject people. Thank you very
3 much.

4 THE CHAIRMAN: Thank you, sir. Any
5 questions? Thank you, sir, appreciate your
6 comments.

7 MR. IRANI: I'm Geoff Irani and I have
8 property on Mathias Cove across from Pleasure
9 Marina. I have been there since 1975 and have seen
10 quite an evolution along the creek in terms of
11 number of boats docked and the amount of traffic on
12 the creek. I sympathize with the problem of wakes,
13 but I think the case has not really been well made
14 by those arguing for the speed seven days a week.
15 On one hand they say the problem occurs on the
16 weekend when there is a speed control, it's an
17 enforcement problem. On the other hand, it doesn't
18 seem to, the correction around Ventnor and Hammock
19 Island doesn't seem to take into account the other
20 boats that are along the areas where you can't
21 speed including the private marina that's on the

1 way out of the creek near the -- I forgot the
2 marker number, but as you turn to go out of the
3 channel, there's a marina there, they somehow get
4 by with the wakes I think because they have larger
5 slips and they can set the boats in right there.
6 But at any rate, there is a problem from wakes for
7 all of the private homes and along the speed area
8 of Main Creek that's not being addressed by this
9 speed control issue. It's at Bodkin, a problem
10 with the density of boats in the marina that seems
11 to be there and there seem to be other solutions,
12 for instance, like put a wave deflector for boats
13 along the bulkhead or something so they wouldn't
14 see the wakes coming in transversely. Any
15 questions?

16 THE CHAIRMAN: Any questions? Steve.

17 MR. KLING: I'm just -- how would your,
18 how would your use, enjoyment of the creek be
19 adversely, and perhaps those are your neighbors
20 also be adversely affected if this regulation was
21 put into effect?

1 MR. IRANI: For those that enjoy
2 waterskiing as I did when I was younger, I would
3 start from the left of the this picture up around
4 Pleasure Marine and come all of the way down and
5 turn in the wide area, to the right of the red and
6 come on back through and I'm using a very small
7 boat, I'm not kicking a wake. It's a 15 foot boat
8 and when it's on plane the wakes at most are a
9 foot, I don't think they're that much. I can
10 sympathize that a big boat throwing a wake had
11 better not be going by a marina or other boats
12 adversely affected by the wake, but that's you're
13 responsible for your wake issue and enforcement.
14 The other observation I'll throw in there is since
15 the marine police no longer are at Ventnor people
16 are not as controlled, yet the boat traffic in the
17 creek is way down from what it was in 2007. It's
18 about 10 percent of what it was, it's remarkably
19 down and the skiing is way down and I can look up
20 the creek from where my house is so I can look all
21 of the way to what I call the narrows from Pleasure

1 Marina.

2 THE CHAIRMAN: Any other questions?

3 MR. PEPE: You say you live across from
4 Pleasure Cove at the headwaters, have you seen an
5 increase in boat traffic due to the restaurant like
6 in the evenings, during the week?

7 MR. IRANI: Primarily on the big
8 weekends, like Labor Day weekend, it gets very
9 crowded but Pleasure Marine has been in that
10 operation, what, better than 10 years because I
11 used to take my boat over there to work on the
12 bottom.

13 MR. KLING: The restaurant has been like
14 15 years.

15 MR. IRANI: The restaurant doesn't draw
16 that much boat traffic, I can say under 15 boats a
17 day and they don't come in fast. Generally they
18 come in slow because they're doing pleasure stuff,
19 they're not skiing.

20 THE CHAIRMAN: Any other questions for
21 the gentleman? Thank you, sir, appreciate that.

1 Any other person that would like to speak against
2 the petition?

3 MR. MOORE: I missed one point that I
4 would like to --

5 AUDIENCE MEMBER: You're welcome to get
6 up again, sir.

7 MR. MOORE: My name is Jim and I lived
8 here for a long time and I know a lot of people on
9 the creek and in the last four months I have not
10 met one of the people that I know say let's change
11 the speed limit and mess up our playground. Nobody
12 got notice of this meeting so we're completely
13 underrepresented here just to let you know.

14 THE CHAIRMAN: Thank you, sir. Anyone
15 else that wants to speak?

16 MS. SALVO: I have something to say --

17 THE CHAIRMAN: Ma'am, we have to get
18 your name and -- thank you. Address the committee.

19 MS. SALVO: I'm Cindy Salvo and I'm one
20 of the owners there at Ventnor Marina and we have a
21 couple of other marinas where we don't have this

1 issue because people are more respectful of fuel
2 docks and the other boats in the marina. And I
3 want to ask you is your pleasure more important --

4 THE CHAIRMAN: Are you opposed or for
5 the petition?

6 MS. SALVO: I'm for the petition because
7 we need to slow this down. And I want to know is
8 their pleasure --

9 MS. TROVATO: Ma'am, right now we're
10 having the folks opposed to the petition speak.

11 MS. SALVO: He said any comments.

12 MS. TROVATO: Let's finish that and
13 we'll come back.

14 THE CHAIRMAN: As soon as we finished
15 opposed, we'll come back for comments. Any other
16 opposed?

17 MR. MOORE: Are they going to go over a
18 report of anybody getting hurt or anything for
19 public safety?

20 MR. PARLIN: We have NRP.

21 AUDIENCE MEMBER: My wife has -- may I

1 say something please?

2 THE CHAIRMAN: Opposed to?

3 AUDIENCE MEMBER: No.

4 MS. TROVATO: Nope.

5 AUDIENCE MEMBER: I hope this board,
6 before they make the decision let the people in
7 Bodkin Creek have their say, have a meeting and let
8 the people in that creek have a say, not just one
9 or two boat owners.

10 THE CHAIRMAN: Mike, maybe on the
11 process of speaking and how that works.

12 MR. PARLIN: On the process. They're
13 upset because they didn't know about the meeting.
14 Could you let them know what the process is?

15 MR. GRANT: The process is this is
16 requested before April 15th, the review process,
17 with the petitioner during the summer, the area is
18 studied, not only by myself but by Boat Act members
19 and the Natural Resources Police. At the end of
20 the study period or toward the end we set up a
21 meeting in the area like we have today that is

1 advertised in the local paper.

2 MR. PARLIN: Like the buoy notice.

3 MR. GRANT: And there is also a notice
4 buoy and I'm sure you know it, it's right there
5 (indicating), that has my phone number on it,
6 that's how you find out what's going on.

7 AUDIENCE MEMBER: I called and left two
8 messages and never got a return call.

9 MR. GRANT: I called everybody back and
10 left a message. I never, ever missed calling
11 people back.

12 AUDIENCE MEMBER: A lot of people don't
13 get newspapers anymore.

14 MR. GRANT: I'm sorry, but our, we put
15 it on the website under upcoming meetings and we
16 post it in the local newspapers.

17 AUDIENCE MEMBER: How much trouble would
18 it be for the board to notify the residents when
19 they're going to have a meeting?

20 THE CHAIRMAN: Just a minute, sir.
21 We'll give you a brief rundown of the publications

1 in just in a minute, I'll get Ramona to do that.

2 MS. TROVATO: There is a buoy out there
3 that notices the meeting. In the, in the Baltimore
4 Sun, The Capital, The Daily Record and the Bay
5 Weekly there was a notice announcing this meeting
6 with the time and date, location, because we -- the
7 committee, the volunteers on the committee as well
8 as the state wants as much input as possible to
9 understand the situation so we would not want to
10 leave anybody out which is why it's advertised so
11 broadly.

12 AUDIENCE MEMBER: Any chance of getting
13 another meeting?

14 THE CHAIRMAN: Any other against the
15 petition that would like to speak? Against? Going
16 once -- no, you did that.

17 Ma'am, thank you for waiting and being
18 patient, we appreciate that. We were trying to
19 conclude those against. Thank you.

20 MS. SALVO: Again my name is Cindy Salvo
21 and I'm with Ventnor Marina, and I guess my

1 question is is the pleasure of driving through that
2 little 3.5 mile an hour section so important that
3 we have to wait for a child to fall off a boat and
4 die or my mechanic to be crushed between boats, is
5 it that important and then we get something
6 happening? I mean what is really, what's that
7 little section to you, is it that big of a deal?

8 AUDIENCE MEMBER: Yes.

9 MS. TROVATO: Ma'am, you're addressing
10 us, not addressing the audience. We're the
11 audience.

12 MS. SALVO: That's all that I have to
13 say. That's really a very serious concern and they
14 can come and watch it one day, let's all sit on the
15 pier and watch.

16 THE CHAIRMAN: Thank you, appreciate
17 that.

18 MR. GRANT: Addressing a question from
19 an audience member in the back of the room you were
20 asking if you could make more comments at the end
21 of the meeting, you can make more comments. In the

1 back of the room there are green slips of paper
2 with all of my contact information, that is being
3 held up there, I encourage you to send me a letter,
4 an e-mail, tell the rest of the folks up and down
5 the creek.

6 Today's meeting is to formulate a
7 recommendation. There is no decision made. These
8 kind folks make a recommendation to the secretary
9 of the Department of Natural Resources, he does not
10 make a final decision until the first of next year,
11 so anything that happened if it were to be put into
12 place would not be put into place until the next
13 boating season so please I encourage you to let
14 your friends and neighbors know that address, that
15 contact information and e-mail is best, send it to
16 me, it will go in the public record that will be
17 considered when the secretary makes the final
18 decision.

19 THE CHAIRMAN: Yes, sir.

20 AUDIENCE MEMBER: One of the things that
21 as a, let's say as a homeowner, if you're part of a

1 HOA community as a boat owner or a homeowner on the
2 water, I think it's our responsibility as a
3 resident of that to either go to the meetings, the
4 HOA meetings to find out. How do you find out
5 about those, because you live in the community and
6 you make yourself aware of that. If you live on
7 the water and you have a boat you go to DNR website
8 and you look at things that are sensitive to your
9 boat or you look up things that are sensitive to
10 the waterway where you live. If you choose not to
11 do that as a resident or a boat owner on that
12 particular passageway then you are forfeiting your
13 right to complain to a community that announces it
14 publicly and on the website.

15 MS. TROVATO: Sir, do you have a comment
16 in opposition?

17 AUDIENCE MEMBER: That's my comment.

18 MS. TROVATO: Thank you very much.

19 THE CHAIRMAN: Okay. Are there any
20 other comments?

21 MR. MCDONOUGH: Yes, if I might.

1 THE CHAIRMAN: Yes, sir.

2 MR. MCDONOUGH: I would like to
3 apologize for double dipping, I have spoke before
4 in support. Gerard McDonough on behalf of the
5 owners of Ventnor Marina. I'm sure you're aware of
6 this, but just to remind you in terms of plebiscite
7 is not the way this is done, just taking a count of
8 opposed to and in support of and that is not the
9 criteria, in fact it's one of the few that are
10 distinctly in judicial review of these regulations
11 that should not be used to oppose these regulations
12 what it is is your judgment, your reasoned judgment
13 on the balancing of competing interests to protect
14 the public health, safety and welfare.

15 I think you have heard ample facts on
16 that issue and just one last reminder it's your
17 responsibility in imposing these regulations to all
18 of the citizens of Maryland and not just the
19 residents or boat owners or slip renters in this
20 area; however, when it comes to an issue of
21 standing, obviously the people that live here and

1 keep their boats in the marinas on this creek have
2 more standing than others so it's primarily a
3 balancing act between the, those in support and
4 those opposed to, that either live here or keep
5 their boats here. I think they have equal
6 standing, should have equal standing in your eyes,
7 they pay their license fees, they pay their taxes
8 and they pay all of the things that support DNR
9 police and the department in its regulation of
10 waterways and they should be entitled to protection
11 if you deem it reasonable.

12 The final point is that I think you have
13 again heard ample factual evidence of public
14 safety, detrimental effect of public safety for
15 lack of the six mile limit here today during the
16 week, granted the weekends are an enforcement issue
17 and everybody recognizes that and I'm sure there
18 will be an enforcement issue during the week too,
19 but you got to start somewhere and it's got to
20 start at six knots.

21 THE CHAIRMAN: Thank you, sir,

1 appreciate that. Any other comments before we
2 close this part of the session? And we'll take a
3 few more comments, everyone has had had an
4 opportunity to speak and this is against.

5 MR. IRANI: Yes, Geoff Irani again,
6 Mathias Cove across from the Pleasure Cove, I heard
7 that you have been observing the traffic and
8 situation around Ventnor for the summer months so
9 there should be some solid factual information on
10 the traffic that is being challenged as a problem
11 and I would like to have heard more factual
12 evidence because my observations seem to be
13 contrary to those in favor of this change and it's
14 very obvious that enforcement is a major factor
15 here and I'm not sure how shifting to seven days a
16 week is going to affect the enforcement issue.
17 Thank you.

18 THE CHAIRMAN: Thank you, sir.

19 AUDIENCE MEMBER: May I, please?

20 THE CHAIRMAN: One more point and then
21 we're going to --

1 MR. MOORE: I don't know what the
2 standards are for proving there is a problem from
3 safety, but there has never been any accidents that
4 I'm aware of that has hurt someone so I don't think
5 that's an improvement. Secondly, I don't think
6 that some transient slip holders that won't be here
7 next year have as much stake in it as permanently
8 diminishing the property values that all of us that
9 have lived here for 20, 30, 40 years will incur
10 from this change.

11 MS. TROVATO: Mr. Moore, what would be
12 the adverse impact of this regulation on you?

13 MR. MOORE: Well, I waterski through
14 there, I tube through there, my kids tube through
15 there, and it takes longer to get out to go fishing
16 every day, to go to a restaurant every day and I
17 would think it would dramatically decrease the
18 enjoyment of boating.

19 MS. TROVATO: Thank you.

20 THE CHAIRMAN: Thank you. All right,
21 we're going to wrap up. We'll take one more

1 comment, sir, and a brief comment. You have had
2 your chance to speak.

3 MR. WATKINS: George Watkins.

4 MS. TROVATO: Address us.

5 MR. WATKINS: George Watkins and I'm for
6 it. Just real quick, Ventnor Marina that I know of
7 has been around since 1948. The slips have not
8 been made smaller, if anything they have been made
9 larger. After Isabel that whole marina was
10 basically rebuilt, I know. Second of all, how
11 could your property lose value when you're
12 shoreline is not getting eroded and beat up and
13 your property is getting destroyed? That's all
14 that I got to say, it is a safety issue, it's got
15 to be changed.

16 THE CHAIRMAN: Thank you, sir, we
17 appreciate that very much. Okay. We're going to
18 move on. This is going to conclude our hearing
19 portion for all of those for or against the
20 petition. You're welcome to stay, we're going to
21 take a break -- and then NRP, yes, let's hear from

1 you --

2 CORPORAL MACKALL: I'm Corporal Mackall
3 I been with the department for 11 years, and those
4 were spent in --

5 THE CHAIRMAN: Would you speak to the
6 group here --

7 CORPORAL MACKALL: I was assigned to
8 Ventnor actually for a short time earlier in my
9 career and I'm back there now -- actually, not at
10 Ventnor Marina, but up in Anne Arundel County, I
11 have seen a lot of changes across the board. Now,
12 the speed limit, the consideration, as far as what
13 I have heard so far is just moving it out further.
14 What I want to propose is through the boating
15 season and all time, but everybody I stop says I
16 didn't realize it was a holiday so they speed
17 through.

18 THE CHAIRMAN: Make sure you talk to us,
19 sir, we're the ones that need to hear this.

20 CORPORAL MACKALL: A lot of times when I
21 stop someone in the area they say they didn't

1 realize it was a holiday or weekend, they were
2 spacing out. I'm a police officer, speeding, we're
3 going to get excuses, that's all there is to it.
4 Now, doing this all week long during the boating
5 season so at the end of boating season it's still
6 warm and you can still waterski through there,
7 things like that, but if it's all week long through
8 the boating season there is no I didn't realize
9 this or that, it's all times, there is no
10 questions. I mean moving it up further will give
11 more protection for marinas. One, for shut down,
12 your wake passes you and a lot of people have no
13 idea what it means to shut the boat completely down
14 and let your wake pass and continue on, if you slow
15 down you drag that wake in with you and create more
16 havoc. Granted you're doing six knots, but that
17 wake that you're carrying when you're doing 25 or
18 30 knots is still coming in behind you.

19 Now, if you come in, and it doesn't
20 matter what the size of boat is, a lot of vessels,
21 your larger vessels, 30 foot to whatever and above,

1 even at six knots they're still creating a decent
2 wake, but you're responsible for your wake.

3 Now, a lot of people don't understand
4 what responsible for your wake means. They're like
5 we're doing six knots, I don't understand what the
6 problem is, but I came up to you, I'm in an 18 half
7 foot Whaler and it seems like your on jet skis
8 jumping wakes out there. It's like bump it forward
9 and take it out of gear every now and then. But as
10 far as a minimum wake there's not a direct now,
11 we're responsible for that and if the wake is
12 ridiculous, we write ridiculous next to that,
13 that's how we correct it. The general public don't
14 understand what a minimum wake is, as far as a
15 concrete, this is what the very bare minimum that
16 you have to do, they just understand speed limit.

17 Now, we're not trying to impose anything
18 crazy, just stretch is out a little bit, so shut
19 down area for both marina people and for the people
20 that live on the shoreline, that's on the other
21 side of the marina, I have talked to numerous of

1 those people and most of them are kind of split on
2 it, even though they're affected directly, they
3 enjoy watching their kids waterski and there are
4 other people that are like I was cleaning my boat
5 the other day and I got thrown off of the dock,
6 things like that. We haven't had a lot of true
7 reportable boat accidents in this area, but not to
8 say things don't happen. We're not called all of
9 the time for everything. A lot of times it's after
10 the fact we're called.

11 And as far as enforcement, there's,
12 what, five or six officers in the area, we rotate
13 through, we see the area every day a couple of
14 times a day. When I come in there, I could get
15 calls five or six calls deep, I get to the area and
16 as soon as they see my boat in the head of the
17 creek everything shuts down. It is what it is.

18 THE CHAIRMAN: Thank you, Corporal. Any
19 questions?

20 MR. KLING: Two questions, can you give
21 us any specific factual, can you give us any

1 factual information on the amount of boat traffic
2 during the week traversing the area?

3 CORPORAL MACKALL: From what I seen
4 during the boating season once school lets out it's
5 a free-for-all all week long, all day long and
6 through the evenings. It is what it is. But in
7 the evening time you have a big lull. You know,
8 some days there is no traffic coming through there
9 even during the middle of the week but, you know,
10 you're not, you're not there 24, 7 like we are.

11 AUDIENCE MEMBER: Like homeowners.

12 MR. KLING: You said two different
13 things.

14 CORPORAL MACKALL: I did to an extent.

15 MR. KLING: Could you come down to one?

16 CORPORAL MACKALL: Sorry. During the
17 week, you know, when kids are home, things like
18 that, people are going on vacations, sometimes
19 there is more traffic through the area, and the
20 kids are out there on jet skis, waterskiing all
21 during the week. Weekend comes, things slow down,

1 a lot of people go to Ocean City, but more traffic
2 is coming in to go down to dinner so more havoc
3 earlier in the day, but you have those that are
4 going to ignore the speed limit either way no
5 matter what and pull through.

6 MR. KLING: My other question is you
7 said that you had been posted in this area earlier
8 in you're career.

9 CORPORAL MACKALL: Yes.

10 MR. KLING: Is there a change that you
11 observed from the prior posting to the level of
12 activity now?

13 CORPORAL MACKALL: Size of vessels, more
14 than anything else the size of vessels and basic
15 ignorance of the law.

16 Now, people not understanding, you know,
17 how to operate a vessel properly, that's the main
18 thing. You know, more money, no sense sometimes.

19 THE CHAIRMAN: Anyone else, questions?
20 John.

21 MR. PEPE: If you're posting at that, up

1 there in Bodkin Creek, do you remember of any,
2 writing any citations for specific damage caused by
3 boats coming in and out of the creek?

4 CORPORAL MACKALL: For specific damage,
5 not really, not really. You know, more or less
6 speed, basic speed, a lot of registration, things
7 like that.

8 MR. PEPE: But nobody filed any report
9 with you to follow-up?

10 CORPORAL MACKALL: I went back and did a
11 search through our database and we have had a few
12 reportable, but nothing as far as a true boat
13 accident to the standards that we consider a boat
14 accident. A lot of things that were done were 409s
15 which is a quick, simple investigative, pretty much
16 a CAD number to give the insurance company what
17 happened, but as far as a true boat accident where
18 massive damage was done, not really, no, going back
19 three years for that.

20 THE CHAIRMAN: Any other questions?

21 MS. TROVATO: Have you had any reports

1 of harm to people?

2 CORPORAL MACKALL: Actually, as I
3 started talking to people, walking around I heard
4 more in person about some of the things that have
5 happened to people that weren't called in, they may
6 have been called in as a speeding boat or something
7 like that from somebody else, but I didn't have
8 well, so-and-so was thrown off of the side of a
9 boat today for this reason, you know, but as I walk
10 and talk to people about the survey and people have
11 approached me even before I knew there was going to
12 be a proposal, but that's about it.

13 THE CHAIRMAN: Thank you, Corporal. Any
14 other questions?

15 Thank you, we appreciate you being
16 here and that will conclude and we appreciate
17 everybody's concern, we appreciate you being here,
18 we appreciate your interest in the proposal, we
19 appreciate those that oppose that. We have to sort
20 that out with the information that we've gotten.
21 Most of the committee has been to Ventnor, we

1 observed there, we do have reports from NRP, we had
2 a lot of information and we will take it very
3 seriously when we deliberate after lunch today.

4 Now, you're welcome to stay and hear the
5 deliberations, but you will not be asked to speak
6 again, you have already had that opportunity,
7 unless there is a specific committee member that
8 would have a question for you and then, you know,
9 we ask you that, but you wouldn't be permitted to
10 speak again, no speaking. So thank you again for
11 coming, we do appreciate that very much and we
12 appreciate your time.

13 (Discussion held off the record.)

14 MR. GRANT: The actual verdict is made
15 by the secretary and that probably will not happen
16 until January. The recommendation from the
17 committee we'll know this afternoon. It won't be
18 posted on the website, but you can call me if you
19 want to know. My information is on that green
20 piece of paper.

21 (Discussion held off the record.)

1 (Luncheon recess)

2 THE CHAIRMAN: This session will be our
3 committee members discussion with the proposed
4 regulation change and anyone that wishes to speak
5 will not be able to do so, no public comments at
6 this time. So it will be the committee members.
7 If any of the committee members would like to ask a
8 question, you know, we'll do so then. With that,
9 we're underway and we will go and see if there is a
10 motion.

11 MR. LUNSFORD: Could I a ask question?

12 THE CHAIRMAN: Yes.

13 MR. LUNSFORD: Mike, did you say there
14 would have been some indication that when the buoy
15 went out and the new signage went up, I think you
16 said there was one of those responsible for your
17 wake buoys and there was some indication from some
18 members of the public there had been some
19 improvement in the situation this summer?

20 MR. GRANT: I got the impression from
21 NRP and I believe from the people at Ventnor that

1 they had seen some slow down from the buoys, not
2 only people slowing down but NRP presence as a
3 result of the regulatory request.

4 MR. LUNSFORD: Thank you.

5 THE CHAIRMAN: Al.

6 MR. SIMON: I think we've done this
7 before, but I want to ask can we, can we put a try
8 out period, it may take a summer, but it seems to
9 me one side of the audience today I don't know that
10 there were many people here that didn't oppose the
11 petition, I guess the question which I think we
12 have done in the past is a temporary regulation to
13 see if it works, if boats slow down or whatever.

14 THE CHAIRMAN: Okay. Questions, anymore
15 questions?

16 MR. PARLIN: Was there an answer to
17 that?

18 THE CHAIRMAN: You want to --

19 MR. KLING: Al, we have on two occasions
20 that I can recall made a recommendation for
21 regulation and then asked for a report back the

1 next year. Actually, I think in one case we
2 recommended a regulation and asked for a detailed
3 report back the next year and another case we
4 declined to make a recommendation but asked for a
5 detailed report back the next year, but we've
6 never -- and Bob may have a better recollection.

7 MR. LUNSFORD: I can think of one where
8 we had a sunset provision where we sent a
9 recommendation up. I think it was for a finite
10 perfect of time.

11 MR. KLING: That was the construction of
12 the bridge on the Potomac -- that was, there was a
13 sunset there, but we've never, I don't recall that
14 we've put, we've asked for information back for us
15 to further evaluate, but never that I recall other
16 than the Potomac bridge a sunset provision in a
17 regulation.

18 MR. SIMON: Well, I'm not, I'm not good
19 on the sunset. I'm talking about I think we had
20 put a regulation in for a season to see whether it
21 was feasible. How far back, I know it was far

1 back, but I know we have done it. It has been
2 done. That doesn't mean that you want to do it,
3 I'm just bringing it up because a lot of
4 controversy, seems like it's almost one-sided right
5 here.

6 THE CHAIRMAN: Bob.

7 MR. LUNSFORD: One of the ways that we
8 may want to address that is we may want to continue
9 this survey work and hold off on the recommendation
10 to the secretary for another boating season that
11 way it gives us the opportunity, one, to increase
12 the buoys in the area, warning people they are
13 responsible for their wake. Two, it gives the
14 people who live along the creek, some of the
15 representatives in case they thought they were not
16 aware of the meeting, the gravity of the meeting,
17 and it gives us an additional time to do some more
18 site visits and look. I have been there three
19 times and I have not observed a problem, that
20 doesn't mean it doesn't happen on a regular basis,
21 I might have missed it, so maybe with more time on

1 site, some of the committee members would have a
2 better understanding perhaps and I don't know that
3 I want to put that in a form of a motion now, but
4 if we don't get the discussion started somewhere,
5 maybe that should be a point.

6 MR. SIMON: I emphasize on that from
7 that meeting regulation on slow, you're responsible
8 for your wake. I put together a -- before your
9 time -- a sign painting meeting or a get together
10 at Matapeake, I bought the lumber, four by eights,
11 I had it brought over there, the committee and
12 their kids cut those four by eights and maybe them
13 four by fours, we had another row to standby, the
14 kids did it, our children, and painted the white
15 and then we had the lettering done slow, you're
16 responsible for your wake and those were
17 distributed to the people that requested them.
18 Now, I'm going back a few years, but it was done.

19 THE CHAIRMAN: Thank you, Al. Okay,
20 we're going to -- John, do you have a comment
21 before we have a motion?

1 MR. PEPE: Yeah. Bob, just following up
2 on what Bob said, it seems to me that you're
3 talking about more boaters directing that you're
4 responsible for your own wake, I'm garnering this
5 is more an enforcement issue and that people need
6 to understand what the parameters of this six knot
7 area are and that it's being ignored and I concur
8 with what Bob said about more buoying and maybe
9 another year to reevaluate this.

10 MR. SIMON: Are we required -- if you're
11 talking about putting buoys in to go in and work
12 with the Coast Guard in navigable waters?

13 MR. LUNSFORD: No, the state has a
14 blanket --

15 MR. SIMON: Just a question.

16 THE CHAIRMAN: Steve.

17 MR. KLING: To focus the discussion, I
18 offer a motion that we recommend the six knot speed
19 limit at all times during the boating season.

20 MR. SIMON: Permanent?

21 MR. KLING: Permanent.

1 THE CHAIRMAN: That's the motion. There
2 is a motion that we have the six knot speed limit
3 all times as requested.

4 MR. LUNSFORD: During the boating
5 season.

6 MR. KLING: Boating season.

7 THE CHAIRMAN: Is there a second to
8 that?

9 MR. GRANT: Can I clarify that, boating
10 season or 365?

11 MR. PARLIN: Of the boating season.

12 THE CHAIRMAN: Boating season. Is there
13 a second?

14 MR. LEVITAN: I second it.

15 THE CHAIRMAN: It's been seconded, okay.
16 Now, we'll have discussion on that. The motion is,
17 Steve --

18 MR. KLING: Well, the motion is not
19 complicated. It's just that we recommend in the
20 red denoted areas it's limited at all times during
21 the boating season and just speaking in favor I

1 would say I don't, I find this a reasonably close
2 call. I thought that -- I found the video evidence
3 reasonably useful, even though part of it was
4 outside of the regulatory area, I would have
5 battened my boat into the slip and slipped in the
6 bow first, but I don't think this is complicated,
7 we have had a lot more complicated things than
8 this. This is not going to be held over for a
9 year, I think we need to make a recommendation.

10 MR. SIMON: I agree with what he says,
11 but again, it's almost one-sided. What happens to
12 the people that are against this petition that
13 don't want to?

14 MR. BUSH: Well, there was some -- there
15 were some people who were very forceful in their
16 objection to it; however, that doesn't mean that we
17 can't go ahead and make a motion.

18 MR. SIMON: I agree with you.

19 MR. BUSH: Okay.

20 THE CHAIRMAN: More discussion? More
21 discussion on the motion?

1 MR. MCSWEEN: Well, was the motion a
2 real solution to put a six mile at all times during
3 the boating season? When you look at reports of
4 DNR it says during the last five years the patrols
5 have neither increased or decreased but during the
6 last year they have a significant number more
7 complaints so it's just recently there's more
8 complaints and I don't know if this is a lot more
9 citations that are relative to new complaints, so
10 six, so if it's just the speed limit is that going
11 to be, is that going to be a solution?

12 MS. SMITH: Following up on that I feel
13 like a lot of the people that were supporting, that
14 were supporting the proposal they were negating
15 their own argument by often indicating that these
16 speeding violations were taking place on the
17 weekends or they were unaware of when they took
18 place, et cetera. It looks like -- I kind of heard
19 a culture of noncompliance just within this creek
20 and I don't really see where more regulation is
21 going to get these guys to slow down.

1 THE CHAIRMAN: Amy.

2 MS. CRAIG: I fully agree, this is an
3 enforcement issue and that we, we have a lack of
4 solid proof that there is a problem seven days a
5 week because we don't have -- we have conflicting
6 opinions on both sides and I don't think we have
7 any real hard data to add another regulation when
8 we should probably follow-up and make sure that the
9 regulation that is currently in place is being
10 enforced and the people in the area are educated.

11 THE CHAIRMAN: Corporal.

12 CORPORAL MACKALL: As far as speeding
13 during the week you don't have any data on that
14 because there is no speed limit during the week,
15 there is no speed limit during the week. I mean
16 this problem is happening all week long, but there
17 is no speed limit so there is no enforcement for it
18 during the week, that's what we're saying with
19 that.

20 MR. JONES: Okay. The problem that I
21 heard being addressed was wake not speed so my

1 question is were there citations for wake?

2 CORPORAL MACKALL: No. As far as wake,
3 with wake you have speed but there has been no
4 citations for wake alone. For that we need to have
5 a vessel, we need to have numbers, we need to have
6 something concrete, somebody who would be there to
7 verify, yes, that's definitely the person, that's
8 the marking on the boat, so there is no citations
9 during the week for wake at all.

10 MR. PARLIN: Excuse me. I'm kind of on
11 the fence with this one, I have heard good
12 arguments from both sides and some of the video
13 evidence does show there are some problems there.
14 Unfortunately, some of that I think is the design
15 of the marina, the slips, they're narrow and long
16 therefore the boats have to put out, you know, very
17 long lines which allows them to move around quite a
18 bit, the boats that are put in their slips bow
19 first rather than pointing bow out to the waves, I
20 mean that's, you know, that is what it is. I don't
21 agree that it should be the entire area, the entire

1 length of that area, and I would like to make a
2 motion -- I can make a motion to do -- to amend --
3 to ask for an amendment then to move the line from
4 the point of the Hammock to the red 12, that's a
5 natural line for some reason going across Orchard
6 Point.

7 MR. GRANT: I believe, let's do this,
8 hold on a second --

9 MR. PARLIN: You can look at that and
10 unfortunately some of folks that are here
11 complaining about the wakes are going to end up
12 with more of a problem because that line over on
13 the left hand side of Ventnor the boats are going
14 to slow down there and it's going to throw a wash
15 at all of the slips that are facing that creek.

16 MR. GRANT: That red line is on the
17 current weekend line, this is the actual speed
18 rates for the area, six knots Saturday, Sunday and
19 holidays, Back Creek and Main Creek, and this small
20 creek down here, so the red line starts at the
21 beginning of weekend zone, rather than putting

1 another line in there --

2 MR. PARLIN: Makes sense. I don't know
3 why we would exclude that little cove below it, you
4 really can't do anything in there.

5 THE CHAIRMAN: Thornell.

6 MR. JONES: I still don't see how
7 changing the speed limit during the week is going
8 to affect people controlling their wake on weekends
9 and right now they're not controlling their wake on
10 weekends so I don't see how changing the regulation
11 during the week is going to get them to change
12 their wakes during the week.

13 THE CHAIRMAN: Good point. John.

14 MR. PEPE: I heard a lot of people talk
15 about boat damage, safety and using what they
16 brought this claim to us about was safety and
17 damage issues and in asking questions I didn't hear
18 of one insurance claim. I didn't hear of one
19 person that was injured, no reports. DNR also said
20 they had not filed any reports for wake damage to
21 any boats in the marina, so I want to hold that out

1 to the committee.

2 MR. SIMON: I would like, I would
3 like -- just can you tell me -- I don't need it --

4 MR. LUNSFORD: You had a question about
5 John's comment.

6 MR. SIMON: I couldn't hear John's
7 comment to say I agree with it or I want to go
8 along with it.

9 MR. PEPE: Al, yeah, I apologize. Can
10 you hear me now? Al, what I was saying was this,
11 this citation or this proposal was brought to us
12 based on safety, damage that was caused by, to
13 boats in the area and specifically these two
14 marinas and everybody that came presented their
15 case to us was talking about boat damage, was
16 talking about the injuries and things that were
17 occurring but we haven't seen, there was no reports
18 of any insurance claims that were filed for damage,
19 there was no injury reports filed, the DNR officer
20 that was here said they had not written any
21 citations for wake damage to any of the boats in

1 the marinas in the recent past, so I just hold this
2 up to the committee as something to think about in
3 formulating your decisions.

4 MR. SIMON: Thank you. Very good.

5 MR. PARLIN: I do believe there was one
6 gentlemen that said he did file an insurance claim,
7 there was one that said he filed a claim.

8 MR. PEPE: I stand corrected.

9 MR. PARLIN: And the officer mentioned
10 there had been several people in passing with him
11 talking that have complained about running from
12 boats -- no true reports.

13 MR. PEPE: No true reports.

14 THE CHAIRMAN: Anymore discussion, more
15 discussion? We have a motion on the floor and a
16 second and the motion is to, Steve.

17 MR. KLING: Six knots at all times
18 during the boating season within the designated
19 area, weekend speed limit.

20 THE CHAIRMAN: Anymore discussion on
21 that before we call for the question?

1 MS. TROVATO: I'm very concerned about
2 this citizens whose waterfronts will be impacted by
3 the six knots at all times. We heard from a few of
4 them who lived across the creek from the marinas
5 and this will impact their use of the waterway in
6 the way that they had hoped to use it, for
7 waterskiing, they said it would adversely impact
8 that and would adversely impact jet skiing and I
9 am, you know, our job is to look out for everybody
10 that wants to use the waterways and I share their
11 concern, I share their concern of those citizens
12 who own property in the area and won't be able to
13 enjoy it the way they had intended. I am equally
14 concerned about the safety issues for the folks on
15 that dock, so I would like, I'm hoping somebody on
16 the committee has some idea of what we can do other
17 than six knots at all times during the boating
18 season, something more of a compromise along the
19 way.

20 MR. SIMON: Why not make it a trial
21 period in boating season? My only comment was if

1 there was a question why can't we try it out for a
2 boating season?

3 MS. CRAIG: How about a suggestion of
4 this being a targeted area for enforcement by the
5 NRP so that we can get further factual data if
6 there really is a problem here?

7 THE CHAIRMAN: Bob.

8 MR. BUSH: I would also like to add to
9 that that if we decide to have enforcement for one
10 area we, we get the results of that at the end of
11 the next boating season and maybe allow the public
12 an opportunity to come back in and make their
13 presentation when we have more facts; is that what
14 you had in mind?

15 MR. JONES: Well, I think that one more
16 thing that should be added to that would be to ask
17 that the NRP collect boater safety education
18 information from the people that messed up in that
19 area during the survey.

20 MR. KLING: I think that's inappropriate
21 and I would just direct, ask that you consider the

1 factors that we're chartered to consider and impact
2 of age and boating safety training is not part of
3 our charge.

4 MR. JONES: Yes, it is.

5 THE CHAIRMAN: Bob.

6 MR. LUNSFORD: Well, should this motion
7 fail there are two other options which we may want
8 to discuss, one would be a simple deferral with a
9 request for some additional buoys and signage in
10 the area, survey it again next summer and repeat
11 this process again next year. The other one that
12 we can discuss is there is a regulation on the book
13 down in Mill Creek at Saint John's Creek in Calvert
14 County that has a size dependent speed limit, boats
15 17 feet and over -- boats over 17 feet, excuse me,
16 are restricted to six knots at all times, 17 feet
17 and under do not have a speed limit, that way if
18 you have a small skiff, you can go out and enjoy it
19 but if you have a larger boat that pulls a larger
20 wake you're asked to slow down, both of those
21 discussions have to wait until the current motion

1 is voted on.

2 THE CHAIRMAN: Anymore discussion?

3 MS. SMITH: I just thought it might be
4 valuable if we shared our site visits since there
5 are a number of us and there were several different
6 site visits. I was out there maybe one boat went
7 by and he was keeping to the speed, was not
8 throwing a wake and there were, you know, it was
9 midweek, so did anybody see this as kind of
10 egregious behavior?

11 MR. CHAIRMAN: I didn't.

12 MR. BUSH: I visited the site and we did
13 not see a wake from any boat that went past have
14 any effect on any boat in the dock but that was
15 only, we only saw one boat. I think, we were there
16 for probably an hour.

17 THE CHAIRMAN: Anymore discussion on the
18 motion that's on the floor?

19 MR. KLING: Well, just responding to
20 that request, I was up there three times, I have a
21 very good personal friend that lives about four

1 piers, five piers down and I think we spent two and
2 a half hours sitting out on his dock. Now, we were
3 drinking beer so I'm not sure the efficacy of my
4 observation part of the time, but there was
5 actually, you know, probably 12 boats that went
6 through that area at speed, 12 to 14 in that
7 evening in the two and a half hours. It was a
8 Thursday evening but I would not describe the
9 behavior as egregious, they were legal going
10 through at speed.

11 THE CHAIRMAN: Anymore discussion?

12 MR. SIMON: I don't want -- I don't need
13 the mic.

14 MR. GRANT: Yeah, do you.

15 MR. SIMON: I agree with what he just
16 said -- but there were sites that we as a
17 committee, for example, went to Ocean City and
18 stayed there maybe better than half a day to
19 confirm there was or was not a problem and what
20 he's saying has got a lot of merit that he was
21 there for a couple of hours and nothing happened.

1 THE CHAIRMAN: More discussion or we
2 call for the question? We do have a motion on the
3 floor and a second. We do not have an amendment to
4 that motion that you made, Steve. Anymore
5 discussion? I'm going to call for the question.
6 All in favor of the motion that we have the six
7 knots at all times during the boating season only
8 in that area outlined vote by raising your hand and
9 Mike will make sure that we get a count on that.
10 Bob, all of those in favor of that motion raise
11 your hand.

12 (Vote taken.)

13 MR. GRANT: One.

14 MR. BUSH: Make it two.

15 MR. GRANT: Two in favor of the motion.

16 THE CHAIRMAN: All of those opposed to
17 the motion raise your hand.

18 (Vote taken.)

19 MR. GRANT: One more time, Steve. Raise
20 up high.

21 MR. GRANT: 12.

1 THE CHAIRMAN: 12 opposed to 2 for the
2 motion. Motion killed.

3 Now, we're going to go back again and
4 ask for another motion. Bob.

5 MR. LUNSFORD: I would vote that the
6 committee recommend for a continuance of this issue
7 to allow us one more boating season of study, that
8 along with that we request additional buoys and
9 signage be placed in the area and that we revisit
10 this question after another season of survey work
11 in the area.

12 THE CHAIRMAN: And would you request
13 that we have another meeting after that?

14 MR. LUNSFORD: We go through this whole
15 process again.

16 THE CHAIRMAN: The whole process again
17 after the next boating season. Do I have a second
18 to that motion?

19 MR. PARLIN: Second.

20 MR. BUSH: I second.

21 THE CHAIRMAN: We got a second. Now,

1 discussion on that motion. Any discussion on the
2 motion? Motion is --

3 MS. TROVATO: I liked Amy's suggestion
4 about targeted enforcement, can we add that into
5 this and include that as part of the recommendation
6 back?

7 MR. LUNSFORD: My only hesitation in
8 doing that is with every action there is an
9 opposite and equal reaction, that means that
10 somebody else isn't going to get as much
11 enforcement and I don't know what the issues are in
12 the adjacent areas up here well enough to know
13 whether or not we can do that but we can certainly
14 mention that if it doesn't adversely impact other
15 areas this targeted enforcement with particular
16 emphasize on wake education for boaters be an
17 emphasize for the unit.

18 MS. TROVATO: Well said.

19 THE CHAIRMAN: Mike.

20 MR. GRANT: Can we employ the NRP
21 auxillary?

1 MR. LUNSFORD: They, certainly they
2 would be a wonderful --

3 MR. GRANT: That way it wouldn't
4 preclude any enforcement on the bay.

5 MS. TROVATO: Great idea.

6 MR. LUNSFORD: I would like to amend my
7 motion to include that we request some enforcement
8 both from the Natural Resources Police and that
9 they request the National Resources Police, I think
10 the reserve officers --

11 CORPORAL MACKALL: Reserve officers.

12 MR. LUNSFORD: -- be included in that
13 and they be asked to provide some wake education in
14 the area along with the boating safety inspections
15 and the other things, the other wonderful things
16 they do.

17 MR. PARLIN: I just want to speak then
18 in favor of this because I don't think we can walk
19 away from this issue. There is an issue here,
20 there is no doubt, I acknowledge what the folks in
21 those marinas are going through. Again, I think

1 the problem is many fold between design of the
2 marinas, tying of the boats, the idiots up the
3 creek that are not paying attention to the wake as
4 they blow by the marinas and I think it's, the
5 buoys is going to help, going to get people to
6 pay attention, hopefully pay attention and I offer
7 to the folks that live up the creek to talk to your
8 neighbors, educate them as well, because it's real
9 easy to shut these areas down if it doesn't stop.

10 THE CHAIRMAN: Louis.

11 MR. WRIGHT: Bob was going to ask about
12 additional marking, is there any particular place
13 where he's talking about, the one on the outside
14 are about, buoys are about a hundred yards apart.
15 Does Bob have any idea about where you want to have
16 extra markings?

17 MR. LUNSFORD: Given the current
18 location as I understand where the markings are I
19 would guess that one off the fuel dock at Ventnor
20 and one someplace between the Hammock marina and
21 the buoy number 12 where the folks come around the

1 corner, where they come around marker 12.

2 MR. WRIGHT: Mike, go to the one with
3 the blow up picture.

4 MR. PARLIN: Can you go to the one that
5 was the possible amended area, that might be
6 better?

7 MR. GRANT: This one.

8 MR. PARLIN: No, the other one that has
9 the possible amended area. There you go.

10 MR. WRIGHT: Because what we've got is
11 there is a buoys out there at the number 12, there
12 are two more on this line and then there is a slow
13 buoy or caution buoy out here and then there is
14 Mike's notice buoys out there so I'm just trying to
15 figure out where we can put more buoys so that
16 would be not an issue.

17 MS. TROVATO: Up the other end.

18 MR. WRIGHT: Up here?

19 MR. GRANT: This, this -- right, this
20 rectangle is an amendment, if you consider this
21 green, this is the original request, the red plus

1 the green, this was all, this is a suggestion by
2 John Sheller and he couldn't be with us today, to
3 reduce the size, but you're talking about putting
4 caution buoys out here?

5 MS. CRAIG: At the red green line.

6 MR. LUNSFORD: Red green line.

7 MR. GRANT: There is the requested area
8 as opposed to the area --

9 MS. TROVATO: But the goal is to get the
10 boats to slow down so they don't impact the docks.

11 MR. GRANT: I just want to be sure.

12 MR. WRIGHT: A lot of it is make sure
13 you know where you want to put them, it would be
14 very easy to put a buoy there or we can put one
15 there.

16 MR. LUNSFORD: Where is the closest one
17 to the gas dock, Louis?

18 MR. WRIGHT: There is a caution buoy
19 right out in there.

20 MR. LUNSFORD: Is there a similar
21 caution buoy down around the Hammock, anywhere

1 else?

2 MR. WRIGHT: No, there is a line that
3 runs across.

4 MR. GRANT: There is something here,
5 Louis.

6 MR. WRIGHT: There is two buoys that go
7 down to the Orchard Point.

8 MR. GRANT: The speed buoys are down
9 here.

10 MR. WRIGHT: Yeah, and there is a buoy
11 at red 12 and then there is a speed limit off of
12 here.

13 THE CHAIRMAN: Any markings on the fuel
14 pier at all?

15 MR. GRANT: Two caution signs on either
16 end of building on the fuel pier, right here
17 (indicating).

18 MR. WRIGHT: There is a caution sign
19 down here and right here.

20 MS. TROVATO: Where is the pump out?

21 MR. WRIGHT: Right there.

1 MS. TROVATO: On the fuel dock.

2 MR. GRANT: At the north end of the fuel
3 pier.

4 MR. PEPE: Shouldn't these markers go a
5 little before the regulated areas on both sides
6 as's an awareness sign?

7 MR. GRANT: Approaching them?

8 MR. PEPE: Exactly.

9 MR. GRANT: That would be out here.

10 MR. PEPE: There and at 12.

11 MR. LUNSFORD: I think if we did a
12 regulation it could cause us more grief than it's
13 worth.

14 Louis, to answer your question directly,
15 I don't have a good suggestion at this time, but
16 I'm perfectly willing to go with Mike or at the
17 time of his choosing to visit the area again to
18 make sure that I don't suggest we put a buoys in
19 the normal traveled thoroughfare where somebody is
20 going to run into it one night.

21 MR. WRIGHT: That's not so much the

1 issue, it's more that we put it here, here, here,
2 you know.

3 MR. LUNSFORD: Near the gas dock and
4 near the Hammock, but it's separate from the
5 regulatory buoys that are already in place.

6 MS. TROVATO: Maybe Corporal Mackall has
7 some thing to add.

8 CORPORAL MACKALL: I suggest no more
9 buoys.

10 MR. GRANT: No more?

11 CORPORAL MACKALL: You don't need
12 anymore buoys, that's a well marked area, it's a
13 matter of people not knowing how to operate a boat
14 and people that are ignoring the zone.

15 MR. LUNSFORD: They're ignoring the
16 zone?

17 CORPORAL MACKALL: I mean that's it,
18 Saturday, Sunday, holiday, everybody can say I
19 didn't realize this or that. If it's all time,
20 it's all time, there is no question it's all time.
21 You won't have the wake damage during the week, you

1 won't have it on the weekend, it's all time.

2 MS. TROVATO: Well, if they're ignoring
3 it right now, why would they start not ignoring it
4 later?

5 CORPORAL MACKALL: That's it. They have
6 the excuse it's a holiday, Labor Day Monday, why is
7 it not a holiday, I still write the ticket, it
8 doesn't matter to me, but during the week there is
9 no regulations to enforce during the week, that's
10 what I'm saying. And as far as a wake, I mean
11 there's no real citation for wake. You know what I
12 mean, if it's a really extreme wake from like a 50
13 foot boat that's called negligent operation, you
14 write the ticket and that's it.

15 MR. WRIGHT: One of the issues with
16 putting extra speed zone buoys in here while you
17 have got in apparently well defined line out here
18 you might wind up creating confusion with people
19 does this line go from here to here to here, like
20 that as opposed to having a fairly sleek line that
21 you have now.

1 CORPORAL MACKALL: You have a start and
2 stop issue there. If you put them on the back end
3 where that little red triangle is, people are going
4 to think that did it stop here or did it start here
5 so you're going to have that confusion.

6 THE CHAIRMAN: We have a motion on the
7 floor, anymore questions?

8 MR. PEPE: Just a comment, up on the
9 Connecticut River in several areas they have
10 marinas that have similar layout to this, that they
11 stick out, protrude out into the river and they
12 actually have caution buoys right off the ends of
13 each of the docks, would that be a possibility
14 instead of putting these buoys out in the navigable
15 water to have the enforcement zone or six knot
16 enforcement buoys off of the end of docks so that
17 people see them, they're prominent, but not in the
18 flow of navigable waterway, somewhere around the
19 fuel dock where people can see them and not ignore
20 them?

21 THE CHAIRMAN: Thornell.

1 MR. JONES: Bob, what do you mean by a
2 caution buoys?

3 MR. LUNSFORD: I believe it says caution
4 you're responsible for your wake.

5 MR. JONES: That's it.

6 MR. LUNSFORD: That's the wording on it.

7 MR. JONES: That's the problem, wake,
8 not speed.

9 MR. WRIGHT: Not speed, basically you're
10 responsible for your wake which you are anyway.

11 MR. LUNSFORD: It's a courtesy buoy.

12 THE CHAIRMAN: Anymore discussion before
13 we call for the question? We have a motion on the
14 floor. Bob.

15 MR. LUNSFORD: The motion is that we ask
16 for a continuance of this discussion of this
17 proposal for another boating season, that
18 concurrent with that we request Natural Resource
19 Police and Natural Resource Police Reserve Program
20 to do some targeted enforcement in the area for
21 boat wake and to educate the public on the problem

1 and in addition to that if it's appropriate we will
2 place additional caution you're responsible for
3 your wake buoys in the area, the gas dock and the
4 Hammock marina.

5 THE CHAIRMAN: We had -- go ahead.

6 MR. BUSH: The policeman here, the
7 officer said there is no enforcement on a wake so
8 therefore there is no point in even discussing, I
9 mean they could be looking for, what, reckless
10 driving or what do you call it, operation of a boat
11 or exceeding the speed limit, but am I correct,
12 there is no --

13 CORPORAL MACKALL: Yes.

14 MR. BUSH: -- there is nothing for
15 wake?

16 CORPORAL MACKALL: You're correct.

17 THE COMMISSION: Okay, the motion that
18 we just stated and we do have a second on the
19 motion and I'm going to call for the question if
20 there is no more discussion. Hearing no more
21 discussion, I'm calling for the question. You want

1 to take a count, Mike.

2 MR. GRANT: I'll try.

3 THE CHAIRMAN: All in favor of the
4 motion raise your hand.

5 (Vote taken.)

6 MR. GRANT: 12.

7 THE CHAIRMAN: All opposed to the motion
8 raise your hand.

9 (Vote taken.)

10 MR. GRANT: Two, same thing. So the
11 motion carries --

12 MR. KLING: Different two.

13 THE CHAIRMAN: Motion carries, we're
14 going to proceed to take that motion into
15 consideration and do the things necessary for the
16 next boating season to see how that affects it.
17 That's over.

18 As a committee we have a few things that
19 we need to do before we leave each other. Is there
20 any old business that we need to discuss? Old
21 business? Any old business, any new business? New

1 **business?**

2

(Hearing adjourned 1:14 p.m.)

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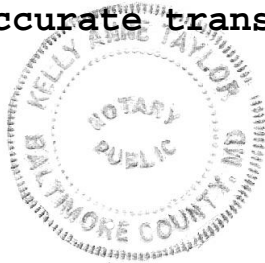
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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

3

4 I, Kelly A. Taylor, a Notary Public in
5 and for the State of Maryland, County of Baltimore,
6 do hereby certify that the foregoing is a true and
7 accurate transcript of the proceedings indicated.

8



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Kelly Anne Taylor

Kelly A. Taylor, Notary Public

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