

Boating Safety & User Conflicts Committee
Meeting Minutes & Notes

Date: February 27, 2004

Time: 7:00-9:57pm

Place: Village Hall

Meeting called to order by: Chairman Tom Porps

Committee Members in Attendance: Porps, Baratti, Baxa, Hass, & Walsh (acting secretary).

Lake District members not in attendance: Bletsch, Meyer, Smith, Vardon.

Lake District Commissioners in attendance: Darrel Stoen, Dean Griffin

Indian Point: Mike Calderone, David Hansberger, Olga Kiriluk, Ellaine Kiriluk, Chuck Rabiola, Dale Wrycha

Others in attendance: District Steering Committee Chairman Robert Livingston, Pam Becker, Tom & Barb Calkins, James Rukas, Joy Calderone.

Motions made:

1) To approve the January 16th minutes subject to two Changes: Chairman Porps contacted the independent surveyor not Baxa and Ken Zamazal commented that he personally favored much longer no wake hours (7pm to 10am) than the compromised ordinance as passed and that he and others favored removing all boats from the lakes. A motion to approve minutes of the November meeting with corrections; made by Hass, seconded by Baxa, approved by the Committee unanimously.

2.) A Motion and Resolution of the Twin Lakes Boating Safety and User Conflicts Committee on February 27, 2004 by Bill Hass.

Whereas, the Village Trustees who originally were strongly in favor of and promoted the 8PM to 9AM no wake ordinance as a compromise (to a 7pm to a 11am no wake proposal suggested by unnamed parties) attended the January 31, 2004 Wisconsin Association of Lakes Workshop in which proper planning and at User Conflict procedures were discussed.

Whereas, the vast majority of the members of the Boating Safety and User Conflicts Committee believe that there has not been adequate proof of a quality of life issue and that the Condition Report filed with the Wisconsin Department of Natural Resources was inaccurate and misleading.

Whereas, an examination of the Village files has not provided any evidence of the quality of life issues related to all watercraft.

Whereas, an examination of the Village files indicates strong opposition to any additional regulation of Lakes, and a desire for people to get involved to improve the quality of Lakes.

Whereas, no list exists naming persons in favor of increasing the no wake hours of "all watercraft".

Whereas, the Village Board did not post an advance copy of the no wake ordinance that involved "all watercraft" for public discussion comment prior to voting on the ordinance.

Whereas, the Village Board has not followed Roberts Rules of Order in considering rescinding the ordinance at their November, 2003 meeting.

Whereas, pages 172,173 and 174 of the text, "How's the Water? Planning for Recreational Use on Wisconsin Lakes and Rivers" at the January 31st 2004 workshop, clearly suggest a five step process for ordinance development that has not been followed in the matter of the no wake ordinance. Please note specifically that these steps include considering a "Courtesy Code" before even the first step. And the five steps are:

-- Step 1: Convene the necessary stake holders.

- Step 2: Understand the resources and the watershed.
- Step 3: Consider the future of the Lake and what you want to accomplish.
- Step 4: Consider all the management alternatives.
- Step 5: Draft ordinance and gather public input.

**Now therefore, the Boating Safety and User Conflict Committee, has compiled a detailed report and again requests that the Wisconsin Department of Natural Resources be informed of the inadequacies in the Condition Report and the no wake ordinance be rescinded by a proper vote of the Village Board as soon as possible, so that a "Courtesy Code" and the proper 5 Step Process can be completed.
Second: Jim Walsh, approved unanimously on February 26, 2004.**

Meeting Notes

Old Business:

1. Indian Point 7 Pier Issue -Members of the committee conducted a lengthy discussion of the Indian Point 7 (IP7) pier issue. At the recommendation of Chairman Porps, Member Baratti recused himself for this portion of the meeting. Chairman Porps reviewed the issues and discussed the advantages of a settlement. IP7 member Calderone said that he built a new home and other IP7 members built or remodeled their homes based on their use of the pier. Adjacent property owner Hansberger said that DNR guidelines require 50' minimum for a pier, and the fire lane right-of-way is less than 50'. IP7 member Rabiala said the IP7 now have 5 boats, but had 6 boats at one time. IP7 member Wrycha said they pay taxes for the pier access because the Assessor increases their assessment 30% based on their use of the pier. Adjacent property owner Olga Kiriluk said that during her 46 years, a small pier had always been in place. Hass read a section from "Public/Private Rights" making the point that most rules have exceptions, and an excerpt from "Easements & Placement of Piers" and Wisconsin state statutes stating that holders of easements who are not riparian owners can continue to place piers where the easements were prior to 12/31/86. In a discussion of the origin of the dispute all parties agreed that there had been no problem until former trustee Swanson discussed sale of the land, which led members of the association to seek an agreement from the adjoining property owners confirming their right to a pier. David Hansberger said that he did not want to encumber his land with an agreement that could potentially result in a future restriction on his pier or lake access. He might consider an agreement with a limit of two boats. Chuck Rabiala of IP7 said that they could not reduce the number of boats to two. Hansberger said that he did not intend to file a suit to stop the use of the pier by IP7 provided that his access was not restricted. Chairman Porps recommended that no change be made and the parties continue as they had in the past without an agreement. Commissioner Stoen will report to the Village Trustees that the adjacent owners won't object to the continued use of the IP7 pier, but they will not formalize a pier agreement acceptable to the IP7 group at this time.

2. No Wake Conflict – No new Input from Proponents of increasing NO Wake TIMES -Jim Walsh reported that he talked to Ken Zamazal immediately following the January 16th meeting. Walsh reported that he gave Ken Zamazal his card with phone numbers, and asked him to call with names of persons who could give the committee input on alternate lake use perspectives and people who favor increasing no wake time. As of this meeting, Ken Zamazal has not responded. Hass noted he made similar verbal requests to trustee Jeff Gresenz at the January 31, 2004 Wisconsin Association of Lakes Workshop and numerous times previously and Jeff has failed to produce a list as of this meeting.

3. Research on No Wake Conflict –Summary of Document Binder Completed:

Bill Hass read the attached report from the January 31, 2004 Wisconsin Association of Lakes Workshop and reported on sections of the Workshop book “How’s the Water” noting that lakes of different sizes with different traffic and uses have different requirements. As a result of the January 31, 2004 Wisconsin Association of Lakes Workshop, Hass recommended a “Code of Conduct” to improve the sharing of the lake between different types of users and proposed a motion which was amended and discussed. Discussion resulted in Motion #2 above as passed. Trustee Stoen said he would get the NO WAKE issue up before the board ASAP and up for a re-vote immediately after the new board is seated in April.

Hass called on committee volunteer Pam Becker to turn over the document research binders members of the committee helped to create and summarize. Pam Becker presented the document research binders containing an index, summary and hundreds of pages of documents to the committee for future use and review. These working binders were compiled by obtaining village documents through personal Freedom of Information Act submissions by committee members as private citizens and volunteers. They contain a very detailed history of the background of the PWC issue and no-wake ordinance. Hass said that his review of the documents in the binders proves beyond a question that there is no justification for the 2003 NO WAKE ordinance and/or further regulation of NO WAKE hours. Becker commented , "We were repeatedly told in public meetings and newsprint that there were numerous emails and letters in the village files requesting further limits on wake time and Personal Watercraft. The review indicates only one such letter exists and that is from Vera Boone. The Vera Boone letter dated July 7th, 2003 requested a ban on PWCs, not all watercraft and failed to offer alternative solutions." However, Becker continued, “the Vera Boone letter was the only letter attached to public meeting documents despite the fact that scores of letters and emails in the file with dates prior to July 7th strongly opposed any changes in regulations. The working document binders contain the letters and emails to the Village which focus mainly on Personal Watercraft

problems. In fact, the correspondence shows that the "Quality of Life" would be damaged by additional regulation. The files clearly indicate hundreds of people were opposed to additional regulation and no request for additional regulation of no wake hours for all watercraft was found. Despite the outpour of comments opposed to any additional regulations on the lakes, the village board passed an ordinance increasing no wake times without proper support". Trustee Stoen and Griffith said they were impressed with the work product and made some suggestions to improve the acceptance by other trustees. Trustee Stoen said he would like to have the loan of 5 binders for the Village board to review. Trustee Stoen acknowledged we now have the proof that the file contained no letters in support of the no wake issue.

New Business: -

- 1. Lake Ripley Report:** Trustee Griffin asked the Committee to review the Lake Ripley Watercraft Census & Recreational Carrying Capacity Analysis". Copies were distributed to the members. Hass commented that this is the type of study that should have been completed before additional regulation was passed.
- 2. Other Lake Regulations:** Chairman Porps will distribute copies of the current regulations for review at the next meeting.

Next Meeting scheduled March 19th, 7:00 PM.

By _____
James R. Walsh, Acting Secretary for the meeting

Attachments for reference:

Report on January 31, 2004 Wisconsin Association of Lakes Workshop dated February 4th.

To: Twin Lakes Boating Safety and User Conflicts Committee

From: Bill Hass

Date: February 4, 2004

RE: Report and "Action Items" as a result of the January 31, 2004 Wisconsin Association of Lakes Workshop

I attended the Lakes Workshop, Saturday, January 31st sponsored by the Wisconsin Association of Lakes as your representative.

I found the workshop helpful and have tried to distribute some advance reading material from the book "How's the Water: Planning for Recreational Use on Wisconsin Lakes and Rivers" on which the workshop was based as follows:

Chapter 4 -- Managing Conflicts -- to: Porps plus 2 extra, Baratti, Baxa, (via Jim Baxa) and Smith and Walsh (via my personal delivery)

Copies of Chapter 4 only were also sent priority mail to the 3 parties involved in the Indian Point issue.

Sections of Chapter 3 (pages 170-176)- Dealing with Factors to consider before adopting an ordinance and Chapter 5 (pages 215-227) dealing with Developing a recreational use (and safety) plan for your lake were also sent or made available to Porps, Baxa, Baratti, and Walsh. We should give copies of both Chapter 4 and the above sections to all committee members at or before the February 6th meeting for future reference.

The speakers at the workshop followed much of the material described in the book. I would recommend the complete book be distributed to each member of the steering committee and have inquired for discount pricing.

Also in attendance at the January 31st Workshop were Village Trustees Kathy Zamazal, Jeff Gresenz, and Dean Griffin. Steering committee members Judy Joss and Robert Livingston were also in attendance. The audience was composed of over 300 people from the Southeastern Wisconsin lakes. When the audience was asked, only two(2) people raise their hands as jet ski owners. The speakers made it clear that it was impossible to regulate jet skis by themselves.

The spirit of the meeting was a positive one. Speakers dealing with conflict resolution clearly indicated that forcing a "compromise solution" without an adequate amount of input and discussion from residents does not achieve desired objectives. Jeff Gresenz heard this message.

In another panel session dealing with a regulation and enforcement issues, Village President Kathy Zamazal heard from the Chief of the Water Safety Patrol of Lake Geneva that "education" is probably more valuable than regulation and enforcement. The panelists also said that regulation should be "tailored" to the specific and unique Lake patterns and issues. Therefore, I suggest that this committee consider a "Code of Conduct" in place of the proposed increase in no wake hours. In addition, because Lake Mary and Lake Elizabeth have different use characteristics, planning for regulations should be different for each lake.

In the final session which dealt with establishing a plan for the lakes, I asked the specific question of the speakers: "What happens when you try to shortcut the planning process?" They clearly respond with the answer which our Trustees heard: "**When you short-cut the planning process you are planning to fail ...and likely to cause litigation.**"

In my eyes, the workshop clearly supports the continuing position of this committee that the Village Board did not follow the proper procedures in enacting the no wake ordinance for all watercraft. By limiting discussion and not completing the formal planning process, they have created unnecessary user conflict and safety issues from complaints about Personal Watercraft(PWCs). Therefore, I have the following motion to propose as attached.

PS. The book prices are reasonable:

Yes, we have permission to make limited copies. However, Pricing on How's The Water varies.....individual copies sells for \$21.95 each; 2-4 copies sells for \$19.95 each; 5-9 copies \$16.95 each; 10-19 copies \$14.95 each and case of 21 for \$12.75 each. All of course is plus shipping & handling. The cost of shipping a case to Twin lakes is \$12-15.00