

Waterways Discussions – 01/12/2016, 02/09/2016 and 3/8/2016
COSM Discussion – 01/27/2016, 2/10/2016 and 3/9/2016
Adopted – 04/27/2016

RESOLUTION 2016-04

A RESOLUTION OF THE COMMISSISONERS OF ST. MICHAELS TO AMEND THE PROVISIONS FOR THE RENTAL OF SLIPS AT THE DOCK IN THE WATERMEN’S HERITAGE PARK TO SATISFY PROJECT FUNDING REQUIREMENTS OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES; AND TO MODIFY PROVISIONS FOR THE RENTAL OF SLIPS IN THE TOWN HARBOR WITH REGARD TO WATERMEN

WHEREAS, the State of Maryland holds title to State tidal wetlands in a proprietary capacity, in trust for the benefit of the people of Maryland; and

WHEREAS, subject to reasonable regulations, the owners of land bounding on navigable water are entitled to make certain improvements into the water in front of the land to preserve access to the navigable water or protect the shore against erosion, and after an improvement has been constructed, the improvement is thereafter considered the property of the owner of land to which the improvement is attached; and

WHEREAS, The Commissioners of St. Michaels (the “Commissioners”), a municipal corporation, has been delegated certain police powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the placement of improvements within its waters, and the right to control the use and development of riparian property including the ability to zone and regulate submerged land; and

WHEREAS, Chapter 333 Waterways Management and Chapter 340 Zoning of the St. Michaels Town Code dictates the use of waters and lands in the Town of St. Michaels; and

WHEREAS, Chapter 333 Waterways Management of the St. Michaels Town Code defines a “Watermen’s Heritage Park” as, a designation granted by the Commissioners of St. Michaels in recognition and appreciation of the historic contribution of Talbot County watermen to the character and development of the Town of St. Michaels and their continued efforts to preserve the culture and a way of life indigenous to the Chesapeake Bay. “Watermen’s Heritage Park” shall only be designated on public lands adjacent to Other Waters of the Town; and

WHEREAS, the St. Michaels Comprehensive Plan states that “the Town recognizes the positive economic impact an active harbor has on the economic success of St. Michaels and shall encourage continued uses associated with an active harbor” and shall “continue to explore opportunities to preserve the working Watermen’s heritage associated with St. Michaels”; and

WHEREAS, The Commissioners of St. Michaels adopted Resolution 2016-01 at their meeting on February 10, 2016, declaring lands in a portion of Back Creek Park and adjacent public right-of-ways or uses of land, as a Watermen’s Heritage Park in the Town of St. Michaels; and

WHEREAS, The Commissioners of St. Michaels, in Resolution 2016-01, declared that the Town shall lease the slips on the Town-owned dock at the foot of West Chew Avenue (the “Dock”) to

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Waterman with an active Maryland Commercial Fisheries License to berth their vessels and offload catch; and

WHEREAS, the Maryland Department of Natural Resources (the “DNR”) subsequently notified the Town that while the Town could give preference to Watermen with an active Maryland Commercial Fisheries License, the Town may not declare the boat slips at the foot of West Chew Avenue for the exclusive use by commercial Watermen, and remain eligible for the existing Waterways Improvement grant awarded by the DNR; and

WHEREAS, the Commissioners continue to support the Waterman’s Heritage Park as described in Resolution 2016-01, and rely on State funding to make substantial improvements to the Dock, thereby encouraging and sustaining the working culture and economy that comes with having an active Watermen industry in St. Michaels and surrounding region; and

WHEREAS, the Commissioners desire to give preference to Watermen for slips leased on the Town-owned dock at the foot of West Chew Avenue to berth their vessels and offload catch; and

WHEREAS, the Commissioners wish to continue to support the tradition and way of life of Maryland Commercial Watermen, by allowing Commercial Watermen with an active Maryland Commercial Fisheries License and a current slip holder in the St. Michaels Town Harbor, upon his/her death, permanent disability or retirement, to direct that the lease of his/her slip be will or transfer to another Commercial Waterman who also maintains an active Maryland Commercial Fisheries License; and

WHEREAS, in an effort to further support, encourage and showcase the tradition and way of life of Maryland Watermen, the Commissioners wish to give preference to Commercial Watermen with an active Maryland Commercial Fisheries License, for slips that lie along Honeymoon Bridge in the St. Michaels Town Harbor.

NOW THEREFORE BE IT RESOLVED, that the under the following provisions, the Town shall lease the slips on the Town-owned dock at the foot of West Chew Avenue to Watermen with an active Maryland Commercial Fisheries License to berth their vessels and offload catch. Should a slip be vacated by a Waterman, with no demand from other Watermen for said slip, and remain vacant for one year, the slip may be rented to a recreational boater with a valid Maryland Boat Registration; and

BE IT FURTHER RESOLVED, Commercial Watermen with an active Maryland Commercial Fisheries License and a current slip holder in the St. Michaels Town Harbor, upon his/her death, permanent disability or retirement, may direct that the lease of his/her slip be willed or transferred to another Commercial Waterman who also maintains an active Maryland Commercial Fisheries License; and

BE IT FURTHER RESOLVED, a Commercial Waterman shall have the ability to renew slip lease agreements in the St. Michaels Harbor and Watermen’s Heritage Park from year to year so long as he/she maintains an active Maryland Commercial Fisheries License, follows all

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regulations governing slip leases in the Town of St. Michaels, and operates a commercial Watermen’s vessel, as may be verified by the Maryland Department of Natural Resources. The number of transferrable or willed Watermen’s slips in the St. Michaels Town Harbor, excluding slips along Honeymoon Bridge, shall not exceed fifteen slips; and

BE IT FURTHER RESOLVED, the Commissioners wish to give preference to commercial Watermen with an active Maryland Commercial Fisheries License for the slips that lie along Honeymoon Bridge; and

BE IT FURTHER RESOLVED, a slip holder shall be limited to leasing one slip from the Town in the St. Michaels Town Harbor and one slip from the Town at the Watermen’s Heritage Park to enable access to separate tributaries, the Miles River and the Choptank River; and

BE IT FUTHER RESOLVED, that Joanne Clark, President of the Commissioners of St. Michaels, is authorized and empowered to execute any and all documents required for submission of the application;

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect upon the date of its adoption.

THIS RESOLUTION 2016-04 HAVING BEEN PASSED by the following yea and nay vote of the Commissioners of St. Michaels on this date, 27th day of April 2016.

Borders	-	_yea__
Clark	-	_yea__
Harrod	-	_yea__
Myers	-	_yea__
Winton	-	_yea__

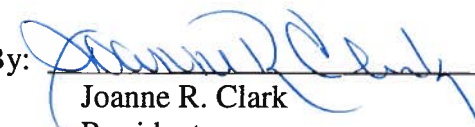
I HEREBY CERTIFY that Resolution 2016-04 was passed by a yea and nay vote of the Commissioners of St. Michaels on 27th day of April, 2016.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS



Jean R. Weisman
Town Clerk/Manager

By:  (SEAL)

Joanne R. Clark
President