



April 14, 2021

Dear AYC Members and Friends,

If 2020 was the year of “Cancelled”, 2021 looks to be the year of “Tentative”. The 2021 AYC Event Calendar includes dates for the events that make our summers something to look forward to, but many of them are listed as “Tentative”. As the year goes on, the board will send regular communications to members confirming these events. You will also be able to see confirmed events on the AYC web site ([aycwayne.org](http://aycwayne.org)). In the meantime mark your calendars and hope that 2021 will be “Confirmed” all year long.

One ‘Confirmed’ event is Docks-In and Cleanup day on May 15<sup>th</sup> starting at 8am. This event will be open to all members who are willing to help. Please plan to wear masks and observe social distancing to the extent requested by the State of Maine CDC at that time. Once docks are in and the porch opened, please continue to observe CDC guidelines for social distancing.

The AYC hopes to be able to offer at least one session of swimming lessons in 2021 if State of Maine CDC guidance allows it. The club does not currently have a swimming instructor on staff. If anyone knows of a candidate, please let one of the board members know.

Many of you know that we lost a beloved board member this winter. The Vice Commodore, Glenn Tryner, was ever-present at the clubhouse helping with maintenance or assisting other club members. He was infectiously happy and upbeat, and we will miss him very much. Dave Stevenson has volunteered and been voted by the board to fill Glenn’s seat, and Amy Black has kindly agreed and been voted to take over as Treasurer. We appreciate Dave’s 10 years of service as Treasurer, and Amy will be taking the only office on the board she has not done in the past. Thank you to both of these volunteers.

There is unfortunate news that after years of negotiation and legal efforts, the Maine Attorney General has determined that the Warden Service’s rules regarding moorings supersede the Wayne town ordinance. After so many years of AYC boats filling the cove, many will need to be relocated to follow Warden Service rules. Many moorings that have been in place for more than 50 years do not comply with the Warden Service rules. Please refer to the letter from the AYC lawyer, Walter McKee, included in this package for a history of the events and final ruling. The board is very grateful to Walter for his dedicated efforts to resolve this issue, and we also appreciate the actions of Wayne town select board, town manager, and town counsel who passed the ordinance and supported the AYC.

The result of the ruling is that boat owners who wish to be compliant with Warden Service rules will need to have their boats moored within 200 feet of shore, or no more than 1/3 of the distance between two shores that are closer than 600 feet. Many AYC boats are already compliant with these rules. If your boat is more than 200 feet from shore, and you want to move your mooring to be compliant, please ensure you find a location that leaves plenty of space for boats to swing and not contact each other. Also, please use the shortest chain and painter that is suitable to keep

your boat safe. It would be helpful if all boat owners could evaluate if their painters can be shortened to give more room to other boat owners. Please be courteous and refrain from moving anyone else's moorings. It would also be very helpful if all boat owners could mark their moorings and winter floats with their names and phone number. This is the best way for AYC members to be notified if their boat has broken loose.

For those who may not wish to move a non-compliant mooring, please see Walter's letter for the implications. If anyone receives a citation for a non-compliant mooring, please let a board member know as soon as possible.

**Membership Fees:** Dues for 2021 remain unchanged at \$95 for a family and \$55 for an individual. See details on the application form or call an AYC officer for further information.

**Rentals:** Members wishing to rent the clubhouse should consult the attached 2021 AYC Calendar and contact the rental chair for further information ( e-mail: [ayc1909@gmail.com](mailto:ayc1909@gmail.com)). Rental fees are as follows:

Fewer than 50 attendees: \$200 (new member); \$175 (established members)

More than 50 attendees: \$375 (new member); \$200 (established members)

Wedding events (rehearsal dinners, reception, etc.): \$375

Mon-Thurs rentals are available for established members at \$75 off the normal rate.

An additional \$100 deposit is required; it will be refunded if the renter complies with terms and the clubhouse is left in good condition. There is an optional clean-up fee of \$60.

**The AYC Capital Campaign:** Please consider helping the AYC to preserve the club for another generation. The Capital Reserve Fund, incorporated in the By-Laws, provides for future needs for capital to preserve and maintain the Club. Along with volunteering, a Capital Reserve contribution is an important way to help secure the current and future health of the Club. The accompanying payment form features a space to note your contribution!

Please remit dues by June 13<sup>th</sup> to be eligible for all member privileges. Contact any officer with questions. Please include an email address on your application.

Thank you very much for your cooperation and support! We look forward to seeing you this summer.

Respectfully,

Frank Barley  
AYC Commodore

AYC Officers and Phone Numbers for 2021

Commodore: Frank Barley 318-9486; Rear Commodore: Jeff De Groot 577-1330; Vice-Commodore: Dave Stevenson 685-4007; Treasurer: Amy Black 592-6439; Secretary: Chris St.Clair, 629-8491

Email: [ayc1909@gmail.com](mailto:ayc1909@gmail.com)

Letter from Walter McKee, AYC Attorney

## MOORING UPDATE

Over the past 12 months, there have been a number of developments with respect to the moorings in front of the Yacht Club.

As you will recall, around this time last year we had in hand a mooring ordinance passed by the Town that took advantage of the “home rule” provisions in Maine law that allowed an individual town to dictate policies with respect to the placement of moorings in lakes and ponds. The Town ordinance was passed at the request of the Maine Warden Service, who indicated in the fall of 2019 that adopting a mooring policy would take the State out of the equation when it came to mooring placement.

Unfortunately, the Warden Service took a 180 degree turn and, without notice, came to the Yacht Club in the spring of 2020 and started making demands with respect to the removal of moorings based on their interpretation of the law. This was a shock to be sure, especially given the prior statements made by the Warden Service. After significant pushback by members, state legislators became involved and a meeting took place in August, between Yacht Club directors, state legislators, the Warden Service, and a state official from the Bureau of Parks and Lands. Unfortunately, there was no resolution reached at that meeting, other than the Warden Service indicating that state law and rules were going to apply, and they were not going to be flexible in that regard. It was resolved that the Attorney General should issue an opinion with respect to the enforceability of state law and rules versus the Town ordinance. This was necessary because the Yacht Club attorney (myself), as well as the Town attorney, were of the opinion that the Town ordinance trumped the state law and regulations. After an extended period of time, the Attorney General’s Office ultimately determined that in its view state law and rules applied and not the Town ordinance.

This set off a series of meetings with the Town where questions arose as to whether the Town ordinance should remain on the books. The Yacht Club took the position, along with the Town attorney, that the Town ordinance still controlled and it did not need to be removed from the books. Ultimately, there was a decision made that there would be an indication on the Town mooring ordinance that indicated that the Attorney General’s Office had viewed the town ordinance one way, despite the fact that the Town ordinance suggested otherwise.

The Town ordinance is now going to be discussed at the Town Meeting in June. At that time, a decision will be made whether to keep the town ordinance or to repeal it.

Where does this leave Yacht Club moorings? The Warden Service has indicated that they will take enforcement action with respect to moorings this summer. While we have heard this before, it seems that the Warden Service now is finally going to take action. All of this was

generated by a single person who made the complaints in the first place. Nonetheless, those who place their moorings within the designated area where moorings are not supposed to be placed (pursuant to state law and rules ), run the risk of being summonsed for the civil offense (not criminal) of violating state regulations. There is an open question as to whether the Warden Service would be allowed to pull any moorings, and this will be addressed at a later time.

Anyone facing enforcement action for having a mooring in a prohibited area will have to make the decision as to whether they wish to leave their mooring where they are and potentially be ticketed, or move their mooring to another place. If any owner decides to leave their mooring in a prohibited area and is ticketed, please let the Yacht Club know sooner rather than later so that word can get out. For Yacht Club members who live in the Town of Wayne, it would be helpful to have you attend the town meeting and vote in favor of keeping the ordinance on the books. While it appears to be on less than certain legal ground, the fact that the ordinance remains on the books will provide at least a basic legal defense to any enforcement action brought by the Warden Service.