

FROM: Dennis Jason, Harbormaster
TO: Board of Selectmen
RE: Slip waiting lists
DATE: 29 November, 2010

ZOS -

Dear Gentlemen:

Over the past couple of years we've been dealing with issues related to the mooring permit held by Hugh and Moira Martin and Hugh's request to be on the slip waiting list. During that time they have been in the process of getting a divorce and one of the conditions (apparently) of the divorce was that Moira would be granted their jointly shared mooring permit and Hugh's place on the slip waiting list. Hugh wrote (in July): "Per the 2005 Chilmark Waterways Rules and Regulations, I would like to alter both the permittee listed on our current mooring permit and transfer the waitlist request to my wife, Moira Cullen Martin. As we are currently legally married, I do not think this will be a problem. Subsequent to these transfers, we intend to be divorced. Specifically I would like alter [sic] the permittee for mooring permit #131 from Hugh and Moira Martin to Moira Cullen Martin only. In addition, I would like the slip waiting list request to be transferred from my name, Hugh Martin, to my wife's, Moira Cullen Martin." We responded: "As you are aware you and Moira have always been listed on the mooring but she has not been listed on your request for a slip. We are going to need to check with Town Counsel to see how to handle the slip request." We also wrote: "Please send us a letter with your request, and signed by both you and Moira, so that we can proceed." We did not receive that jointly signed letter until recently, and have been waiting until our mailing was completed before asking for guidance about how to proceed.

Because they were listed jointly on the mooring permit (apparently since whenever it was originally issued to them) there is no problem with issuing the permit solely to Moira, who is now Moira Cullen. However, and as we pointed out to them several times, the Rules and Regulations state in section VII H: "Only one slip may be leased to any household. Slip leases will only be issued in the name of a single individual. The slip may not be transferred except to a spouse or surviving spouse if the boat is also in the name of the spouse."

We need guidance about whether to grant this request. Dennis recommends transferring the waiting list place to Moira since BOTH parties have consented, in writing, to the change.

Thank you.



Dennis Jason, Harbormaster