

Harbor Management Commission



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Regular Meeting Minutes
Thursday, February 23, 2023, 7:00 p.m.
Town Hall Meeting Room A

1. Call to Order

Vice Chairman Bill Herlihy called the regularly scheduled meeting of the Essex Harbor Management Commission to order at 7:00 p.m.

2. Attendance

Members Present: Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, Brian Weinstein (Remote)

Absent: Dave Fasulo, Terry Stewart

Others Present: Henry Domenie, Manager, Safe Harbor, Paul Riggio, Harbor Master, Rachel Smith, Safe Harbor

Bill Herlihy was seated for Terry Stewart.

3. Approval of the January 2023 Meeting Minutes

The January 26, 2023 regular meeting minutes were reviewed.

MOTION made by Jeff Going to approve the January 26, 2023 regular meeting minutes.
SECONDED: John Senning; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

4. Public Comment: None.

5. Financial Report

Bill Herlihy presented the February financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of February 23, 2023 of \$53,407.67. This includes the commercial renewal fees received for the 2023 season.

MOTION made by Jeff Going to approve the February 2023 financial report as presented.
SECONDED: John Senning; **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** Bill Herlihy, **Approved:** 4/0/1. **Discussion:** No further discussion.

Bill presented for approval an invoice for two months of EHMC administrative support in the amount of \$928.57.

MOTION made by Jeff Going to approve the invoice presented for EHMC administrative support. **SECONDED:** Kit Schellens; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

Betsy has requested approval to order four boxes of self-addressed stamped envelopes in the amount of \$181.40 plus shipping and tax.

MOTION made by Jeff Going to approve the ordering of the envelopes. **SECONDED:** John Senning.; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

6. Harbor Master Report

Paul raised the question as to whether a permit holder can be issued a refund if they decide not to renew their mooring after the permitting process has been closed and their permit has been approved. This was discussed, and it was the consensus that a refund can be issued as long as the decision not to renew is made prior to the mooring installation.

MOTION made by Kit Schellens to approve the issuance of a refund to a mooring permit holder who decides not to renew after the renewal process has closed as long as the decision not to renew is made prior to the installation of the mooring. **SECONDED:** Susan Malon.; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

Paul next discussed the 54 Main Street Santoro property at the foot of Main Street. The Essex Harbor Management Commission was instrumental in reducing the size of development and a zone change for this property. The EHMC has a responsibility to be on the lookout for water pollution and construction that could negatively affect the harbor. Paul has asked the Land Use Department to investigate the size of the ongoing project to determine what measures are being taken to keep lead and other contamination from falling into the water on the north side of the building

Paul also noted that FEMA allows a property owner to put improvements into their building valued at up to 50% of the building value. This property (the land and the building) has a valuation of \$356,800.00. The value of the land is \$337,800.00, leaving the building value at \$19,000.00. Based on this valuation, \$9,500.00 could be spent on improvements without triggering the building to comply with current FEMA regulations. The Town of Essex has a five-year FEMA clock, which means in five years the owner can then again do improvements up to 50% of the building's value without triggering FEMA. As a contractor, Paul's estimate is that there is upwards of \$150,000.00 in improvements being done to this property. The question is what will happen in five years when the building is now valued at \$250,000.00 or more. They now can legally put a second floor on this structure. The Land Use Department made a visit to the property today and it is Paul's understanding that they could be putting a halt to the construction work.

John Senning suggested that a letter be prepared memorializing the Commission's concerns and position regarding this.

Frostbite submitted their commercial renewal paperwork which makes all of the commercial renewals complete.

No new mooring permit wait list applications have been submitted.

The small vessel renewal period has ended. Sixty permit holders renewed and 17 did not. Of those who did not, Dave Adams submitted a renewal for one of his two permits but did not pay the fee. He was informed by email and voice mail that payment was needed but he has not responded.

Also, Frank Grasso did not submit a renewal within the deadline and has since asked that an exception be made due to his wife's illness. The Commission discussed his request and it was decided to approve his request to renew past deadline under the circumstances.

MOTION made by Susan Malan to allow Frank Grasso to renew his small vessel permit past deadline under the circumstances. **SECONDED:** Kitt Schellens; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

The first 15 small vessel wait applicants have been offered small vessel permits with a response deadline of March 4th.

Jeff Going has notified us that he may be giving up his mooring this year. If so, ground tackle will be available – a 500 lb DorMor with 75 lb. sentinel (pyramid).

MOTION made by Susan Malan to issue a refund to Jeff Going for his mooring permit fee if a decision is made to cancel his permit before the mooring installation. **SECONDED:** Kit Schellens; **Voting in Favor:** Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** Jeff Going; **Approved:** 4/0/1. **Discussion:** No further discussion.

7. Harbor Management Business

Jeff Going reported that USACE (Corps of Engineers) continues to be a difficult situation with poor communication. Although they confirmed in January that everything needed for the rock hazard removal has been submitted in line with the General Permit, there has been no action on their part to date.

The following clarification was made to the October 27, 2022 meeting minutes. The Harbor Management Commission has agreed that the delay with the rock removal project has been caused by the Army Corps and not by Connecticut River Dock & Dredge.

On February 9, 2023, a Zoom meeting was held with DEEP with six or seven of their staff. They had sent us more than a page of questions, which were answered immediately. They continue to be concerned with ownership of the restored “land.” We suggested that State ownership through CT NERR would make sense as they have a dedicated manager, their area borders Thatchbed, they are on record as seeing Thatchbed become part of their reserve, and it fits well with their stated purpose. DEEP seems concerned about doing something different.

Senator Blumenthal's office has advised the Town that the Water Resources Development Act, which funds Corps, includes having a Feasibility Study of our Thatchbed project. Corps would do the study. No funds have been dedicated for this yet.

Corps is finally reacting to the Sampling Application for dredging for Middle Cove Marina, Essex Yacht Club and EHMC. The application was sent to them about eight months ago and delays will likely push back dredging action into 2024 or so.

Rachel Smith from Safe Harbor has prepared a quote for buoy and marker repairs in the amount of \$6,454.39. Jeff described the work that needs to be done.

MOTION made by Jeff Going to approve the quote for buoy and marker repairs in the amount of \$6,454.39. **SECONDED:** Kit Schellens; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

8. Town Public Access Points

Updates were provided by Commission members on the access points.

Susan Malan noted that there are buses with engines running at the bottom of the circle by the Connecticut River Museum. This will be brought to the attention of the Resident Trooper.

Kit Schellens noted that a new drain has been put in at Collins Lane but they haven't replaced the curb yet.

John Senning suggested that we might want to consider designating a parking space at Mack Lane at some point because the area is so tight.

Bill provided an update on the small vessel public auction. Maria has suggested a public auction that will be posted on The Town website and internally within the Town. Bids will be collected in the Selectman's office.

Maria has prepared an auction notice with a bid due date of March 17th and opening of the bids on March 26th. Vessels will be available for viewing from March 6th to March 17th. We can change these dates to whatever we choose.

The Commission was in agreement with this plan and Betsy will coordinate with Maria.

9. Harbor Management Plan Update

Still pending DEEP review.

10. Correspondence: None.

11. New Business

A request is in with State Representative Palm to have a member of the State's hydrilla study group provide the Commission with an update on their work.

Included on the agenda was an update on the Amtrak Old Lyme Bridge Replacement Zoom Call with the following highlights:

- Project Timeline – 2024-2029 (both tracks operating on the new bridge and the old bridge removed).
- The new bridge will be a bascule movable span of 204 ft vs. 150 ft currently that can open and close faster than the existing bridge.
- The navigation channel under the span will be 150 ft vs. 139 ft currently.
- The new bridge will be immediately south of the existing bridge.
- Work will be done at night, on weekends, and during single track outages.
- Major work such as floating in the new bascule span and floating out the old span will be done during the off-season.

12. Adjournment

MOTION made by John Senning to adjourn the meeting at 7:47 p.m. **SECONDED:** Kit Schellens; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved: 5/0/0.** **Discussion:** No further discussion.

Respectfully Submitted,

Betsy McLaughlin
Recording Clerk