



Harbor Management Commission

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Regular Meeting Minutes
Thursday, October 26, 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, Kit Schellens, John Senning

Others Present: Henry Domenie, Safe Harbor, Remote, Paul Riggio, Harbor Master

Absent: Dave Fasulo, Susan Malan, Terry Stewart, Brian Weinstein

Guests

- Steven Brinkman, Dauntless Club
- Woody Comstock, Dauntless Club
- Greg Godbout, Dauntless Club
- Tom Casey, Essex Resident and Mack Lane Permit Holder
- Christopher Ford, Essex Resident and Mack Lane Wait List Applicant

3. Approval of the September 2023 Meeting Minutes

The September 28, 2023 regular meeting minutes were reviewed. Jeff Going noted that on page 3, Item 7, Harbor Management Business, Paragraph 4, the “J” marker needs to be changed to a “K” marker.

MOTION made by Jeff Going to approve the September 28, 2023 regular meeting minutes as edited. **SECONDED:** John Senning, **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

4. Public Comment

Dauntless Club guests Woody Comstock, Steven Brinkman and Greg Godbout were in attendance to discuss the two moorings located in front of their club. They have two medium-sized power boats on those moorings in what is an area for 30 foot plus sailboats. Our practice has been to position boats of a similar nature in the mooring field so they have similar swing patterns. Paul had notified Dauntless to either remove those boats or have their moorings repositioned where other similar boats are located. Mr. Comstock reviewed the history related to these moorings and is requesting on behalf of the Club that their positions not be changed. Mr. Godbout expressed

regrets on behalf of the President of Dauntless who was unable to attend. He reiterated Mr. Comstock's comments and noted that rental of these moorings is an important piece of their budget and would like the Commission to find a way to continue what they have been doing in the past. It was also noted that the boats using these moorings vary throughout the season and it is preferable to have the moorings in close proximity to the Club.

Paul Riggio noted that the wind and the current are factors that are causing issues. He will take their request under advisement and see if a compromise can be made somehow with the underlying consideration that layout of the harbor is done in the safest way possible.

Tom Casey, Mack Lane permit holder, and Christopher (Kit) Ford, Mack Lane wait list applicant, were also present regarding tonight's agenda item on the future of the Mack Lane dock. The Commission received an email from Mr. Casey on October 14, 2023 describing his experience with the Mack Lane dock, his efforts to maintain it, and his opinion that the remedy to the dock stability is to have it properly installed and secured. Mr. Ford also expressed his interest in the dock and asked that if permits for this dock are discontinued and at some point in the future are reinstated, that Mr. Casey retain his first right as a mooring permit holder and that Kit would retain his third right on the wait list.

5. Financial Report

Bill Herlihy presented the September 2023 financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of September 30, 2023 of \$45,492.73.

MOTION made by Jeff Going to approve the September 2023 financial report as presented. **SECONDED:** John Senning, **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None, **Approved:** 3/0/0. **Discussion:** No further discussion.

The invoice received from DOCKO, Inc. addressed to the Town of Essex, Attn: Jeff Going for Part II – Town of Essex-Thatchbed Island envirotubes project in the amount of \$913.75 will be given to the First Selectman's office.

6. Harbor Master Report

Paul Riggio provided an update on the Cove markers. Jeff and Paul installed a test marker in North Cove. As a next step, Paul has asked Henry Domenie and Rachel Smith to put one in South Cove. It is anticipated that these posts will work well in North and Middle Cove, but there may be some difficulty in securing them in South Cove due to the mud. Henry will work on securing one. If all goes well, a Commission work party will be assembled for the upcoming season and installation of the markers will be implemented in the Spring

The marking of the Pettipaug Yacht Club rock pile hazard was discussed. There was consensus to go ahead and mark the hazard.

The future of the Mack Lane dock was discussed. Paul suggested that if dock usage for mooring permit purposes is eliminated, fees paid by wait list applicants should be refunded in fairness to them.

John Senning stated that the last meeting was not the first time Mack Lane has been raised as an issue and that the Commission has spent a lot of time in the last couple of years on this issue. He presented a motion for discussion not to renew permits at Mack Lane and his reasoning behind it. The motion was discussed and made as follows.

MOTION is hereby made by John Senning:

-That the Essex Harbor Management Commission no longer renew Permits, entertain Applications or issue Permits for dockage at a dock located at the easterly foot or end of the Mack Lane Public Access Way;

-That a dock and any access ramp no longer be installed or maintained at that location at any time in the future subject to no exceptions;

-That the public assess way, bench and plantings installed at that location continue to be used and maintained as a means of a public view access only; and

-That all Wait List fees paid previously by potential Permit Applicants, as can be reasonably determined of record, be refunded to the payors to the fullest extent reasonably possible.

SECONDED: Kit Schellens, **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

Mooring positioning and the history of why boats are assigned certain locations in the harbor was further discussed. Paul will continue to look at this with an eye toward being fair, consistent, and keeping the harbor safe.

Paul noted that we are going to do Trees in the Rigging this year. A ZOOM meeting was held last week and plans are underway.

The mooring permit renewal period began on October 1st and end on October 30th.

Renewal summary to date:

- 58 approved
- 2 renewals pending receipt of proper documentation
- 21 not submitted
- Tom Casey's Mack Lane renewal was not sent pending tonight's discussion on the future of Mack Lane.

Non renewals:

- Dan Aguis, Main, cancelling permit due to boat size
- Jam Klomp, Meadows, Nonrenewal notice sent due missed inspection and lack of use.

New mooring permit wait list applicant:

- Richard Rossi, Main, 10.13.23.

OnLine Mooring ZOOM training is scheduled for November 9th if anyone is interested in attending.

7. Harbor Management Business

The rocks have been relocated but additional work is needed to remove what appears to be an old pier consisting of logs and mud that is a hazard to navigation. The Town is going to take care of this.

After 15 months, CORP has come back to us with the dredge sampling. The dredging is being handled through Coastline Consulting. We received quotes from two different organizations for the sampling. The lowest quote for the two areas of sampling that are needed is \$9,000.00. CORP has recognized the application to be able to put the dredge material in tubes. They are in favor of it and have had discussions with DEEP about it. This is important because under the EPA/CORP dredging manual/guidelines, contaminated material may be stored in the tubes because they will confine the material. The area that we would be dredging was last done about 11 years ago and it was considered to be contaminated material at that time. We have to do the sampling in order to do the dredging.

MOTION made by Jeff Going to pay for the sampling so we can continue on with the dredging.
SECONDED: John Senning; **Voting in Favor:** Jeff Going, Kit Schellens, John Senning,
Opposed: None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

8. Town Public Access Points: No updates.

9. Harbor Management Plan Update

The Harbor Management Plan working group has a call scheduled with Marcy Balint, our DEEP contact, on November 2nd to review her comments and our latest updates.

10. Correspondence

A Zoning Board of Appeals application was received for 15 Novelty Lane involving the installation of an in-ground pool. Given the history of that location as an oil tank farm, Paul has raised concerns about potential contaminated runoff into Middle Cove. A ZBA hearing was held on October 17, 2023 and since Paul was unable to attend to express his concerns, he submitted a letter on behalf of the Harbor Management Commission requiring soil testing be done in the area to be disturbed by a licensed environmental company prior to any approvals and the results submitted to EHMC for approval. In addition, if contaminated soils are found from the testing, EHMC is requiring a removal and disposal plan prepared by a licensed environmental company be provided to EHMC for approval. EHMC is also requesting a detailed plan for review and approval of a permeable bluestone patio showing cross sections of the drainage system below the patio as well as how it would drain.

Paul then switched hats as Harbor Master and presented plans as the contractor for the elevator addition to the Essex Yacht Club. The plans were reviewed and discussed.

MOTION made by John Senning that the Commission has reviewed the proposed application and has no objections. **SECONDED:** Jeff Going; **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved: 3/0/0.** **Discussion:** No further discussion.

11. New Business: None.

12. Adjournment

MOTION made by Jeff Going to adjourn the meeting at 8:20 p.m. **SECONDED:** John Senning; **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved: 3/0/0.** **Discussion:** No further discussion.

Respectfully Submitted,

Betsy McLaughlin
Recording Clerk