



Harbor Management Commission

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**Regular Meeting Minutes
Thursday, November 16, 2023, 7:00 p.m.
Town Hall Meeting Room B**

1. Call to Order

Terry Stewart 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, Remote, Kit Schellens, John Senning, Terry Stewart

Others Present: Henry Domenie, Safe Harbor, Remote, Dave Fasulo, Deputy Harbor Master, Paul Riggio, Harbor Master, Rachel Smith, Safe Harbor, Remote

Absent: Brian Weinstein

Guests

- Michael Furgueson, Essex Resident and Mack Lane Mooring Permit Wait List Applicant

Bill Herlihy was seated for Susan Malan and unseated upon her arrival.

Terry Stewart suggested that the discussion on Mack Lane be moved up on the agenda to immediately follow the Public Comment agenda item. Members were in agreement.

3. Approval of the October 2023 Meeting Minutes

The October 26, 2023 regular meeting minutes were reviewed. Jeff Going noted that he did not vote on the Mack Lane motion on page 4 as the motion indicates and that he should have abstained but did not.

MOTION made by Jeff Going to approve the October 26, 2023 regular meeting minutes as edited.
SECONDED: Kit Schellens, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No further discussion.

4. Public Comment

Michael Furgueson was introduced as a guest. He and other Mack Lane residents have sent emails regarding the Mack Lane motion made at the last meeting and asked that those emails be included as a matter of public record. The emails describe many of the Mack Lane residents' use and enjoyment of the dock, problems associated with the dock and possible solutions, and offers to help maintain the public access. Mr. Furgueson was there to ask that the Commission reconsider the decisions regarding the Mack Lane public access. He expressed his surprise that such action would take place without more discussion, debate or even a public hearing and thanked the Commission for reconsidering the best course of action for the Town.

Paul Riggio clarified the problem with the dock over the years. In the beginning, there was a small dinghy at the dock. The boat size has increased over time and has become too big for the system to support it. Also, DEEP had come down on the Commission because the current slip holder's boat was hanging off the end of the dock and was blocking the public access. The boat barely fits there now without hitting the bulkhead.

Terry noted that Selectman Norm Needleman has told the Commission that it does not have the authority to drop a Town asset. As result of that and other feedback received, Terry suggested that the Commission rescind the motion made at the October 26, 2023 to allow for further discussion and reconsideration to take place.

MOTION made by John Senning to rescind the Mack Lane motion approved at the October 26, 2023 meeting. **SECONDED:** Kit Schellens, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No further discussion.

Suggested options to consider moving forward include: (1) keep the dock in place but not permit docked vessels; (2) keeping the dock but limit the size of the permitted vessels; and (3) keeping the dock and strengthen the dock's installation to accommodate the current permit holder.

The question of allowing boats on the dock was discussed. Terry noted that the picture that Tom Casey sent showing that even before there was a boat on the dock, the dock had become unstable. If boats are to be allowed on one or both sides of the dock, it was suggested that the dock should be put together with conventional pilings that would support the weight and load of the boats and replaced with modern materials to prevent splinters and potential lawsuits, and that fees be increased to cover the cost for these improvements.

There was mention as to whether the Commission should be in the dock business at all. John Senning noted that the liability of renting a dock is totally different from that of issuing mooring permits and if we do decide to rent, the fee charged should be less than the current rate for other dock rentals but commensurate with liability exposure. John also suggested that we stay away from having both sides of the dock rented because the side toward 36 Mack Lane could conceivably impede the ability for people to keep their boats on the bulkhead, which is why we went from both sides of the dock to one in the first place.

Mr. Furgueson described his benefit and enjoyment of the dock and that of his neighbors and said they would like to be able to keep it. He understands the Commission's liability concerns but noted that liability exists everywhere. Jeff Going provided the history of Mack Lane dating back to the early 1950's.

The question was raised and discussed as to whether the Commission should have oversight over the public access ways at all if we do not have the authority to do certain things.

Joh Senning read into the record the Town's public access points and noted that the only one with a dock is Mack Lane. As a footnote to John's list, Jeff noted that the Commission does not manage Turtle Creek. The Commission reports on it but it is managed and owned by the Nature Conservancy.

Terry noted that per the Harbor Management Plan, the Commission has a responsibility to promote public access and that is something DEEP has emphasized.

MOTION made by Jeff Going that the Commission will not rent dockage at any of the public access locations. **SECONDED:** John Senning, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No further discussion.

MOTION made by Jeff Going that where we have floats at public access points, the floats should be to meet DEEP permit specifications. **SECONDED:** Kit Schellens, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** There was discussion as to the DEEP requirements. It was noted that if we have a dock, it should be a dock that is safe for the people who are using it and that the Mack Lane residents deserve to have a dock that is better than what is there now. Kit was asked to look into the DEEP standards and report back at the next meeting with what the potential process would be.

5. Financial Report

Bill Herlihy presented the October 2023 financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of October 31, 2023 of \$45,502.19.

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

Bill presented an invoice for approval for EHMC administrative support in the amount of \$923.28 for services rendered in August, September, and October, He also presented invoices that Paul Riggio has submitted for reimbursement from Mid City Steel in the amount of \$506.01 for tubing, and from Essex Hardware Company in the amount of \$28.96 fasteners, for a total reimbursement to Paul of \$534.97.

MOTION made by Kit Schellens to approve the invoices presented. **SECONDED:** Jeff Going, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No further discussion.

6. Harbor Master Report

Paul reported that the test poles for South Cove are too long and need to be shortened. Paul, Henry Domenie, and Rachel Smith are still working on a solution for the cove markers in South Cove.

Since Terry Stewart needed to leave for another meeting, he moved the Harbor Management Plan Update and Correspondence agenda items to this point in the meeting.

9. Harbor Management Plan Update

The working group met with Marcy Balint on November 2, 2023 and the draft plan has been updated based on her feedback. Terry has sent the update to Commission members for review and thinks we are really close to getting the update to DEEP so they can start the approval process on their end.

10. Correspondence

A COP application to Connecticut DEEP and New England Army Corps of Engineers on behalf of the Essex Yacht Club, 13 Novelty Lane, to conduct maintenance dredging at their existing facility was received from Coastline Consulting & Development, LLC for our files. There is no need for an EHMC ruling on this.

Terry shared a link with Commission members prior to the meeting which provides documentation for a Zoning Variance application for 51 River Road. Of note is that the Commission is now getting Land Use notifications automatically that fall within the Commission's jurisdiction.

As a point of order, John Senning noted that the Mack Lane motion that was rescinded earlier in the meeting included the provision to refund the Wait List application fees and wants that continued. No motion was thought to be needed as this is a matter of internal policy.

Terry left the meeting at 7:56 p.m. and Bill Herlihy assumed the role of Chairman.

Harbor Master Report (Continued)

Mooring Renewal Update

There were 84 permits in 2023.

The 2024 renewal period ended October 30, 2023.

- 67 approved
- 11 did not renew
- 1 Sabbatical - David Pittsinger
- 1 giving up permit - Kit Schellens

- Jan Klomp nonrenewal for lack of use
- Dan Aguis not renewed due to boat size
- Tom Casey - renewal not offered due to change in Mack Lane policy
- John Kolb deadline extended to December 1, 2023

Moorings are being offered to nine out of fifteen applicants on the Main Wait List and to all three applicants on the Meadows Wait List with a response deadline of December 1, 2023. Calls are out to one other wait list applicant and two on wait list sabbatical as we do not have boat information to determine whether we can accommodate them. Paul noted that this is the biggest reduction in moorings in the harbor than we have ever had.

Bushnell Access

- One new Wait List Applicant: Barbara Sorrentino, October 31, 2023 for a total of 38 applicants now on the wait list.
- Bushnell Access permit holders have been sent a notice reminding them of the November 30 removal deadline.

Per the discussion at the last meeting regarding the Dauntless Club moorings, the Dauntless Club will have one mooring in the Middle Main anchorage to use as they see fit. This is the same offering that is given to all of the other yacht clubs. The Dauntless Club has agreed to keep a boat 30' or greater on the second mooring. They understand that if they don't comply, in 2025 that mooring will be moved to the Southern Main anchorage. John Senning will help consolidate the emails exchanged on this into one memorandum. Making sure that the row of shrubbery that Dauntless put in is kept low was raised as a concern.

Paul has reviewed the details for 15 Novelty Lane for the installation of an in-ground pool and has found them to be in order. The owners have agreed to get the requested oil booms before construction. He has found that the bluestone terrace details as presented are just fine. They will contact DEEP before the start of construction and all excavated soils will be removed off site to the proper disposal area as required by DEEP.

The first meeting of the Connecticut River Marine Task Force will be held on Thursday, November 30, 2023.

Trees in the Rigging will be held on Sunday, November 26, 2023, at 4:30 p.m. All safety measures are being taken.

There is an old, non-permitted float in Middle Cove. The Commission as authorized Safe Harbor to tow it to the Main Street dock for the Town to remove and dispose of it. They will also remove the mooring that anchored it.

7. Harbor Management Business

Jeff provided updates on the rock pile relocation and harbor dredging. The rock pile was moved last month. The sampling for the dredging has been completed and the samples are being tested. The Essex Yacht Club COP for maintenance dredging was also discussed.

8. Town Public Access Points

John Senning has volunteered to step away from Mack Lane Public Access oversight and Brian Weinstein will take over that responsibility. It was noted that the dinghy at Novelty Lane has been removed.

The possibility of providing for more small vessel storage was discussed. The question is what regulations are in place for parking that might not allow for more storage.

11. New Business: None.

12. Adjournment

MOTION made by John Senning to adjourn the meeting at 8:14 p.m. **SECONDED:** Kit Schellens; **Voting in Favor:** Jeff Going, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved: 4/0/0. Discussion:** No further discussion.

Respectfully Submitted,

Betsy McLaughlin
Recording Clerk