

TOWN OF ESSEX
Harbor Management Commission



29 West Avenue • Essex, Connecticut 06426
Essex Harbor Master (860) 767-0032

Executive Board

*Jeffrey Going, Chairman
Joseph Zaraschi, Vice Chair
Terry Stewart, Treasurer*

Regular Members

*John Senning
Walter Wiegert*

Alternate Members

*Earl Fowler
Kit Schellens*

MINUTES - Regular Meeting
Thursday, June 22, 2017 at 7:30 P.M.

The Essex Harbor Management Commission conducted their regularly scheduled meeting on Thursday, June 22, 2017 in Room A of the Essex Town Hall.

Attending Members

Jeffery Going, Chair
Joseph Zaraschi, Vice Chair
Terry Stewart, Treasurer
Walter Wiegert
John Senning

Absent Members

Kit Schellens
Earl Fowler

Ex Officio Member

Paul Riggio, Harbor Master
Buddy Hitchcock, Deputy Harbor Master

Staff: Stella Beaudoin, Recording Secretary

Others Present:

Doug Domenie, Brewer Dauntless Shipyard & Marina

Audience:

Paige and Olivia Lescure

3. Approval of May 25, 2017 Regular Meeting Minutes

MOTION made by T Stewart to approve the May 25, 2017 Minutes with the following amendments:

1) Page 5, In the Motion to conditionally approve the **Carlson Landing/Essex Boat Works Proposal**, John Senning abstained from the vote; 2) Page 3, under Town Dock Maintenance, 4th line down to read “Bombaci Construction”; 3) Pages 3 and 4, clarification related to Essex Boat Works proposal, the footprint is 3300 s.f. and the entire space is 8,000 s.f.; **SECONDED** by W Wiegert; **Voting In Favor:** J Zaraschi, T Stewart, W Wiegert, J Senning; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

4. Public Comment

There was no public comment.

5. Financial Report

Terry Stewart presented the May 2017 Treasurer’s report: As of May 30, 2017: Withdrawals: Town of Essex, Clerk’s Invoices April 2017 \$846.00, Town of Essex Clerk’s Invoices May 2017 \$106.70, Brewer Dauntless

for Replacement of Harbor Marks and Town Floats \$982.94, Jeff Going for Painting Supplies, \$15.92; Deposits: Wait List \$20.00, Transfer from Savings \$1,200.00; Liberty Checking Closing Balance as of 5/31/2017 was \$344.74; Liberty Public Access Account Balance as of 5/1/2017 was \$981.52; Liberty General Account balance as of 5/1/2017 was \$69,147.33; Total Funds as of 5/31/2017 \$70,473.59

MOTION made by W Wiegert to approve the May 2017 Treasurer's report as presented; **SECONDED** by J Zaraschi; **Voting in Favor:** J Zaraschi, J Senning, W Wiegert; **Opposed:** None; **Abstaining:** T Stewart; **Approved:** 3/0/1.

Invoices presented for approval:

- Invoice #3 from the Town for the second half of the month of May 2017 re Betsy McLaughlin and Stella Beaudoin in the amount of \$292.12.
- Invoice #4 from the Town for May 28-June 10, 2017 re Betsy McLaughlin and Stella Beaudoin in the amount of \$157.86.
- Invoice #5 for hours worked in January and February 2017 from Betsy McLaughlin in the amount of \$256.64.
- Invoice Appgeo for mapping in the amount of \$1281.25.

MOTION made by T Stewart to approve the Invoices as presented; **SECONDED** by W Wiegert; **Voting In Favor:** J Zaraschi, J. Senning, W Wiegert, T Stewart; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

MOTION made by J Senning to change the order of the Agenda to move **Harbor Management Business – Mack Lane Landscaping** to the next Agenda item; **SECONDED** by J Zaraschi; **Voting In Favor:** J Zaraschi, J. Senning, W Wiegert, T Stewart; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

T Stewart left the meeting at 7:47 p.m.

7. Harbor Management Business

Town Access Ways

- Mack Lane Landscaping

Paige Lescure who presented on behalf of the Public Access Way landscaping plan stated that the goal is to present a design plan that will create a pleasing, undulating border to the water access edge that will preserve both the open access to the dock as well as the view from the visitor's bench on the Public Access Way. It will be bordered on both sides with trees and shrubs; the majority are native plants. There will be year-round interest through the use of foliage, texture, flowers, berries and Fall color. The plant species chosen will attract birds, butterflies and other beneficial insects.

P Lescure stated that she spoke with Jen Grant, abutting neighbor who suggested the placement of the Dogwood tree to be further back on the property line. P Lescure stated that the driveway will be installed in September 2017 and the planting will begin immediately thereafter.

J Going stated that the HMC would not be opposed to the relocation of the bench as a necessary measure in order to work with the plantings and the landscaping.

J Zaraschi suggested that P Lescure consult with Augie Pampel, Tree Warden for his review of the plan.

J Senning stated that that consulting with the Tree Warden would not be necessary as A Pampel was not initially brought in on the Essex Plan of Approval.

P Lescure stated that a good deal of the plantings are maintenance-free.

MOTION made by J Senning to approve the submission of the Public Access Way Landscaping Plan with the notation that the Harbor Management Commission has no objection to the relocation of the bench and no objection to the installation of additional topsoil or reseeded; **SECONDED** by W Wiegert; **Voting in Favor:** J Zaraschi, J. Senning, W Wiegert; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

Discussion: It was noted that the existing septic is part of the property easement. P Riggio stated that he has consulted with P Lescure related to the driveway.

- **Capital Projects**
 - **SHIPP Grant Proposal**

J Going reported that the First Selectman received verbal notification that a specific amount of SHIPP Grant funding has been approved for the update of the Harbor Management Plan.

- **Town Dock Maintenance/Replacement**

J Going reported that he contacted CT River Dock and Dredge and informed that the Commission voted to contract with them for the replacement of 7 pilings. J Going reported that there is a need for new decking to replace the splintered, dilapidated wood and replacement and upgrade of the hand railings.

J Zaraschi suggested that the Commission look at the way the dinghy float is secured.

P Riggio noted that there is not enough dinghy dock access for transient boaters.

P Riggio reported that an unsecured doc, about 25' was found floating in the harbor, which was secured by Dauntless Shipyard personnel and has been temporarily secured to a Dauntless Shipyard mooring. Attempts have been made to locate the owner. If the owner cannot be located, the floating dock will be removed and disposed of.

6. Harbor Master Report

Harbor Master Paul Riggio reported on the following:

- Brian Proctor 20'4" power boat in the Meadows – waitlisted. Check received this evening.
- Letter from Ray Gaulke re mooring status – mooring ready to go into the water. P Riggio will follow-up.
- Letter from William and Doreen Scharfenstein re status on the use of their mooring.
- Letter from Jean Little re delay on boat construction. J Little stated that she hopes to have it in the water by September.

Doug Domenie stated that further information on the flare presentation has not been received. A brief discussion ensued on the importance of communication related to a presentation of this type. P Riggio previously advised the EYC event coordinator communicate via email notifying the details of this activity to, J Going, the Essex Fire Chief, the Essex Fire Marshal, the CT DEEP, the Coast Guard, the Resident Trooper, with a copy to P Riggio.

P Riggio reported that the information related to the police patrol area route for the Police Department is in-process of re-write.

8. Correspondence

No new correspondence.

9. New Business

There was no new business.

10. Old Business

- **Carlson Landing/Essex Boat Works Proposal**

P Riggio stated that there was some concern expressed as to whether it was within his jurisdiction, in his capacity as Harbor Master to address some of the concerns related to pollutants in connection with the Carlson Landing/EBW proposal. P Riggio stated that under the HMC Goals it is clearly stated that the Commission is charged with the protection of the water quality of the harbor – protection of water quality of the harbor, and under “Harbor Master, items D and F it is made clear in the plan that the Harbor Master is responsible for the enforcement of such. At the May 25, 2017 HMC meeting, Dianna Gregory stated that she would have her engineer contact P. Riggio related to permits and testing. Through the Harbor Master email account, a communication from D Gregory was received on May 27, 2017. The next email was sent on June 15th from D Gregory related to the pending investigation of the drainage situation and an attachment from the CNG engineer was included. They sent a letter in which there is an opinion from the engineer of the site and a DEEP Log which represents that there are two permits for Essex Boat Works. One Permit was issued in 2011 and in force until 2018, and the second Permit was issued in 2016 and good through 2018. The DEEP Log does not however state for what purpose the Permit was issued, and no further details were provided.

P Riggio stated that the discharge line that is in question is for the Main Street address, however the DEEP Log references Permits issued to 9 Ferry Street. The discharge issue remains un-addressed. P Riggio communicated with D Gregory and stated that the HMC requires clean water samples of the discharge as well as the DEEP permit showing that approval was granted to discharge from the Main Street property. D Gregory responded on June 16th stating that CMG took water samples for which results were to be made available by June 19th at 3:00 p.m. P Riggio spoke with J Budrow, Essex ZEO early evening of June 19th and at that time no further information had been provided by Ms. Gregory or her engineer.

P Riggio reported that earlier in the week there was excavation for a new line which was installed through the building to the bulkhead at the 9 Ferry Street property. Inasmuch as an IWWC Permit was not obtained for this excavation, the line has been illegally installed and the applicant or their engineers will be required to present to the Inland Wetlands and Watercourse Commission in order to obtain a Permit after-the-fact, and a violation letter may be issued. P Riggio stated that although the applicant may have a permit to discharge

on Ferry Street, there has been no permit issued to dig. Excavation and installation of a line requires separate permitting. To date, the water testing results have not been received.

J Going stated that he will speak with the ZEO to determine if the DEEP issues have been resolved and to further discuss the recent activity surrounding the installation of the unpermitted drainage line.

J Senning stated that at the May 25, 2017 HMC meeting a Motion for the Carlson's Landing proposal was made and passed, however a conditional time limit was not placed on the approval. J Senning stated that the applicant has done nothing to assist, participate or support the investigation.

J Senning read into the record a Memorandum regarding Carlson Landing / Essex Boat Works Proposal dated June 22, 2017. Members discussed, reviewed and finalized:

“During the Carlson Landing/Essex Boat Works presentation at last month's meeting regarding its request that the proposal be reviewed by the EHMC and determined whether or not to be in keeping with the Essex Harbor Plan (Water Dependent Business), an issue was raised by the Essex Harbor Master, Paul Riggio regarding the existence of an on-site sump pit from which there is a pipe that outlets to and through an area of the bulkhead and into the CT River. Both Mr. Carlson and Ms. Gregory claimed to have absolutely no knowledge whatsoever of same, but Ms. Gregory assured the Commission that she would look into it immediately the next day and have her project engineer be in direct contact with Mr. Riggio.

At the Conclusion of the EBW presentation a motion was made by Terry Stewart to “conditionally approve the Carlson Landing/Essex Boat Work Proposal as being in line with the Harbor Plan pending an investigation of the drainage situation as discussed at this evening's meeting AND CONFIRMING that there are no environmental issues.” (Emphasis added).

Within a day or two of the EHMS meeting, Harbor Master Riggio, in discussing whether or not there were any environmental issues pertaining to the EBW sump pit and drainage pipe with DEEP personnel, he was surprised to learn that Mr. Carlson and Ms. Gregory's representations that they knew absolutely nothing about the sump pit or drain pipe issue was untrue as the DEEP personnel with whom Harbor Master Riggio was conferring had had prior direct contact with Mr. Carlson and Ms. Gregory regarding this matter and had emailed them about these issues as recently as 2 days before the EHMC meeting on May 25th, 2017.

In addition, at no time since the May 25th meeting has the Carlson Landing/EBW Project Engineer made any contact with Harbor Master Riggio. To the contrary, EBW personnel instead carried out a surreptitious excavation project by which the sump pit drain pipe was removed from its long standing previous position and relocated, but still draining into the Connecticut River through an area of the bulkhead.

While it has been reported that EBW was issued a DEP Permit some years ago for the drain pipe as it existed or was to exist then, no permit was currently obtained from the DEEP for the drainage pipe's removal or separately for its relocation within a proscribed area from the edge of the Connecticut River.

Such acts and conduct are in patent violation of a number of DEEP Regulations and possibly subject to both criminal and substantial monetary penalties. And, furthermore, it demonstrates a clear intent to obfuscate important environmental factors directly relevant to the subject.

The motion made and passed at last month's meeting was for conditional approval, pending an investigation of the drainage situation AND CONFIRMING that there are NO ENVIRONMENTAL ISSUES.

Not only did the proponent misrepresent knowledge of the sump pit drainage issue, they and their Project Engineer failed to follow through with any direct contact with the Harbor Master's Investigation. As such, the Harbor Master's investigation has been overtly thwarted, DEEP Regulations have been violated and it has been made impossible at this point to "confirm that there are no environmental issues."

On the basis of the forgoing, a motion should be made that since the Harbor Master's investigation has been severely impeded and that as a result it has been made not possible to confirm that there are no environmental issues, the Commission's Conditional Approval of the Proposal as of May 25, 2017 should be rescinded and that until such time as an unfettered, unobfuscated investigation can be conducted by the Essex Harbor Master and confirmation can be made that there are no environmental issues, the Proposal is not approved, conditionally or otherwise."

MOTION made by J Senning that since the Harbor Master's investigation has been severely impeded and that as a result it has been made not possible to confirm that there are no environmental issues, the Commission's Conditional Approval of the Proposal as of May 25, 2017 should be rescinded and that until such time as an unfettered, unobfuscated investigation can be conducted by the Essex Harbor Master and confirmation can be made that there are no environmental issues, the Proposal is not approved, conditionally or otherwise. **SECONDED** by W Wiegert; **Voting in Favor:** J Zaraschi, J. Senning, W Wiegert; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

Discussion: P Riggio stated that the Essex Health Department official, Lisa Fasulo was told that the line was installed however it was not in use yet.

J Going stated that the applicant has not followed through with conditional approval and at this time, this proposal is not in line with the Harbor Plan. J Going suggested that this remediation issue be directed and discussed with Joe Budrow, Essex ZEO, with Susan Jacobson, DEEP and with Al Wolfgram, Chair of Zoning Commission.

J Senning stated that the applicant has not met the standards by which the conditional approval was made at the May 25, 2017 meeting.

- **Online Moorings Software Program**

P Riggio stated that he and J Senning are working on permit language. There will be no substantive changes, however they are collaborating to make the language more understandable and to create language that will be easier to interpret by the person completing the application.

J Going commented on the Town of Essex HMC web page, noting that it is difficult at first blush to locate the HMC Mooring Application. There is a lengthy list links making it difficult to navigate the site. J Going stated that the Online Moorings Software Program will make the HMC web page more navigable. J. Going provided a draft Mooring Permit Application to the members' and requested that they review the draft and provide any amendments at the July 27th HMC meeting.

- **Harbor Management Plan Update**

J Going stated that he is working on the Financial Impact Questionnaire and is in-process of obtaining data on the financial impact of harbor and marine on the Town.

11. Adjournment

MOTION made by J Senning to adjourn the meeting at 9:03 pm until the next regularly scheduled meeting which will be conducted on July 27, 2017 at 7:30pm, Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by J Zaraschi; **Voting In Favor:** J Zaraschi; J Senning, W Wiegert; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

Respectfully submitted,

Stella C. Beaudoin,
Recording Secretary