



Harbor Management Commission

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**Regular Meeting Minutes
Thursday, July 27, 2023, 7:00 p.m.
Town Hall Meeting Room A**

1. Call to Order

Chairman 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, Kit Schellens, John Senning, Remote, Terry Stewart, Brian Weinstein

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

John Senning joined the meeting at 7:05 p.m. via ZOOM.

Absent: None.

3. Approval of the June 2023 Meeting Minutes

The June 22, 2023 regular meeting minutes were reviewed.

MOTION made by Jeff Going to approve the June 22, 2023 regular meeting minutes.
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

Essex Resident Bill Scharfenstein was welcomed to the meeting. He is a former mooring permit holder and attended because of his interest in the Commission's work.

5. Financial Report

Bill Herlihy presented the June 2023 financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of June 30, 2023 of \$48,332.82.

MOTION made by Jeff Going to approve the June 2023 financial report as presented. **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.

Bill presented one invoice for approval for EHMC administrative support in the amount of \$213.33.

MOTION made by Jeff Going to approve the invoice presented. **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.

6. Harbor Master Report

Paul Riggio reported that it has been a very busy month with the river flooding. Safe Harbor and the Essex Yacht Club have worked hard to keep the mooring field safe. They have done an amazing job pulling countless logs out of the harbor and have gone well beyond their responsibility. After chasing and finding the “A” harbor mark in Old Saybrook and watching many of the harbor marks dragged down the river, it was decided to remove the outer marks and leave them on the deck of the barge until the current slows enough to place them back and have them stay on station.

USCG resources were very thin during this flooding event. They asked Paul to work with them to identify numerous docks and hazards floating down the river and update his findings. Paul’s area of reporting was from the East Haddam bridge to Old Saybrook. He has spoken with DEEP and they have 77 slow no wake marks to reset. They plan on doing this next week.

Paul shared an application with the Commission members from the Essex Yacht Club for maintenance dredging. Paul wants the Commission to be comfortable with him sending a letter to the U.S. Army Corps of Engineers regarding this. The plans were discussed and members were in support.

Rachel Smith has requested that some of the poles be reduced to 1” PVC because the current 2” PVC won’t drive into the mud and the poles won’t stay in position. The size of the poles was discussed. Rachel has been able to connect with Jon Morris and will be provided with the 1” poles.

Dave Fasulo received a request from the Pettipaug Yacht Club that a troublesome rock pile near Brockway Island be marked. Paul spoke with Yolonda Cooley at DEEP who is in charge of channel and slow no wake markers on the Connecticut River. She is researching the permit process for these special marks and will get back to us.

Paul shared an email from Henry Domenie, Safe Harbor regarding the work they have done to address the river flooding situation. Safe Harbor is always happy to assist in keeping the harbor safe and free of debris, but the extra work caused by the river flooding has taken its toll on their equipment and involved many extra hours of labor. As a result, they are requesting to bill the Commission for 25 hours of labor at \$75.00 per hour which will include the resetting of the marks next week. The labor cost would be \$1,875.00 plus a 2.5% environmental fee for a total of \$1,921.88. The request was discussed and considered to be very reasonable.

MOTION made by Kit Schellens that the Commission approve the immediate expense of \$1,921.88 with the understanding that future work would be billed at the agreed upon rate of \$75.00 per hour as approved by the Harbor Management Commission for the remainder of this season. **SECONDED:** Susan Malan, **Voting in Favor:** Jeff Going, Susan Malan, Kit Schellens, John Senning, **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No further discussion.

New Bushnell Access Wait List Applicants

- Jared Novinski, 6/28/23
- Richard Smith, 7/2/23
- Anatasia Smith, 7/2/23
- John Hincks, 7/19/23
- Anne Hincks, 7/19/23
- Lilith Fondulas, 7/24/23

New Mooring Permit Wait List Applicants

- Juan Garcia, Main, 7/15/23
- John Hincks, Main, 7/19/23
- William Jones, Main, 7/25/23

7. Harbor Management Business

Jeff Going provided an update on the rock pile relocation. We now have the necessary permits from DEEP and CORP for Connecticut Dock & Dredge to begin the work. However, the eastern half of Thatchbed is being resurveyed since due to erosion the survey we have may not be accurate. and clarification is needed as to the point that the rocks will be placed. The project is now being called a “demonstration” project. DEEP is behind this project and may be able to direct funding for it. The survey will be paid for by the Town. The timeframe for completion is now October.

Docko has responded to our request to reduce the pile height for the dock modification at 42 Crosstrees Hill Road. The pile height has been reduced from 18 feet to 10 feet.

8. Town Public Access Points

Members were asked to check out their access points for any storm damage and to also consider any site improvements for them such as new benches, docks, etc. for budget consideration.

Bill Herlihy reported that the dinghy is back at Novelty Lane. Paul will speak to the owner about removing it.

Kit Schellens reported that Collins Lane could use a little trimming but the construction is complete and there is a new bench.

Bob Ward was thanked for his latest usage analysis for Bushnell Access and Terry noted that everything looks good there.

9. Harbor Management Plan Update

The working group consisting of Jeff Going, John Guskowski, Bill Herlihy, Paul Riggio and Terry Stewart had an internal call this week with Marcy Balint at DEEP and provided our responses to all of her comments made following her site visit in the Spring. John Guskowski is putting together an updated plan that will be resubmitted to Marcy to get us one step closer to having the plan approved.

10. Correspondence

Members received Terry's draft submission for the Town's Annual Report which did not have a lot of changes from last year. No changes to the draft were made.

11. New Business

Carey Duques, the Town of Essex Land Use Official/Zoning Enforcement Officer, shared with the Commission a Zoning Board of Appeals Variance Application received from the property owner at 54 Main Street Essex requesting a variance of the regulations in regard to making improvements within 100 feet of the coastal jurisdiction line. A diagram of the proposed patio and landscaping was also shared.

The hearing on this application was scheduled for July 18, 2023 at 7:00 p.m. However, the Gateway Commission and the Harbor Management Commission requested that the hearing be continued so the application could be reviewed at their respective meetings on July 27, 2023. The application has also been referred to the Inland Wetlands Commission.

Concerns with the application were discussed. The application states that not being able to make these changes to allow waterfront access imposes an undue hardship on the owner. The Commission's opinion is that it should not be considered an undue hardship since the owner was aware of the situation when the property was purchased. It was decided to monitor what the Gateway Commission comes back with and for Paul Riggio to attend the ZBA hearing on August 15, 2023 on behalf of the Commission. John Senning and Paul will work together to prepare a written memo describing the Commission's concerns to present at the hearing.

A Land Use Application for a variance was received involving the property at 1 Teal Lane for the addition of a wooden rail to a DEEP permitted dock over an area containing inland wetlands. The application was reviewed and discussed and the Commission has no issues with it.

12. Adjournment

MOTION made by Jeff Going to adjourn the meeting at 7:55 p.m. **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.

Respectfully Submitted,

Betsy McLaughlin
Recording Clerk