



Harbor Management Commission

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**Regular Meeting Minutes
Thursday, June 23, 2022, 7:00 P.M.
Town Hall Meeting Room A & Zoom**

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, Terry Stewart

Absent: Paul Riggio, Harbor Master, Kit Schellens, John Senning, Brain Weinstein

Others Present: Dave Fasulo, Deputy Harbor Master, Rachel Smith, Safe Harbor

Bill Herlihy was seated for Kit Schellens.

3. Approval of the May 2022 Meeting Minutes

The May 26, 2022 Regular Meeting Minutes were reviewed.

MOTION made by Bill Herlihy to approve the May 26, 2022 Regular meeting minutes.

SECONDED: Susan Malan, **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

4. Public comment: None.

5. Financial Report

Bill Herlihy provided the financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of June 23, 2022 of \$47,354.70.

MOTION made by Jeff Going to approve the June 23, 2022 financial report. **SECONDED:** Susan Malan. **Voting in Favor:** Jeff Going, Susan Malan, Terry Stewart; **Opposed:** None; **Abstaining:** Bill Herlihy; **Approved:** 3/0/1. **Discussion:** No further discussion.

Bill presented the following invoices:

- HMC administrative support in the amount of \$183.82;
- Coastline Consulting & Development, LLC in the amount of \$3,925.00 for dredge permitting services;
- Signing America in the amount of \$206.76 for the new channel marks approved at the last meeting. Jeff has paid this invoice and Jeff will be reimbursed by the Commission.

MOTION made by Susan Malan to approve the invoices for clerk services, Coastline Consulting & Development, LLC and Signing America as presented. **SECONDED:** Jeff Going; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** Terry noted that the invoice from Coastline Consulting & Development, LLC was for the proposed soil analysis and the invoice from Signing America was for additional signage for the cove.

6. Harbor Master Report

Paul's report included a note that he helped a boater in the southern part of the anchorage who wrapped their prop around a mooring. He noted that boaters can have issues with the strong river flow.

There was evidence recently that someone may have been cleaning a fish on the Town dock. The question was raised as to whether signage is needed prohibiting this. It was decided to hold off on signage for now and to revisit if it happens again or a pattern develops.

It has been recommended by the Town's insurance carrier that a "No Life Guard on Duty" sign be posted at the Town dock. Paul is concerned that this may suggest that swimming is allowed when it is not as per EHMC regulations. It was suggested that a "No Swimming off the Town Dock" sign might be better and Commission members agreed with this. Terry will ask Paul to ask Maria in the First Selectman's office to have the Town's insurance company review this and advise.

Most of the harbor is working well. There have been a few harbor mark location issues that Paul and Matt Beers have been working on. Jeff Going noted that some of the markers are not in the right place and that placement for some of the moorings at Safe Harbor is not in the right place. Rachel Smith was asked to follow up on this and Jeff offered to give her some recommendations.

New applications since last meeting:

- New Bushnell Access Wait List: Brenda Bernardi, 6.5.22
- New Mooring Permit Wait List: Joe Pelletier, Main, 6.5.22

Note: Brenda Bernardi is trying to submit a second Bushnell Access Wait List application but is having trouble making payment. OnLine Mooring is helping to resolve this.

7. Harbor Management Business

In follow up to the emergency funding discussion at last month's meeting, Terry Stewart reported that the towns of Old Lyme and Westbrook have policies on this and do not specify a funding cap. It was suggested and decided that HMC establish a policy that in an emergency situation Paul has the authority to use his own judgment to deal with the situation as needed with no funding cap.

Jeff Going provided an update on the rock removal/relocation project. We are waiting to hear back from Connecticut River Dock & Dredge. Jeff has reset the rocks for where the rock piles will move. The new location has been "stacked" using white PVC pipes south of the current end of Thatchbed. One row runs east to west, 50 feet apart, for a total 100 feet. The other row runs south to north, also 50 feet apart, for a total of 200 feet. It is expected to move 200 cubic yards to the two rows for a total of 200 linear feet. This work should begin after June 30th of this year with a good chance that it will take place in mid-July.

The application for using dredge material as part of a restoration effort is moving forward. Jeff believes the dredging sampling plan may have been approved by CORP. The target date for beginning this project is October/November of 2023. The Essex Yacht Club and Middle Cove Marina are slowly moving through the process and USACE (Corps) is aware of the possibility of upland placement. There continues to be issues associated with Long Island Sound disposal.

Coastline Consulting has submitted the HMC soil sampling plan as part of the dredging application. We have not been able to get data from MacDonald/Sharp who handled the last dredge application for us, so the relevant data was submitted using the Essex Yacht Club data from the last time this was done in 2004/2005. It is expected to take six months before we get a response to the Sampling Plan from USACE.

The next step after we hear back from CORP on our Sampling Plan is sediment coring and sample collection, at an estimated cost of \$4,120.00. This is followed by sediment testing which is per unit typically with four samples at a cost of \$1,500.00 per sample.

Terry noted that the runoff situation at the Town dock ramp discussed at last month's meeting has been cleaned up. We have received feedback from DEEP that the three docks at 17 Mack Lane are in compliance. Although nothing has happened at 50 Crosstrees Hill Road yet, DEEP is aware of our concerns that what is in the COP may not be what is planned. DEEP has found that the dock at 183 Saybrook Road is out of compliance, and a complaint has been made about a flotilla at the Essex Yacht Club. Jeff has raised a concern that modifications to a dock at 10 South Cove Lane are above and beyond what is permitted. Terry and Jeff will draft a letter to the owner giving them our advice on filing a modification to the COP. It was noted that DEEP has been responsive to our concerns on these issues.

The idea raised at the last meeting to create a picture inventory of existing docks to include in the Harbor Management Plan was discussed. At the last meeting, John Sening was concerned as to whether or not we had the legal authority to do this. Terry researched this and sent John a copy of the Harbor Management Plan governing statute, Sec. 22a-113n. He also reviewed this with John Guzckowski, who advised that we are able to take pictures from a zoning perspective as long as they are taken from a public access area. This will give us the ability to have a visual inventory of current docks and allow us to see if changes are made in the future. It was agreed that this should be done.

8. Town Public Access Points

Collins Lane: Terry Stewart will follow up with Kit Schellens on the cleanup.

Novelty Lane: Bill Herlihy noted that the same dinghy that has been tied up to the dock there before is still there. The owner has been asked before not to tie up there. The cleanup looks fine.

Bushnell Access: Susan Malan reported on behalf of Bob Ward that the racks are 60% full. Four violations have been issued this month. Of those, three vessels have been removed and the fourth now has a sticker on it. A porta potty has been installed, the poison ivy is gone, and the tree stump still needs to be removed.

At this point, First Selectman Norm Needleman joined the meeting briefly at 7:25 p.m. The future of the pump out boat program was discussed. The Commission offered to explore possibilities.

9. Harbor Management Plan Update

We are still waiting to hear back from DEEP and ACE on our latest Harbor Management Plan submission. We are at the 60-day response threshold and Terry will follow up.

DEEP has confirmed that there is a valid permit for 17 Mack Lane which includes the following stipulations:

“Float Stops: The licensee shall install float stops or other such device to prevent the entire float surface from resting on the bottom at low water.”

“Vessel Berthing during Low Water: The licensee is prohibited during periods of low water from berthing, mooring, or affixing any vessel to the float such that the vessel rests on the bottom.”

Given that these stipulations are from DEEP, this wording will be added to our Harbor Management Plan to strengthen it. It was suggested that this wording not be added until after we receive feedback from DEEP on our initial submission.

Terry provided everyone with a first draft of HMC by-laws based on the Old Lyme HMC by-laws. After discussion and concerns that the by-laws might be too complex and make things more complicated, it was decided not to have by-laws at this time. It was noted that it might be useful to have them as guidance for the benefit of new members at some point in the future.

10. Correspondence: None.

11. New Business

The future of the pump out boat program as discussed above.

12. Adjournment

MOTION made by Jeff Going to adjourn the meeting at 7:44 p.m. **SECONDED:** Bill Herlihy; **Voting in Favor:** Jeff Going, Bill Herlihy, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

Respectfully submitted,

Betsy McLaughlin
Recording Clerk