



Harbor Management Commission

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**Regular Meeting Minutes
Thursday, April 25, 2024, 6:30 p.m.
Town Hall Meeting Room A**

1. Call to Order

Terry Stewart called the regularly scheduled meeting of the Essex Harbor Management Commission to order at 6:30 p.m.

2. Attendance

Members Present: Terry Stewart, Bill Herlihy, Susan Malan, John Senning, Ken Thomsen

Others Present: Betsy McLaughlin, Clerk, Remote, Rachel Smith, Safe Harbor, Remote

Absent: Dave Fasulo, Deputy Harbor Master, Jeff Going, Kit Schellens, Paul Riggio, Harbor Master

Ken Thomsen was welcomed as the new Alternate Member to the Commission and was seated for Jeff Going. Bill Herlihy was seated for John Senning. Upon John's arrival, Bill was unseated for him and seated for Kit Schellens.

3. Approval of the March 2024 Meeting Minutes

The March 28, 2024 regular meeting minutes were reviewed.

MOTION made by Bill Herlihy to approve the March 28, 2024 regular meeting minutes. **SECONDED:** Ken Thomsen, **Voting in Favor:** Bill Herlihy, Susan Malan, John Senning, Ken Thomsen, **Opposed:** None; **Abstaining:** None; **Approved: 4/0/0.** **Discussion:** It was noted that Brian Weinstein was listed as absent when in fact he had resigned. Terry Stewart noted that the Commission accepted Brian's resignation with gratitude for his service.

4. Public Comment: None.

5. Financial Report

Bill Herlihy presented the March 2024 financial report for the Liberty Checking, Public Access, and General bank accounts, with a total funds closing balance as of March 31, 2024 of \$47,464.17.

MOTION made by Susan Malan to approve the March 2024 financial report as presented. **SECONDED:** John Senning, **Voting in Favor:** Bill Herlihy, Susan Malan, John Senning, Ken

Thomsen, **Opposed:** None; **Abstaining:** None, **Approved:** 4/0/0. **Discussion:** No further discussion.

Bill presented an invoice for EHMC administrative support in the amount of \$363.80 and a statement from Safe Harbor in the amount of \$410.00 for the new “K” mark at the north end of the anchorage and new reflective tape for all of the marks.

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

6. Harbor Master Report

As Paul Riggio was not in attendance at the meeting, he provided his report by email prior to the meeting. Betsy McLaughlin also provided an additional report by email prior to the meeting. The reports are as noted below.

Paul thanked Terry Stewart for standing in for him by going out on the barge, *Easy Pickins*, with Rachel Smith and Joel Tower to set the marks. The marks have been set per the GPS coordinates the Commission has agreed to and match what the electronic charts show.

Paul and Dave Fasulo have inspected the Boat Club moorings. Some additional repairs are needed.

Paul inspected all of the harbor marks on April 13, 2024 and all are fine.

He inspected all of the Safe Harbor moorings on April 13, 2024 and found that some additional repairs were needed. He inspected them again on April 19, 2024 and there are still a few small issues to be fixed.

He inspected all of the Essex Boat Works moorings on April 13, 2024 and they were all fine. John Lewis has agreed to move his moorings to align with the new layout of the harbor marks.

He inspected all of the Essex Yacht Club moorings on April 13, 2024 and some additional repairs were needed. They were inspected again on April 17, 2024 and everything is all set now.

Terry noted that a date and time still needs to be scheduled to assemble the channel markers for North Cove at Paul’s shop.

There is still a question about the location of the new “K” mark installed last year. Jeff Going thinks it is in the wrong position, and Terry has asked Jeff and Paul to resolve that.

Two new Bushnell Access List applicants:

- Steve Patarini, 4/21/24
- Nick Garofolo, 4/22/24

Meadows wait list applicant Dirk Samuelson was offered a mooring and his application has been approved.

North Cove wait list applicant Jordan Schweidenback was offered a mooring and his application has been approved.

John Amendola did not renew his mooring permit in the Main Harbor for the 2024 season. It recently came to light that he did not receive the renewal notifications due to a computer/systems change on his end. Paul polled the Commission members and there was no objection expressed to allowing him to renew his mooring under the circumstances. His renewal was submitted and approved.

This brings us to a total 79 mooring permits for the 2024 season.

Mooring Permit Wait List applicant Tom Pinkowish was offered a mooring permit for the 2023 season but requested a sabbatical. He applied for a mooring permit for the 2024 season which was approved pending documentation as he did not have a boat. Efforts have been made to contact him regarding his status with no success. Betsy has suggested sending him an email telling him if we do not hear from by a date to be determined that he will lose his opportunity for a mooring this year. Direction is needed on this.

Mooring permit wait list applicant John Hincks was offered a mooring permit but now seems to be fluctuating between a mooring in the Harbor or renting at Safe Harbor. The current status is not known and direction is needed.

The last three people on the Bushnell Access Wait List applied in November and December. They have not been asked to renew yet pending the Commission's decision on this consistent with our practice not to require Mooring Permit Wait List applicants who applied in November and December to renew.

The mooring permit fee schedule needs to be reviewed and approved so it can be posted.

7. Harbor Management Business

Terry noted that Jeff Going and John Guskowski, who has been working with the Commission on the Harbor Management Plan update, are working on the application for the SHIPP (Small Harbor Improvement Program Project) Grant for harbor dredging in the channel in front of the Essex Yacht Club.

The funding for the Mack Lane Town Dock update has been approved through the Town's ARPA fund and we are now waiting to get a start date. Kit Schellens will oversee the project and the contractor, Connecticut River Dock & Dredge, knows to bill the Town directly for the work.

Terry provided an update on 1 Teal Lane. Recall the Inland Wetlands and Watercourse Commission issued a Cease and Desist letter for this project and voted to maintain the letter in place until a remediation/restoration plan was submitted with site restoration to be completed by

May 15th, weather dependent. Regarding the encroachment onto the Bushnell Access Small Vessel storage area, the contractor for 1 Teal Lane, Bruce Lawrence, understands and will comply with the Commission's remediation expectations to include restoring the tree line where the temporary road was created and to install and level new crushed stone that would provide the foundation to support the new kayak rack. The work is taking place, and Bob Ward has been monitoring it. Serious concern was expressed that the \$140 penalty that was assessed is not sufficient. Terry will inform Carey Duques, Essex Land Use Official, of the Commission's view that the \$140.00 penalty associated with ignoring the permitting process is inadequate in this case and will fail to prevent future occurrences. The Commission feels that more substantive penalties need to be established going forward.

The 38 Foxboro Point Project Pre Submission Consultation Form has been submitted. John Senning was thanked for his input in preparing this. It states the Commission's position that "the pier and dock proposed by the subject Application is grossly out of character and inconsistent both with respect to visual and structural characteristics of the entire Cove area. Concomitantly, the EHMC has also determined that it would be virtually impossible to construct such structures as proposed by the subject application without causing irreparable damage to the area's ecosystem, long present, preserved and previously undisturbed for hundreds of years."

John Senning suggested that in anticipation of the 38 Foxboro Point application coming back to us again, that the Commission make preliminary arrangements to engage an appropriate environmental specialist to prepare us for something more than our own intuitional response as to whether something is inconsistent or not. Terry offered to look into finding someone who could do the type of environmental impact analysis needed for this property and others that may come before us in the future and report back with his findings as to who might do this and what the cost would be. John suggested we find someone who is both contemporary and available. If anyone knows of someone who might do this type of work, please let Terry know.

Betsy has made minor suggested changes to the EHMC website. On the home page, add (EHMC) after Essex Harbor Management Commission and change "HMC" to "EHMC" throughout. Also, change 75 small vessel permits to 90 small vessel permits and replace Brian Weinstein with Ken Thomsen.

8. Town Public Access Points

Hats off to Bob Ward for doing a great job with his oversight of Bushell Access. He has been providing weekly reports on storage rack usage. As of the last report, there were 24 kayaks on the racks and all had this year's stickers. Bob is also keeping an eye out for any subsequent encroachment from the 1 Teal Lane project. So far that has not occurred.

John Senning asked about the access point at the foot of Ferry Street and Pratt. There is a sign indicating that it is an access point, but is not included on the Commission's inventory and is not being maintained. John suggested that the Commission needs to acknowledge and verify this as a viable access point or have the Town abandon it. Susan Malan will look into this further and consult with John if needed.

Members were asked to check their public access points. There are a lot of trees and limbs floating down the river that may end up in the access points.

9. Harbor Management Plan Update

Terry provided an update on the Harbor Management Plan Update. The working group had a very good call with Marcy Balint, the Commission's DEEP contact. The only thing she wants to see is that we add Osage Park, the Land Trust park, to our listing of public access points because it does provide public access. The working group agreed to this, but some opposition to this was expressed by Commission members when discussed at tonight's meeting. Marcy is also providing two fact sheets: (1) One on public trust that defines everything that touches the water as part of the public trust; and (2) an updated coastal resource map. She would like these added as an addendum to the Harbor Management Plan. There was some disagreement about adding the Public Trust Fact Sheet as that is their definition and not ours.

Terry expects to receive the final documents on Monday and will present them to the Commission for review at the next meeting. Terry explained the reason for the Harbor Management Plan update is to have more ammunition to provide reasons to reject dock applications.

10. Correspondence

An invitation was received to attend an AMTRAK New Railroad Bridge Information meeting on April 22, 2024. This was a meeting with AMTRAK's project manager to respond to permit questions raised by the Old Saybrook Harbor Management Commission. Terry attended the meeting on the Commission's behalf and provided Commission members with the key takeaways. They sincerely want to have active/proactive communication and will be launching a website for people to access with any questions about the railroad bridge project. Work is expected to start this summer, and Terry noted that AMTRAK is very sensitive to managing boat traffic during the peak period. John noted as a word of caution that he just learned that in conjunction with the rebuilding of the railroad bridge in Norwalk, a huge commercial entity was just advised that some crucial parts for the bridge that would allow it to open may be delayed more than a month, with no offer to compensate people for the difference in transporting their product by truck versus barge. Terry will make sure Commission members are aware of future meetings so they can ask questions and/or express concerns.

11. New Business

The Vessel Safety Exams being held by the Coast Guard are scheduled for June 8, 2024 for up to 30 boats. The Essex Yacht Club and Essex Corinthian have been notified.

Susan Malan raised concern over two applications in Old Saybrook that have lengthy extensions across wetlands. The Old Saybrook Harbor Management Commission (OSHMC) has found these applications to be consistent with their Harbor Management Plan. Susan's concern is that if the OSHMC okayed these plans, DEEP would question our objection to the Foxboro application and overrule us, establishing precedent that would be hard to stop.

Ken Thomsen mentioned how difficult it is to find out where some of the access points are and used Turtle Creek as an example. He walked the entire trail to find out where the access points were. While doing do, he discovered a couple of good size logs across the most obvious one and a couple of big logs across the trail. Terry explained that the Land Trust has an assigned steward for the Turtle Creek trails and the Commission is responsible for the public access points there.

Susan Malan was appointed as the Commission's chief steward for other members to report their public access point findings to. She, in turn, will report them to Ryan Welch so he is not dealing with multiple people from the Commission.

Rachel Smith reported that they are in the process of doing the moorings and are waiting for the wind to cooperate. The remaining two Town docks are in place and she hopes everything is good with the harbor marks.

MOTION made by John Senning to adjourn the meeting at 7:30 p.m. **SECONDED:** Susan Malan, **Voting in Favor:** Bill Herlihy, Susan Malan, John Senning, Ken Thomsen, **Opposed:** None; **Abstaining:** None, **Approved:** 4/0/0. **Discussion:** No further discussion.

Respectfully Submitted,

Betsy McLaughlin, Recording Clerk