

**EAST LYME HARBOR MANAGEMENT & SHELLFISH COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 19, 2019, 7:30 PM
EAST LYME TOWN HALL**

Chairman
Stephen Dinsmore

Treasurer
Donald F. Landers Jr.

Secretary
Joseph Hitchery

Members Present: Steve Dinsmore Don Landers, Joe Hitchery Rick Kanter, Craig Mason

Members Absent: Greg Murin, Don MacKenzie,

Ex-Officios Present: Harbormaster Ron Johnson

Ex-Officios Absent: Selectman Dagle

1. CALL TO ORDER: S. Dinsmore called the meeting to order at 7:30 PM

2. APPROVAL OF MINUTES OF SPECIAL MEETING OF OCTOBER 22, 2019

MOTION: (Landers/Mason) to approve the October 22, 2019 minutes as amended.

CALL TO ORDER: ~~J. Hitchery~~ S. Dinsmore called the meeting to order at 7:31 PM
Add: Ex Officios Absent: Selectman Dagle

FILED

Vote: Approved Unanimously

Nov 25 2019 AT 10:40 AM/PM
Karen Hulm
EAST LYME TOWN CLERK

3. PUBLIC DELEGATIONS:

A. Public Delegations:

Fred Wise, 138 Niantic River Road asked the commission to elaborate and communicate what they know about items 5B and 5C (Old Business Future Shellfish restoration project and Former Marker 7 COP-Approved by DEEP). F. Wise specifically wanted to know about the Cease and Desist, issued by the town of East Lyme.

4. REPORTS

A. Shellfish

The Niantic River is open, the bay is open and area F is open.

B. Harbor Master

R. Johnson, Harbor Master presented an estimate for \$1293.00 from Boats Inc. for winterization of the Harbor Master boat. As per the MOU with the Town of Waterford an invoice for half of the cost will be issued.

R. Johnson stated that most boats are out of the water and off their moorings.

R. Johnson informed the members he had researched the two large moorings in the upper Niantic River. The moorings are for the purpose of tying up large boats in the event of a large storm or hurricane. One of the moorings is for the Sunbeam 5, R. Johnson contacted Mr. Wadsworth and asked him to consider moving the mooring so it is not so close to the channel.

C. Treasurer

D. Landers reported that he received the 50% reimbursement from Waterford in the amount of \$713.99.

There has been \$5309.66 spent out of the \$10,000 budget.

J. Hitchery read portions of the grant proposal for the Harbor Master boat, specifically where the Parks and Recreation and Police would have use of the boat. He stated it would be reasonable to expect them to help pay for the upkeep and maintenance of the boat. J. Hitchery stated that according to the grant proposal the boat was mainly to be used for port security.

S. Dinsmore stated that Parks and Rec have no claim or intention to use the boat and due to recent history he is not going to pursue sharing of the boat with the police.

C. Mason stated he will research the grant to ascertain if the boat can be sold and under what conditions. S. Dinsmore will discuss the issue with the First Selectman.

MOTION: (Landers/Kanter) to approve the winterization of the Harbor Master boat for 50% of the \$1293.45 estimate, not to exceed \$650.00. Vote: Approved Unanimously.

D. Landers informed the members that he is not aware if the bill for the boat vandalism has been paid. He gave it to the police chief for payment and has not received an update.

The budget will be discussed at next months meeting.

S. Dinsmore will discuss the status of the vandalism bill with the First Selectman.

D. Ex-Officio

No report

5. OLD BUSINESS

A. Harbor Management Plan-Update

S. Dinsmore presented an email from Geoff Steadman communicating that DEEP does not like one line in the Harbor Management Plan. The line is on page 3-12, the last line of paragraph headed:

Use of Town-Owned Street Ends and Water Access Right-of-Ways.

The line reads: *The Town Attorney has indicated that efforts to clarify the current titles on street end and water access right-of-ways likely will be costly and time-consuming.*

MOTION: (Kanter/Mason) to remove the sentence: *The Town Attorney has indicated that efforts to clarify the current titles on street end and water access right-of-ways likely will be costly and time-consuming*, from Page 3 of the Harbor Management Plan. Vote: Approved Unanimously.

B. Future Shellfish Restoration Projects

R. Kanter informed the Commission that a public/private partnership involving WELSCO and private individuals to seed two areas of the Niantic River with 100,000, 25-30 mm oysters. The objective would be that the oysters will help clean the river and possibly provide recreational harvesting of the oysters. The permit from DABA has been approved for transport of the oysters from Noank to the river.

MOTION: (Landers/Kanter) the Commission fully supports the efforts by WELSCO and private individuals for the restoration of oysters in the Niantic River. Vote: Approved Unanimously.

C. Former Marker 7 COP

S. Dinsmore stated he was unaware of any actions by the town concerning the property purchased by T. Londregan. He stated that once he became aware of the COP for the

property he contacted DEEP and asked to be put on all correspondence relating to the COP. When he received the first communication from DEEP it was to inform him that T. Londregan's COP had been approved.

The Cease and Desist (C&D) order as well as a letter by Attorney Timothy D. Bleasdale for the Town of East Lyme, was provided to the commission by Terri Lineburger. The C&D states that the proposed activity is a change of use as provided in a previous Coastal Area Management (CAM) application, therefore not an approved use by zoning regulations. The letter from Attorney Bleasdale cites concern about the COP approval. He states DEEP should have denied the COP application by Londregan as it violates the Coastal Management Act and East Lyme zoning regulations.

Pete Harris, WELSCO stated that they have nothing to do with the application.

S. Dinsmore will discuss the issue with the First Selectman.

F. Wise informed the commission that T. Londregan is presently using the tumbling machine and the debris is going into the river.

6. NEW BUSINESS

A. Correspondence

The approved COP for a dock on Quarry Dock Rd was received.

A letter from the Town Clerk advising the commission that they needed to submit their meeting dates for 2020 by December 31, 2019.

A notification of CAES on January 11, 2020-Gathering of the Shellfish Commissions

B. Sampling to Identify Bacterial Sources

The Niantic River Watershed Committee had a public outreach meeting in which they discussed applying for a grant to determine the bacterial sources in the Niantic River. D. Landers stated that a DNA test can be done of the water samples to pinpoint if the bacteria is coming from birds, agriculture, septic or other sources. He stated they do not have a clear handle on the source of bacteria which creates nutrient overload in the river.

7. FINAL COMMENTS:

Terri Lineburger stated that the commission knew about the application by T. Londregan and his plans for Marker 7 but she believes that the commission was not proactive where T. Londregan's activities were concerned. T. Lineburger stated the Marker 7 structures should have gone through the SDF process. She stated Londregan has been operating in the Niantic River without proper permits since 2016. Various people have tried to make the members aware of his activities. She told the members she would forward all the documentation concerning T. Londregan and his operations.

8. ADJOURNMENT

MOTION: (Kanter/Hitchery) to adjourn at 8:48 PM. Vote: Approved Unanimously

Respectfully Submitted
Sue Spang
Recording Secretary