

**EAST LYME HARBOR MANAGEMENT & SHELLFISH COMMISSION
REGULAR MEETING MINUTES**

JUNE 21, 2021 7:30 PM

EAST LYME TOWN HALL

Meeting was conducted by ZOOM due to COVID

Chairman
Stephen Dinsmore

Treasurer
Donald F. Landers Jr.

Secretary
Craig Mason

FILED

June 29 2021 AT 10:20 AM PM
[Signature]
EAST LYME TOWN CLERK

Members Present: Steve Dinsmore, Don Landers, Joe Hitchery, Greg Murin (7:40), Craig Mason, Rick Kanter (7:39)

Members Absent: Don MacKenzie

Ex-Officio(s) Present: P. Dagle

Ex-Officio(s) Absent: Harbormaster Ron Johnson, Deputy Harbor Master, Mark Berger,

1. CALL TO ORDER: S. Dinsmore called the meeting to order at 7:32 PM

2. APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 16, 2021

MOTION: (Hitchery/Mason) to approve the minutes of the regular March 16, 2021, meeting as presented. Vote: APPROVED unanimously

3. PUBLIC DELEGATIONS-none

4. REPORTS

A. Treasurer

D. Landers reported that the healthy water ad for the Day paper is paid and all the WELSCO bills are paid. Any outstanding bills need to be submitted for the end of the fiscal year, June 30, 2021.

B. Ex-Officio

P. Dagle reported that the river boundary dispute may not go the way the Commission would like. He stated that according to the town attorney the boundary may be the channel but there is still more research to be done. A town meeting for capital expenditures will be held and the Public Safety Building is almost complete. The BOS is exploring projects for the American Recovery funds to the town. The funds must be earmarked for items effected by COVID 19.

C. Harbor Master-no report

5. OLD BUSINESS

A. East Lyme Town Boundary Dispute-Joes meeting with First Selectman

J. Hitchery reported that he met with the First Selectman and the disputed moorings will not be pulled at this time.

He had conversation with Rob Avena, Waterford town attorney and they discussed the 1839 act creating East Lyme, portions of Waterford and Lyme, which has the boundary between East Lyme and Waterford as the main channel of the river. They agreed that the main channel of the upper river from Sandy Point to the Route 1 bridge is in the middle of the river. They also discussed the difficulty of identifying the main channel in the shallower lower river. For 182 years the boundary in the Niantic River is in the center of the river, not the channel.

A Supreme Court case of Arkansas vs. Tennessee in 1970, affirmed an established river boundary does not change owing to a sudden change in a channel for any reason. J. Hitchery believes case law is on the side of East Lyme and the river boundary being in the middle of the river not the channel.

Attorney Avena thought a Grantee/Grantor agreement between the towns may be a consideration.

J. Hitchery will discuss research with the E.L. attorney and then leave it to the attorneys and the First Selectman to decide.

R. Kanter had a GIS map, issued by the state showing the E.L./Waterford boundary in the middle of the river. He said there are multiple documents that have the boundary in the middle of the river.

Barbara Johnston, 35 Sea Crest Ave. is supportive of the work the Commission is doing to try to establish the boundary.

B. Londregan Lease Renewal (EL3)-Tabled until resolution of New Business

C. Habitat Restoration-tabled

D. Shellfish Management Plan

D. Landers informed the members that he and C. Mason are waiting on the DABA for their report.

6. NEW BUSINESS

A. Establish Mooring Policy-mooring applicants need insurance

The deputy harbor Master asked the Commission to discuss the need for boats to carry insurance in the case of a sinking, especially in the channel. A boat sank recently, and it took many days for the boat to be cleared.

The Commission discussed the pros and cons of a requirement. R. Kanter thought the insurance companies would try to get out of paying for a removal, especially if there was negligence or lack of maintenance. The issue of naming the town as a co-insured could expose the town to more problems. S. Dinsmore will follow up on what other towns may require.

B. Shellfish Lease Fees

The members discussed the fees, at this time the only person that has a lease pays \$5.00 per acre and is leasing 63 acres. The state average is \$20.00 per acre.

MOTION: (Mason/Murin) to establish a fee schedule for a calendar year, as follows:

- \$10.00 per acre for 2022
- \$13.00 per acre for 2023
- \$16.00 per acre for 2024
- \$19.00 per acre for 2025

The following years will be determined by the Commission.

Vote: APPROVED. In favor-Dinsmore, Landers, Murin, Mason, Kanter. Opposed-none. Abstaining-Hitchery.

C. Renewal Process

D. Landers and C. Mason will review the Shellfish Management Plan for the renewal process.

D. Discussion of Transition back to Live/Hybrid Meeting

The members would like to meet in person but inquired about meeting in the main room which is larger. P. Dagle did not see any conflicts for the next three of months

7. FINAL COMMENTS:

B. Johnston stated that the commission should investigate the CPA folder which shows Waterford as the small harbor.

8. ADJOURNMENT

MOTION: (Landers/Mason) to adjourn at 8:52 PM. Vote: Approved Unanimously

Respectfully Submitted

Sue Spang

Recording Secretary

2021 Meeting Dates; July 19*, August 16*, September 21, October 19, November 16 and December 21.

*3rd Monday of the month