

**MINUTES
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING**

WATERFORD POLICE DEPARTMENT MEETING ROOM
September 10, 2009, 7:00 P.M.

Present: Commissioners Robert Dutton, James Hamsher, Eleanor Mariani, Carlton Saari, and Brian Sullivan; Murray J. Pendleton, Harbor Master and Richard Miller, Deputy Harbor Master

Absent: Commissioner Robert Blinderman

1. **Call to Order:** The meeting was called to order by Chief Pendleton at 7:02 p.m. and the Pledge of Allegiance was recited.
2. **Welcome/Introductions: East Lyme Harbor Management Commissioners**
Chief Pendleton welcomed the members of the EL HMC and introductions were made. EL HMC members in attendance were Don Landers, Greg Murin, Marvin Schutt, and Barbara Johnston. Also present were Cliff Kramm, Capt. John Wadsworth (WELSCO), Fred Grimsey (Save the River – Save the Hills), Joe Hitchery (EL Harbormaster), and Jaxon Vibber.
3. **Minutes of the August 13, 2009 Regular Meeting**
A motion was made by Mr. Dutton and seconded by Ms. Mariani to approve the minutes of the August 13, 2009 Regular Meeting as presented. The vote was 4 in favor, 1 abstention (Mr. Hamsher).
4. **Correspondence**
 - a. **COP #200902826-MG, 8 Bayside Avenue**
At Chief Pendleton's request, Recording Secretary Kathy Kent reported that she spoke with Micheal Grzywinski, Senior Environmental Analyst, OLISP, Bureau of Water Protection & Land Reuse, D.E.P., regarding this application, which had been tabled by the Harbor Management Commission at its last meeting due to concerns regarding dock height. Ms. Kent stated that Mr. Grzywinski explained there is a difference between an application for a Certificate of Permission (C.O.P.) and an application for a Permit. When someone applies for a Permit, the D.E.P. requires them to obtain official comments from the Harbor Management Commission. When someone applies for a C.O.P., the D.E.P. requires that a copy of the application be sent to the Harbor Management Commission for informational purposes only and the C.O.P. is issued after administrative review and approval by the D.E.P. That being said, Mr. Grzywinski encouraged all Commission members to contact him if ever they have a concern regarding an application for a C.O.P., and he will take their comments into consideration during the administrative review process.
 - b. **Notice of Tentative Determination #200902681-MG, 96A Niantic River Road**
Chief Pendleton stated that the Commission had previously commented on this application. He inquired whether anyone had any further comments, and no one commented.

4. Correspondence (cont'd.)

c. Letter dated 08/17/09 to Eleanor Mariani, Boating Law Administrator, regarding Waterford's Waterways Regulations

Brief discussion took place, during which time Ms. Mariani commented that Waterford's amended Waterways Regulations are still undergoing review by the D.E.P.; she recommends waiting, probably one more month, before forwarding the proposed ordinance changes to the RTM. Mr. Landers inquired about the amended Regulations, and he will be sent a red-lined copy via e-mail.

d. CHMA 14th Annual Banquet reservation form

Reservation forms were distributed to the HMC members; Chief Pendleton and Mr. Miller will attend.

e. 08/27/09 letter from TPA Design Group offering waterfront engineering services

Chief Pendleton stated this correspondence is for informational purposes only.

f. 09/02/09 memo re: Annual Report Summaries, FY 2009

Chief Pendleton commented that a draft HMC Annual Report will be prepared for the Commission's review.

5. Shellfish Commission Liaison's Report

Mr. Miller stated there is nothing new to report. Brief discussion was held regarding the scallop seeding process.

6. Harbor Master's Report

Chief Pendleton inquired if members of the public had any comments.

Mr. Fred Grimsey stated that Save the River - Save the Hills has purchased a 19 ft. center console motorboat for water quality monitoring and river safety (issues regarding safety would be reported to the Police). He thanked Chief Pendleton for increased police patrols on the river this summer, mentioning the difficulty in enforcing appropriate behavior by personal water craft users and stating that the National Parks Department has outlawed them in all national parks. He purchased a distance measurer and used it on numerous occasions to check the distance between a PWC and a dock or a moored boat. Mr. Grimsey commented that personal water craft users have no notion of what 200' from a dock or a moored boat is. Mr. Grimsey went on to report that he bought a radio for the boat and has tried to use Channels 9 and/or 16 to alert the police boat regarding issues on the water, but he receives no answer and then has to call dispatch, who calls the police boat, but by then it's too late. People know they're misbehaving, because they disappear when the police boat shows up. Chief Pendleton commented on the need to coordinate how we deal with constant offenders. It may be useful to have some volunteer "spotters"; maybe CERT volunteers could be utilized, and citizens need to help by submitting some kind of evidence. Brief discussion was held regarding Waterford regulations (100') vs. East Lyme regulations (200'), with Ms. Mariani commenting that Waterford HMC chose to stay at 100' so as not to discourage water skiers. Chief Pendleton stated that, prior to next summer, the Commission will need to devote some time to discussing these issues.

6. Harbor Master's Report (cont'd.)

East Lyme Harbormaster Joe Hitchery commented that he uses his personal boat and puts a "Harbormaster" sign on it when it's being used for official purposes. He commented that the bulk of the problems occur on Saturday and Sunday between noon and 6:00 p.m. Ms. Mariani suggested he talk to the D.E.P. about doing personal water craft patrols.

Mr. Cliff Kramm suggested establishing speed limits on the river, stating that boating regulations need to be changed; right now, a 12 year old can drive a power boat with unlimited power, as fast as he or she wants to. Chief Pendleton commented on the need to get endorsement from both First Selectmen in order to consider speed limits on the River. He added that there is a need to find a way to identify the boats that are speeding, perhaps some sort of citizens "observe and report" group. Ms. Mariani cautioned that such a group would not be allowed to put the word "patrol" on their boat, and they would not have the authority to stop somebody. However, they can distribute literature and try to inform boaters with regard to the rules and regulations.

Mr. Grimsey commented that Dan Steward and George Calkins agreed to extend beach water tests to the upper Niantic River. Mr. Grimsey cautioned that water tests have shown that no one should swim in the river after 1" rainfall. Mr. Hamsher inquired what the water is tested for and Mr. Grimsey replied enterococci, the same thing they test town beaches for. He mentioned they also do long term testing of the chemistry in the whole river for things like dissolved oxygen, salinity, etc. Mr. Hamsher mentioned that the FECB monitors Keeney Cove and it might be interesting to compare notes.

Mr. Miller asked Mr. Grimsey to speak regarding the study of the Niantic River Watershed and its affect on the Niantic River, which he did. Briefly, a committee was formed to summarize a huge report down to 35 pages that recommends the formation of a Watershed Commission. Both First Selectmen are accepting volunteer names for a study on forming such a commission.

7. Mooring Permits

Chief Pendleton stated that he is in the process of inspecting mooring locations; he and Deputy Harbor Master Miller need to go out to check on a few moorings that have drifted. He stated that data is being gathered for Fandotech to be able to get our mooring system online.

8. D.E.P. Applications for review

a. Notice of Tentative Determination #200600029-MG, Amtrak railroad bridge

Chief Pendleton commented that, with regard to this project, there will be more happening in East Lyme than in Waterford. He has already expressed the Commission's concerns verbally to Amtrak representatives; now we will put in writing the concerns regarding hours of operation. He instructed members of the Commission to call Ms. Kent regarding any other comments they would like to include.

b. Application for C.O.P., Applicant: Helmut Langer, 11 Beach Street

Brief discussion was held regarding this restoration of shorefront protection, and the Commissioners had no comments.

9. Old Business – None.

10. New Business

a. Discuss with East Lyme HMC items of mutual interest

Mr. Hitchery stated that there are approximately 170 moorings (permitted or otherwise) in East Lyme; he has tried to maintain an area free of moorings, to keep it clear for transient boaters. He stated that he won't be issuing any more permits in Giants Neck. Mr. Hitchery mentioned a Waterford mooring (#W-176) located in East Lyme waters right outside of Smith's Cove, stating that he contacted the permittee and told him next year he needs to either move his mooring or apply for an East Lyme permit. He inquired how Waterford handles "pulley and pole" types of moorings, to which Chief Pendleton replied we treat them like regular moorings, and issue stickers with a mooring permit number to be affixed to the pole. Mr. Hitchery inquired how Waterford handles winter stakes, to which Chief Pendleton replied they must be removed from the water by May 15. Brief discussion was held regarding the height of winter sticks, with mention being made that they are navigation hazards when they can't be clearly seen.

Discussion was held regarding pulling up unauthorized or abandoned moorings, with Chief Pendleton outlining the process used by Waterford. He mentioned there are at least three local marine vendors available to help with the process.

Discussion was held regarding mooring inspections, with Chief Pendleton commenting that it is the owners' responsibility to have his/her mooring inspected on a regular basis.

Mr. Sullivan commented that the original Harbor Management Plan kept the middle of the river clear of moorings.

Mr. Grimsey commented that he has a list of all of the pumpouts done by the pumpout boat.

b. Commercial Moorings

Chief Pendleton suggested having a second meeting to discuss commercial moorings. Mr. Landers requested that Waterford's HM Plan language regarding commercial moorings be forwarded to him by e-mail and Ms. Kent will take care of this.

11. Adjourn

There being no further business to come before the Commission, and upon motion duly made, seconded, and unanimously voted, the meeting was adjourned at 8:37 p.m.

Respectfully Submitted,

Kathy A. Kent
Recording Secretary