



**TOWN OF EAST LYME**  
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman  
**Donald F. Landers Jr.**

Treasurer  
**Stephen Dinsmore**

Secretary  
**Barbara Johnston**

***REGULAR MEETING***  
***Minutes of Tuesday, February 16, 2010***  
7:30 PM, East Lyme Town Hall  
108 Pennsylvania Ave.,  
Niantic, CT 06357

**Present:** Marvin Schutt, Greg Murin, Bill Mountzoures, Rick Kanter

**Absent:** Don Landers, Chairman, Stephen Dinsmore, Treasurer, Barbara Johnston, Secretary

**Also Present:** Harbor Master Joe Hitchery, Deputy Harbor Master Marc Berger, John Birmingham, Ex-officio, and Jaxon Vibber, F.I.S. Marine

**1. Call to Order**

Mr. Schutt, acting as Chairman called to order the February 16, 2010, Regular Meeting of the Harbor Management Commission at 7:32 PM.

**Pledge of Allegiance.**

The pledge was observed.

**2. Approval of Minutes of Regular Meeting of January 19, 2010**

Mr. Schutt said he had received a call from Mrs. Johnston, requesting to table approval of the minutes to the next meeting because she had comments. There was discussion.

**MOTION (1): Mr. Murin moved to postpone the approval of the minutes of the Regular Meeting of January 19, 2010 until the next meeting at the request of Mrs. Johnston.**

**Seconded by Mr. Kanter.**

**Motion carried 4-0-0.**

**3. Public Delegations**

There were None.

**4. Reports**

**A. Warden**

Warden was not present.

**B. Harbor Master - Mooring Permit Status**

Mr. Hitchery reported that they had sent out 188 renewal applications, 50 of which required inspection, 40 had been returned with payment, and stickers had been sent out.

There was one new application. Mr. Hitchery asked to whom he should entrust the checks for renewal permits since the Treasurer was not present. Mr. Schutt agreed to take responsibility for the checks.

**C. Treasurer**

Treasurer was not present.

**D. Ex-Officio**

Mr. Birmingham said there was a Public Hearing on the Agricultural Commission scheduled for February 23, 2010 at the Town Hall.

**5. Old Business**

**A. Mooring Permits**

This item covered in Harbor Master's report.

**B. Harbor Management Plan – Reports from Subcommittees**

There was no report.

**6. New Business**

**A. Correspondence**

There was none.

**B. Plan of Conservation and Development (update chapter 5-Coastal Area)**

There was no report.

**C. Plan for hauling abandoned moorings**

Mr. Hitchery distributed copies of a written plan of procedure for Removal and Disposal of Abandoned Moorings. Mr. Hitchery said the plan was a proposal and proceeded to read and review the document. Please refer to attachment A.

Mr. Berger commented that he and Mr. Hitchery had discussed the rates for hauling moorings and they concluded the best approach would be to put out a bid form in the spring. Mr. Hitchery said he felt this plan was also an information pamphlet that he hoped to include in future publications. He hoped that it would serve as educational information and also give the public the opportunity to attend the meetings if they were interested.

Mr. Kanter asked for clarification as to how many moorings there were in East Lyme, and to define the area. He said he thought it was a good idea to publish this plan perhaps in the East Lyme Times so that the public was more aware of the procedures. Mr. Berger explained that the requirements were clearly defined in the renewal packages. Mr. Kanter asked how many un-permitted moorings there were currently. Mr. Hitchery said there were 43. Mr. Hitchery then showed the forms that were to be used in the implementation of the plan. He said that most of them were available on the town website. Mr. Hitchery explained that the Ordinance and the Harbor Management Plan were public knowledge. He also said that the suggestion of publishing the plan in the paper would have to be reviewed by the Commission because it would be costly.

Mr. Vibber said that he has been in contact with some of the owners of the un-permitted moorings, and that they intend to comply and that he was working with them. Mr.

Vibber also said that the Town of East Lyme had over-paid him for his services in the amount of \$100.00. There was discussion about the General Fund. It was suggested that Mr. Vibber issue a credit of \$100.00 for future services. It was decided to discuss this with Mr. Dinsmore the Treasurer.

Mr. Vibber also said regarding Section 2, Item B. of the plan, referencing the placement of hauled moorings he wanted it known that he did have the capability of placing any hauled moorings in either area.

Mr. Hitchery requested that the report be approved either at this time or the next meeting. Mr. Schutt suggested that the report first be distributed to the members that were not present to give them a chance to review the information and be prepared to vote at the next meeting.

Mr. Murin said he felt the report could be voted on at this meeting since there was a Quorum. Mr. Mountzoures agreed. Mr. Schutt said it was a courtesy to the members not present to postpone the vote. Mr. Murin said they could make any changes they felt necessary at the next meeting.

There was discussion as to the proper procedure for voting.

#### **MOTION (2)**

**Mr. Murin moved that they accept the plan as submitted.**

**Seconded by Mr. Mountzoures.**

Mr. Kanter said he thought the vote even if it were passed could be amended at the next meeting by any members not present this meeting.

**Mr. Schutt called for a vote.**

**Motion passed 4-0-0**

Mr. Hitchery wanted to add that he has met with Harbormaster Pendleton of Waterford regarding moorings. He also said that Three Bells marina was cooperating fully with registration procedures.

#### **D. Plan for distribution of meeting minutes and agenda**

There was discussion as to the current procedure of the distribution of the minutes and the agenda. Presently the distribution is being handled by another Recording Secretary, who does not attend meetings, only handles distribution. It was decided that the current Recording Secretary, Ms. Zrakas be responsible for the distribution of all information to the Commission. Mr. Schutt asked that everyone indicate how they would like to be provided with the information, either via mail or e-mail.

#### **7. Comments from other Commission Members**

Mr. Mountzoures recommended that since there was a Quorum present the minutes of the last meeting should be voted on.

#### **MOTION (3)**

**Mr. Mountzoures moved to accept the minutes of the January 19, 2010, Regular Meeting.**

**Seconded by Mr. Murin.**  
**Mr. Mountzoures voted yes.**  
**Mr. Murin voted yes.**  
**Mr. Kanter abstains.**  
**Mr. Schutt abstains.**

There was discussion as to whether the vote was passed or not, and no positive conclusion was reached.

Mr. Vibber commented that the minutes have been public record for the last 21 days. There was further discussion.

Mr. Vibber said he wanted to make the Commission aware that on March 18, 2010, The Waterford East Lyme Shellfish Commission will be holding a meeting and F.I.S. Marine will be making a presentation for mooring products that will be an alternative for chains and promote sea life and aquaculture. He is hoping to have a manufacturer's representative present and would like to encourage attendance.

Mr. Kanter announced that he is the co-chairman of the Waterford East Lyme Shellfish Commission, and he has had discussions regarding these alternate products.

The meeting is March 18, 2010 at 7:30 at the East Lyme Police Station.

Mr. Schutt also encouraged attendance.

#### **Adjournment**

**MOTION (4): Mr. Mountzoures moved to adjourn the February 16, 2010, meeting of the Harbor Management Commission, at 8:25 PM.**

**Seconded by Mr. Murin.**

**Motion carried 4-0-0.**

Respectfully Submitted,

Zoe Zrakas, Recording Secretary