



**Stonington Harbor Management Commission**  
**April 12, 2021**  
**Minutes by (Melanie Degler, Secretary)**



**1. Call to Order:**

Chairman Spalding called the virtual meeting to order at 7:00 PM. The virtual meeting was held via ZOOM with public call-in availability. The Commissioners listed below were on the ZOOM meeting.

**Attending:** Chairman Spalding, Secretary Degler, Vice Chairman Diggs, Commissioners O'Neill, Rose and Williams, Harbormaster Donch

**Absent:** Treasurer Crites, Commissioner Smith and Deputy Harbormaster Estabrooks

*Special Thank You to Commissioner Bruce Anderson who has chosen not to renew his appointment. He has given our Commission six years of service offering a wealth of knowledge and experience of our Harbor. Thank You Commissioner Anderson for your service to the Town of Stonington!!*

**2. Minutes:**

The Minutes of both March 2021 meetings were reviewed. Vice Chairman Diggs made a motion to approve the March 8<sup>th</sup> Minutes. Commissioner MacKinnon seconded the motion. No further discussion occurred, all in favor, motion approved.

Commissioner Williams made a motion to approve the March 29<sup>th</sup> Special Minutes. Commissioner O'Neill seconded the motion. No further discussion occurred, all in favor, motion approved.

**ACTION ITEM #1: Harbormaster Donch will speak with Commodore Motherway to confirm the Wad Club's purchase and assign a new mooring location in the north area of the Harbor.**

**ACTION ITEM #2: Chairman Spalding will contact the Town Selectwomen's Office to send a commendation to former Commissioner Anderson for his Commission Service.**

**3. Public Comment:** There was none.

**4. Correspondence:**

**In Jurisdiction:**

- Little Narragansett Bay Oyster Company Application –There were no concerns with the application as submitted. Acceptance of the submittal is consistent with the SHMC Plan. Vice Chairman Diggs made a motion to approve the Application as submitted. The motion was seconded by Commissioner O'Neill. No further discussion occurred, all in favor, motion approved.
- Lubert Dock Extension-Wamphassuc Point – Review and discussion related to the length of the dock extension occurred and the Harbormaster confirmed this was not an issue. Acceptance of the submittal is consistent with the SHMC Plan. Vice Chairman Diggs made a motion to approve the Application as submitted. The motion was seconded by Commissioner O'Neill. No further discussion occurred, all in favor, motion approved.

- Court Decision Correspondence from CT Harbor Management Association – Reviewed letter from John T. Pinto, President, Connecticut Harbor Management Association (CHMA) regarding CT Harbor Commissions jurisdiction related to options to the edict that runs contrary to the Connecticut Harbor Management Act and Harbor Management Plans.

**ACTION ITEM #3: Chairman Spalding will send comment to Chairman Pinto stating the SHMC Plan is consistent with aspects of the court ruling.**

**Out of Jurisdiction:** 22 Quarry Path, Lords Point – approval was not required by SHMC, as not in jurisdiction.

### **6. Treasurer’s Report:**

The Financial Report for March 2021 was reviewed and attached to these minutes.

Vice Chairman Diggs made a motion to approve the Treasurer’s Report as presented. Commissioner O’Neill seconded the motion. No further discussion occurred, all in favor, motion approved.

### **7. Harbormaster’s Report:**

The Harbormaster’s Report for April 2021 was reviewed.

Vice Chairman Diggs made a motion for Harbormaster Donch to engage Greenhaven Marine to install the new SNW buoys for Sandy Point and the new private AtoN buoy for Pawcatuck/Osbrook Point. Commissioner MacKinnon seconded the motion. No further discussion occurred, all in favor, motion approved.

**ACTION ITEM #4: Harbormaster Donch to confirm with Greenhaven Marine and engage them for installation and annual removal once the new buoys have been received.**

Commissioner MacKinnon made a motion to approve the Harbormaster’s Report as presented. Commissioner Williams seconded the motion. No further discussion, all in favor, motion approved.

### **8. Old Business:**

1. Newsletter update – Secretary Degler has received comments/ changes to the 2021 Newsletter and the Commissioners agreed to have her engage Copy Cats to again print and mail the newsletter to all individuals listed in Online Mooring and print an additional (1,500) to place around Town and in the Boro for this season.
  - Commissioner Williams suggested local realtor offices be added to the newsletter distribution group this year.
2. Pawcatuck Point (Osbrook Point) Private AtoN – see above in the Harbormaster’s Report.
3. Sandy Point SNW Buoy Acquisition –

**ACTION #5: Commissioner MacKinnon will contact Gilman Marine to buy five (5) refurbished buoys for Sandy Point for Greenhaven Marine to install.**

4. SHMP Revision Status –

**ACTION #6: Chairman Spalding will contact DEEP for next steps to approve our Plan Revisions.**

**9. New Business:**

1. Secretary Degler will contact the next ten (10) individuals on the Waitlist and offer them new moorings.
2. Commission Vacancy – Bruce Anderson did not renew his appointment. See ACTION #2 for next step.

**10. Executive Session:**

Chairman Spalding made a motion to move to a closed Executive Session. Commissioner O'Neill seconded the motion. No discussion, all in favor, motion approved. This session was not recorded and ad-hoc member, Harbormaster Donch excused himself prior to any discussion.

**ACTION ITEM #10: Chairman Spalding will contact the Stonington Town Selectwomen's Office to discuss any legal issues with the topic discussed.**

Commissioner O'Neill made a motion to table further discussion of the topic pending discussions with the Town. Commissioner Rose seconded the motion. No discussion, all in favor, motion approved.

**11. Adjournment:**

Secretary Degler relayed Roberts Rules states a motion is not needed to adjourn a meeting as the Chairman can adjourn the meeting anytime. Commissioner O'Neill relayed his concern with this statement.

**ACTION ITEM #11: Secretary Degler will send Roberts Rules documentation to all Commissioners to review.**

Vice Chairman Diggs made a motion to adjourn the meeting. Commissioner MacKinnon seconded the motion. No further discussion occurred, all in favor, motion approved for adjournment at 9:06 pm.

Approved:   
*Jay Spalding, Chairman SHMC*

Date: 5/10/2021

**Attachments:**

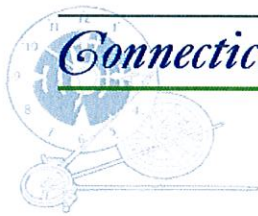
- Treasurer's Report
- Harbormaster's Report

Treasurer's Report

Report Date 4/12/2021

	Plan	Jan	Feb	Mar	YTD	Probable
<b><u>Funds Generated:</u></b>						
Balance Brought Forward:	10,799	10,798.62	7,857.93	4,161.88	10,798.62	10,798.62
Paid Moorings: Com/PW/Pub:	128/275/14	0/2/0	0/0/0	0/14/0	0/16/0	128/275/14
Moorings Fees:	26,830	100.00	0.00	700.00	800.00	26,830.00
Wait List Fees:	0	0.00	0.00	0.00	0.00	0.00
Miscellaneous Income:	200	0.00	0.00	0.00	0.00	200.00
<b>Total Generated Funds:</b>	<b>37,829</b>	<b>10,898.62</b>	<b>7,857.93</b>	<b>4,861.88</b>	<b>11,598.62</b>	<b>37,828.62</b>
<b><u>Operating Expense:</u></b>						
<b>Moorings Admin:</b>						
Mailings:	300				0.00	300.00
Telephone:					0.00	0.00
Online Mooring:	5,000	798.28	14.05	1,123.36	1,935.69	5,000.00
Miscellaneous:		50.00			50.00	0.00
<b>Sub-Total:</b>	<b>5,300</b>	<b>848.28</b>	<b>14.05</b>	<b>1,123.36</b>	<b>1,985.69</b>	<b>5,300.00</b>
<b>Boat:</b>						
Fuel & Oil:	200	131.55			131.55	200.00
Commissioning:	2,500	1,230.00			1,230.00	2,500.00
Storage:	0				0.00	0.00
Maintenance/Repairs:	1,000				0.00	1,000.00
Equipment:	250	344.87			344.87	250.00
<b>Sub-Total:</b>	<b>3,950</b>	<b>1,706.42</b>	<b>0.00</b>	<b>0.00</b>	<b>1,706.42</b>	<b>3,950.00</b>
<b>Harbor Maintenance:</b>						
Buoy: Commission/Haul/Store:	6,000	403.76	3,682.00		4,085.76	6,000.00
Misc Service/Locker Storage:	500				0.00	500.00
Adjust Grid Alignment:	500				0.00	500.00
Signage:	0	39.66			39.66	0.00
<b>Sub-Total:</b>	<b>7,000</b>	<b>443.42</b>	<b>3,682.00</b>	<b>0.00</b>	<b>4,125.42</b>	<b>7,000.00</b>
<b>Dock/Pumpout:</b>						
Dock Eqpt./Maintenance:	300				0.00	300.00
Pumpout Eqpt./Maintenance:					0.00	0.00
Miscellaneous:					0.00	0.00
<b>Sub-Total:</b>	<b>300</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>300.00</b>
<b>Administrative:</b>						
Supplies:	0				0.00	0.00
Newsletter:	3,000				0.00	3,000.00
Professional Services:	700	42.57			42.57	700.00
<b>Sub-Total:</b>	<b>3,700</b>	<b>42.57</b>	<b>0.00</b>	<b>0.00</b>	<b>42.57</b>	<b>3,700.00</b>
<b>Total Operating Expense:</b>	<b>20,250</b>	<b>3,040.69</b>	<b>3,696.05</b>	<b>1,123.36</b>	<b>7,860.10</b>	<b>20,250.00</b>
<b><u>Approved Projects/Capital</u></b>						
New SNW Buoys	10,000				0.00	10,000.00
New Anchorage Buoys	5,000				0.00	5,000.00
New Channel Buoys	5,000				0.00	5,000.00
Addition to Boat Reserve	0				0.00	0.00
Public Access Improvement	0				0.00	0.00
<b>Approved Projects/Capital</b>	<b>20,000</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20,000.00</b>
<b>Total Designated Funds</b>	<b>40,250</b>	<b>3,040.69</b>	<b>3,696.05</b>	<b>1,123.36</b>	<b>7,860.10</b>	<b>40,250.00</b>
<b>Undesignated Funds:</b>	<b>(2,421)</b>	<b>7,857.93</b>	<b>4,161.88</b>	<b>3,738.52</b>	<b>3,738.52</b>	<b>(2,421.38)</b>
<b><u>Notes:</u></b>						
Petty Cash Advance	300					300.00
HM Replacement Boat Reserve	30,000					30,000.00
Public Access Reserve	10,000					10,000.00
Emergency Reserve	10,000					10,000.00





## Connecticut Harbor Management Association

March 22, 2021

Dear Harbor Management Commission Chairs:

I'm writing to inform you of a serious issue that requires immediate attention by all harbor management commissions.

The Connecticut Harbor Management Act of 1984 (the Act) authorizes any municipality having navigable waters to prepare a Harbor Management Plan for state approval and local adoption. The Act is codified in Sections 22a-113k through 22a-113t of the Connecticut General Statutes. Among the local authorities set forth in every Plan is the authority to review and provide recommendations concerning proposals for docks, dredging, bulkheads, and other work that require authorization from DEEP.

Recommendations that you make to DEEP pursuant to your harbor management plan are essential to protect your municipality's coastal resources, guide beneficial use of your harbor, and otherwise serve the public interest. Although harbor management commissions do not have regulatory authority over in-water work and structures, all commissions participate in and influence the state's regulatory decisions in a vital way.

On January 27 of this year, a Superior Court decision inexplicitly concluded that harbor management commissions in Connecticut no longer have authority to review and make recommendations concerning applications for DEEP permits and other approvals. A copy of the decision is attached.

The Court case involves a dispute between two neighbors over a DEEP-permitted dock in Greenwich. As part of the Judge's ruling upholding the permit, he made two critical findings that are extremely disconcerting.

First, the Judge concluded that harbor management commissions do not have the power to make binding recommendations to DEEP. (*Refer to section highlighted at the bottom of page 4 of the decision.*) This is troubling because harbor management plans, including the plans most recently approved by DEEP, include the provision that a recommendation of the harbor management commission pursuant to the plan and adequately supported by the plan is binding on DEEP decisions unless DEEP shows cause otherwise. As a result, it has been understood for some time that a commission's recommendations have significant weight but at the same time DEEP can still act contrary to a commission's recommendations but must explain itself if it does. No one has ever suggested, as the Judge implies, that a harbor management commission would have "veto" power over a DEEP decision.

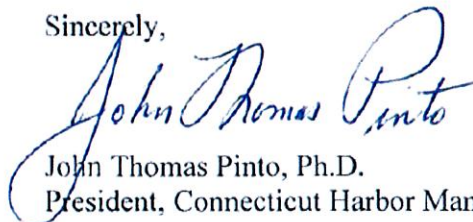
Second, and perhaps even more troubling, the Judge goes further on page 6 of his decision to say that harbor management commissions have no authority to even review and make recommendations concerning DEEP permits. The Judge asserts that the authority of a harbor management commission to make recommendations "*only applies to recommendations about applications in front of local authorities, not state authorities,*" and that a commission's power is limited "*to local applications only.*" These statements are contrary to current and long-standing harbor management practices, the provisions of state-approved and locally adopted harbor management plans, the State of Connecticut's coastal regulatory program, and, the CHMA maintains, the intent of the Connecticut Harbor Management Act. That intent, clearly stated in the legislative history, is to provide jurisdiction and authority to municipalities over matters pertaining to the use and condition of their harbors and navigable waterways, acting in coordination with state and federal authorities, including DEEP.

If left to stand, these decisions would negate municipal harbor management authority in a most significant way.

The Town of Greenwich on behalf of its Harbor Management Commission has joined an appeal of the decision. At the same time, we suggest that an amendment to the Harbor Management Act should be pursued to clarify and confirm well-established and -recognized harbor management practices developed pursuant to the Act. There is, however, very little if any time to do this now since the legislative session is well underway. But that doesn't mean we can't try. May I suggest that you reach out to your local State legislators and start to educate them about the significant adverse impact of this court decision on municipal harbor management authorities?

The CHMA Board of Directors will be meeting to discuss options and to work on a draft of some possible amendments to the Harbor Management Act. I await any decision or course of action that your Commission would like the CHMA to pursue. Please email me with any questions as well as any suggestions about how we can best work together to address these issues.

Sincerely,

A handwritten signature in blue ink that reads "John Thomas Pinto". The signature is written in a cursive style with a large, looping initial "J".

John Thomas Pinto, Ph.D.  
President, Connecticut Harbor Management Association

[pintoj@optonline.net](mailto:pintoj@optonline.net)

cc: CHMA Board of Directors: (Treasurer, Stephen Dinsmore East Lyme Harbor Mgmt. Comm.; Peter Holecz, Bridgeport Harbor Mgmt. Comm.; Joel P. Severance, Chester Harbor Mgmt. Comm.; Raymond Redniss, Stamford Harbor Mgmt. Comm.; Mike Van Oss, Greenwich Harbor Mgmt. Comm. William Rock, Stratford Waterfront and Harbor Mgmt. Comm.; John Rie, Westbrook Harbor Mgmt. Comm.; Tucker Braddock, Norwich Harbor Mgmt Comm.; Jeffery Dziedzic, Harbor master, City of Groton; Geoffrey Steadman, Coastal Area Planning Consultant, Westport, CT.; Ned Farman (Alternate), Old Lyme Harbor Mgmt. Comm.)