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TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF APRIL 20, 2010

APR 28 2010
TOWN CLERK'S OFFICE
FAIRFIELD, CT

A meeting of the Harbor Management Commission (HMC) was held on Tuesday, April 20, 2010 at 4:30 p.m. in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Rd, Fairfield, CT.

MEMBERS PRESENT: Mary von Conta, Chairman; David Drabaski; Louis Schueler; John J. Zygmant; Sandye Mann, Hugh Smith; James P. Bradley, and Nelson North. **ABSENT:** E. Hewitt Gaynor **ALSO PRESENT:** Patrick Carroll, Harbor Master; Geoff Steadman, Consultant; Robin Bimmel, Public Works Dept; Thomas Steinke, Conservation Director, Joel Kunkel, Pequot Yacht Club, Steven Klemenz and Thomas Rudkin, Country Club of Fairfield, and Andrew Brophy, Press.

The meeting was called to order at 4:32 p.m. by Chairman Mary von Conta

I. APPROVAL OF MINUTES OF MARCH 16, 2010 MEETING:

Hugh Smith *moved* and John Zygmant *seconded* to approve the Minutes of March 16, 2010. *Motion passed unanimously.*

II. CORRESPONDENCE:

Chairman Mary von Conta reported the following correspondence:

March 22, 2010: Checks in the amount of \$1050.00 (permits: \$600.00; maintenance: \$400.00 and waiting list application fee \$50.00 for Soper #123)

April 5, 2010: Checks in the amount of \$1025.00 (permits: \$6500.00; maintenance: \$375.00).

April 18, 2010: Checks in the amount of \$1455.00 (permits: \$850.00; maintenance: \$605.00).

March 22, 2010: From Harbor Master Carroll to Max Soper acknowledging receipt of his 2010 waiting list application and \$50.00 application fee. (#123)

March 16, 2010: From Thomas Steinke to Chairman von Conta requesting comments regarding a proposed "non-harbor" mooring off Fairfield Beach on Fairfield Shellfish Natural Beds, and the recommendation of the Shellfish Commission that the mooring be placed in the vicinity of the Fairfield wastewater treatment plant outfall. Accompanying this request for comments were letters to and from Richard White, Fairfield DPW regarding comments about the proposal as well as a letter to the applicant for said mooring, Mr. Philip Di Gennaro regarding the proposal. This matter is on the agenda for this April 20, 2010 meeting of the HMC and will be discussed under "new business".

March 19, 2010: Letters from HMC Chairman von Conta thanking those who attended the Sand Management "Stakeholders" meeting in Hartford on March 4, 2010 for their participation in that meeting. Appended to each letter was a "Meeting Summary". Letters were sent to: Dr Joel Kunkel, Pequot Yacht Club (copy to Commodore Bruce Kueffner); Mr. Thomas Steinke, Fairfield Shellfish Commission (copy to Chairman Ed

Crowley); Mr. Milan Bull, Fairfield Conservation Commission (copy to Chairman Stanton Lesser; Mr. Jack Karalius and Ms Diane Ray , US Army Corps of Engineers; Mr. Robert Jontos and Mr. Steve Klemenz , Country Club of Fairfield; Mr. George Wisker, Mr. Brian Thompson, Ms. Tonia Selmeski, and Ms. Kristal Kallenberg-Dorismond of CT DEP/OLISP; Mr. Joseph Salvatore, CT DOT Dredging Coordinator.

March 24, 2010: From Chairman von Conta to Mr. Steven Gabriele of the surveying firm Dymar, hiring Dymar to perform a topographic survey of the sand bar adjoining the Southport Harbor jetty and to further assess the volume of sand that has accumulated west of the jetty since Dymar's previous survey for the HMC. In addition, Mr. Gabriele was asked to provide the survey data to the Town Engineering Department in a suitable electronic format. (A report on this study conducted by Dymar is on the agenda.)

April 9, 2010: From Harbor Master Carroll to Perry Green Boaters containing instructions regarding renewal of their mooring permits. Copies to Chairman von Conta and Mr. Robin Bimmel, Fairfield DPW.

April 12, 2010: From Mary von Conta, HMC Chairman, James Bradley, HMC Mooring Committee Chairman, and Harbor Master Carroll a letter to Waterfront Property Owners adjacent to Southport Harbor regarding the "Identification of vessels at docks and marinas". Appended to the letter is a "2010 Docked Vessel Identification Form" to be completed and returned to the Harbor Master so that he can compile an inventory of all boats, except tenders used to reach a larger vessel in Southport Harbor, that are tied up to private wharves, docks and piers in Southport Harbor.

Early in April an e-mailed copy of the April 14, 2010 Fairfield Shellfish Commission Meeting Agenda and minutes of their March 10, 2010 meeting. This agenda was modified slightly by a subsequent e-mail.

April 14, 2010: From Ed Jones, Open Space Manager, Town of Fairfield, to Chairman von Conta: a copy of a CT DEP permit application to do work on Pine Creek Self-regulating Tide Gates and seeking comments from the HMC (if the HMC wishes to comment). This is not in the jurisdiction of the HMC.

April 16, 2010 from three Chairpersons representing The Long Island Sound Councils and Assembly to Mr. Ed O'Donnell, US ACOE, regarding maintenance dredging of Connecticut ports and harbors, and requesting that the US ACOE investigate the feasibility of using relatively small special purpose dredges to facilitate the necessary dredging in selected Connecticut Harbors. The letter specifically mentioned Southport Harbor, among others, in need of dredging attention. A copy of this letter was sent to First Selectman Kenneth Flatto, and forwarded to HMC Chairman Mary von Conta.

Chairman von Conta indicated that the Pequot Yacht Club had assisted with the removal of the engine block that had previously been reported by Conservation Director Thomas Steinke as being discarded in the Harbor. The Chairman provided photos.

Chairman von Conta provided photos of the sand accumulation as a result of the recent storm.

III. OLD BUSINESS:

Sand Management Report: Geoff Steadman reported that Dymar had been contracted to provide an updated topographic survey of the sand bar adjoining the Harbor jetty, and provided the HMC with the preliminary drawings evidencing approximately 2400 cy of sand accreted since the previous survey; a plan showing cross sections was also provided. Dymar will be coordinating with the Town engineering department to provide electronic files of the survey data. The final survey drawings will be signed and sealed for review at the May HMC meeting. Mr. Roberge will be in attendance at the May meeting to discuss the findings by Dymar and possible next steps in the development of the Sand Management Plan. Thomas Rudkin of the Country Club of Fairfield distributed copies of a publication of the Southport Conservancy entitled "The Southport Packet"; this publication was dated April 2003, and included 1920 photographs of Kenzie's Point, the Riegel Estate, and evidenced the sand condition at that time. Mr. Rudkin noted that he has been doing some research, including reviewing Country Club of Fairfield documents from 1914-1930, in an attempt to obtain additional information concerning the sand accumulation.

Mooring Report: James Bradley reported that the Mooring Committee met recently. Mr. Bradley provided the Commission of an overview of the efforts by Harbor Master Carroll concerning the mooring applications, as well as the efforts to fill some of the existing vacant mooring locations. Mr. Bradley further reported that the Mooring Committee reviewed and approved for distribution the letter to Southport Harbor shoreline property owners requesting information concerning docks and berthed vessels. This information will allow the Harbor Master to compile a thorough inventory. Harbor Master Carroll also provided copies of the HMC's 2009 Southport Harbor Annual Report provided to all mooring permit holders, and commended Geoff Steadman for his efforts to prepare the report and Hugh Smith for his photographs included in the report. Mr. Carroll noted that he has been in communication with the company that will be building the dock at the Flaster property. Mr. Carroll also indicated that he had recently received notification that dredging activities were about to commence at the Illuzzi property. As this is not an appropriate time to conduct such activities due to the placement of Harbor moorings, Mr. Carroll contacted the various parties and Mr. Illuzzi agreed to delay the dredging activities until fall so as not to conflict with the vessels moored in the Harbor. Mr. Carroll noted that despite considerable effort to contact a mooring permit holder who has not submitted his application for renewal, no response has been received. These efforts were made as a courtesy, as the deadline to submit the renewal application was January 31st. It was the consensus of the Commission that this mooring permit be revoked by the Harbor Master, in accordance with the HMC's rules and regulations for mooring and anchoring in the Harbor. To date, the Harbor Master has received three responses to the letter sent to the shoreline property owners requesting identification information for docks and berthed vessels. Following inquiry by Louis Schueler, it was noted that the HMC does not encourage the issuance of mooring permits to vessels with joint ownership, but when such permits are issued, they are issued in one name only; the other joint owner or owners have no vested rights in the permit. Further, proof of joint ownership must be submitted, including the names of all joint owners included on the State vessel registration and the vessel's insurance certificate. Robin Bimmel of the DPW noted that Town marina rules were just amended to clarify that the owner of a slip must also be the owner of the vessel, although a partner can be named. In the event of the death of a spouse, then the surviving spouse automatically has the right to the slip ownership if he or she wishes.

Lower Wharf Report – Mr. Steadman: Mr. Steadman reported that he is still awaiting a response from the State DEP. Mr. Steadman also indicated that projects planned for the Lower Wharf area will be prioritized, with consideration given to the cost for the projects.

Review and Adopt Final Form of “Fairfield Application and Review Requirements”: Chairman von Conta provided the Commission with the final document setting forth the list of requirements of the HMC, and establishing the various documentation and information required prior to a formal review of an application. Geoff Steadman noted that there were two minor changes to the document since the HMC’s last review, which included #6 (the survey must be properly signed and sealed by a licensed surveyor and engineer registered in the State of Connecticut); and #12, which was modified to reflect that the HMC “may amend as necessary”. James Bradley *moved* and David Drabaski *seconded* to adopt the final form of the “Fairfield Application and Review Requirements” (with amendments as noted by Geoff Steadman). *Motion passed unanimously.*

Review Revisions to the May 16, 2005 Document “Fairfield Harbor Management Commission Project Review Policies”: Chairman von Conta indicated that the revised document has not been finalized, and this matter will be placed on a future agenda.

IV. OLD BUSINESS:

Consider “Request for Comments” from Mr. Steinke and the Shellfish Commission regarding the placement of “non-harbor” moorings off Fairfield Beach on Fairfield Shellfish Natural Beds around the Fairfield Outfall Sewer: Chairman von Conta noted that although this matter is not under the jurisdiction of the HMC, it may be of interest. This matter relates to a DEP-OLISP application by Philip DiGennaro to place a “non-harbor” mooring in Long Island Sound. Conservation Director Thomas Steinke provided the HMC with a brief summary of the application, noting that although the applicant had requested placement of the mooring for a 50’ vessel on the Fairfield natural shellfish beds, there are on-going discussions for an alternate location which would provide for the mooring to be placed in the vicinity of the Town’s wastewater treatment plant outfall, in an area classified by the State as a “prohibited” shellfishing area. In addition to various town agencies, comments from commercial fishermen will also be considered. Mr. Steinke noted that there is concern that if a mooring field is permitted, that the State may begin to deem the mooring field area a “marina,” which would mean that the area would be restricted for shellfish harvesting. The HMC discussed the matter at length; it was the consensus of the HMC that such placement of the “non-harbor” mooring in the vicinity of the wastewater treatment plant outfall, as suggested, would be inappropriate. There were many concerns noted, including potential adverse impacts on marine habitat and the public safety and navigation impacts that might be expected, especially if the vessel were to break free from the mooring during inclement weather conditions. The Shellfish Commission will be advised of the HMC discussion on this matter.

V. PUBLIC COMMENT: None.

VI. ADJOURNMENT:

There being no further business to come before the Commission, David Drabaski *moved* and James Bradley *seconded* to adjourn the meeting at 6:07 p.m. *Motion passed unanimously*

Respectfully submitted,
Betty Gabriel

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