

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF NOVEMBER 16, 2010**

A meeting of the Harbor Management Commission (HMC) was held on Tuesday, November 16, 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; E. Hewitt Gaynor; Hugh Smith; James P. Bradley; John Zygmant; Sandye Mann; and Nelson North. **ALSO PRESENT:** Patrick Carroll, Harbor Master; Geoff Steadman, HMC Consultant; Thomas Steinke, Conservation Director; Thomas Rudkin, Country Club of Fairfield; Jeff Engborg, Manager of Pequot Yacht Club, and Joel Kunkel, Pequot Yacht Club Harbor Chair.

The meeting was called to order at 4:34 p.m. by Chairman Mary von Conta.

I. PUBLIC HEARING: To hear comments concerning the HMC's proposed revisions to the "Rules and Procedures for Mooring and Anchoring Vessels in Southport Harbor," including revisions concerning requirements for sustained use of a mooring location during the boating season.

Sandye Mann was appointed to sit as a full member.

The public hearing was opened at 4:35 p.m. Chairman von Conta read the call of the public hearing. The Commission reviewed the proposed revisions to the "Rules and Procedures for Mooring and Anchoring Vessels in Southport Harbor." There being no public present who wished to comment, at 4:45 p.m. David Drabaski *moved*, and E. Hewitt Gaynor *seconded* to close the public hearing. *Motion passed unanimously*. Following the close of the public hearing, the HMC deliberated on the matter as follows:

Following inquiry by Sandye Mann, the HMC discussed the proposed language and how it may or may not limit the date of removal of moored vessels at the close of the boating season. Geoff Steadman clarified that the language proposed addresses the sustained use of the vessel during the boating season, and not the date of removal at the end of the boating season. James Bradley *moved*, and Sandye Mann *seconded* to adopt the proposed revisions to the Rules and Procedures for Mooring and Anchoring Vessels in Southport Harbor. *Motion passed unanimously*. Geoff Steadman noted that, pursuant to the Town Code, the adopted revisions will be published in a newspaper having substantial circulation in the Town, and will become effective on the date of publication. A copy of the revised Rules and Procedures is attached hereto as Exhibit A.

John Zygmant arrived at 4:55; Sandye Mann sat as an Alternate Member for the remainder of the evening.

II. APPROVAL OF MINUTES OF OCTOBER 19, 2010 MEETING:

Hugh Smith *moved* and John Zygmant *seconded* to approve the Minutes of October 19, 2010. *Motion passed unanimously*.

III. CORRESPONDENCE:

Chairman Mary von Conta reported the following correspondence:

October 1, 2010: Copy of an e-mail sent to Harbor Master Patrick Carroll by Governor M. Jodi Rell reappointing Mr. Carroll to his position of Harbor Master of “harbors and navigable waterways” in Southport for a term ending June 30, 2013. *The HMC acknowledged and congratulated Harbor Master Carroll on his reappointment.*

October 15, 2010: Memorandum conveying a report on and drawings of topographic and hydrographic surveys of conditions in and near the Southport Harbor federal navigation channel. Sent by Chairman von Conta to representatives of the USACE, DEP OLISP, CT DOT, Fairfield Conservation and Shellfish Commissions, Fairfield Public Works and Conservation Departments, the Pequot Yacht Club and the Country Club of Fairfield.

October 20, 2010: A copy of an e-mail from Thomas Steinke to Harbor Master Carroll responding to Mr. Carroll’s question regarding the DEP OLISP decision on the DiGennaro non-harbor mooring General Permit application.

Early in November: A copy of the Shellfish Commission’s meeting minutes of October 13, 2010.

IV. ORGANIZATIONAL MATTERS OF THE COMMISSION

- A. HMC’s 2011 Officers – Appoint Nominating Committee: Chairman von Conta nominated James Bradley, John Zygmant and Louis Schueler as a Nominating Committee. The Nominating Committee will provide the HMC with a report and recommendation at the December HMC meeting.
- B. 2011 Meeting Dates: Chairman von Conta noted that the HMC will vote on the 2011 schedule of meetings at the December HMC meeting.
- C. 2011-2012 Budget: Chairman von Conta received an e-mail from the Town Finance Department concerning the upcoming 2011-12 budget request. The HMC discussed recent expenditures, including expenditures concerning fees and professional services. Following discussion, James Bradley *moved* and E. Hewitt Gaynor *seconded* to amend the HMC agenda to include discussion and action regarding the HMC’s 2011-2012 budget. *Motion passed unanimously.* Following discussion, Hugh Smith *moved*, and David Drabaski *seconded* to have Chairman von Conta submit a budget request to the Budget Director on behalf of the HMC which should include an increase of \$2,500.00 in the fees and professional services account, and an increase of \$100.00 in the printing and binding account; all other accounts in the HMC budget request shall remain the same as was approved in the 2010-2011 budget. *Motion passed unanimously.*

- D. Appoint Finance Committee: It was noted that the E. Hewitt Gaynor and David Drabaski shall continue to act as the Finance Committee of the HMC.

V. OLD BUSINESS

Mooring Report: Harbor Master Carroll reported that the mooring permit and waiting list renewals are expected to be mailed during the second week of December. Following inquiry by Harbor Master Carroll, Jeff Engborg, Manager of the Pequot Yacht Club reported that this is the third service year for removal and inspection of the Town mooring tackle as required by the HMC. Mr. Engborg gave a status report concerning the removal and inspection work and reported that currently the Yacht Club, as contractor to the HMC, is ahead of schedule for maintenance and inspection. Mr. Engborg provided the HMC with the procedures and standards with regard to servicing/inspecting the moorings, including standards for replacing anchor chains. Chairman von Conta emphasized that safety is the main priority when giving consideration to mooring tackle repairs. Sandye Mann stated that in the Five Mile River Harbor, mooring permit holders are required to pay an annual fee and so are the owners of berthed vessels in order to accrue fees for managing the harbor. Geoff Steadman clarified that the Five Mile River Harbor is managed by the Five Mile River Commission which is a Special Act Commission of the Connecticut Legislature and not a municipal harbor management commission. He reported that fees collected by the Five Mile River Commission are placed in a special account to be used for capital projects such as dredging of the harbor. The HMC Mooring Committee is currently considering the feasibility of establishing a similar account for funding long term capital improvements in Southport Harbor.

Sand Management Report: Geoff Steadman reported that the HMC has not received any responses to the Chairman's October 15, 2010 letter with accompanying report and drawings that were sent to each of the participants of the March 4, 2010 meeting at the CT DEP-OLISP concerning sand management issues in the Harbor. Mr. Steadman noted that the next order of business is to make a determination as to which of the several options for sand management outlined in the October 15, 2010 letter should be pursued at this time.

Lower Wharf Report: The HMC continued to review its strategy for advancing the Lower Wharf improvement plans. The outline/summary of the project prepared by Mr. Bradley was discussed and the HMC agreed that the outline/summary will be the basis for a report that will be included as supporting documentation with the revised permit application submitted to the CT DEP-OLISP, and that report will also be used to obtain support from other agencies of the Town. Chairman von Conta and Harbor Master Carroll summarized the results of their discussions with the Police and Fire Departments concerning those departments' requirements for emergency access to the Harbor from the Town Boat Yard.

Hugh Smith reported that he and Louis Schueler are preparing a photo display of conditions at the Lower Wharf and Town Boat Yard for the purpose of most effectively presenting the HMC's improvement plans. Mr. Smith and Mr. Schueler recently inspected the Harbor but reported that the limited public access at this time of year is not conducive to beneficial photos to illustrate the HMC's plans. Mr. Smith provided the HMC with previous photos that he had taken at low tide and which provide graphic evidence of sediment accumulation affecting access to and from the Harbor as well as the deterioration of the boat launching ramp. Mr. Smith said he will take additional photos in the Spring. Sandye Mann suggested that photos should be taken to show use of the ramp by the Fire Department's emergency services vessel. Mr. Smith and Mr. Schueler reported on their conversations with elected state officials who indicated they are available to assist the HMC at the appropriate time to advance the HMC's Lower Wharf improvement plans.

Geoff Steadman reported that he is continuing to coordinate with the Engineering Department for the development of a new design for improvement of the boat launching ramp. The Town's survey crew has completed a new survey of elevations in the vicinity of the ramp, and the Engineering Department has used those elevations to design an appropriate extension of the existing ramp to provide three feet of water depth at the end of the ramp at low tide. That depth was identified by the Fire Department as the required depth to meet the Fire Department's needs for launching its emergency services vessel. Mr. Steadman will provide the new boat ramp design to Roberge Associates for incorporation into the HMC's plan drawing for re-submittal to the DEP OLISP.

Chairman von Conta reported on a meeting she attended with Mr. Steadman, Public Works Director Richard White and Conservation Director Tom Steinke to discuss possible off-site mitigation to compensate for any unavoidable adverse impacts on intertidal resources that may result from construction of the proposed boat ramp improvements. Mr. White believes there may be feasible mitigation opportunities involving restoration of inter-tidal areas in the Pine Creek area. Mr. Steadman reported that Mr. White is supportive of a dredging project and boat ramp improvement project that is consistent with the project described by Mr. Bradley in his outline/summary document.

The HMC will proceed with the several identified action items to advance the Lower Wharf improvement plans.

III. NEW BUSINESS: None noted

IV. PUBLIC COMMENT: None noted

V. ADJOURNMENT:

There being no further business to come before the Commission, David Drabaski *moved* and John Zygmant *seconded* to adjourn the meeting at 6:25 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel

EXHIBIT A

HARBOR MANAGEMENT COMMISSION

NOTICE OF AMENDMENTS TO RULES AND PROCEDURES FOR MOORING AND ANCHORING VESSELS IN SOUTHPORT HARBOR

Pursuant to Chapter 24, Sec. 24-8E(3) of the Fairfield Code, notice is hereby given that following a public hearing and subsequent vote on November 16, 2010 the Town of Fairfield Harbor Management Commission amended sections of the Rules and Procedures for Mooring and Anchoring Vessels in Southport Harbor as noted below.

Bold text is new text; struck-out text is deleted text.

5. Assignment of Mooring Locations:

(a) All assignments of mooring locations shall be made by the Harbor Master, with assistance from the Mooring Committee. **All assigned mooring locations shall be properly utilized by the mooring permittee, in accordance with these Rules and Procedures, during the boating season of April 15 to October 15.**

13. Use ~~Abandonment~~ of Mooring Location or Tackle:

(a) **Use of an assigned and permitted mooring location shall be sustained by the mooring permittee over a reasonable period of time during the boating season of April 15 to October 15, subject to review by the Harbor Master and Harbor Management Commission at the close of the boating season.** Any assigned and permitted mooring location not used **by the mooring permittee for a sustained and reasonable period of time during the boating season** ~~permit year expiring on December 31~~ shall be considered abandoned and subject to reassignment, **unless the permittee can show cause, to the satisfaction of the Harbor Master and Harbor Management Commission, why a different action should be taken.** Any mooring tackle not authorized by the Harbor Master is subject to removal at any time. No permitted mooring location may be left unused for more than one permit year.

(b) **A mooring permittee must attach the vessel identified in the mooring permit to the permittee's assigned mooring location by July 15 in the year for which the mooring permit has been issued. A mooring permittee who has not attached his or her vessel to the assigned mooring location by July 15 shall be notified in writing by the Harbor Master that his or her mooring permit and privileges may be revoked. Upon receipt of any such notification by the Harbor Master, the permittee must respond within five (5) days to show cause, to the satisfaction of the Harbor Master and Harbor Management Commission, why the permit should not be revoked. Failure of a mooring permittee to properly respond to written notification from the Harbor Master concerning an unused mooring location shall result in revocation of the mooring permit and privileges.**

(c)~~(b)~~ Any mooring permit holder who owns mooring tackle and is abandoning his or her assigned mooring location may offer to sell the tackle occupying such location to the Harbor Management Commission at fair market value. If such tackle is not sold, it shall be removed by such registered owner. Failure of the owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbor Master at the expense of the owner.

19. Revocation of Mooring Permit:

(a) The Harbor Master shall have the authority to revoke a mooring permit if the permit holder fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit conditions or provisions of these Rules and Procedures, including but not limited to:

- (i) failure to maintain a properly registered, documented, or insured vessel;
- (ii) failure to secure a vessel to its mooring with proper care and equipment ;
- (iii) failure to use the assigned mooring location **in accordance with these Rules and Procedures.**

25. Revocation of Mooring Permits and Removal of Unpermitted Vessels.

(b) Pursuant to Sec. 15-8 **and Sec. 15-9** of the Connecticut General Statutes, the Harbor Master may remove any vessel moored in the HMA in violation of these Rules and Procedures.