

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF AUGUST 16, 2011**

A meeting of the Harbor Management Commission (HMC) was held on Tuesday, August 16, 2011 at 4:30 p.m. in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Mary von Conta, Chairman; E. Hewitt Gaynor; John Zygmant; Hugh Smith; David Drabaski; James P. Bradley; Louis Schueler and Nelson North (Alternate Member). **ABSENT:** Sandye Mann (Alternate Member). **ALSO PRESENT:** Patrick Carroll, Harbor Master; Geoff Steadman, HMC Consultant; Thomas Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Edward Crowley, Jr., Shellfish Commission Chairman; Peter Boehm, Resident.

The meeting was called to order at 4:30 p.m. by Chairman von Conta.

I. APPROVAL OF MINUTES OF JULY 19, 2011 MEETING:

E. Hewitt Gaynor *moved* and John Zygmant *seconded* to approve the meeting minutes of July 19, 2011. *Motion passed unanimously.*

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

July 22, 2011: From Harbor Master Carroll to Mr. E.W. Rhame, 271 High Meadow Road, Southport, CT 06890 (#15 on the mooring waiting list) informing him of the availability in Southport Harbor of two mooring spaces for powerboats in the 20-23 feet category.

July 22, 2011: From Harbor Master Carroll to Mr. David Palmer, 160 Sturbridge Lane, Southport, CT 06890 (# 16 on the mooring waiting list) informing him of the availability in Southport Harbor of two mooring spaces for powerboats in the 20-23 feet category.

July 27, 2011: From Harbor Master Carroll to Mr. Philip Morris, 580 Harbor Road, Southport, CT 06890 (# 17 on the mooring waiting list) informing him of the availability in Southport Harbor of a mooring space for a powerboat in the 20-24 feet category.

August 8, 2011: From Harbor Master Carroll to Mr. Paul Hiller enclosing a check in the amount of \$50.00, the fee for the filing of a 2011 Southport Harbor mooring waiting list application (Muller #113).

August 14, 2011: From Harbor Master Carroll to Mr. Paul Hiller enclosing checks in the amount of \$375.00: (\$150.00 permit fee; \$175.00 mooring maintenance fee; \$50.00 for mooring waiting list application fee (Whitcomb # 114).

August 6, 2011: From Harbor Master Carroll to Mr. Hunter Muller, 800 Rowland Road, Fairfield, CT 06824 acknowledging receipt of his 2011 mooring waiting list application and filing payment of \$50.00. (#113 on the list)

August 14, 2011: From Harbor Master Carroll to Mr. James H. Whitcomb III, 249 Old South Road, Southport, CT 06824 acknowledging receipt of his 2011 mooring waiting list application and filing payment of \$50.00. (#114 on the list)

July 22, 2011: From Thomas Steinke, Fairfield Conservation Director, to Ms Tonia Selmeski, DEEP/OLISP informing her that the Fairfield Conservation Commission, at its July 21, 2011 meeting reviewed the application by Randy Phelps of 241 Harbor Road, Southport CT for removal of an existing pier and construction of a pier and float in the Mill River estuary and unanimously voted to endorse the application as a conditional permit. The condition will require the permittee to timely remove the float system between November 15 and April 15 and if requested to do so by the Shellfish Commission for shellfish management purposes.

July 25, 2011: From HMC Chairman von Conta to Ms. Tonia Selmeski, CT DEEP.OLISP, informing her that the HMC reviewed Application No 200801979-TS by Randy Phelps to conduct work in Southport Harbor at its July 25, 2011 meeting and unanimously approved a motion to a) find the applicant's proposal consistent with the HM Plan and b) recommend, as an additional condition for approval of the applicant's proposal, that all of the proposed work be conducted during a time and manner so as not to cause any significant adverse impacts on the normal operation of Southport Harbor.

Early in August: A copy of the Fairfield Shellfish Commission's Meeting Agenda for August 10, 2011.

August 11, 2011: From Thomas Steinke to Ms Tonia Selmeski, CT DEEP/OLISP regarding Application No. 200801979-TS; R. Phelps for Proposed Pier and Float at 241 Harbor Road, Fairfield, Connecticut. The Shellfish Commission reviewed the application and found it to be consistent with Fairfield's adopted Shellfish Management Plan. The Commission also heard comments by Mrs. Preyer, abutting property owner to the applicant, regarding her objections to the alignment of the proposed dock structure and boat in terms of her family's waterfront safety and the anticipated increased accumulation of floating debris in the shoreline pocket between the Phelps and Preyer properties upstream of the proposed new structure. The Shellfish Commission found Mrs. Preyer's concerns to be outside of its shellfish purview and encouraged Mrs. Preyer to contact the applicant, the HMC and the DEEP/OLISP staff within the public comment period.

NOTE: At this point in the meeting, Harbor Master Carroll advised the HMC that he was contacted by Ms. Preyer to discuss her concerns with regard to the Phelps application; Harbor Master Carroll suggested that Ms. Preyer contact the Shellfish Commission, the CT DEEP/OLISP, and the HMC with any questions or concerns relative to this application. Chairman von Conta noted that to date, Ms. Preyer has not contacted the HMC.

Chairman von Conta spoke with Shellfish Commission Chairman Edward Crowley briefly regarding property owners along the Mill River discarding debris, grass clippings, etc. which eventually ends up coming down the Mill River. Mr. Crowley will review this with the Shellfish Commission for suggestions as to how it can alert property owners of this issue.

The HMC briefly discussed requirements for DEP OLISP applicants to notify abutting property owners of their applications. It was noted by Chairman von Conta that the HMC has no obligation to notify abutting neighbors of a pending application, but it may be appropriate to establish an application review requirement whereby the HMC will request that the applicant notify the abutting property owners. Mr. Steadman said he would prepare an amendment to the HMC's existing application review procedures for consideration by the HMC at the next HMC meeting.

Announcements related to work/interests of HMC:

FINANCE COMMITTEE: Chairman von Conta advised the HMC that she has been going through the budget figures and noted that the HMC will need to establish its three year goals concerning the mooring maintenance charge. This matter will be placed upon the September agenda for review and consideration in establishing its 2012 fees and charges. The HMC may conduct a public hearing on any proposed amendments to the existing fees and charges at its October meeting.

Chairman von Conta indicated that she and Mr. Steadman had met with First Selectman Michael Tetreau recently to provide information on the Lower Wharf project. It was noted that the HMC currently has \$150k available in a capital account previously authorized in the Town budget, which can be used for any aspect of the project.

III. OLD BUSINESS:

James Bradley arrived at 4:45 during discussion on the following matter:

Mooring Report: Harbor Master Carroll reported that there are three moorings which remain unoccupied this season; he has contacted the mooring holders. The notification process is on-going.

Lower Wharf Report: Mr. Steadman advised the HMC that the DEEP OLISP has not yet published its legal notice of Tentative Determination to approve the HMC's plans for Lower Wharf improvements. Once that notice has been published there will be a public comment period of at least 30 days. Mr. Steadman said he anticipates that the Shellfish and Conservation Commissions will wish to comment on this application. He said he will continue keep the HMC apprised of any developments.

Sand Management Report: Mr. Steadman reported that the HMC's engineering consultant, Roberge Associates, conducted the survey of the navigation channel today. The topographic survey of the beach area, including the area where the HMC proposes to place sand dredged from the channel, will be undertaken later. The environmental assessment study will be conducted once the beach survey is completed. Mr. Steadman hopes to provide the HMC with a full report at the September meeting.

NEW BUSINESS: None.

IV. PUBLIC COMMENT: Peter Boehme introduced himself as a new resident of Fairfield, and said he attended the Merchant Marine Academy and is a sailor, and that he is interested in the activities of the HMC and is available to provide appropriate assistance to the HMC. The HMC welcomed Mr. Boehme to Fairfield.

V. ADJOURNMENT:

There being no further business to come before the HMC, David Drabaski moved, and John Zygmant seconded to adjourn at 4:58 p.m.

Respectfully submitted,
Betty Gabriel

DRAFT