

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF APRIL 17, 2012**

A meeting of the Harbor Management Commission (HMC) was held on April 17, 2012 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; John Zygmant; Louis Schueler; Nelson North; Norman Marsilius; James Harman; Hugh Smith. **ABSENT:** Benjamin Baker and Sandye Mann. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Pequot Yacht Club; Steven Klemenz, Country Club of Fairfield, and Bill Rueckert, Country Club of Fairfield.

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

I. APPROVAL OF MINUTES OF MARCH 20, 2012 MEETING:

Hugh Smith *moved* and Nelson North *seconded* to approve the meeting minutes of March 20, 2012. *Motion passed unanimously.*

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

Four letters from Harbor Master Carroll to Mr. Paul Hiller enclosing checks received for payment of boaters' permit fees, mooring maintenance charges and 2012 mooring waiting list application fees as follows:

March 26, 2012: checks in the amount of \$460.00; \$250.00 for mooring permit fees; \$160.00 for mooring maintenance charges; \$50.00 for a mooring waiting list application (Neagoy No. 90);

April 2, 2012: checks in the amount of \$595.00; \$150.00 for mooring permit fee; \$195.00 for mooring maintenance fee; \$250.00 for mooring waiting list applications (Donovan, 91; S. Cargill, 92; Della Rocca, 93; Soper, 94; McGowan, 95.);

April 8, 2012: checks in the amount of \$650.00; \$600.00 for renewal of 2012 mooring permits; \$50.00 for mooring waiting list application (C. Lalanne, 96);

April 15, 2012: check in the amount of \$200.00; \$200.00 for mooring permit fee.

The following persons received letters from Harbor Master Carroll acknowledging receipt of their 2012 mooring waiting list applications and checks for \$50.00 filing fees:

Mr. N. Charles Neagoy, 4 Summerwood Road, West Simsbury, CT 06092(#90)

Mr. John Donovan, 164 Taintor Drive, Southport, CT 06890 (#91)

Mr. Sam Cargill, 2444 Bronson Road, Fairfield, CT 06824(#92)

Mr. Steven Della Rocca, 860 Pequot Avenue, Southport, CT 06890 (#93)

Mr. Max Soper, 1074 Harbor Road, Southport, CT 06890 (#94)

Mr. Mark McGowan, 253 Birch Road, Fairfield, CT 06824 (#95)

Mr. Charles Lalanne, P.O. Box 772, Southport, CT 06890 (#96)

March 21, 2012: From Kenneth M. Collette, Hearing Officer, Environmental Protection Office of Adjudications to Tonia Selmeski, Cheryl Chase, Geoffrey Steadman, Mary von Conta and George Russell, an e-mail, issuing a NOTICE of TERMINATION of the pending public hearing about the HMC's Lower Wharf permit application #200400010. Mr. Collette explained, "The Notice of Tentative Determination (NTD) in this matter was reissued on March 20, 2012 to reflect changes made to the application. As a result of the changes, there are no tidal wetland impacts associated with the application. The reissued NTD superseded the NTD that was the subject of the petition for a hearing. As a result, this matter is terminated and will be removed from this office's docket."

March 23, 2012: From Sanford J. Wakeman, Chairman of the Fairfield Shellfish Commission, to the Fairfield Harbor Management Commission stating that the Shellfish Commission "requests that the HMC, before proceeding with its application, retain a competent person to conduct a formal biological assessment of the benthic community in the area to be affected by the proposed structures and dredging plan between the Lower Wharf and Ye Yacht Yard."

Early in April 2012, a copy of the Agenda of a special meeting of the Fairfield Conservation Commission on April 5, 2012 (The HMC's permit application regarding proposed activities to be conducted at the Lower Wharf and Ye Yacht Yard was on the agenda).

April 5, 2012: an e-mail from Conservation Director Steinke to Chairman von Conta sending a copy of an 11 page staff report regarding the HMC's Lower Wharf/Ye Yacht Yard permit application.

Early in April, 2012, a copy of the Agenda of a meeting of the Fairfield Shellfish Commission on April 11, 2012 and a copy of the minutes of the Shellfish Commission's meeting held on March 14, 2012.

April 5, 2012: An application submitted by the Department of Public Works of the Town of Fairfield to CT DEEP for dredging the navigational channel leading to the South Benson Marina. This is outside the HMC's area of jurisdiction.

April 11, 2012: Notice of a permit issued by CT DEEP to Scott and Jennifer Mallek to do work at 355 Pine Creek Avenue, Fairfield, CT. This is outside the HMC's area of jurisdiction.

III. OLD BUSINESS:

Budget Report: Chairman von Conta reported she attended the April 3, 2012 RTM budget meeting. Chairman von Conta presented the RTM members with photographs, summarized the HMC's efforts regarding the Lower Wharf project and sand management issues, and explained that although the HMC utilizes assistance from Town departments such as the Engineering Department when possible, it is sometimes necessary to hire outside consultants for various projects and expertise. Public comments will be heard by the RTM on April 30th, and it is anticipated that the RTM will vote on the 2012-2013 HMC budget request in May.

2011 Southport Harbor Annual Report: Chairman von Conta provided the HMC with a copy of the 2011 annual report, and thanked Harbor Master Carroll and Geoff Steadman for their efforts. The Chairman also thanked Commissioner Hugh Smith for the photographs he provided, and which were included as part of the annual report.

Sasco Brook Watershed Vision Study: Chairman von Conta reminded the HMC that the signing ceremony to demonstrate support for the Watershed Vision is scheduled to take place on Earth Day, Friday, April 20, 2012 at 10:00 a.m. at Southport Beach; some of the invited guests include the First Selectmen from all three watershed communities as well as representatives from numerous state and federal agencies. A reception will be held at the Fairfield County Hunt Club following the ceremony. HMC Members were encouraged to attend this ceremony.

Lower Wharf Report: Geoff Steadman advised the HMC that the CT DEEP has re-noticed the HMC's pending application, as revised, and that the comment period is due to expire on April 19, 2012. Mr. Steadman further indicated that he, along with Chairman von Conta and Commissioner Nelson North, had attended a recent Conservation Commission meeting at which the HMC application was discussed; the Conservation Commission did not vote to submit further comments to the CT DEEP. Mr. Steadman further reported that Chairman von Conta and Mr. North attended the April 11, 2012 Shellfish Commission meeting; that board unanimously voted to file a notice of intervention pleading with the CT DEEP relative to the HMC application. Mr. Steadman noted that the Shellfish Commission Chairman, Sanford Wakeman, had recently sent a letter to Chairman von Conta requesting that the HMC have a benthic study conducted for that part of the HMC's proposed dredging project area not previously dredged. Mr. Steadman advised the HMC that although in a prior communication between the CT DEEP and HMC the DEEP directed the HMC to conduct additional analyses of shellfish resources in the area proposed to be dredged, the CT DEEP subsequently advised the HMC that such additional analysis was not necessary. This subsequent advice was provided verbally and is not reflected in any written communication. The HMC discussed the Shellfish Commission's concern for the possible loss of shellfish resources that might be caused by the proposed dredging project. Following considerable discussion, Nelson North *moved*, and John Zygmant *seconded* to authorize Chairman von Conta to coordinate additional sampling of shellfish and/or other marine life that may exist in the area to be dredged, and to authorize an expenditure for the costs of said sampling in an amount not to exceed \$1,000.00. *Motion passed unanimously.* Chairman von Conta and Mr. Steadman will continue to keep the HMC apprised of any developments with regard to the filing of the notice of intervention by the Shellfish Commission.

Louis Schueler *moved*, and John Zygmant *seconded* to change the order of the agenda to hear the Sand Management Report prior to the Mooring Report. *Motion passed unanimously.*

Sand Management Plan: Chairman von Conta reported that representatives of the CT DEEP, at the invitation of the HMC, will be visiting the sand management site at the mouth of the harbor, including the Country Club of Fairfield beach, and possibly other sites in Town to gather information as to the current condition of the channel and alternative sites for placement of dredge material. Chairman von Conta noted that these are preliminary discussions, and acknowledged the importance of keeping the public informed concerning sand management issues and how the Town proposes to address the problem. Public input will be sought once more information is obtained, and a more formalized plan is developed. Chairman von Conta will report back to the HMC concerning the April 30th meeting.

Mooring Report: Norman Marsilius reported that the Mooring Committee met on April 7, 2012; the Committee presented a proposed drawing showing several distinct mooring areas within the overall harbor, and those areas will be delineated and labeled on a mooring layout plan to provide for greater efficiency for mooring

management purposes. Each delineated area will contain a separate number sequence to identify mooring locations. The mooring layout plan will be presented on a large drawing and four reduced sections for ease of use by the Harbor Master and others. In addition, Mr. Steadman will provide an aerial photo showing the HMC's jurisdiction and existing conditions in the harbor, including all Town and private docks. Following discussion, Norman Marsilius *moved*, and James Harman *seconded* to approve an expenditure not to exceed \$500.00 for the finalization of the drawings of the mooring layout. *Motion passed unanimously.*

Mr. Marsilius also advised the HMC that he was contacted by an individual from the mooring waiting list who currently does not own a vessel. That person inquired whether it would be acceptable to temporarily charter a boat, as long as proper documentation (registration, insurance, identification, etc.) was provided, for the purpose of accepting and occupying an available mooring location. That individual could then proceed with purchasing a boat. It was the sense of the Commission that this would be acceptable provided the individual does not charter a boat from someone who already moors a boat in the harbor.

Mr. Marsilius noted that the Harbor Master had suggested that the mooring rules be amended to eliminate the requirement that all persons on the mooring waiting list must annually submit an application to renew their position on the list. It was discussed that this requirement is specified in the Harbor Management Plan and therefore cannot be eliminated without first amending the Plan. This matter will be considered when the Plan is reviewed for possible amendments in the future.

Harbor Master Pat Carroll advised the HMC that the mooring list and annual report were distributed recently. The Harbor Master thanked Geoff Steadman and Hugh Smith for their efforts. Mr. Carroll also noted that both he and Mr. Engborg had received a letter from Mr. Illuzzi thanking them for their assistance in the successful completion of his private dredging project.

Following inquiry by Norman Marsilius, Chairman von Conta noted that she will provide the verbiage for inclusion on the required sign at the Town Boat Yard which directs boaters to the vessel-waste pump-out location at the Pequot Yacht Club; a replacement sign will be made to replace the damaged sign.

IV. NEW BUSINESS: None noted.

V. PUBLIC COMMENT: None noted.

VI. ADJOURNMENT:

There being no further business to come before the HMC, Louis Schueler *moved*, and Nelson North *seconded* to adjourn at 5:38 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel