

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF MAY 15, 2012**

A meeting of the Harbor Management Commission (HMC) was held on May 15, 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; Louis Schueler; Hugh Smith; Nelson North; Norman Marsilius; James Harman; Benjamin Baker and Sandye Mann. **ABSENT:** John Zygmant. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Thomas J. Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Pequot Yacht Club.

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

I. APPROVAL OF MINUTES OF APRIL 17, 2012 MEETING:

Hugh Smith moved and Nelson North seconded to approve the meeting minutes of April 17, 2012. Motion passed unanimously.

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

Two letters from Harbor Master Carroll to Mr. Paul Hiller enclosing checks received for payment of boaters' permit fees and a 2012 Mooring Waiting list application fee as follows:

April 30, 2012: Checks in the amount of \$150.00; \$100.00 for mooring permit fee and \$50.00 for a 2012 Mooring Waiting list application (Dumke-#97)

May 12, 2012: Check in the amount of \$150.00 for mooring permit fee.

April 30, 2012: From Harbor Master Carroll to Mr. John Dumke acknowledging receipt of his 2012 Mooring Waiting list application and check for \$50.00.

April 18, 2012: From the Fairfield Shellfish Commission/Director Steinke to Daniel C. Esty, Commissioner of CT DEEP notifying Commissioner Esty that the Shellfish Commission had voted to intervene in the matter of the DEEP-OLISP Appl. No. 200400010-TS; Town of Fairfield Harbor Management Commission: Proposed Improvements - Lower Wharf and Town Boat Yard.

April 19, 2012: From HMC Chairman von Conta to Tonia Selmeski, DEEP-OLISP analyst, a letter supporting the HMC's Coastal Permit Application No. 200400010-TS, Lower Wharf-Town Boat Yard Improvement Project.

April 30, 2012: From Janice B. Deshais, Director of the CT DEEP Office of Adjudications, to Mr. Thomas Steinke denying the request for an intervention on the grounds that there are "no proceedings into which intervention is possible".

May 3, 2012: From Tonia Selmeski to HMC Chairman von Conta a copy of a signed permit, No. 200100010-TS which constitutes the approval of the HMC's application to conduct regulated work at the Lower Wharf and Town Boat Yard - Town of Fairfield. *The HMC acknowledged receipt of the permit, and noted that it has been a very long process.*

May 4, 2012: From Chairman von Conta to Mr. Sandy Wakeman, Chairman of the Fairfield Shellfish Commission, responding to Mr. Wakeman's previous letter in which it was requested that the HMC conduct a survey of marine life in the area that is proposed for dredging in the vicinity of the Lower Wharf and Town Boat Yard. Chairman von Conta's letter informed Mr. Wakeman that the HMC voted at its April 17, 2012 meeting to conduct additional sampling of shellfish and/or other marine life that may exist in the area to be dredged as part of its planning process regarding potential mitigation. The letter also mentioned that Mr. Steadman had discussed this request with the CT Bureau of Aquaculture (BA) and that the BA has agreed to assist the HMC with this sampling.

Early in May: Copies of the Fairfield Shellfish Commission's Meeting Agenda for May 9, 2012 and the minutes of the FSC's April 11, 2012 meeting.

May 15, 2012: From Mr. K.L. Money, Vice President, Exide Group Incorporated, to Chairman von Conta confirming that a full and complete copy of Exide's final draft of the Remedial Action Plan (RAP) for the remediation of Mill River sediments will be forwarded to the Chairman's address and to also confirm that Exide is prepared to attend the June 19, 2012 meeting of the HMC to address any questions that the Commission may have regarding the final draft RAP. *Chairman von Conta advised the HMC that the final draft RAP is quite voluminous, and as such, she will not be making a copy for each Commissioner. Once she has received the document from Attorney Fallon, Attorney for Exide, Chairman von Conta will make the HMC copy available for review by any Commissioner wishing to do so. Upon inquiry by Commissioner Mann, Conservation Director Thomas Steinke confirmed that the activity presently occurring on the Exide property adjoining the Post Road is separate from the proposed remediation of the Mill River.*

Two out-of-jurisdiction notices from the CT DEEP:

1. A Notice of Determination to Approve an application filed by Mark Finneran to do work at 2150 Fairfield Beach Road, Fairfield, CT.
2. A signed copy of Permit #201102986-TS for Marianne Ruscito to do work at 1728 and 1754 Fairfield Beach road, Fairfield, CT.

Chairman von Conta advised the HMC that these notices were received electronically. Chairman von Conta will not be printing out the attachments to the notification; this is acceptable since several Town agencies and representatives receive this information and it is available for review by the public, and therefore FOIA compliant.

III. OLD BUSINESS:

Budget Report: Chairman von Conta reported that the RTM had not made any cuts to the HMC's 2012-2013 budget request. However, considerable budget cuts by the RTM to the Town's contingency fund account may or may not impact the HMC's budget. Chairman von Conta will continue to keep the HMC apprised of any developments.

Chairman von Conta noted that she has been reviewing the HMC revenues and expenses, and provided a brief summary of the various types of revenues as well as certain obligations by the HMC. Chairman von Conta explained that the revenue generated by permit fees and mooring wait list fees is deposited into the HMC revolving account which, pursuant to the General Statutes and Town Code, may be used only for the purpose of harbor improvements for the public and necessary expenses of the HMC and Harbor Master. Fees generated to date for this fiscal year are approximately \$25,400.00 for permit fees, and \$600.00 for mooring wait list fees. Revenues generated by the mooring maintenance charges, which are also deposited in the revolving account, are calculated on a three-year cycle. Although there was a shortage of approximately \$6,100.00 during the last three year billing cycle; this is not anticipated for the upcoming cycle because the HMC has raised its maintenance charges by 10% to avoid another shortfall. There is currently an estimated balance of 100k in the revolving account and 150k in a separate account previously established by the Town for the Lower Wharf-Town Boat Yard improvement project.

Lower Wharf Report: Chairman von Conta indicated that she and Mr. Steadman had met with Devin Santa of the HMC's engineering consultant Roberge Associates Coastal Engineers (RACE) yesterday, now that the HMC has officially received its permit from the CT DEEP. Moving forward, the first step is to have the bid documents prepared so that a request for proposal (RFP) can be issued by the Town's Purchasing Department. It is necessary to have the construction plans and bid documents prepared for all five of the HMC's proposed projects; thereafter, the Town Department of Public Works will coordinate the bidding with the Purchasing Department. Chairman von Conta further noted that the HMC is proceeding with additional survey of shellfish resources in the area to be dredged in the vicinity of the Lower Wharf and Town Boat Yard; the CT BA has offered the use of its boat and a representative of that Agency will assist with the sampling of the area to be dredged. The information obtained from that sampling will be useful when determining what mitigation will be implemented by the HMC. Mr. Steadman advised the HMC that although RACE has not yet had an opportunity to prepare a scope of work for their services to prepare the technical specifications to be included in the bid documents, it is anticipated that RACE's work to prepare the plans for all five projects, including construction documents that contain technical design specifications and bid materials, would not exceed \$15k. Following discussion, James Harman *moved*, and Nelson North *seconded* to authorize RACE to prepare a scope of work relative to the preparation of the construction drawings, including technical design specifications and related bid documents necessary for all five HMC projects, that scope of work to be implemented for a fee not to exceed \$15,000 will be reviewed by Chairman von Conta, DPW Director Richard White, and Mr. Steadman, collectively, prior to the next HMC meeting at which time the HMC will consider the proposed scope of work for approval. Motion passed unanimously.

Mooring Report: Norman Marsilius reported that the Mooring Committee has not met since the last HMC meeting. Harbor Master Pat Carroll noted that the owner of the large visiting vessel temporarily moored near Pequot Yacht Club had received proper authorization, and provided all necessary documentation. No problems are anticipated, and the boat will likely be here through the upcoming weekend. Harbor Master Carroll further advised the HMC that efforts to fill the vacant moorings are on-going; this is a time consuming effort. The Committee anticipates making revisions to the procedures in order to stream-line this process in the future.

Sand Management Plan: Mr. Steadman reported that a meeting consisting of HMC representatives, Conservation Director Thomas Steinke (on behalf of the Conservation Commission and Shellfish Commission), and representatives of the CT DEEP, Country Club of Fairfield, and Pequot Yacht Club, was held on April 30 to review conditions in the harbor and discuss feasible measures to address the ongoing accumulation of sand in the harbor channel. The meeting was convened on the beach and jetty at the mouth of the harbor. Mr. Steadman reported that it may be possible for the HMC to pursue a project that would involve: a) excavating some sand and placing that sand on the beach at the Country Club of Fairfield and/or beaches elsewhere in the Town; and b) dredging some sand from the channel and placing that sand in a dredged material disposal site in Long Island Sound. Dredging some sand from the channel and placing it in Long Island Sound may be approvable by the CT DEEP through the Certificate of Permission (COP) process instead of the full Permit process because the channel was dredged in this manner by the Corps of Engineers in 2005. In addition, members of the HMC suggested that consideration should be given to the feasibility of hydraulically pumping sand from the channel directly to the beach. Mr. Steadman said that he has asked RACE to communicate with the CT DEEP to obtain clarification concerning the possibility of obtaining project approval through the COP process and to determine the requirements for sampling and testing the sediments to be excavated and/or dredged.

IV. NEW BUSINESS:

The HMC acknowledged the Sea Memorial Ceremony to be conducted at South Benson Marina on Saturday, May 26, 2012. Harbor Master Carroll noted that the Blessing of the Fleet will be held on Saturday June 16th and invited everyone to attend.

V. PUBLIC COMMENT: None noted.

VI. ADJOURNMENT:

There being no further business to come before the HMC, James Harman *moved*, and Louis Schueler *seconded* to adjourn at 5:56 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel