

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

A meeting of the Harbor Management Commission (HMC) was held on July 17, 2012 at 4:30 p.m. in the First Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

**MEMBERS PRESENT:** Mary von Conta, Chairman; Hugh Smith; Nelson North; Norman Marsilius; James Harman; Benjamin Baker; Sandye Mann; and John Zygmant. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Annette Jacobson, Conservation Administrator; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Pequot Yacht Club; John Fallon, Attorney representing Exide Group Incorporated; Pat Carroll, Harbormaster; Steve Klemenz, Country Club of Fairfield.

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

**I. APPROVAL OF MINUTES OF JUNE 19, 2012 MEETING:**

James Harman proposed minor corrections to the minutes. On page 4, in the third paragraph under NEW BUSINESS, “the affect of the proposed project” is changed to “the effect of the proposed project.” On page 4, in the tenth paragraph under NEW BUSINESS, “Mr. Nelson asked if equipment will be left in place between dredging seasons” is changed to “Mr. Marsilius asked if equipment will be left in place between dredging seasons.” On page 5, “Questions from the public then ensured” is changed to “Questions from the public then ensued.” John Zygmant *moved* and Nelson North *seconded* to approve the meeting minutes of June 19, 2012 as corrected.

*Motion passed unanimously.*

**II. CORRESPONDENCE:**

Chairman von Conta reported the following correspondence:

June 25, 2012: From Harbor Master Carroll to Paul Hiller, Town of Fairfield CFO, enclosing a check for \$200.00 for a mooring permit fee.

July 15, 2012: From Harbor Master Carroll to Paul Hiller enclosing checks in the amount of \$395: \$150.00 for a mooring permit fee; \$195.00 for a mooring maintenance charge; \$50.00 for a 2012 mooring waiting list application ( Hawley # 99)

July 10, 2012: From Harbor Master Carroll to Mr. Samuel Hawley, 159 North Cedar Rd., Fairfield, CT 06824 acknowledging receipt of Mr. Hawley’s 2012 mooring waiting list application and check in the amount of \$50.00...#99 on the waiting list.

June 28, 2012: From Ralph A. Klass, Environmental Engineer of CCA, representing Exide Group Incorporated, to Chairman von Conta, a copy of the General Permit Registration package submitted to CT DEEP for the “General Permit for Coastal Remediation Required by Order”. The permit relates to the implementation of the “Remedial Action Plan for Lead-Impacted River Sediments, Mill River Study Areas I-V.”

June 29, 2012: An e-mail to Geoff Steadman from Edward O'Donnell, U.S. Army Corps of Engineers (USACE), (and subsequently forwarded to Chairman von Conta) noting that the USACE has hired a contractor to repair the Southport Harbor "Outer Beacon" but will not be able to commence work until the osprey chicks have left the nest.

July 6, 2012: An e-mail to Chairman von Conta and Mr. Steadman from Devin Santa of Roberge Associates, Coastal Engineers (RACE) containing a draft of a submittal letter to be sent to DEEP Analyst Tonia Selmeski regarding the HMC's sand management program. (This letter was discussed later at the July 17, 2012 HMC meeting.)

Received early in July 2012: A copies of the agenda and a supplemental agenda for the July 11, 2012 meeting of the Fairfield Shellfish Commission.

Received early in July, 2012: A DEEP/OLISP Certificate of Permission form with application attached for work to be done at 185 Thorpe Street, Fairfield. The 6.67 acre property is being proposed for redevelopment into a new 64 unit residential development and preservation of the existing house. (This is not in the HMC's area of jurisdiction.)

An e-mail sent on June 11, 2012 from John Roberge to Chairman von Conta and Mr. Steadman stating that, as per a request from the HMC and the Fairfield Public Works Department, RACE will develop a proposal for construction-related services for the Lower Wharf project to include: observation of work in progress; review of change order requests; review of payment requests; attending construction site meetings; performing a pre-construction dredging survey; performing a post construction dredging survey; computation of dredging quantities; and preparation of a summary letter at the completion of dredging recommending payment base upon the measured quantity. This will be done in two separate proposals addressing the waterfront construction tasks in one and the dredging project in the other. (Notice of this e-mail was inadvertently omitted from the June 19, 2012 HMC meeting minutes correspondence section.)

July 16, 2012: From RACE, on behalf of the applicant, the Country Club of Fairfield, to Chairman von Conta a packet conveying a CT DEEP Consultation Form package for retaining and maintaining an existing earth berm and lagoon slope as depicted in enclosed drawings. (This document was received too late to put it on the agenda for the HMC's July meeting. It will be discussed at the HMCs August meeting.)

### III. OLD BUSINESS:

Mr. Smith *moved* and Mr. North *seconded* a motion to revise the agenda to first hold the discussion of the proposed project by the Exide Group, Incorporated (EGI) to remediate lead-contaminated sediments from the Mill River and Southport Harbor. Motion passed unanimously.

**Exide Remediation:** Mr. Steadman reported that three approvals will be needed from DEEP before this project can proceed: 1) approval of the proposed Remedial Action Plan (RAP); 2) a discharge permit for discharging wastewater (from the dewatering of the dredged sediments) into the Mill River from the former battery plant site on the Post Road; and 3) a general permit from the DEEP's Office of Long Island Sound Programs (OLISP) for the dredging of contaminated sediments from the River and Harbor. Mr.

Steadman reported he has discussed the status of the EGI proposal with a representative of the DEEP's Remediation Division who informed him that the DEEP will hold a public information meeting on the project. The DEEP will provide 30 days notice prior to that meeting which has yet to be scheduled. A 30-day public comment period will then be provided prior to final action by the DEEP on the RAP and discharge permit. Mr. Steadman reported that the OLISP intends to approve the dredging of contaminated sediments pursuant to the General Permit within the next several weeks.

Attorney Fallon confirmed Mr. Steadman's summary of the required approvals for his client's proposed project and said that the OLISP's approval of the dredging work pursuant to a General Permit is because the work is covered by a Consent Order between EGI and the DEEP, and the DEEP attempts to expedite work that is covered by a Consent Order. He said that the work cannot be initiated until all approvals are obtained, including approval of the RAP.

A discussion ensued regarding an appropriate response by the HMC to the OLISP's pending approval of the dredging work prior to approval of the RAP and issuance of a discharge permit. Mr. Steadman said that EGI's dredging plans are included in the proposed RAP and he questioned how, procedurally, it makes sense for the OLISP to approve the dredging plans prior to approval of the RAP by the DEEP's Remediation Division. The DEEP has stated that it will not take any final action on the RAP until after a public informational meeting and after hearing public comments. Previously, the HMC has informed the DEEP of the HMC's responsibility to review EGI's plans for consistency with the Harbor Management Plan and that the HMC will provide its findings in that regard following the public meeting.

Attorney Fallon reiterated that no work can be initiated by EGI until all approvals are obtained.

It was the sense of the HMC that the Chairman should send a letter to the OLISP transmitting the HMC's concerns regarding this matter and making clear that the HMC reserves its right to review and comment on the EGI proposal following the public informational meeting.

#### **Lower Wharf Report:**

As requested by Chairman von Conta, Mr. Baker had prepared a sketch of a proposed modified chain and bollard structure for use at the entrance to the Lower Wharf, designed to provide a safer entrance for pedestrians while preventing vehicular access. He reviewed that sketch with the HMC.

It was the sense of the HMC that Mr. Baker's proposal should be provided to the Sasquanaug Association for concurrence and if necessary submitted to the Historic District Commission.

Chairman von Conta reported that there is no news on the Shellfish Commission's request to the First Selectman for an appeal of the OLISP's approval of the HMC's Lower Wharf project.

Chairman von Conta reported that RACE is preparing the technical specifications to be included in the bid document to be issued by the Town for this project.

**Mooring Committee:** Mr. Marsilius reported that the committee met and discussed sending a notification to mooring permit holders regarding their responsibilities for storm preparation. A letter signed by the HMC Chairman, Mooring Committee Chairman, and Harbor Master will be prepared and sent to all

mooring permit holders reminding them of their responsibilities and providing information on basic storm preparedness measures.

Harbor Master Carroll reported that several assigned moorings are currently unoccupied. The committee agreed not to consider temporary mooring assignments at this time.

Some owners of vessels at private docks have not responded to the recent request for information from the Harbor Master. The committee agreed to send a second letter to those who have not responded.

The committee will continue to consider the possibility of requiring permits for vessels at private docks so that all boaters using the Harbor, not just mooring permit holders, contribute to the Harbor's management. This matter requires further review with respect to the General Statutes and review with the Town Attorney.

With the issuance of the OLISP permit for the dredging of the North Anchorage, Pequot Yacht Club is now moving forward with this project. Dr. Kunkel reported that the Club has selected Patriot Dredge Company from Massachusetts for the project and that approval of the contract for this work is expected at this evening's Board of Governors' meeting. This will affect the schedule for removing vessels from Harbor moorings this fall. Dredging of the North Anchorage is expected to take place between November 1 and December 31. There was discussion of the need for the HMC to send a notification to mooring permit holders regarding the planned dredging project and of the need to remove some vessels from Harbor moorings earlier than usual in the fall. It was decided to send that letter in mid-August.

The committee will review potential changes to the "Rules and Procedures" document for mooring applications, with the goal of issuing a revised document prior to the 2013 boating season. Mr. Steadman will provide an electronic copy of the current document to the committee members.

The Harbor Master also reported that he had observed the Pequot Yacht Club Junior sailors over the past few days and that he is very satisfied with the operation of the Junior Sailing Program. The Boston Whalers now have large numbers, making them easy to identify, and the instructors are also easy to identify with their green shirts. He also reported that the Club has responded promptly to mooring tackle issues.

The Fairfield Police Department checked the Harbor for proper registrations on the boats and identified six vessels without proper decals.

### **Sand Management Plan:**

Mr. Steadman reported that RACE has composed a letter to the OLISP requesting that the OLISP allow the HMC to apply for Certificates of Permission that would allow: 1) dredging some sediment from the federal channel for placement in an open water disposal site in Long Island Sound; and 2) excavation of sand from the vicinity of the jetty and placement of that sand on Town beaches. This approach would result in the removal of up to 10,000 cubic yards of sand. Excavated sand would be trucked over the Country Club beach to Sasco Beach where it would be stockpiled and then trucked to other Town beaches. A temporary road may be needed to stabilize a section of the beach if necessary. Mr. Marsilius asked if it would be possible to unload some dredged material at the Town Boat Yard for subsequent

transport to Town beaches. There was agreement that this approach may be problematic because it would require means for de-watering and there may be neighborhood objections.

Mr. North *moved* and Mr. Zygmant *seconded* a motion to proceed with the proposal as drafted by RACE. Motion passed unanimously.

**IV. NEW BUSINESS:**

Chairman Von Conta reported that due to Town budget constraints there are no uniformed guards at the Town Boat Yard. Persons observing violations of Boat Yard regulations should report them to the Police Department.

**V. PUBLIC COMMENT:** No additional comments noted.

**VI. ADJOURNMENT:**

There being no further business to come before the HMC, the meeting was adjourned at 5:40 PM.

Respectfully submitted,  
James Harman for Betty Gabriel