

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF AUGUST 21, 2012**

A meeting of the Harbor Management Commission (HMC) was held on August 21, 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; Hugh Smith; Nelson North; Norman Marsilius; James Harman; Benjamin Baker; Louis Schueler; and John Zygmant. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Thomas J. Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Pat Carroll, Harbor Master; Steve Klemenz, Country Club of Fairfield; Mr. Milette, Grounds Chairman, Country Club of Fairfield.

The meeting was called to order at 4:30 p.m. by Chairman von Conta. The Chairman announced that the next meeting of the HMC will be at 4:30 PM on Wednesday, September 19 rather than the usual third Tuesday of the month.

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

Hugh Smith *moved* and Nelson North *seconded* a motion to approve the meeting minutes of July 17, 2012 as circulated. *Motion passed with Mr. Marsilius abstaining.*

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

August 1, 2012: From Harbor Master Carroll to Mr. Paul Hiller Fairfield Accounting Department a check in the amount of \$345.00 for issuance of a mooring permit in Southport Harbor: \$150.00 for mooring permit; \$195.00 for mooring maintenance charge.

August 8, 2012: From Harbor Master Carroll to Ms Leslie Bene, 89 Southport Woods Drive, Southport, CT 06890 acknowledging receipt of her Southport Harbor 2012 mooring waiting list application and filing fee in the amount of \$50.00. (#100 on the waiting list).

August 13, 2012: From Harbor Master Carroll to Mr. Hiller a check in the amount of \$50.00, filing fee for 2012 mooring waiting list. (Ms. Bene, # 100.)

Early in August, 2012: Copies of the agenda for the August 8, 2012 Shellfish Commission (SC) Meeting and the minutes of the SCs meeting of July 11th, 2012. (The August 8, 2012 meeting was cancelled due to lack of a quorum.)

Later in August, 2012: A copy of the agenda for a special meeting of the SC scheduled for August 22, 2012.

July 13, 2012: A copy of a letter from Mr. Money, vice-president of Exide Group Incorporated to First Selectman Tetreau regarding Notification of Registration for the General Permit for Contaminated Soil and/or Sediment Management and the National Pollutant Discharge Elimination System (NPDES) Permit. A copy of the "Notification" as it appeared in the Connecticut Post was appended to the letter.

July 24, 2012: A copy of an e-mail from Diane Ray, U.S. Army Corps of Engineers (USACE), sent to Devin Santa, Roberge Associates Coastal Engineers (RACE), noting that the following information would be required by the USACE should the HMC file an application for USACE approval to dredge the shoal in Southport Harbor and place some of the dredged material offshore: “sampling plan information, copies of the COP application [filed with the Office of Long Island Sound Programs], and a completed FCAF for NY DOS (with alternatives to open water disposal)”.

July 27, 2012: From Chairman von Conta to Department of Energy and Environmental Protection (DEEP) Analyst Tonia Selmeski transmitting comments from the HMC to Ms. Selmeski regarding the General Permit Registration by Exide Group Incorporated to dredge lead-polluted sediment from the Mill River and Southport Harbor.

July 31, 2012: A copy of an e-mail exchange between HMC Commissioner Baker and George Russell, Chairman of the Sasquanaug Association regarding the “chain situation” at the entrance to the Lower Wharf. There was further discussion of the “chain situation” under Old Business/Lower Wharf.

August 3, 2012: From HMC Chairman von Conta, Mooring Committee Chairman Marsilius, and Harbor Master Carroll to Southport Harbor Boaters: three documents related to the upcoming North Anchorage Dredging Project and Storm Preparedness for Vessel Owners.

August 14, 2012: From Ocean and Coastal Consultants, Inc. to the HMC: a Harbor Management Commission DEEP Permit Consultation Form for Structures, Dredging, and Fill on behalf of property owner Mr. Anthony Casola. The property is located at 1871 Beach Rd, Fairfield CT and is therefore not in the HMC’s area of jurisdiction.

III. OLD BUSINESS:

Chairman von Conta reported that the balance in the Revolving account is as follows:

\$26,600	Permit fees
\$750	Wait list fees
\$18,140	Maintenance charges

Lower Wharf Report:

The HMC recognized retiring Public Works Director Richard White’s exceptional professionalism and many years of distinguished service to the HMC and Town of Fairfield. After a review of the HMC’s past and ongoing projects on which Mr. White and Public Works personnel have provided vital support, including the Lower Wharf and sand management projects, Chairman von Conta presented Mr. White with a framed aerial photograph of Southport Harbor. First Selectman Tetreau then praised Mr. White as an exceptional engineer and the most accomplished Public Works Director in the State of Connecticut. Mr. White noted the many hours of time devoted by HMC members in service to the Town and expressed his appreciation of the HMC’s dedicated efforts to manage Southport Harbor for the public’s use and enjoyment.

Mr. Steadman reported that RACE has completed draft bid drawings and specifications for the Lower Wharf project and those drawings and specifications have been reviewed by Mr. White. Mr. White believes the Public Works Department will be able to undertake the repairs to the sea wall and the improvements to the boat ramp.

Mr. Steadman proposed that rather than including a contingency in the bid documents to cover the cost of installing the pilings in the event that ledge is encountered, that the HMC should conduct test borings prior to bidding to provide a better estimate of the final cost. Mr. White agreed with this approach. Mr. Steadman reported that RACE has provided an estimate for conducting the test borings for a price not to exceed \$11,000.

Following discussion Mr. Smith *moved* and Mr Marsilius *seconded* a motion to allocate up to \$11,000 for the test borings, and to revise the bid drawings and specifications accordingly. Motion passed unanimously.

Mr. Baker reported that he has held discussions with the Sasquanaug Association and the Historic District Commission (HDC) regarding the chain at the entrance to the Lower Wharf. The HDC is in favor of removing the chain. It had been the sense of the HMC to recommend that the DPW remove the chain on a trial basis. Subsequent to the HMC's July meeting, Chairman von Conta contacted the DPW and determined that they would not remove the chain due to potential liability issues, but that they would raise it and add reflectors.

Mooring Committee report:

Mr. Marsilius reported that the HMC has circulated notices to all mooring holders regarding the North Anchorage dredging project that will take place this fall and suggestions for storm preparedness. Most boats will need to be out of the harbor by October 1 in preparation for the dredging project.

Preparations are underway to address any shellfish-related issues related to the dredging project.

The Coast Guard project to repair the outer beacon is still on hold until the ospreys leave their nest.

Sand Management Plan:

Chairman von Conta reported that there is ongoing communication among RACE, the DEEP OLISP, USACE, and HMC regarding the environmental permitting required to proceed.

Exide Remediation:

Mr. Steadman reported that he has been informed by a representative of the DEEP that no date has been set yet for the DEEP public meeting on this project. He was informed that there will be 30 days notice prior to the meeting and a 30 day public comment period afterwards. The HMC will provide its comments regarding the proposed project following the public meeting.

IV. NEW BUSINESS:

Review of DEEP OLISP Consultation Package related to a proposed application submitted by the Country Club of Fairfield to retain and maintain an existing earth berm and lagoon slope at 936 Sasco Hill Road, Fairfield, CT

Mr. Klemenz briefly described the application, which involves repair work to the east bank of Southport Harbor and the shoreline of the Country Club lagoon to repair damage that occurred during Tropical Storm Irene. This work was performed on an emergency basis following the storm and no additional work is now being proposed. The Country Club is now applying, at the direction of the DEEP OLISP, for a DEEP OLISP permit for after-the-fact authorization of the previously completed work.

Following discussion, Mr. Smith *moved*, and Mr. Marsilius *seconded* a motion to submit comments to the DEEP-OLISP as follows. *Motion passed unanimously.*

1. It is the HMC's understanding that no additional work will be undertaken as a result of this application.
2. The HMC has made a preliminary determination that the proposed activity is consistent with the Harbor Management Plan and recommends that the applicant proceed with an application to the DEEP OLISP for the permit needed to authorize the work.
3. Please be advised that the HMC reserves its right to review the proposal and make a final determination of consistency with the Harbor Management Plan at such time as the proposal is included in a permit application, is subject to a public notice or hearing, or at such time as additional information concerning the proposal may be obtained by the HMC.
4. At such time as the applicant submits an application to the DEEP OLISP, the applicant should provide a copy of that application to the HMC.

Review of application for a Certificate of Wetlands Conformance for Targeted Soil Excavation Tide Mill LLC, 2425 Post Road, Southport CT LEA Comm. No 85TM201.

Mr. Steadman outlined this application for a Fairfield Conservation Department Certificate of Wetlands Conformance, to remove contaminated soil from a former dry cleaning business at this location. The work would involve targeted soil excavation within an existing paved parking area. Mr. Steadman proposed that the HMC respond with several recommendations to the Conservation Department.

Following discussion, Mr. Schueler *moved*, and Mr. Zygmant *seconded* a motion to submit comments to the Conservation Department as follows. *Motion passed unanimously.*

1. It is the HMC's understanding that all excavated material will be placed directly into containers for transport off-site to a suitable disposal area, and that no excavated material will be stockpiled on the site in the course of the project.
2. Any approval issued by the Conservation Department should include detailed conditions, including conditions for construction monitoring and quality control on site at all times, intended to ensure that the work does not result in any significant introduction of sediment or other materials into the Mill River and Southport Harbor.

3. Best available technology and management practices, including best management practices for stormwater management, should be employed during the construction process to ensure that the proposed project will cause no adverse impacts on the environmental quality, including water quality, of the Mill River and Southport Harbor.
4. The risk of runoff and erosion resulting from construction should be appropriately managed and mitigated on a daily basis.
5. Any catch basins on site draining to the Mill River should be shown on the project plans.
6. The HMC reserves its right to review and comment on the proposal at such time as it may be modified, be subject to a public hearing, or when additional information concerning the proposal may be obtained by the HMC.

Other New Business:

Chairman von Conta reported that the Revolving Account balance stands at \$110,747. So far this year we have spent \$9,472 for professional services fees to RACE and contracted mooring maintenance fees to the Pequot Yacht Club, and \$800 for new speed buoys. In addition, the HMC has allocated the following expenditures: \$16,270.00 for the sand management project and \$13,800 for Lower Wharf bid document preparation.

There is \$150,000 in the Lower Wharf Dredge Project budget. Mr Zygmant *moved* and Mr. Smith *seconded* an amendment to the earlier motion regarding test borings and moved that the expenditures for the test borings be charged to the Lower Wharf Dredge Project budget. *Motion passed unanimously.*

V. PUBLIC COMMENT: No additional comments noted.

VI. ADJOURNMENT:

There being no further business to come before the HMC, the meeting was adjourned at 5:55 PM.

Respectfully submitted,
James Harman for Betty Gabriel