

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF SEPTEMBER 19, 2012**

A meeting of the Harbor Management Commission (HMC) was held on Wednesday, September 19, 2012 at 4:30 p.m. in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Mary von Conta, Chairman; Nelson North, Hugh Smith, James Harman, Benjamin Baker, Louis Schueler, John Zygmant, and Sandye Mann. **ABSENT:** Norman Marsilius. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Patrick Carroll, Harbor Master; Thomas Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Steven Klemenz, Country Club of Fairfield; and Joseph Michelangelo, Director, Town of Fairfield Department of Public Works (DPW).

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

I. APPROVAL OF MINUTES OF AUGUST 21, 2012 MEETING:

James Harman *moved* and Nelson North *seconded* to approve the Minutes of August 21, 2012, with the correction of the spelling of Mr. Mileti, Grounds Chairman, Country Club of Fairfield. *Motion passed unanimously.*

II. CORRESPONDENCE:

Chairman Mary von Conta reported the following correspondence:

September 7, 2012: From Harbor Master Carroll to Mr. Martin Mobley, 317 Ronald Drive, Fairfield, CT 06825 acknowledging receipt of his Southport Harbor 2012 mooring waiting list application and filing fee in the amount of \$50.00. (#101 on the waiting list).

September 10, 2012: From Harbor Master Carroll to Mr. Hiller a check in the amount of \$50.00, filing fee for 2012 mooring waiting list application. (Mr. Mobley # 101.)

August 29, 2012: From Chairman von Conta to Town of Fairfield Conservation Administrator Annette Jacobson a letter regarding an Application for Certificate of Wetlands Conformance filed with the Fairfield Conservation Department by Tide Mill, LLC. The applicant proposes to remove contaminated soil nearby the Mill River by conducting targeted soil excavation activities within the paved parking lot at 2425 Post Road, Southport. At its August 21, 2012 meeting the HMC approved a motion to transmit some comments and recommendations regarding the proposal to the Conservation Department. The letter to Ms Jacobson contained these comments and recommendations.

August 30, 2012: A copy of a letter from Sanford Wakeman, Chairman of the Fairfield Shellfish Commission to Ms. Diane Ray, USACOE, regarding proposed dredging and structures at the Town Boat Yard area in Southport Harbor, Fairfield, CT. Enclosed with this letter was a copy of a survey plan depicting soundings in the area of the Town Boat Yard and dated 1936. In addition, appended to this letter was a copy of an April 18, 2012 "Notice of Intervention and Request for Notice of Meetings" sent by Thomas Steinke on behalf of the Shellfish Commission to CT Department of Energy and Environmental Protection (DEEP) Commissioner Esty.

September 4, 2012: From Chairman von Conta to Mr. Matthew Rakowski of Roberge Associates a copy of "Attachment E: Harbor Management Commission DEEP Permit Consultation Form" plus a letter transmitting the HMC's comments and recommendations regarding a proposal submitted by the Country Club of Fairfield for work adjoining Southport Harbor.

Early in September: Copies of the Shellfish Commission's Agenda for its September 12, 2012 Commission Meeting and the minutes of its August 22, 2012 Meeting

September 5, 2012: A copy of a letter sent to First Selectman Tetreau by Leah DeLeon, E.I.T Ocean and Coastal Consultants noticing Mr. Tetreau that Mr. and Mrs. Anthony Casola of 1871 Fairfield Beach Road have submitted a DEEP permit application to do work on this property. This area is not under the jurisdiction of the HMC.

III. OLD BUSINESS:

Lower Wharf Report: Chairman von Conta advised the HMC that following its discussion and consensus that a recommendation be sent to the Fairfield DPW requesting that the chain located at the entrance of the Lower Wharf be removed. Chairman von Conta was advised that the DPW could not remove the chain due to safety concerns and potential liability exposure to the Town of Fairfield.

Louis Schueler advised the HMC that the Fairfield Community Sailing organization, in recognition of the benefits the organization will receive as a result of the HMC'S Lower Wharf-Town Boat Yard Improvement Project, and in recognition of the considerable expenses the HMC has incurred in connection with the improvements to the Lower Wharf, including the proposed community sailing dock, is making a commitment to provide funds in the amount of \$20,000.00 to the HMC. These funds will contribute to the cost of constructing the community sailing dock. The HMC thanked Mr. Schueler and Fairfield Community Sailing for its generous commitment. Chairman von Conta will contact the finance department to discuss the procedures for acceptance of the donated funds.

Geoff Steadman reported that he has been in communication with new DPW Director Joseph Michelangelo concerning the Town Boat Yard-Lower Wharf Improvement Project. It is anticipated by the HMC, based on previous discussions with the DPW, that portions of this project will be performed by DPW employees. It will be necessary to determine which portions of the project must be sent out to bid.

Mr. Steadman reported that additional sampling of any shellfish resources that may be affected by the proposed dredging project is planned for October 2, 2012 with assistance from the Connecticut Bureau of Aquaculture.

Mooring Report: Harbormaster Carroll reported that the Mooring Committee had met on September 8th. Mooring holders have been put on notice with regard to the Pequot Yacht Club dredging project and of the deadline for removal of boats from the harbor prior to the commencement of the dredging project. Harbor Master Carroll will conduct an inspection next week to assess the status of compliance with this deadline. Harbor Master Carroll noted that he was very impressed with the cooperation and assistance provided by the Pequot Yacht Club crew during the extreme weather conditions this week.

Chairman von Conta summarized some of the upcoming projects that will affect the harbor, including repair of the outer beacon and the Pequot Yacht Club dredging project.

Sandye Mann noted that the boat launching ramp is blocked due to a large log and debris that had washed up during the recent storm. Chairman von Conta and Harbor Master Carroll noted that the DPW crew will be attending to this problem.

Sand Management Report: Chairman von Conta reported that she, Mr. Steadman, and Devin Santa from Roberge Associates have been in communications with the DEEP Office of Long Island Sound Program (OLISP) representatives regarding the feasibility of obtaining OLISP approval to dredge sand from the harbor entrance channel and dispose of that sand in a designated disposal area in Long Island Sound. As a result of those communications, it appears that approval from the OLISP will be problematic and as a result Chairman von Conta and Mr. Steadman recommended that it would not be prudent for the HMC to pursue that approval through an application to the OLISP. Mr. Steadman reported that the OLISP generally does not support the placement of dredged sand in the Long Island Sound disposal areas because the sand can be used for beneficial purposes such as beach nourishment. Mr. Steadman recommended that the HMC focus its efforts on using the sand from the channel and sand bar for beach nourishment purposes. OLISP representatives have indicated that a proposal by the HMC to use sand from the channel and sand bar to nourish beaches in Fairfield is potentially approvable by the OLISP. DPW Director Joseph Michelangelo arrived during the discussion of this matter, and was provided a brief description of the sand management issues, a summary of the history of the dredging activities in the harbor, and the HMC's efforts to prepare a sand management plan. Mr. Steadman provided aerial photos to indicate the areas of concern. HMC is reviewing alternative locations for depositing the sand for beach nourishment, some of which include the Country Club of Fairfield beach area, Sasco Beach and/or other Town beaches. Mr. Steadman noted that the HMC would like to obtain a DEEP permit that has an extended duration. Conservation Director Thomas Steinke inquired whether depositing the sand offshore in the vicinity of sunken island off Kensie Point has been considered. Chairman von Conta noted that this option may be costly since the sand would likely need to be pumped in or transported by vessel. Following inquiry by Chairman von Conta regarding what impact this would have on shellfish, Mr. Steinke noted that there are not currently any shellfish at this location. Chairman von Conta encouraged Mr. Steinke to provide any suggestions he may have concerning this matter. It was the sense of the HMC that a meeting should be scheduled with DEEP representatives and other interested parties to most expeditiously move the sand management project forward.

Lower Wharf Report: *This matter was revisited briefly for review upon the arrival of DPW Director Joseph Michelangelo.* Mr. Steadman provided a brief history of the Town's acquisition of the Lower Wharf, noting that it was a collaboration of public (Town of Fairfield and the HMC), private organizations, as well as neighbors. The deed of transfer included various restrictions. The HMC's Lower Wharf-Town Boat Yard Improvement Project has several elements, including: improvements to the launching ramp, dredging, installation of a community sailing dock, repair of the seawall and restoration of the elevated pier. Some work will be conducted by Town DPW employees, and other work must be sent out to bid. Soil borings in the area of the proposed community sailing dock will be conducted to determine the existence of any ledge that could affect the installation of pilings; this information is necessary for the HMC to estimating the project's probable cost. The HMC is still awaiting Army Corps of Engineers' approval on a few aspects of the proposal. Mr. Michelangelo will be involved in many

aspects of this project, and will advise the HMC as to what portions of the project can be completed by DPW employees and which will be sent out for bid. Chairman von Conta thanked Mr. Michelangelo for his interest in the HMC's projects and invited him to attend the meeting with the DEEP to discuss the sand management plan.

Review of "Remedial Action Plan For Lead Impacted River Sediments/River Study Areas I-V/The Former Exide Battery Facility Project/2160 Boston Post Road, Fairfield, CT: Mr. Steadman reported that the DEEP has not yet scheduled the public meeting regarding this project. He reported that a DEEP representative informed him that a public notice for the meeting will be issued by the DEEP 30 days before the meeting and then there will be a 30 day public comment period following the meeting.

Review DEEP Consultation Package related to a proposed application by the Country Club of Fairfield to retain and maintain an existing earth berm and lagoon slope at 936 Sasco Hill Road, Fairfield, CT: No additional action taken this evening.

Review Application for a Certificate of Wetlands Conformance for Targeted Soil Excavation Tide Mill, LLC, 2425 Post Road, Southport, CT-LEA, Comm. No. 85TM201: No additional action taken this evening.

IV. NEW BUSINESS: The HMC welcomed Mr. Joseph Michelangelo.

V. PUBLIC COMMENT: None noted

VI. ADJOURNMENT:

There being no further business to come before the Commission, Hugh Smith *moved* and James Harman *seconded* to adjourn the meeting at 5:45 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel