

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF APRIL 16, 2013**

A meeting of the Harbor Management Commission (HMC) was held on April 16, 2013 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; and John Zygmant. **ABSENT:** Benjamin Baker. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Thomas J. Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; James Bradley, former HMC Commissioner, and Michael Tetreau, First Selectman

Immediately following the call to order and pledge of allegiance, the HMC presented a cake to Harbor Master Patrick Carroll in celebration of his birthday. In addition to the Commissioners and members of the public, the Harbor Master's great grandchildren, Molly and Aidan McLaughlin, his granddaughter, Jennifer McLaughlin, and Town Clerk Betsy Browne were present this evening.

Following the celebration, the meeting was resumed at 4:50 p.m.

I. APPROVAL OF MINUTES OF MARCH 19, 2013 MEETING: James Harmon *moved* and Nelson North *seconded* to approve the meeting minutes of March 19, 2013. *Motion passed unanimously, with Chairman Mary vonConta abstaining.* It was noted that the \$10,050 for costs related to the test borings and other aspects of the Lower Wharf project as referenced in the Budget Report portion of the March 19th minutes was not an expenditure from the HMC operating budget. These costs were paid utilizing capital funds that have been allocated for this project.

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

From Harbor Master Carroll to Mr. Robert Mayer, Fairfield Accounting Office: checks collected for 2013 mooring permit fees and mooring maintenance charges: March 18, 2013: \$4385.00 (Permits: \$2400.00 Maintenance: \$1985.00); Mar. 25, 2013: \$595.00 (Permits: \$400.00 Maintenance: \$195.00); April 1, 2013: \$450.00 (Permits: \$450.00); April 8, 2013: \$580.00 (Permits: \$200.00, Maintenance: \$380.00); April 15, 2013 \$550.00 (Permits: \$550.00).

March 23, 2013: From Harbor Master Carroll to Mr. Robin Bimmel, Department of Public Works, transmitting the current waiting list for moorings in Southport Harbor.

April 5, 2013: From Harbor Master Carroll to Mr. Robin Bimmel, Department of Public Works Marina Manager, informing Mr. Bimmel that he has issued a mooring permit to Robert Yaro of Stamford, CT and noting that he has informed Mr. Yaro that he will need to obtain, from Mr. Bimmel's office, a permit to place his dinghy at the north dock, Town Boat Yard, as well as a 3"x 5" card for placement on his dashboard indicating that he has permission to park at the Town Boat Yard.

March 18, 2013: From Joel Green of Green and Gross, P.C. requesting documents, as per the FOI Act, related to the plans and costs of the HMC's proposed Lower Wharf community sailing dock as well as documents containing information about the Community Sailing organization itself.

March 25, 2013: A copy of a “Verified Petition to Intervene Pursuant to C.G.S...22a-19” filed by Thomas Steinke, Fairfield Conservation Director, regarding Application Number 20120544/NPDES filed by Exide Group, Inc./Mill River.

March 29, 2013: From HMC Chairman von Conta to Ms Tonia Selmeski, DEEP analyst, regarding a COP submitted by the Town of Fairfield for work affecting Southport Harbor, namely work on an existing catch basin and tide gate chamber located near Center Street and Horse Tavern Creek (both in Southport). Horse Tavern Creek drains to Southport Harbor. The Commission reviewed the COP and found it consistent with the Harbor Management Plan with the understanding that the proposed structures will be properly maintained by the Town of Fairfield on an ongoing basis.

Early in April, 2013: From the Fairfield Shellfish Commission, copies of its April 10, 2013 Meeting Agenda and the Minutes of its March 13, 2013 Meeting.

April 9, 2013: From Alternate Commissioner Sandye Mann to Chairman von Conta (with a copy to First Selectman Tetreau) tendering Ms Sandy Mann’s resignation from the HMC. *The Harbor Management Commission Members expressed their gratitude for Ms. Mann’s dedication and efforts she has expended on behalf of the Town of Fairfield and Harbor Management Commission.*

End of March or beginning of April, 2013: A copy of an application for a COP filed by the Town of Fairfield DPW to do work near South Benson Boat Basin. (This is not in the HMC’s jurisdiction.)

April 8, 2013: A copy of a COP issued by DEEP to the Town of Fairfield to do work at Ash Creek near South Benson Marina. (This is not in the HMC’s jurisdiction.)

III. OLD BUSINESS:

1. **Lower Wharf Report:** Mr. Steadman reported that Roberge Associates has prepared draft cost estimates; Mr. Steadman is currently reviewing the information provided. Chairman von Conta indicated that the Department of Public Works will be advising as to what functions can be performed in-house in order to minimize costs wherever possible. Information from the DPW will be incorporated by Roberge Associates into the cost estimate.

2. **Mooring Report:** Norman Marsilius reported that the Mooring Committee is continuing to review the HMC’s Rules and Procedures for Mooring and Anchoring in Southport Harbor and will provide the HMC with a report. Harbor Master Carroll thanked everyone for participating in his birthday celebration, and reported that 156 mooring permits have been issued for the 2013 boating season; one more mooring location may become available. The 2012 Southport Harbor Annual Report was presented; Harbor Master Carroll expressed his appreciation for the assistance he received in preparing this annual report from Mr. Steadman and Commissioner Smith. There have been two requests for refunds for the annual mooring permit fees from Mr. Donald Berger and Mr. Robert Smith. Following discussion, Norman Marsilius *moved* and Louis Schuler *seconded* to approve the requests for a refund. *Motion passed unanimously.* These mooring locations will be made available in

accordance with the mooring waiting list. Also reported was that the dredging at South Benson is complete, and the dredging equipment is now being removed. In addition, Harbor Master Carroll reported that the Police Department's Marine Unit has begun its operations for the boating season. The ospreys have returned to their nesting location at the outer beacon.

3. **Sand Management Report:** Mr. Steadman reported that he has spoken with Bill Hurley and Scott Leamon of the Town Engineering Department. The DEEP is requesting that a survey of the rooted vegetation be provided; there are three principal areas to be surveyed. The Town Engineering Department will conduct the survey. William Kenny will flag the areas prior to the survey being done. The DEEP has also asked the HMC to identify the species of plants within the surveyed areas.

4. **Budget Report:** Nelson North noted that he attended the Board of Finance budget hearing on March 19th and responded to questions posed by that Board. It was noted that in response to an inquiry by Mr. Walsh, Mr. North advised the Board of Finance that it was not reasonable to cut any fees from the HMC fees and professional services budget line item, since many required functions of the HMC include professional services that Town agencies are not able to provide. Mr. North indicated that a member of the public, Ms. Virginia Cargill, had spoken at the Board of Finance expressing concerns regarding the Lower Wharf project and issues related to security and other recreation activities at the Town Boat Yard. The Board of Finance did not address these issues as they were not budget related. The Board of Finance did not make any cuts to the HMC 2013-2014 budget request; the RTM will review the budget at its upcoming hearings. Commissioner North was commended for his representation of the HMC at the hearing.

Louis Schuler advised the HMC that at the request of Town Recreation Director Gerry Lombardo, he will be attending an upcoming Parks and Recreation Commission meeting to answer questions it may have relative to the Community Sailing program. Mr. Schuler noted that he will not be speaking on behalf of the HMC, but will be representing the community sailing program.

Following a request by Chairman von Conta, Norman Marsilius *moved* and Louis Schuler *seconded* to change the order of the agenda to have the HMC address the Country Club of Fairfield DEEP application prior to the Exide matter. *Motion passed unanimously.*

1. Review the DEEP 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: Chairman von Conta noted that this matter would not be discussed this evening because there had been no new developments regarding the application.
2. Review the "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: Chairman von Conta indicated that she and Mr. Steadman had attended a meeting in Hartford recently with representatives of the Town, DEEP, and Exide in which Conservation Director Thomas Steinke provided an excellent verbal report outlining

concerns regarding the proposed Exide RAP. The DEEP now has recommended a facilitator to work with the concerned parties, with Exide being responsible for retaining the facilitator. Several meetings will be held in May to address the concerns expressed by the HMC and others, including the Shellfish and Conservation commissions. Chairman von Conta is recommending that Mr. Steadman and James Harman accompany her to these work sessions/meetings on behalf of, and as representatives of, the HMC, with the understanding that their participation is for the purpose of assembling the information requested by the HMC, and not for the purpose of reaching any agreements regarding the Exide plans. Following assembly of the requested information, the HMC will complete its review of the Exide proposal.

If any decisions are required prior to the next regularly scheduled HMC meeting, a Special Meeting may be held. The HMC's questions previously outlined and submitted to the DEEP and Exide must remain a focus point of the upcoming work sessions. Following considerable discussion, it was the consensus of the HMC to have Mary von Conta, Geoffrey Steadman and James Harman attend the upcoming meetings with the facilitator and representatives of the concerned parties, including Exide and the DEEP.

IV. PUBLIC COMMENT: None

V. ADJOURNMENT: There being no further business to come before the HMC, John Zygmant moved and Nelson North seconded to adjourn the meeting at 6:01 p.m. Motion passed unanimously

Respectfully submitted,
Betty Gabriel