

TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF FEBRUARY 16, 2021

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, February 16, 2021 at 4:45 p.m. via teleconference.

**MEMBERS PRESENT:** Kim Taylor, Chairwoman; Ted Schwartzman; Harry French; Jacob Herschler; Doug Metchick; Mark Foster; Libby Tritschler; Sam Cargil; and Eric Sundman. **ALSO PRESENT:** Geoffrey Steadman, HMC Consultant, and Harbor Master Edward Billings.

**CALL TO ORDER:** The meeting was called to order at 4:45 p.m. by Kim Taylor.

**APPROVAL OF MINUTES:**

Special HMC meeting on December 1, 2020: Sam Cargill moved and Ted Schwartzman seconded to approve the Special Meeting Minutes of December 1, 2020: Passed unanimously.

Special HMC meeting on December 8, 2020: Ted Schwartzman moved and Jac Herschler seconded to approve the Special Meeting Minutes of December 8, 2020 with the notation that Doug Metchick was present. Passed unanimously.

HMC meeting on December 15, 2020: Mark Foster moved and Ted Schwartzman seconded to approve the Meeting Minutes of December 15, 2020, as modified to remove the reference to "Special Meeting". Passed unanimously.

**CHAIRMAN'S REPORT:**

Chairwoman Taylor reported the following correspondence:

1. Email on 1/21/2021 to Jeff Engborg and Chris Smith of the PYC, thanking Mr. Engborg for his presentation and inviting him to present to the HMC more often.
2. Letter on 1/22/21 to DEEP and others concerning DEEP'S Notice of Tentative Determination to approve Application No. DIVC- 202004971 by the Aquarion Water Company of Connecticut affecting the Hemlocks Reservoir and Mill River in Fairfield, Connecticut, and recommending, among other things, a written agreement between Aquarion and Town of Fairfield to spell out protections for aquatic resources in the Mill River watershed.
3. Email on 2/1/21 to Rep. Cristin McCarthy Vahey requesting a meeting to discuss the impact of the Superior Court's decision in Susan Cohen vs. the State of Connecticut DEEP on 1/27/21 which opined on the extent to which DEEP is bound to consider a harbor management commission's recommendations. *Chairwoman Taylor noted that this decision could have an impact on how harbor management commissions conduct business.*
4. Email on 2/9 /21 from David Palmer requesting a refund of his \$50.00 wait list fee. *Mr. Palmer is leaving the area and is requesting a refund.*

Chairwoman Taylor noted that it has been a year since the HMC has been able to conduct in-person meetings, and that no one knew at that time how work would become more complicated, yet despite all of the challenges, she is very proud of the HMC's accomplishments, She further noted that the HMC continues to move forward on its important projects, including updating the Rules and Procedures and the Harbor Management Plan, and the harbor dredging projects. In addition, items to be discussed under New Business may be very important moving forward, and suggested that Commissioners having any questions may also reach out to Mr. Steadman for assistance.

**HARBOR MASTER'S REPORT:** Harbor Master Billings reported that the Harbor Master's activities are proceeding well. The Mooring permit stickers have been printed and were picked up today. Mr. Palmer will provide a clearer copy of his documentation so that the Harbor Master can properly review the request for reimbursement of the wait list fee. Harbor Master Billings thanked everyone, especially the PYC, for the donation of the vessel to be used by the Harbor Master and proposed a "not to exceed figure" up to \$7,500.00 to bring the boat up to HMC standards, including the trailer. Harbor Master Billings anticipates that subsequent to that anticipated work on the vessel, future maintenance costs are estimated to be 2k per year. Following discussion, Ted Schwartzman moved and Harry French seconded to approve expenses up to \$7,500.00 to equip/repurpose the donated vessel by the PYC to the HMC, together with a one-time contingency maintenance expense up to \$2,500.00, with the funds to be expended from the Southport Harbor account, and expenditures to be preapproved by the HMC Chair. Motion passed unanimously.

**APPLICATIONS:** No new applications.

**OLD BUSINESS:**

1. Lower Wharf Project: Mr. Steadman: Mr. Steadman reported that he continues to be in communication with Mr. Sternberg at RACE Coastal Engineering and Town Engineer Bill Hurley concerning the requirements for a new permit. Apparently there are some new Army Corps of Engineers' requirements that may affect the permit process, including new sediment testing standards; Mr. Steadman has asked RACE to provide a cost proposal for this project. It will be necessary to review this matter next month in terms of costs and feasibility. Chairwoman Taylor welcomed HMC input. Commissioner French stated that there is no choice but to move forward with this project. Following discussion, it was the consensus that Mr. Steadman will continue to communicate with Mr. Sternberg and RACE to advance this project.
2. Sand Management Project: Mr. Steadman and Mr. Foster: Mr. Steadman reported that communication with the ACOE is ongoing and that the on-site meeting with the ACOE and DEEP hopefully will take place in March.

Mark Foster left the meeting at this time (5:38 p.m.).

3. Mooring Committee: Commissioner Herschler reported that the waitlist is up from 70 to 77.
4. Harbor Management Plan Update: Chairwoman Taylor reported that the Questionnaire was well received, with a total of 371 responses from a diverse group of harbor users who enjoy the harbor in a number of different ways. Results are being compiled for presentation. The Plan Update Committee and Mr. Steadman were commended for their work on this.
5. Proposed Changes to Rules and Procedures: Mr. Herschler: Commissioner Herschler noted that he has not received any questions from Commissioners on this matter since the December meeting. Chairwoman Taylor encouraged any Commissioners to raise any questions that they may have so that the proposed changes can be moved forward.

6. Budget Request: Mr. Schwartzman: Commissioner Schwartzman reported that he met via teleconference with the First Selectwoman, Thomas Bremer and Jackie Bertolone to discuss the HMC 2021-22 FY budget request. Commissioner Schwartzman provided them with various information, including the various accounts, grant funds, and projects. Chairwoman Taylor thanked Commissioner Schwartzman for his time and efforts, and for representing the HMC so well.

**NEW BUSINESS:**

1. CT DEEP public information meeting on January 6, 2021 in connection with DEEP Notice of Tentative Determination to Approve Aquarion Water Company's Application for Consumptive Diversion of Water Permit and Notice of Information Hearing: Mr. Steadman reported that the Conservation Commission may file a request for a formal intervention in this matter. Other organizations, including the Mill River Wetland Committee, Lake Hills Association, and Southwest Conservation District also submitted comments. The HMC will continue to participate in the Public Hearing process.
2. Decision by CT Superior Court in Susan Cohen vs. The State of Connecticut DEEP on January 27, 2021: Mr. Steadman: Mr. Steadman reported on the significance of this matter and its effect on harbor management commissions. The outcome is being appealed, he said, and the Town of Greenwich is joining an appeal. Harbor management commissions throughout the state are pursuing and supporting necessary actions to address this matter. Following considerable discussion, Harry French *moved* and Jac Herschler *seconded* to pursue and support efforts to confirm and clarify the well-established authority of all harbor management commissions and to seek assistance from Fairfield's legislators in this regard. *Motion passed unanimously.*

**ADJOURNMENT:** There being no further business to come before the Commission, Harry French *moved*, and Jac Herschler *seconded* to adjourn at 6:24 p.m. *Motion passed unanimously.*

The audio recording can be found here: <https://www.youtube.com/watch?v=J2KkE6pSpq4>

Respectfully submitted,

Betty Gabriel