

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF APRIL 20, 2021

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, April 20, 2021 at 4:45 p.m. via teleconference.

MEMBERS PRESENT: Kim Taylor, Chairwoman; Mark Foster, Ted Schwartzman; Harry French; Jacob Herschler; Doug Metchick; Libby Tritschler; Sam Cargill; and Eric Sundman. **ABSENT:** None. **ALSO PRESENT:** Geoffrey Steadman, HMC Consultant, Jeff Engborg, Manager, PYC and Harbor Master Edward Billings.

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

TRIBUTE: Pat Carroll, former Harbor Master, HMC member, Town of Fairfield Police WWII veteran on the occasion of his 98th birthday. Geoff Steadman reported that by Proclamation, First Selectwoman Brenda Kupchick had proclaimed April 20, 2021 Pat Carroll day in the Town of Fairfield. Mr. Steadman recited the numerous accomplishments and contributions made by Mr. Carroll, both nationally and locally. The Governor's Office also issued a Proclamation honoring Mr. Carroll. Chairwoman Taylor also recognized the many significant accomplishments and congratulated Mr. Carroll on his acknowledgments. The Harbor Management Commission's tribute can be found at:

[Pat Carroll Birthday Tribute for Website 4.20.2021.pdf \(fairfieldct.org\)](#)

APPROVAL OF MINUTES: HMC meeting on March 16, 2021: Jac Herschler *moved* and Ted Schwartzman *seconded* to approve the Meeting Minutes of March 16, 2021 as presented: *Motion passed unanimously.*

CHAIRWOMAN'S REPORT: Chairwoman Kim Taylor reported the following:

1. March 18, 2021: meeting with RACE and 3 DEEP Commissioners about the procedures for getting permission to dredge the Lower Wharf and possible cost;
2. March 18, 2021: conversation with Jim Baldwin, Town Attorney;
3. March 23, 2021: email from John Pinto, Chair of the Connecticut Harbor Management Commission Association expressing concern about the January 27, 2021 Superior Court decision;
4. April 14, 2021: zoom meeting with Kristin McCarthy-Vahey to discuss January 27, 2021 Superior Court decision; and
5. April 16, 2021: zoom meeting with DEEP Hearing Officer, the parties, and intervenors in Aquarion matter to divert water to Southwestern CT to discuss the rules to be followed during the public hearing on May 4, 2021

HARBOR MASTER'S REPORT: Edward Billings, Harbor Master: Mr. Billings reported that the mooring stickers have been issued; outstanding documentation continues to be addressed, although this is going very well overall. The Mooring field is filling in quite nicely, and Mr. Engborg of the Pequot Yacht Club has been extremely helpful. A FOIA request by Mr. Casey, on behalf of his client was received today; this will be processed accordingly. In response to inquiry by Chairwoman Taylor, Mr. Billings noted that the FOIA request was seeking documentation by dock owners asserting riparian rights, and further noted that all properties in the harbor which are held under the name of a LLC had provided sufficient documentation, except for one. Jac Herschler noted his appreciation for the input and cooperation by the dock owners during the transition. Mr. Billings also noted appreciation for Online Mooring, which has resulted in easier accounting practices and ultimately a safer environment.

MOORING CONTRACTOR REPORT: Mr. Engborg, Manager Pequot Yacht Club: Mr. Engborg recognized former Harbor Master Pat Carroll on this very special day. Mr. Engborg reported that moorings are 95% complete. While some moorings had drifted somewhat, and were impacted by the sand build-up, he noted that he hopes that this has been addressed, and is a non-issue. The sand mooring in the South Anchorage had pulled out; he is working with Ed Billings on this matter. Mr. Engborg noted that there is ledge in this location, which has a combination of helix and mushroom moorings. Mr. Engborg invited the HMC to contact him with any questions. Commissioner French and Chairwoman Taylor thanked Jeff for the information.

APPLICATIONS: No new applications

OLD BUSINESS:

1. Lower Wharf Project: Mr. Steadman reported that he is anticipating a cost proposal for Mr. Sternberg. There is also the placement of the last piece of ramp – repositioning of the last piece that was placed. Mr. Steadman also noted that the HMC had decided not to proceed with the community sailing dock due to the existence of ledge which rendered that project cost prohibitive. Following inquiry by Chairwoman Taylor, Mr. Steadman indicated that he recommends discussing at the next meeting the possibility of proceeding with other projects such as the boat ramp while the dredging project is continuing to be reviewed. Mr. Schwartzman noted that in reviewing the January figures, and of the original budget of 150k for this project, and 121k expended, it appears that there is approximately 21k available considering the two open purchase orders for the ramp. The HMC will continue to obtain information regarding this project, including permit requirements for the necessary dredging for the placement of the last piece.
2. Sand Management Project: Mr. Steadman and Mr. Foster: Mr. Steadman noted that he had received a call from the ACOE; an on-site meeting will be scheduled following the review and discussion on an environmental impact assessment.
3. Mooring Committee: Mr. Herschler reported that the whaler dock is in place, and is in a reduced size. The PYC will provide maintenance to the boat that it is donating to the HMC. Chairwoman Taylor thanked the PYC for its generous gift and offer of maintenance prior to the transfer of ownership.
4. Harbor Management Plan Update: Chairwoman Taylor indicated that the Committee is reviewing sustainability and resilience as well as references to the Mill River and agreement to referencing shellfishing as part of the goals. Additional chapters will be reviewed at the next meeting.
5. Proposed Changes to Rules and Procedures: Mr. Herschler noted that this matter was discussed at the April 8th meeting, and the proposed amendments to the Rules and Procedure, fees, and Town Code were reviewed. A proposal is being drafted to bring to the RTM; this matter will be discussed at the HMC meeting for possible vote. The proposed changes to the Code would need to be placed on the RTM agenda for at least two months. Commissioner French commended the Board, Jac and Geoff for their considerable efforts.

6. Budget Request: Mr. Schwartzman reported that he provided a presentation to the Board of Selectmen and Board of Finance; the RTM had not requested a presentation. It is anticipated that the RTM will vote on May 3rd. Following inquiry by Commissioner French, Ted Schwartzman indicated that since we currently do not know what the maintenance costs are for the donated vessel, those expenses will be from the mooring/Southport Harbor account. This will be reviewed for possibly including in the next budget request.
7. 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 Informational Hearing: Mr. Steadman reported that Tony Hwang held a forum on this matter in which various organizations (including the Mill River Wetland Committee and Trout Unlimited) participating. Following considerable discussion, Harry French moved and Jac Herschler seconded that the HMC will submit a letter to the DEEP requesting an extension of time in which to comment. Motion passed unanimously. Chairwoman Taylor encouraged the HMC to review the video that she had sent on the forum.
8. Decision by CT Superior Court in Susan Cohen vs. The State of Connecticut DEEP on January 27, 2021: Mr. Steadman, Mr. Cargill, Ms. Tritschler: Commissioner Sam Cargill recommended that Mr. Steadman create a venue to hold a meeting to provide an opportunity for interested parties to meet and discuss this matter. Mr. Steadman reported that there was a meeting with several Harbor Commissions, noting that the goal is that every Commission made a statement in support of legislation supporting the Harbor Commission's authority. A one page summary is currently being drafted.
9. Owens request that the Commission consider the Harbor Master's actions in response to his mooring application asserting littoral rights: Ted Schwartzman moved and Harry French seconded to untangle the motion made at the last meeting, to discuss this evening. **IN FAVOR:** Kim Taylor, Mark Foster, Ted Schwartzman, Harry French, Jacob Herschler, Doug Metchick, Libby Tritschler, Sam Cargill. **OPPOSED:** Eric Sundman. **ABSTENTION:** None. Motion passed 8-1. Chairwoman Taylor indicated that on April 19 she received an additional three page letter from Mr. Casey responding to the Commission's discussion at its March meeting, which was forwarded to the Commissioners. In Mr. Casey's letter of March 5th to the HMC he requested, on behalf of this client, that: The HMC find that the Harbor Master's request for additional ownership information is improper; that there is sufficient information provided; and that the HMC should suggest and find that the Harbor Master should issue the mooring permit in accordance with the Harbor Management Plan. There was considerable discussion on this matter. Chairwoman Taylor noted that the property is held by an entity that has a very complicated and complex corporate structure and it is difficult to make the distinction between the manager and employee. Mr. Steadman noted that the HMC cannot direct the Harbor Master to issue the permit, and reminded the HMC that technically the Harbor Master did not deny the permit, but requested additional information concerning ownership. Following considerable discussion, Jac Herschler moved and Harry French seconded that the Harbor Master made a good faith effort to determine ownership, that the HMC has received 2 letters, and a 35 page summary from Mr. Casey, and that it is still not clear as to determining ownership, and that the HMC is confident that the Harbor Master will follow all the rules and procedures when he makes his final decision for the issuance of a mooring permit. Harry French moved and Mark Foster seconded to amend the motion as follows: In response to Mr. Casey's March 5, 2021 letter to the HMC, the HMC finds no exceptions to the conduct of the Harbor Master with respect to this matter. Motion passed unanimously.

ADJOURNMENT: There being no further business to come before the Commission, Harry French **moved**, and Jac Herschler **seconded** to adjourn at 6:52 p.m. **Motion passed unanimously.**

The audio recording can be found here: <https://www.youtube.com/watch?v=mK7cmWJUz08>

Respectfully submitted,

Betty Gabriel