

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

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

MEMBERS PRESENT: Kim Taylor, Chairwoman, Jacob Herschler, Harry French, Mark Foster, Doug Metchick, and. **ABSENT:** Sam Cargill, Eric Sundman, Ted Schwartzman, and Libby Tritschler. **ALSO PRESENT:** Geoffrey Steadman, HMC Consultant.

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

APPROVAL OF MINUTES: May 18, 2021: Harry French *moved* and Jac Herschler *seconded* to approve the draft Meeting Minutes of May 18, 2021 as presented. *Motion passed unanimously.*

CHAIRMAN'S REPORT: Chairwoman Kim Taylor indicated that it has been a very busy month, and reported the following communications:

1. June 14, 2021 email to Karen Wackerman, RTM moderator transmitting the proposed changes to Chapter 24 of the Town Code and the reasons why the changes are being requested;
2. June 17, 2021 email from Attorney John Casey representing Mr. Owens citing Rule 23 and requesting that the HMC review the Harbor Master's decision denying Mr. Owens' request for a priority mooring permit as a water front property owner as contrary to law;
3. June 20, 2021 email exchange with Jeff Engborg, General Manager Pequot Yacht Club (PYC), about the donation of a PYC Whaler to the Town for the Harbor Master's use;
4. June 21, 2021 Jac Herschler, Geoff Steadman and Kim Taylor appeared before the RTM Law and Administration Committee;
5. June 25 – to present - various emails from boaters having trouble accessing their Online Mooring accounts to upload required documentation – assistance provided;
6. July 6, 2021 phone call from Kevin Zawoy, DEEP Land and Water Resources Division, inquiring about the status of Harbor Master search, the potential need for a 2nd harbor master for other Fairfield waters because there are unpermitted moorings in South Pine Creek and off Fairfield beaches, and a reminder that only the Harbor Master can make decisions about stationing boats in the harbor;
7. July 7, 2021 Zoom meeting with US Army Corps of Engineers (ACOE) about dredging at the mouth of the harbor;
8. July 13, 2021 email exchange with Betty Gabriel about a request she received from John Fallon on behalf of the property owners of 1101 Harbor Road that the Town enforce deed restrictions for the Lower Wharf and that appropriate signs be posted;
9. July 13, 2021 letter from Mr. Casey representing Mr. Owens following up on his earlier letters and commenting on new information he learned from Mr. Zawoy of DEEP related to the Harbor Master's denial of Mr. Owens request for a priority mooring permit; and
10. July 13, 2021 email from Attorney Evan Seeman also representing Mr. Owens and transmitting a FOIA request to the Town of Fairfield for all documents from the last 10 years related to the applications for a mooring permits for 789 Harbor Road.

MOORING CONTRACTOR REPORT: Safety Drill, Mr. Engborg, Manager, PYC: Upon request by Chairwoman Taylor, Mr. Engborg provided the HMC with a detailed description of the safety communication drill that is conducted each year with the PYC, Police Department, Fire Department, and AMR employees. The drill is designed by Mr. Engborg. Materials were distributed prior to the active drill conducted on the water. The Police Department lends 10 numbered buoys which serve as “simulated persons” at various locations in the water, and various emergency scenarios are enacted. At the end of the drill the participants return to the PYC for a question/answer session and discussion. Mr. Engborg reported that a short video entitled “Southport CT Safety Drill 2021 and Pursuit of Safety Excellence” can be found at the PYC website. The HMC thanked Mr. Engborg for this important undertaking and informative report.

APPLICATIONS: No new applications.

OLD BUSINESS:

1. **LOWER WHARF PROJECT:** Mr. Steadman reported the following: The May 2021 RACE proposal is still pending approval. Mr. Steadman has been in communication with the Marina Manager and Town Engineering Manager Bill Hurley. New York State has implemented new requirements for toxicity testing of material to be dredged prior to approving the disposal of the same in Long Island Sound; the costs for this type of testing is between 30k and 50k. Mr. Steadman has contacted the DEEP to discuss this new requirement. It should be anticipated that the CT Port Authority will be issuing more funds for small harbor projects; replacement of the Perry Green bulkhead may be considered as a potential project. Mr. Steadman will review this with Engineering Manager Hurley.
2. **SAND MANAGEMENT PROJECT:** Mr. Steadman and Mr. Foster: Mr. Steadman reported on a positive meeting with the ACOE representatives in early July. A dredging plan is in place to restore the 100’ wide harbor entrance channel. It is not anticipated that the plants of concern will be impacted. Mitigation will be required if there is any loss of nesting habitat for the piping plover. The plan requires approval by other agencies including the U.S. Fish and Wildlife Service. The ACOE will need access to the jetty & wall; the sand will be excavated from the shoal adjoining the jetty; material will be stockpiled then placed into the hopper dredge for disbursement. The ACOE will require an easement agreement with the Country Club of Fairfield for access to the jetty; a determination relative to ownership of the upland area to be dredged will be made by the ACOE. Chairwoman Taylor has communicated with the Country Club of Fairfield regarding this. Mr. Steadman reported that the CT Port Authority may be a source of funds for this project. Mr. Steadman also reported that he is preparing a slide presentation on the history of the Southport Harbor Federal Navigation Project for the ACOE which will also be shared with the HMC.
3. **MOORING COMMITTEE:** Mr. Herschler reported that the Mooring Committee met on July 12th. Chairwoman Taylor, Mr. French, Mr. Herschler and Mr. Steadman were present. Mooring management in the absence of a Harbor Master was discussed. Mr. Engborg will assist applicants with some outstanding documentation issues regarding mooring permit renewals.

4. **PLAN UPDATE COMMITTEE:** Chairwoman Kim Taylor reported that the Committee met to review the final survey results – these are posted on the HMC website. Chairwoman Taylor recognized Mr. Steadman’s efforts in this regard.
5. **PROPOSED CHANGES TO THE RULES AND PROCEDURES:** Mr. Herschler reported that the next step in the process is RTM approval of the HMC’s recommended changes to the Town Code.
6. **1101 HARBOR ROAD:** Chairwoman Taylor reported that the Town had entered into an agreement with the owner of 1101 Harbor Road in 2019 which resulted in the abandonment of the easement and a “land swap”. When this issue was first raised the HMC had submitted letters to the TPZ Commission and Planning and Zoning Director seeking information and clarification on certain issues, including the HMC’s role in the management of the property. To date, the HMC has not received responses to its questions. Betty Gabriel was recently contacted by Attorney John Fallon, counsel for the owner, regarding the signage that the Town agreed to place at the location. There are issues at the property, including, but not limited to, dog owners allowing their dogs to run free and not picking up after them.

NEW BUSINESS:

1. Harbor Master Search: Chairwoman Taylor reported that the search committee met twice; a description of the responsibilities has been drafted and will be put on the HMC website. There is a relatively new law in place that permits the submittal of one name instead of the previous requirement of three if necessary. Mr. Steadman has been in communication with the DEEP and Governor’s office regarding the possible appointment of an interim or deputy harbor master if necessary; this is not something that the HMC will pursue. Chairwoman Taylor will keep the HMC apprised of any developments.
2. Mr. Owens’ Rule 23 request that the Commission find that the Harbor Master’s denial of a priority mooring permit: The Commission discussed this matter at length, including ownership issues, ACOE information received, and the issuance of priority moorings in accordance with the Harbor Management Plan and Rules and Procedures. Mr. Casey spoke on behalf of his client, and asserted that Mr. Owens is entitled to a priority mooring permit although an application to be placed on the wait list had not been previously submitted, and further asserted that all dock owners in the Harbor Management area are entitled to a priority mooring permit. Following significant discussion, it was the consensus of the HMC that a special meeting will be held on August 10th to review this matter further.
3. Other New Business: None

ADJOURNMENT: There being no further business to come before the Commission, Harry French *moved*, and Mark Foster *seconded* to adjourn. *Motion passed unanimously.*

The audio recording can be found here:
[Harbor Management Commission - 7/20/21 - YouTube](#)

Respectfully submitted,
Betty Gabriel