

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF OCTOBER 19, 2021

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, October 19, 2021 at 4:45 p.m. in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall 725 Old Post Road, Fairfield, CT, and via teleconference.

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

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

SALUTE TO THE FLAG

Chairwoman Taylor welcomed Harbor Master Bryan LeClerc, noting his recent appointment by the Governor. It was noted that DEEP (Kevin Zavoy) had inquired whether a deputy Harbor Master should be appointed, or perhaps the Harbor Master may take on additional responsibilities, including the review of moorings currently under DEEP jurisdiction in the Fairfield Beach/Pine Creek areas.

APPROVAL OF MINUTES: September 21, 2021 – tabled to November meeting

CHAIRMAN'S REPORT: Chairwoman Kim Taylor reported the following communications:

1. September 27, 2021 letter to Governor Lamont's office recommending the appointment of Bryan LeClerc as Harbor Master, and including, as required by the General Statutes, the names of two other persons interviewed by the HMC for the position of Harbor Master;
2. September 27, 2021 email exchange with Kevin Zavoy at DEEP about whether there are moorings along Fairfield coastal waters;
3. October 12, 2021 meeting at YYY with Justin Cathcart, Town Marina Coordinator; Devin Santa, RACE Coastal Engineering; and Geoff Steadman to discuss HMC's Lower Wharf project; and
4. October 14, 2021 received proposal from RACE Coastal Engineers for obtaining new DEEP permit for the Lower Wharf project.

APPLICATIONS: No new applications.

OLD BUSINESS:

1. **LOWER WHARF PROJECT:** Mr. Steadman provided a brief update, noting that Mr. Santa, Mr. Cathcart, Chairwoman Taylor, and himself met at the Town Boat Yard to consider improvements and repairs and reapplying for a new DEEP permit to undertake the project. Mr. Santa provided a summary of RACE's new proposal to obtain a new permit that would include repair of the Lower Wharf piers and walls but would not include dredging. Jac Herschler inquired as to what risks may exist in proceeding with the updated proposal. Following significant discussion, Harry French moved and Jac Herschler seconded to proceed with the revised proposal by RACE subject to written approval by the CT Port Authority that the previously provided grant funds for dredging may be re-purposed for repair of the Lower Wharf piers and

walls, and subject to approval of a sole source/purchasing waiver by the Town Purchasing Department.
Motion passed unanimously.

2. **SAND MANAGEMENT PROJECT:** Mr. Steadman and Mr. Foster: Mr. Steadman reported that the ACOE project manager is currently in New Orleans; a site meeting will be scheduled upon her return to consider the ACOR dredging plans.
3. **MOORING COMMITTEE:** Mr. Herschler reported that the Mooring Committee had not met since the last HMC meeting.
4. **RULES AND PROCEDURES:** Mr. Herschler reported that the RTM unanimously approved the HMC's requested Town Code changes, and thanked the HMC for its diligence and efforts.
5. **PLAN UPDATE COMMITTEE:** Ms. Taylor had nothing new to report at this time; the Committee is scheduled to meet again on October 28th.

NEW BUSINESS:

1. Status and Scope of HMC's responsibility for Lower Wharf: Mr. Steadman provided the HMC with some background on this matter, including a brief history of the property ownership, previous access easement, and recent property exchange with the Town. Mr. Steadman noted that the deed of transfer to the Town makes clear that the HMC is responsible for management of the property, and that the HMC now is being asked to establish rules for use of the property. Chairwoman Taylor will review this matter with the Town Attorney.

OTHER: Mr. Steadman reported that a proposed final DEEP decision has been issued to approve the Aquarion water diversion application. The Town of Fairfield has filed exceptions to the Hearing Officer's decision; the recent decision in the Cohen vs. the Town of Greenwich matter concerning harbor management authorities was referenced in the Aquarion decision. Mr. Steadman noted that the Town of Greenwich is appealing the Cohen decision which is seen to diminish municipal harbor management authorities.

ADJOURNMENT: There being no further business to come before the Commission, Harry French *moved*, and Jac Herschler *seconded* to adjourn at 5:51 p.m. *Motion passed unanimously.*

The audio recording can be found here: [Harbor Management Commission - 10/19/21 - YouTube](#)

Respectfully submitted,

Betty Gabriel