

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF NOVEMBER 15, 2022

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, November 15, 2022 at 4:30 p.m. in the First Floor Conference Room of Sullivan Independence Hall, 611 Old Post Road, Fairfield, CT, and via teleconference.

MEMBERS PRESENT: Kim Taylor, Chairwoman; Jacob Herschler; Bill Perugini; Eric Sundman; Jeff Warren, Sam Cargill, Don Hyman and Doug Metchick. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Jeff Engborg, Pequot Yacht Club (PYC) Manager; Devin Santa, RACE Coastal Engineering, and Bryan LeClerc, Harbor Master.

CALL TO ORDER: The meeting was called to order at 4:30 p.m. by Chairwoman Taylor.

SALUTE TO THE FLAG

APPROVAL OF MINUTES: Jacob Herschler *moved*, and Bill Perugini *seconded* to approve the draft September 20, 2022 meeting minutes as presented. *Motion passed unanimously.*

Bill Perugini *moved*, and Eric Sundman *seconded* to approve the draft October 18, 2022 meeting minutes as presented. **IN FAVOR:** Kim Taylor, Eric Sundman, Sam Cargill and Doug Metchick. **OPPOSED:** NONE. **ABSTENTION:** Jacob Herschler and Don Hyman abstained from voting as they were not present at the October 18, 2022 meeting. *Motion carries 5-0-2.*

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

1. October 27, 2022 webex meeting with Coral Silgato, Army Corps of Engineers (ACOE) project manager for federal dredging project; Todd Randall and Matthew Mroczka, ACOE environmental team; Harbor Master Bryan LeClerc; and HMC consultant Geoff Steadman to discuss the scope, timeline, and status of the plans to dredge at the mouth of the harbor.
2. November 6 and 7, 2022 email exchange with Gail Robinson, President of the Ash Creek Conservation Association, concerning responsibility for dock approvals in Ash Creek and asking whether the HMC has jurisdiction in Ash Creek now that the Harbor Master does, and requesting time to discuss this matter during HMC's December or January meeting.
3. November 8, 2022 email from Coral Silgato, ACOE project manager, sending fact sheets concerning the ACOE's special purpose dredges Currituck and Murden.

HARBOR MASTER REPORT: Bryan LeClerc: Mr. LeClerc reported that at the October 27 meeting with the ACOE he learned that the anticipated start date for the dredging project is January or February in 2024. It was decided that dredging of the sand spit encroaching into the channel near the jetty will be the focus of this project and that any dredging in the outer entrance channel will be addressed later to avoid further project delays. An inspection of the Helix moorings will be done this year. Mr. LeClerc reported that he had attended an informational seminar hosted by OnLine Mooring. Mooring renewal notifications are scheduled to go out in January. A mooring holder has requested a move to a new location to accommodate a larger vessel; Commissioner Herschler noted that a request by a mooring holder to another mooring location to accommodate a larger boat takes precedence over a new assignment from the wait list.

The HMC discussed a recent article in the CT Post regarding the Saugatuck River dredging project. Following inquiry by Commissioner Hyman regarding the HMC's desire to issue a news article about the ACOE's upcoming Southport Harbor dredging project, and significant discussion by the HMC, it was the consensus of the HMC to prepare such an article. Commissioner Hyman will begin compiling information for a preliminary draft. Mr. Steadman suggested that the Shellfish Commission also be noted as the sand to be dredged will be used to improve and nourish shellfish beds.

Mr. LeClerc noted that he received public inquiry regarding the flags staked at the Lower Wharf and that he had confirmed they had been placed by the RACE surveying crew as part of work on the Lower Wharf project (see below).

NEW APPLICATIONS: No new applications.

OLD BUSINESS:

LOWER WHARF PROJECT: Mr. Steadman: Mr. Steadman reported that RACE is currently preparing the application materials/documents for submittal to DEEP for approval to repair the elevated piers and seawall. Because there will be no dredging, the unused CT Port Authority SHIPP grant to dredge in the area from the boat launching ramp to the Lower Wharf will be returned to the Port Authority minus the Town's expenses. A formal request from the Port Authority will be issued for return of the grant. Following inquiry by Mr. LeClerc about whether the pilings supporting the elevated piers will need to be replaced, Devin Santa reported that the pilings will be replaced and that RACE has conducted a recent site inspection and has determined that the pilings currently are in poor condition and there may be a safety risk. Mr. Santa inquired whether the HMC wished to apply for a T-Head or L-Head pier configuration. It was the consensus of the HMC to include this matter on the December meeting agenda for further discussion. Commissioners Cargill and Sundman are currently preparing a report for the Town Risk Manager; the current condition of the pier and the safety concerns as identified by RACE and discussed by the HMC will be included. Mr. LeClerc noted that the pier is utilized by the public for fishing and other public purposes such as bridal party photographs; Commissioner Warren inquired whether reconstruction of the piers is desirable due to their limited use and the availability of the seawall for fishing. Possible alterations to the seawall to further accommodate fishing were also discussed. It was noted that the property deed restrictions must be considered when planning for Lower Wharf improvements. In addition, since the property is in the Southport Historic District, the Historic District Commission must be consulted. Mr. Santa advised that the Engineering Department should also conduct an inspection of the piers to assess any current safety risks; the HMC noted the importance of doing this as quickly as possible; Commissioner Cargill will express the HMC's concerns and sense of urgency to the Risk Manager; and Chairwoman Taylor will contact the Town Attorney. The HMC discussed the types of materials that may be utilized for pier reconstruction; it was noted that the Historic District Commission may have certain requirements. In addition, it was noted that the Sasquanaug Association contributed money for the purchase of the Lower Wharf property and will be invited to a future meeting to discuss the HMC's project plans.

SAND MANAGEMENT PROJECT: Mr. Steadman: Mr. Steadman reiterated that at the October meeting with the ACOE, the ACOE informed the HMC that a combined project to dredge both the sand spit and the outer entrance channel at the same time would add more than a year to the currently anticipated schedule. The ACOE hopper dredging equipment is not suitable for work in the outer channel due to the character of the sediment to be dredged and the different disposal requirements. It may be necessary for the ACOE to put the outer channel dredging project out to bid.

MOORING COMMITTEE: Jac Herschler: Commissioner Herschler reported that the Mooring Committee met on November 8th. In addition to those matters mentioned above in the Harbor Master's report, the Committee had a brief discussion regarding an individual who had recently asserted his rights for a priority mooring; there are no vacant mooring locations at this time. Commissioner Herschler further indicated that the individual requesting a reassignment to accommodate a larger vessel would take priority.

PLAN UPDATE: Chairwoman Taylor: Chairwoman Taylor reported the Committee met recently and had discussed the recent Cohen v. DEEP court decision and its impact on harbor management commissions in the State. Chairwoman Taylor further reported that work on the harbor presentation narration project is resuming. Commissioner Hyman reported he was advised by the First Selectwoman's office that Town Boards and Commissions will be invited to an upcoming meeting to discuss development of a new website.

LOWER WHARF PROJECT SURVEY: Mr. Cargill & Mr. Sundman: Commissioners Sundman and Cargill are continuing to meet with the Town Risk Manager; site conditions affecting public use and enjoyment of the elevated piers, including public safety questions, were discussed above during the Lower Wharf report.

DEPUTY HARBOR MASTER SEARCH: Mr. Perugini: Betty Gabriel will work with Commissioner Perugini to have the notice and job description placed on the Town's website.

HMC 2023-2024 BUDGET REQUEST: A flat budget has been submitted. The HMC reviewed and approved the draft budget request.

NEW BUSINESS:

1. Appoint Nomination Committee for 2024 Officers: Eric Sundman and Sam Cargill were appointed as the Nomination Committee.
2. Draft 2023 Meeting Schedule: Draft submitted for review and vote at the December meeting.
3. Mr. Steadman reported the Town of Greenwich has filed a Petition for Certification to the CT Supreme Court asking the Supreme Court to hear an appeal by the Town of Greenwich of the Appellate Court decision in the Cohen vs. DEEP case. The Appellate Court had upheld the Superior Court decision which is seen as diminishing harbor management commissions' authority. The Plan Update Committee reviewed this matter at its recent meeting. DEEP has objected to the Town of Greenwich petition to the Supreme Court.

ADJOURNMENT: There being no further business to come before the Commission, Bill Perugini *moved*, and Jac Herschler *seconded* to adjourn at 6:23 p.m. *Motion passed unanimously.*

The audio recording can be found here: [Harbor Management Commission 11/15/22 - YouTube](#)

Respectfully submitted,
Betty Gabriel