

TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF DECEMBER 20, 2022

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, December 20, 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; Jeff Warren, Don Hyman; Sam Cargill, and Doug Metchick. **ABSENT:** Eric Sundman **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Jeff Engborg, Pequot Yacht Club (PYC) Manager; Devin Santa, RACE Coastal Engineering; George Russell, Treasurer, Sasquanaug Association for Southport Improvement; 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 Doug Metchick *seconded* to approve the draft November 15, 2022 meeting minutes as presented. *Motion passed unanimously.*

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

1. November 17, 2022 email to Jared Schmitt Chief Financial Officer with copies to Town Engineer Bill Hurley, Sam Cargill, Geoff Steadman, and Betty Gabriel describing HMC uncertainty about the structural safety of the fishing pier at the Lower Wharf.
2. November 21, 2022 email from Susan Felner of the Town Clerk's Office transmitting a FOI letter for all Commissioners.
3. November 25, 2022 email exchange with Peter Bravo a regular kayaker at YYY who requested that the HMC dredge in and around the Town boat ramp because there was no water at there at very low tide, and reported about a friend who had gotten out of his kayak was stuck in mud up to his waist. Copies to Director of Parks and Rec Anthony Calabrese, Fairfield Harbor Master, Marina Manger Justin Cathcart, and Don Hyman explaining the plans and obstacles to that dredging project.
4. December 5, 2022 email exchange between from Jac Herschler and Mark McDermott RTM Moderator with copies to Karen Wackerman and Kim Taylor planning a brief update to the RTM on current Harbor Commission issues.
5. December 5, 2022 email to Jackie Bertolone, Chief of Staff to the First Selectwoman, asking if they would like a brief update on current Harbor Commission issues.
6. December 5, 2022 forwarding the email of November 17 to Jared Schmitt Chief Financial Officer to Lori Charlton, Chair of the Board of Finance.
7. December 19, 2022 Kim Taylor and Jac Herschler report to the RTM
8. December 20, 2022 Kim Taylor and Jac Herschler report to the First Selectwoman

Chairwoman Taylor noted that the December 19<sup>th</sup> and December 20<sup>th</sup> reports to the RTM and First Selectwoman Brenda Kupchick were very productive and noted the importance of familiarizing the administration on HMC projects and issues.

**HARBOR MASTER REPORT:** Bryan LeClerc: Mr. LeClerc reported that the 2023 renewal notices will be going out soon; mooring tackle inspections will be conducted in January and February. Mr. LeClerc also noted that the USGS buoy/water monitoring instrument had recently flipped upside down; the USGS was notified and the equipment was righted without any damage. Mr. Steadman reported that the data collected with this instrument is available to review on the USGS website.

**NEW APPLICATIONS:** No new applications.

**OLD BUSINESS:**

**LOWER WHARF PROJECT:** Geoff Steadman: Devin Santa of RACE provided handouts to the HMC noting that the original Lower Wharf improvement project from a number of years ago included dredging at the end of the boat launching ramp; construction of a community sailing dock; replacement of the boat launching ramp; and repair of the Lower Wharf piers and wall. The boat launching ramp was subsequently replaced; the community sailing dock plan eliminated; and the dredging project could not be undertaken due to the lack of dredged material “cap” material. Currently, the project calls for repair of the sea wall around the Lower Wharf property and replacement of the elevated public piers. Photos of the deteriorated wall were distributed and reviewed; the HMC discussed the existing wall conditions. Photos of the elevated piers were also reviewed; the HMC noted its concerns for the safety of the structure due to significant marine borer damage to the pilings. The original T-head configuration of the piers was discussed; Mr. Santa noted that the decking had been removed from the south pier and replaced several years ago. The HMC discussed the condition of the concrete cap on the seawall noting that it also should be replaced due to its deteriorated condition. Sam Cargill noted that he has been in communication with Town Risk Manager Peter Ritchie to schedule a site visit and suggested that the Historic District Commission and other local groups should be consulted and involved if changes to the property are proposed, including any changes to the piers. The consensus was that it is a priority at this time to ensure that the existing pier structures are safe for public access and to take appropriate action if it is determined otherwise by the Town. Following the site conditions report by Mr. Santa and significant discussion by the HMC, it was the consensus of the HMC to seek DEEP approval through a Certificate of Permission (COP) for the replacement/repair of the entire pier structure; replacement of the seawall cap; repair of sink holes around the wall, and repair of the southern end of the seawall. Bill Perugini *moved*, and Jac Herschler *seconded* that the HMC address the four areas at the Lower Wharf discussed this evening and for RACE to seek a COP from DEEP to allow this work. *Motion passed unanimously.*

Following inquiry by Mr. Santa for clarification on removal of the existing northern pier structure; Chairwoman Taylor indicated that the HMC does not currently have enough information to make a decision concerning removal of the northern pier and that such a decision could be made at a later date, following receipt of the COP for replacement of both the southern and northern pier structures, and with consideration of the availability of project funds and other considerations.

Chairwoman Taylor further reported on the previous 1101 Harbor Road property transfer to the Town of Fairfield and noted that there are still many questions; no stairs have been constructed for access to the acquired beach from the Lower Wharf, and the height of the bushes at this location appears to exceed what is permitted. Commissioner Herschler noted that the First Selectwoman is aware of the HMC’s concerns and will be reviewing this matter. Chairwoman Taylor noted that she is still waiting for confirmation of the HMC’s management responsibilities with respect to the acquired property and will keep the HMC apprised of any new information. Commissioner Cargill noted that he will continue to review this matter with Risk Manager Peter Ritchie and Town Engineer William Hurley and provide a report to the HMC.

*Note: The order of the items reflected in the Minutes does not necessarily reflect the order of the items as shown on the Meeting Agenda*

**NEW BUSINESS:**

1. Report of Nomination Committee and Vote for 2023 Officers: Mr. Cargill and Mr. Sundman: Committee Chair Cargill advised the HMC that it was the recommendation of the Committee for the following slate of 2023 Officers: Chairwoman – Kim Taylor, Vice Chair: Jac Herschler, Secretary: Bill Perugini. Don Hyman *moved* and Bill Perugini *seconded* to approve the slate of 2023 Officers as recommended by Nomination Committee Chair Cargill. *Motion passed unanimously.*

**OLD BUSINESS:**

**LOWER WHARF PROJECT SURVEY:** Mr. Cargill & Mr. Sundman: Commissioners Sundman and Cargill are continuing to meet with the Town Risk Manager and Town Engineer with the goal of having a risk control report for the Lower Wharf.

**MOORING COMMITTEE:** Jac Herschler: Commissioner Herschler reported that the Mooring Committee did not meet in December but will meet again in January.

**PLAN UPDATE:** Chairwoman Taylor: Chairwoman Taylor reported the Committee anticipates having a draft of the updated Harbor Management Plan for submittal to the DEEP in the Summer of 2023 and submittal to the RTM in the Fall. It was noted that proposals for video narration are on hold pending finalization of the Town's new website. The outcome of the Cohen v. DEEP court decision concerning municipal harbor management authority will also have an impact on completion of the updated Harbor Management Plan.

**DEPUTY HARBOR MASTER SEARCH:** Bill Perugini: Mr. Perugini will coordinate with Bryan LeClerc to locate the final approved document and will forward to Betty Gabriel for posting on the Town's website.

**SAND MANAGEMENT PROJECT:** Geoff Steadman: Don Hyman has prepared a draft press release which may go out with the First Selectwoman's weekly newsletter and placed upon the HMC website. Mr. Steadman had advised the ACOE about the press release.

**COHEN V. DEEP UPDATE:** Mr. Steadman provided a brief summary regarding this court case seen to diminish municipal harbor management authority. He reported that the judicial appeals process regarding the case has been completed and that efforts are now underway to amend the CT Harbor Management Act to make clear that harbor management commissions have legal authority to review applications to state agencies and that the recommendations of a harbor management commission must be addressed by DEEP. The HMC will be discussing this matter with Fairfield's state legislative delegation.

**2023 MEETING SCHEDULE:** Don Hyman *moved*, and Jac Herschler *seconded* to approve the 2023 Meeting Schedule as presented. *Motion passed unanimously.*

**ADJOURNMENT:** There being no further business to come before the Commission, Bill Perugini *moved*, and Jac Herschler *seconded* to adjourn at 6:43 p.m. *Motion passed unanimously.*

The audio recording can be found here: [Harbor Management Commission 12/20/22 - YouTube](#)

Respectfully submitted,  
Betty Gabriel