

TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF JANUARY 17, 2023

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, January 17, 2023 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, and Doug Metchick. **ABSENT:** Eric Sundman, Doug Metchick, Don Hyman, and Sam Cargill. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Jeff Engborg, Pequot Yacht Club (PYC) Manager; 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:** Approval of the December 20, 2022 Minutes tabled till the February meeting.

**APPOINTMENT OF ALTERNATE AS COMMISSIONER FOR THE MEETING:** Alternate Commissioner Jeff Warren was appointed by Commissioner by Chairwoman Taylor to reach a quorum.

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

1. December 21, 2022 email to William Hurley Town Engineering Department, and John Marsilio, Director of Public Works, reporting on HMC motion at 12/20/2022 on scope of work for RACE application to DEEP for repairs to Lower Wharf piers and sea wall.
2. December 22, 2022 received an email from DEEP announcing tentative approval of dock at 1143 Sasco Hill Road.
3. December 23, 2022 email to Jackie Bartolone telling her about the storm damage to the Lower Wharf pier.
4. December 23, 2022 email exchange with Terri Brown, Fairfield Grants Coordinator, about refunding the SHIPP grant awarded to the Town in 2018; specifically discussing the need to account for all expenses related to cost share portion of that grant.
5. January 3, 2023 and January 9 emails to Mark McDermott, RTM Moderator, to update him on the Lower Wharf storm damage and access to the beach adjoining Lower Wharf.
6. January 4, 2023 call to RACE to request assessment of damage from the December 23 2022 storm on the Lower Wharf.
7. January 6, 2023 email exchange with Dan Thompson of Southwind Construction Company who was inquiring about the federal dredging project and indicating his company's possible interest in bidding on it.
8. January 6, 2023 email from Jim Baldwin, Town Attorney, about Lower Wharf - *Chairwoman Taylor noted that Town Counsel advised her that the construction of the proposed stairs was not part of the "land swap" agreement.*
9. January 11, 2023 meeting with Devin Santa at the Lower Wharf to assess the December 23 storm damage and its potential impact on the COP application. - *Chairwoman Taylor noted that upon inspection with Devin Santa from RACE, it was determined that the wall did not sustain further damage.*

ADD To the AGENDA: Chairwoman Taylor requested a motion to add Kensie Point (1143 Sasco Hill Rd DEEP Application) to the Agenda. DEEP extended the comment period for 3 days so that the HMC could discuss and send any additional concerns or information relevant to the tentative approval. Jac Herschler moved and Bill Perugini seconded a motion to add Kensie Point to the meeting agenda. **Motion passed unanimously.**

**HARBOR MASTER REPORT:** Bryan LeClerc: Mr. LeClerc reported he was in communications with the Police Department and Department of Public Works during the storm event; Town Public Works employees removed the damaged part of the pier a few days after the storm. Mooring permit renewals for 2023 continue to be submitted. He emailed DEEP with the suggestion to revise the definition of motorized vessel in condition 5 of the tentative approval to approve the dock permit at 1143 Sasco Hill Road to be consistent with USCG definition, i.e.”, any motorized vessel, sail vessel or auxiliary powered sailing vessel”. A sailboat reported hitting ground while entering the federal channel at low tide. Subsequently depth soundings were conducted with Pequot Yacht Club personnel and the depths appear to be the same as they were prior to the December 23 storm. The helix moorings have been pulled for inspection by PYC. Other items of discussion included: placement of an additional 5 mph buoy and replacing 14 old mooring balls with new ones - at a cost of approximately \$4,802.00. Mr. LeClerc also requested approval for the purchase of a depth sounder for use by the Harbor Master. Inspection of the Ye Yacht Yard metal dock was conducted; the wooden supports are eroded and will be inspected by the Town Engineering Department to determine structural integrity. Following discussion, Bill Perugini **moved**, and Jac Herschler **seconded** to approve the purchase of fourteen new mooring ball floats at a cost not to exceed \$5,000.00. **Motion passed unanimously.** Bill Perugini **moved**, and Jac Herschler **seconded** to approve an expenditure up to \$300.00 for the purchase of a depth sounder, at the recommendation of the Harbor Master. **Motion passed unanimously.** It was the consensus of the HMC to approve the purchase by PYC of reflective decals for the 5 mph buoys; this expenditure will be included on the PYC mooring maintenance invoice.

### **NEW APPLICATIONS:**

Chairwoman Taylor reported that she had received the two DEEP Applications below, and noted that the activities relate to 2268 Fairfield Beach Road property on Pine Creek and are outside of HMC jurisdiction:

1. CT DEEP GENERAL PERMIT APPLICATION – 2268 FAIRFIELD BEACH ROAD – new private residential dock
2. CT DEEP COP APPLICATION (and NEW ENGLAND ARMY CORPS OF ENGINEERS) – to replace an existing bulkhead at 2268 Fairfield Beach Road.

Mr. Steadman noted that the drawings included with the application for the new dock do not show the applicant’s extended littoral property lines; the Harbor Master may request that the DEEP require that they be shown.

### **OLD BUSINESS:**

**LOWER WHARF:** Geoff Steadman: Mr. Steadman reported that there was considerable wave-washed sand on the surface of the Lower Wharf as a result of the recent storm event; RACE is moving forward with the COP application for DEEP approval to repair the wall and replace the elevated piers. Upon submittal of the application on behalf of the HMC, if all is in order, the COP may be issued within 90 days.

**LOWER WHARF PROJECTS:** Sam Cargill: The HMC discussed safety concerns at this location regarding pedestrian access from the Lower Wharf to the Town-owned beach area, and the need for confirmation from Town Counsel regarding which Town agency has responsibility for managing the beach area acquired by the Town. Mr. Cargill continues to communicate with the Town Risk Manager on this issue.

**SAND MANAGEMENT:** Geoff Steadman: Mr. Steadman thanked Commissioner Hyman for his significant efforts on the press release concerning the federal dredging project, and further noted that the Norwalk Hour also featured the write-up. He continues to communicate with the Corps of Engineers regarding project status.

**MOORING COMMITTEE:** Jac Herschler: Mr. Herschler reported that the Mooring Committee recently met and the discussion was covered under the Harbor Master's report above.

**DEPUTY HARBOR MASTER SEARCH:** Bill Perugini: Mr. Perugini reported that the posting has been changed to reflect a February 15, 2023 deadline for responses.

**NEW BUSINESS:**

**1143 SASCO HILL ROAD, LLC DEEP APPLICATION:** Mr. Steadman reported that DEEP has permitted an extension of time by which the HMC can comment on the 1143 Sasco Hill Road, LLC application; Mr. Steadman noted that the HMC had previously submitted comments on this application back in February 2022 and reserved the right to make additional comments. The DEEP is now requesting final comments related to the Tentative Determination to Approve the application for a dock at this location which would be constructed on one of the seven lots created by subdivision; five of these lots will adjoin the harbor. Previously, the HMC expressed concern that additional docks may be built along the shoreline here and interfere with pedestrian access along the shoreline. The HMC expressed concern that the permit conditions included in DEEP's Tentative Determination may not be strong enough to prevent future property owners from claiming they have littoral rights to build new docks. The HMC discussed recommendations to strengthen the permit conditions. Mr. Steadman suggested that the HMC also may HMC endorse the Harbor Master's comments on this application. Jac Herschler *moved*, and Bill Perugini *seconded* to send a letter to the DEEP reiterating the HMC's previous comments and recommending additional language to strengthen the permit conditions as discussed and to endorse the Harbor Master's comments. *Motion passed unanimously.*

**COHEN V. DEEP UPDATE:** Mr. Steadman reported that the CT Supreme Court denied the Town of Greenwich's request to review the previously discussed Appellate Court decision seen to diminish harbor management commissions' authority and therefore the judicial review process regarding this matter has been completed. He gave a brief summary of the history of this matter, noting the potential impacts on the HMC and all harbor management commissions. The Mayor of New London has submitted a "place holder" bill to the legislature for the purpose of upholding local harbor management authority in response to the court decisions. Mr. Steadman read the statement of the purpose of this bill and recommended that the HMC work with other commissions to endorse and support an amendment to the CT Harbor Management Act to clarify and uphold local harbor management authority. Following considerable discussion, Bill Perugini *moved*, and Jeff Warren *seconded* to support an amendment to the Harbor Management Act for the purposes discussed and to pursue support from Fairfield's legislative delegation and other CT harbor management commissions. *Motion passed unanimously.*

**DECEMBER 23, 2022 STORM:** Informational: Photos of the storm were included with the agenda.

**AQUARION:** Geoff Steadman reported that Aquarian has submitted an application to the DEEP to repair the Hemlock Reservoir dam; a tentative determination to approve has been issued; he reported that he was informed that a public hearing is scheduled and encouraged HMC participation in any such hearing.

**ADJOURNMENT:** There being no further business to come before the Commission, Bill Perugini *moved*, and Jeff Warren *seconded* a motion to adjourn at 6:08 p.m. *Motion passed unanimously.*

The audio recording can be found here: [Harbor Management Commission 01/17/23 - YouTube](#)

Respectfully submitted,  
Betty Gabriel