

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF JANUARY 16, 2024

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, January 16, 2024 at 4:30 p.m. in the First Floor Conference Room of Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT, and via teleconference.

MEMBERS PRESENT: Don Hyman; George Harris; Jeff Warren; Dave Henry; Christopher Smith; Michael Baisley, and Belinda J. Shepard. **ABSENT:** Doug Metchick; Bill Perugini **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Bryan LeClerc, Harbor Master; John Dean, Deputy Harbor Master, former Commissioners Kim Taylor and Jac Herschler; Jeff Engborg, Pequot Yacht Club (PYC) Manager; Devin Santa, RACE Coastal Engineering; Philip Pires, Town Attorney; and Laura Lawlor, Sasquanaug Association.

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

Don Hyman noted that the first order of business will be a celebration honoring former Commissioners Kim Taylor and Jac Herschler. Mr. Hyman further noted that following the celebration, Item 3 under “OLD BUSINESS” would be heard.

SALUTE TO THE FLAG

CELEBRATION HONORING KIM TAYLOR AND JAC HERSCHLER: A Celebration honoring Commissioners Kim Taylor, former Chair, and Jac Herschler, former Vice-Chair, was held. Mr. Hyman presented each with a beautiful plaque prepared by Geoff Steadman acknowledging their significant efforts and years of service on behalf of the HMC and protection of Southport Harbor.

OLD BUSINESS

3. Lower Wharf Risk and Rules and Regulation Sign; Commissioner Discussion & Vote to Accept: Mr. Hyman and Mr. Harris: The HMC discussed this matter at length. George Harris reported that he had been in communication with the Historic District Commission and is awaiting response to a recent e-mail he had sent. Based on the Historic District handbook that Commissioner Harris had been provided, it appeared that the proposed sign for the Lower Wharf was compliant. The matter will be placed on a future Historic District Commission meeting agenda, and the community, including nearby affected property owners, will have an opportunity to express any concerns/comments. Town Attorney Philip Pires noted that based on the two deeds for the Town’s acquisition of the Lower Wharf and the adjoining, more recently acquired property, respectively, and the restrictions reflected therein, that he approved the language proposed for the sign. Attorney Pires also noted that the HMC must adhere to the recommendations set forth in the Risk Assessment and the inclusion of the text, although lengthy, is necessary.

Geoff Steadman provided a brief history of the Town’s acquisition of the Lower Wharf and the adjoining property, including the role of the HMC, and the restrictions imposed when the Lower Wharf was acquired in 1999. Mr. Steadman noted that he had been present at the time the deed and restrictions therein were drafted by the Town Attorney during a meeting of the HMC, including the notification requirements and restriction that no structures be placed on the Lower Wharf. Mr. Steadman noted his concern for a sign being placed on the Lower Wharf.

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Attorney Pires stated that the HMC could consider an alternative location such as in the Town right-of-way, and further stated that the HMC must be compliant with the deed for the placement of a sign on the more recently acquired property adjoining the Lower Wharf.

Laura Lawlor of the Sasquanaug Association reported that she is in favor of the sign as proposed.

Following considerable discussion, George Harris *moved* and Jeff Warren *seconded* to approve the content and design of the proposed sign for the Lower Wharf area, as presented. *Motion passed unanimously.* Jeff Warren *moved* and George Harris *seconded* to approve the location of the placement of the sign – close to the hedges near the more recently acquired parcel. *Motion passed unanimously.* It was noted that the HMC will need to wait until funds are available before the sign can be purchased. It may be necessary to wait until FY25 as the funds were requested for this purpose.

Bryan LeClerc suggested the HMC may wish to add a QR code to the sign which would link to historical and other interesting information on the HMC and other websites.

APPROVAL OF MINUTES: December 19, 2023 Meeting Minutes: George Harris *moved* and Jeff Warren *seconded* to approve the draft December 19, 2023 meeting minutes as presented. *Motion passed unanimously.*

CHAIRMAN’S REPORT: Chairman Hyman reported the following communications:

1. Dec. 22, 2023 e-mail conversation with Town Attorney Philip Pires, Risk Manager Peter Ritchey, Parks and Recreation Director Anthony Calabrese reviewing revised content of planned Lower Wharf Rules and Regulation sign per Dec. 19 meeting of HMC. An additionally revised version resulted and was approved to share and discuss with HMC on Jan. 16. Mr. Pires, Mr. Ritchey, and Mr. Calabrese have been invited to attend for in-person discussion with HMC members. On Jan. 8 the revised sign also was presented to Sasquanaug Association President Laura Becker Lawlor and was favorably received. Ms. Lawlor has also been invited to attend the Jan. 16 HMC meeting.
2. Dec. 26, 2023 email conversation with State Sen. Tony Hwang asking for a meeting to discuss obtaining his support for accelerating action on a pending CT Port Authority SHIPP grant application for funding to repair the Lower Wharf. This was a follow-up to a meeting with state Rep. Jennifer Leeper on Dec. 15 with the same goal. Both meetings were suggested to the chair by Selectwoman Christine Vitale to address the funding uncertainties regarding the SHIPP grant program. On Jan. 5 Sen. Hwang organized a Zoom meeting which led to his commitment to try and accelerate the funding process. The Zoom meeting was attended by Don Hyman, Geoff Steadman, Bill Perugini, and Kim Taylor. Rep. Leeper advised she also was working to both identify new or additional grant sources and accelerate decision making at Connecticut Port Authority.
3. Jan. 5, 2024 email conversation with Town Planning and Zoning Director Jim Wendt confirming that once proposed land use plans are received for the former Exide Battery site on Post Road, the plans would be referred to the HMC as part of the Coastal Site Plan Review process to determine any possible

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impact on the Harbor Management Area. Mr. Wendt confirmed that the landowner had signed a lease with the Penske Group to develop a Porsche dealership on the site but no land use plans have been filed.

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4. Jan.9, 2024 Kim Taylor called to advise she would be informing the Country Club of Fairfield that a federal Environmental Assessment regarding the planned dredging of Southport Harbor would soon be published and available for public comment in the course of normal procedure by the Army Corps of Engineers (ACOE) per ACOE project manager Coral Siligato.
5. Jan. 9, 2024 advised in response to a query that both Town Engineering Manager Bill Hurley and Christine Brown, Chief of Staff of First Selectman Bill Gerber, confirm that RTM and other town government panels have approved spending approximately \$180,000 or 20% of the estimated \$800,000 cost for repair and replacement of the pier and wall at Lower Wharf if grant money is available.

HARBOR MASTER REPORT: Harbor Master Bryan LeClerc reported that the moorings have been inspected; those requiring maintenance or replacement were properly marked as such. Renewals have started coming in. There is one vacancy that will be filled from the waitlist. There may be a spousal transfer that will need to be reviewed for approval next month; the HMC is authorized to approve such a transfer under its rules and regulations.

NEW APPLICATIONS: No new applications.

OLD BUSINESS:

1. **Lower Wharf Repairs, Mr. Steadman:** The HMC discussed the need for updating the 2022 Opinion of Probable Costs prepared by RACE and whether repair of the northern pier should be included. DEEP has determined that a full permit would be required to repair the northern pier. The HMC discussed the uses for the northern pier, which were limited. Following considerable discussion, Chris Smith *moved* and George Harris *seconded* that the HMC only pursue the repairs of the southern pier and the Lower Wharf wall at this time. *Motion passed unanimously.* The HMC will continue to keep the Sasquanaug Association apprised of its intentions relative to the Lower Wharf improvements and repairs. George Harris *moved* and Jeff Warren *seconded* to approve an expenditure up to \$500.00 for RACE to update the Opinion of Probable Costs for the remaining project including the southern pier and wall. *Motion passed unanimously.*
2. **Lower Wharf SHIPP Grant Refund: Mr. Steadman:** Mr. Steadman reported he is continuing to consult with Acting Executive Director Hammond of the CT Port Authority on this matter. Mr. Steadman noted that Senator Hwang will be assisting the HMC with funding requests to the Port Authority and Bond Commission for the Lower Wharf project.
3. **Lower Wharf Risk Assessment and Rules, Mr. Hyman:** Discussed above – see Page One.

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- 4. Sand Management, Mr. Steadman:** Mr. Steadman reported that he had spoken with the ACOE dredging project manager this afternoon; the ACOE has completed an Environmental Assessment of the proposed dredging project and a Public Notice of the ACOE's intent to conduct the dredging project soon will be issued. The HMC and any other interested parties will have 30 days in which to review and respond.

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- 5. Mooring Committee, Mr. Warren:** Commissioner Warren reported that the Mooring Committee has not met since the last meeting, and that the Committee anticipates meeting in February 2024.
- 6. HMC FY24-25 Budget Request – Status: Mr. Hyman** Mr. Hyman noted that the HMC FY25 operating budget request had been submitted. Mr. Hyman will keep the HMC apprised as the budget approval process proceeds for consideration and approval by the Board of Finance and RTM.

NEW BUSINESS:

- 1. Historic marker signage at Lower Wharf:** A potential historic sign concept in collaboration with the Sasquanaug Association was discussed. This might involve an interpretive sign similar to those on the Town Green prepared by the Fairfield Museum. The concept was introduced in earlier conversation between Ms. Lawlor and Mr. Hyman who said he hoped the Lower Wharf Committee of the HMC could further explore and discuss it and possibly make future recommendations to the full HMC.
- 2. Committee Appointments:** Michael Bailey volunteered to sit on the Dredging Committee; Belinda Shepard volunteered to sit on the Mooring Committee. Former Chair Kim Taylor will continue to Chair the Plan Management Review Committee. Commissioner Christopher Smith offered to serve on any Committee and assist as needed.

PUBLIC COMMENT: Former HMC member and Harbor Master Patrick Carroll congratulated Don Hyman on the job well done on his first meeting as HMC Chair, and further noted his appreciation for the HMC's significant review and consideration for the required signage proposed for the Lower Wharf.

Geoff Steadman noted there are four priority items that will continue to be discussed and which the HMC must continue to focus on in the near future: (1) submission of HMC harbor management-related comments to the Town Plan and Zoning Commission for inclusion in the updated Town Plan and Conservation and Development; (2) continued review and participation relative to the proposal by UI to relocate the electric transmission lines through Southport, over the Mill River, and nearby the former Exide property; (3) update of the Southport Harbor Management Plan; and (4) support for necessary amendment of state legislation to clarify and uphold the authorities of all HMCs in Connecticut in response to the Court decisions in the Cohen v DEEP case.

ADJOURNMENT: There being no further business to come before the Commission, Jeff Warren *moved* and Chris Smith *seconded* to adjourn at 6:30 p.m. *Motion passed unanimously.*

The audio recording can be found here: [01/16/24 Harbor Management Commission \(youtube.com\)](https://www.youtube.com/watch?v=01/16/24_Harbor_Management_Commission)

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Respectfully submitted,
Betty Gabriel