

**MINUTES OF THE SPECIAL MEETING OF THE TOWN OF FAIRFIELD**  
**December 19, 2022**  
[RTM 12-19-2022 Regular Meeting - YouTube](#)

A meeting of the Town of Fairfield was held on Monday, December 19, 2022 at 8 PM at 501 Kings Hwy East, Fairfield and via Webex.

The meeting was called to order at 7 PM by Moderator Mark McDermott

PRESENT: 33    ABSENT: 7    VACANCY: 0

PRESENT: Bateson, Furey, Longo, Ruggiero, Gerber, McCormack, Perham, Steele, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Barahona, Siebert, Wolk, Havey, Kuhn, McDermott, Vergara, Wackerman, Choniski, FERENCE, Iacono, Meyers, Brown, Georgiadis, Horton, Astarita, Britton, Sparacino

ABSENT: Zezima, Garskof, Berecz, Gale, Scinto, Britton, Sparacino

**ITEM NO. 1 ON CALL:**              PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Moderator McDermott led the Body in the Pledge of Allegiance.

**ITEM NO. 2 ON CALL:**              APPROVAL OF THE NOVEMBER 28, 2022 MINUTES

Pamela Iacono, District 8 moved this item as distributed with the Call, duly seconded.

**VOTE:** The minutes of the November 28, 2022 meeting were approved by unanimous voice vote.

**ITEM NO. 3 ON CALL:**              JOINT RETIREMENT INVESTMENT BOARD.REPORT

This item was heard in Committee.

Pamela Iacono moved to take items 5 & 6 out of order in deference to those present, duly seconded and carried unanimously.

**ITEM NO. 4 ON CALL:**              HARBOR MANAGEMENT COMMISSION REPORT

Kim Taylor & Jac Herschler gave an overview of the presentation that was included in the backup. The Harbor Management Plan was last approved in 1995 and the HMC has been working on an update to be submitted for RTM approval next year.

The harbor management area includes the Southport inner harbor from the south end of the federal jetty to the Tide Mill Dam, the outer harbor west of Kensie Point and the tidal portion of Sasco Brook within Fairfield. Three priorities are long-range sand management, federal dredging of the entrance channel and the sand spit adjoining the federal jetty and the completion of the Lower Wharf improvements. Of particular concern to the HMC in developing the update is a 2022 Court decision Cohen v. DEEP that may diminish established municipal authority for harbor management that is being appealed. An amendment to the State's harbor management legislation may be necessary to clarify long-standing municipal harbor authorities. The law as it's currently written allowed the HMC along with the Conservation and Shellfish Commissions to have a voice in approving the clean-up plan for the Exide property because the water from Mill River flows into the waters under HMC purview.

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The Lower Wharf seawall and pier need to be repaired at an estimated cost of \$800,000; they are applying for state and federal permits.

Cindy Perham, District 2 asked if there is signage to prevent jumping into the channel. Kim Taylor said signage has been posted and stolen and kids continue to jump off the pier and swim in the channel which is prohibited and extremely dangerous. Ms. Perham asked if the guard at Ye Yacht Yard could see the area to which Ms. Taylor said he is too far away to monitor it.

Ed Bateson, District 1 asked if the HMC is pursuing recreational areas between Kensie Point and buoy 32. Ms. Taylor said shellfish beds are located to the east and they are not encouraging moorings there. In a storm there is a lot of current and heavy winds there and the Town would lose the tackle which they maintain in the harbor. Mr. Herschler noted that the bridge at the border with Westport is also a safety issue with kids jumping into the shallow water. The Town Code explicitly states there is no swimming the harbor.

Jeff Steele, District 2 asked about the dredging. Ms. Taylor said the last dredging was in 2004; there's federal funding for the dredging; the Army Corps of Engineers want to dredge 100 feet. They are confident that all the environmental concerns regarding piping plovers and panic grass have been addressed. He asked about the stairs with the land swap. Ms. Taylor said when the Town agreed to swap the land there was an easement across the riprap, but the property has been sold and it is unclear if the new owner still has the responsibility.

Ken Astarita, District 10 asked about the Cohen v. DEEP case. Mr. Herschler said it is an interpretation of the 1984 HMC language. It is not realistic to anticipate specific items. DEEP would have to follow local policies. They would have to show cause as to why they did not follow local policy or regulation. Dru Georgiadis, District 9 asked if in the Greenwich case was outside the jurisdiction of water. Ms. Taylor said the State owns the property from the high water mark. Greenwich zoning laws prohibit the dock. The HMC plan does not say you cannot build docks that do not attach to land. Unless we have specific language according to DEEP the Town would not have the ability to get involved in something like the Exide cleanup. Anything on land around the Harbor must be reviewed for consistency with the harbor management plan. DEEP in this decision is now saying the HMC does not have the authority. In 1984 the legislative intent was for towns to have the authority.

Jill Vergara, district 7 said Chapter 24 of the Town Code limits the HMC purview; the same layer of protection does not exist for the Ash Creek area. She hopes the ordinance can be amended to broaden their jurisdiction. Ms. Taylor said DEEP has an approval process for docks where they just submit their plan, but that is all that's required. The Harbormaster, Bryan LeClerc, is appointed by the Governor for Southport and Fairfield which is some help. He would look at docks on Fairfield Beach Road, for example, so he is at least a set of eyes. He is compensated by the State and Town but is a State Official.

Pamela Iacono, District 8 asked when the Legislature would be looking into this and if our State Delegation had been contacted. Ms. Taylor said she reached out to Representatives Leeper, Vahey, Devlin and Senator Hwang. The Supreme Court will not hear the appeal. Ms. Iacono asked if the Town Attorney had been contacted about the stairs. Ms. Taylor said he was contacted last year, but they had not heard back. Ms. Iacono suggested following up with him.

Bill Gerber, District 2 asked if the HMC interacts with the Flood & Erosion Control Board. Ms. Taylor said the State says where the sand will go; the DEEP wants it to nourish beaches.

### **ITEM NO. 5 ON CALL:**

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: "RESOLVED,

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THAT IN ACCORDANCE WITH A REQUEST FROM THE AFFORDABLE HOUSING COMMITTEE AND THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, AND IN ACCORDANCE WITH A FAVORABLE RECOMMENDATION FROM THE TOWN PLAN & ZONING COMMISSION, THE PURCHASE OF 376 QUINCY STREET WITHIN THE PARKVIEW COMMONS DEVELOPMENT BE, AND HEREBY IS, APPROVED.”

Dru Georgiadis, District 9 moved this item as distributed with the Call.

**VOTE:** The resolution to purchase 376 Quincy Street was approved by unanimous voice vote.

**ITEM NO. 6 ON CALL:**

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED, THAT THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FAIRFIELD COUNTY HAZARDOUS INCIDENT RESPONSE TEAM IN THE FORM PRESENTED TO THIS MEETING (THE “INTERLOCAL AGREEMENT”) AND IN ACCORDANCE WITH THE RECOMMENDATION OF THE CHIEF OF THE TOWN OF FAIRFIELD FIRE DEPARTMENT, BE, AND HEREBY IS, RATIFIED AND APPROVED; AND FURTHER RESOLVED, THAT THE CHIEF OF THE TOWN OF FAIRFIELD FIRE DEPARTMENT IS AUTHORIZED TO PRESENT THE INTERLOCAL AGREEMENT TO THE FIRST SELECTWOMAN FOR HER APPROVAL AND SIGNATURE.”

Pamela Iacono moved this item as distributed with the Call, duly seconded.

**VOTE:** The resolution approving the hazardous incident response team interlocal agreement was approved by unanimous voice vote.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:02 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC  
Town Clerk