

TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF JULY 18, 2023

A Meeting of the Harbor Management Commission (HMC) of the Town of Fairfield was held on Tuesday, July 18, 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; Don Hyman; Doug Metchick; Jeff Warren; Bill Perugini; and George Harris **ABSENT:** Dave Henry and Eric Sundman. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Jeff Engborg, Pequot Yacht Club (PYC) Manager; Bryan LeClerc, Harbor Master; John Dean, Deputy Harbor Master; William Hurley, Engineering Manager; Attorney Chris Russo; Devin Santa, RACE Coastal Engineers.

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

SALUTE TO THE FLAG

Chairwoman Taylor introduced recently appointed Commissioner George Harris and advised the HMC that Sam Cargill has been appointed to another commission; Commissioner Jeff Warren has been appointed as a Full Member in Mr. Cargill's place; and that Commissioner Harris was appointed as an Alternate. The HMC welcomed Commissioner Harris. *Chairwoman Taylor appointed Commissioner Harris to the Lower Wharf Rules Committee.*

APPROVAL OF MINUTES: Approval of the draft May 16, 2023 meeting minutes: Jac Herschler *moved*, and Don Hyman *seconded* to approve the draft meeting minutes of May 16, 2023 as presented. *Motion passed unanimously.*

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

1. May 21, 2023 represented the HMC at the Pequot Yacht Club commissioning ceremony.
2. May 23, 2023 email from John Short, Chair of the Shellfish Commission, agreeing to the language proposed by the developers of 1143 Sasco Hill Road for inclusion in the DEEP dock license (permit): "At no time shall any; 1) motorized vessel; 2) fixed keel sailing vessel; or 3) auxiliary powered sailing vessel be berthed at, moored at, or otherwise secured to, the float authorized herein. This restriction shall not apply to human powered vessels (i.e., rowboats, canoes, kayaks, paddleboards, etc.) or sail powered vessels without a fixed keel."
3. June 6, 2023 email from Town Clerk Betsy Brown confirming that the Land Record Filing required by DEEP in connection with the DEEP approval to conduct the repairs at the Lower Wharf (1085 Harbor Road) was recorded on the Land Records.
4. June 6, 2023 copied on email from Emily Herz of DEEP to Peter Wolpert 2206 Fairfield Beach Road sending him the permit to build a 4/40 dock on South Pine Creek.
5. July 7, 2023 email from Justin Cathcart that the Town Marina Department is covering the costs of disposing of the derelict vessel if the state cannot and the surveyor's bill of \$210.00.

HARBOR MASTER REPORT: Harbor Master Bryan LeClerc: Mr. LeClerc reported: the Police Department's Marine Unit towed an abandoned vessel into the harbor; the owner was a homeless individual from New York who had abandoned the boat and was enroute to Tennessee. An appraisal was conducted and the boat was deemed unsafe and of no value; following legal notice to the owner, the vessel was destroyed. The PYC commissioning ceremony was held on May 21st; the annual safety drill was conducted at PYC; the Blessing of the Fleet was well attended; and PYC assisted in the removal of a 20' long log from the harbor – Town DPW employees handled the removal. Harbor Master LeClerc further reported that he had attended the recent Shellfish Commission's Clam Clinic. The Marine Unit is often present in the harbor and the Harbor Master sent a letter to the Police Department thanking Officers Terifay and Perham for their efforts. Harbor Master LeClerc has been in communication with DPW employee James Ryan about removing the damaged section of the Lower Wharf pier. The HMC discussed this at length, including the feasibility of removing pilings, safety concerns at the damaged pier, and the Risk Management Report. It was the consensus of the HMC to address the safety issues while remaining in compliance with all DEEP and Army Corps of Engineers (ACOE) requirements related to the Certificate of Permission (COP) for rebuilding the pier. The HMC will continue to obtain information, and will discuss future demolition needs, safety concerns, and notification requirements at the August meeting.

NEW APPLICATIONS: No new applications

OLD BUSINESS:

- 1. Lower Wharf Repairs, Mr. Steadman:** The HMC discussed whether to pursue a DEEP COP or general permit for approval of the work needed to restore the northern pier. A COP has been obtained for the work to restore the southern pier and its access way. There was concern that having two separate approvals (COP and general permit) for work on the overall project would result in some confusion. Devin Santa will review this matter with DEEP. Mr. Santa reported that DEEP has advised that the northern pier work can be approved with a general permit. Upon inquiry by Mr. Steadman, Mr. Santa noted that RACE's work for the HMC to obtain a COP would be more costly than work to obtain approval through a general permit and he will provide the HMC with a cost estimate at the August meeting. Upon inquiry by Commissioner Hyman, Mr. Steadman reported that there are uncertainties concerning the future availability of CT Port Authority SHIPP grants for funding the Lower Wharf repairs; to date, no other sources of funds for this project have been identified. Engineering Manager William Hurley reported that there is a Town capital projects meeting tomorrow, and he will request that this project be placed on a wait list should ARPA funds be available.
- 2. Lower Wharf SHIPP Grant Refund: Mr. Steadman:** Mr. Steadman provided a brief report on the return of the SHIPP grant dredging funds to the CT Port Authority less the amount expended by the HMC for engineering and planning purposes, noting that a report accounting for all the expenditures to date is being finalized.

- 3. Lower Wharf Risk Assessment and Rules, Mr. Hyman:** Commissioner Hyman reported that the Risk Manager is planning a meeting to discuss signage; in addition to Commissioners Hyman, Sundman and Peter Ritchie, representatives from DPW, Parks & Recreation also will be in attendance. It was suggested that draft language be submitted to the Historic District Commission and Sasquanaug Association for their review and comment. Commissioner Hyman will obtain a list of the meeting participants and provide the HMC with the final scheduling of the meeting.
- 4. Sand Management, Mr. Steadman:** Mr. Steadman reported that he has been in communication with the ACOE and informed them that the Town Engineering Department has conducted a topographic survey of Sasco Beach; that survey shows there is no need to place additional sand on the beach. The ACOE is continuing to work on the ownership issues concerning the project site adjoining the federal jetty; an easement over Country Club of Fairfield property for access to the site is necessary prior to any dredging activity. Mr. Steadman provided the ACOE with additional information concerning the history of the navigation improvements.
- 5. Mooring Committee, Mr. Herschler:** Commissioner Herschler noted that budgeting for the costs associated with derelict vessel disposal discussed above in the Harbor Master's report had been reviewed at the recent Mooring Committee meeting. Commissioner Herschler further reported that Jeff Warren will be taking the lead on the Mooring Committee moving forward.
- 6. Revised Language to condition 5 of the permit for a fixed pier at 1143 Sasco Hill Road:** Following considerable discussion, Doug Metchick *moved* and Don Hyman *seconded* to approve the following language for condition 5 of the DEEP dock permit: "This restriction shall not apply to human powered vessels (i.e. rowboats, canoes, kayaks, paddleboards, etc.) or sail powered vessels without a fixed keel (i.e. Sunfish, Hobie Cat, Lasers, etc.)." *Motion passed unanimously.*
- 7. Plan Update Committee: Ms. Taylor:** Chairwoman Taylor reported that she is continuing to work with the committee and Mr. Steadman on the draft updated management plan. Some of the items that are still being reviewed include Lower Wharf plans, sea level rise, channel dredging plans, and plan implementation responsibilities. Mr. Steadman is currently working on Chapter 2 (Existing Conditions) and Chapter 4 (Harbor Management Issues). Once finalized and approved, the draft management plan would go to the DEEP for its approval, and then to the RTM.

Mr. Steadman reported that he recently spoke with Megha Jain and William Hurley of the Engineering Department regarding the Town's planned work to repair the Perry Green bulkhead. A TPZ Commission public hearing is scheduled for July 25, 2023 to review the proposed project now subject to a TPZ coastal site plan review. Pursuant to Town Code and State Statutes, the HMC is to be given advance notification of all coastal site plan reviews concerning projects affecting the harbor. A letter will be sent to the TPZ Chair and Director Wendt regarding compliance with these requirements.

NEW BUSINESS:

- 1. Budgeting for Removal of Abandoned and Derelict Vessels:** Chairwoman Taylor noted that the costs to remove abandoned and derelict vessels can be extensive, and there is currently no line item for this in the HMC operating budget. Chairwoman Taylor indicated that the HMC may wish to review and consider including a line item in the upcoming HMC operating budget request, or perhaps increasing the mooring fees. Commissioner Herschler noted that although this recent incident was relatively inexpensive, that is not always the case. Mr. Steadman reported that this issue is being addressed in other Towns. DEEP maintains a Supplemental Environmental Project fund – it is currently being reviewed for determination as to whether expenses associated with a derelict vessel can be covered under this fund.

ADJOURNMENT: There being no further business to come before the Commission, Jac Herschler *moved* and Jeff Warren *seconded* to adjourn at 6:50 p.m. *Motion passed unanimously.*

The audio recording can be found here: [07/18/23 Harbor Management Commission - YouTube](#)