

**CITY OF NORWALK
HARBOR COMMISSION
REGULAR MEETING
MARCH 26, 2014.**

ATTENDANCE: Jose Cebrian, Chair; Tony Mobilia, Dennis Santella, Dr.
John Pinto, Richard Stumpf, John Romano, Bill Gardella

STAFF: Michael Griffin, Harbor Master; Geoff Steadman, Consultant

OTHERS: Thomas Devine, Devine Brothers.

CALL TO ORDER.

Mr. Cebrian, called the meeting to order at 7:30 p.m.. A quorum was present. Mr. Gardella led everyone in reciting the Pledge of Allegiance.

ROLL CALL.

The roll was taken. A quorum was present.

CHAIRMAN'S REPORT.

Mr. Cebrian said that he was unable to attend last month's meeting and he thanked everyone for their help in running the meeting.

Mr. Cebrian said that Mr. D'Andrea would be moving off of Application Review. Dr. Pinto will now be the Chair of Application Review along with Mr. Romano.

Since there had been a great deal of activity in the harbor lately, Mr. Cebrian said that he had been reviewing the Harbor Management Plan to see exactly what areas are the responsibility of the Commission. He was able to create a document summarizing the Commission's areas of responsibility, which he offered to send to the members of the Commission who wish a copy.

Mr. Cebrian said that there had been a complaint about a vessel blocking the access in the upper harbor. The discussion about the Visitor's dock is also something that needs to be addressed. Mr. Cebrian said that this would include the Visitors' docks being reinstalled and a discussion regarding the condition of the Visitor's Dock ramp.

Mr. Cebrian asked if any one from the public wished to address the Commission. No one did.

Staff Reports.

Consultant Report – Mr. Steadman said that the engineering assessment would be addressed under Application Review. He then distributed a copy of a memo dated March 25, 2014. Mr. Romano asked if the Harbor Management Commission had a white paper that has the policies on it. Mr. Stedman said that having a policy statement for internal use would be an excellent idea. Discussion followed.

Harbor Master/Waterfront Advisory - Harbor Master Griffin presented his reports to the Commission. (See Attached)

Harbor Master Griffin said that Mr. Mocciaie, the Recreation and Parks Director, had made several comments recently about Veteran's Park repairs from Super Storm Sandy which were included in his reports. (See Attached)

He then said that the Visitor's Center would be opening up on April 5th.

Mr. Cebrian asked if there was additional information on the launch ramps. A discussion followed on the conditions of the ramps and potential replacement plans.

Harbor Master Griffin then spoke about the natural shell fish beds off of Sheffield Island and the difficulty that the vessels have getting to and from their moorings at low tide. He suggested that perhaps these vessels that were experiencing difficulty might be able to get moorings off of Wilson Point.

Harbor Master Griffin said that there were memos he would like to have read into the record.

Subject: Island Belle
Date: March 26 2014, 4:23 p.m. EST
From: Harbor Master
To: Ken Hart of Sound Charter Group
CC: Charles Buckley, DOT; Dennis Santella

Mr. Hart,

Regarding allegations that your vessel is preventing the Norwalk Federal channel from being used for water front commerce, I ask you to focus on paragraph 3 of Mr. Warren's attached statement to me. Please respond with a clarification at your earliest opportunity on the following two points:

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First when will your vessel be operational and seaworthy and when will it be underway as needed; and second, in your last contact, you mentioned your dealings with the two transportation companies. The same companies that are on record as stating they have stopped delivering product to Devine Brothers due to your vessel's location at O&G Industries and their concern for harbor safety.

Mr. Cebrian then read the response time stamped an hour and a half later:

Dear Mr. Griffin,

I will share with you, as I did with Warren at O&G and Tom at Devine Brothers, our concerns related to the barge company's decision to suspend deliveries to the Devine Brothers. I will also share with you that we are also a water dependent business and hope that our company's needs will also be considered. With that said, it is not our intention to adversely affect any water dependent business, but rather work together to find a solution for us all. I am sure you can relate to my goal.

We met with the barge operators several weeks ago and discussed several options. It seemed that this address their concerns. At the time, the timeline for the [inaudible] suspension of service were suggested, but no immediate urgency was expressed for the situation. We later learned of the suspension and have been working to find a solution.

To address your email, I plan to open the vessel April 1st to get a [inaudible] for the sailing season while [inaudible] to discuss [inaudible]. This situation prevented us from two other facilities. There are, of course, necessary services

I believe that except for water, we should be ready to begin this week. I am also working on guidance inspection to take place next week as well. We will work to ready the boat as quickly as possible and have all systems operational next week. I'm still addressing the process issue with the relocation and of course we still need some time to lay out the [inaudible] open the space for deliveries.

Regarding your second question, as indicated by the above, the option to temporarily relocate was also addressed in our meeting with both [inaudible] and marine. It was agreed as an acceptable alternative to a permanent relocation of the Island Belle and expressed concern for our operation as well. In my most recent conversation with Anthony Massiello this past Friday, [inaudible] concern and support for the open communications between the parties and the relocation program may be utilized. He also indicated that this was a slow time for deliveries and [inaudible] for Devine's at this time. Mr. Mitchell and I have been playing phone tag since Friday when he asked if this was an acceptable arrangement. I'm working on the details so that both companies can resume deliveries to Devine Brothers as quickly as possible. If you have any question, please contact me.

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Harbor Master Griffin said that he had sent out the email to everyone. He then said that there was a document saying “Until such time as the Island Belle is permanently relocated, Mr. Hart has again been in contact with the barge companies and is preparing to move his boat as needed to accommodate any water born material deliveries incoming to Devine Brothers.” Harbor Master Griffin said that was fairly straight forward. He added that he had spoken with Tom Devine and recommended that Mr. Devine contact the transportation company to verify that statement. Mr. Devine replied with an email that said, “After our discussion, I checked with our transportation company. He determined if their positions have altered since their letters were written to Devine Brothers. Both companies reiterated their written position and frustration with the situation. I respectfully ask that you use your authority to immediately make the Norwalk River open for water born supplies.” Harbor Master Griffin said that Devine Brothers’ contact with their transportation companies appear to be in direct contradiction to what Mr. Hart is telling Mr. Warren and what Mr. Warren is sending to me.

Harbor Master Griffin said that he was trying to figure out what the best course of action would be. He said that he had spoken with the State of Connecticut Department of Transportation Marine Transportation officer, who is Harbor Master Griffin’s boss since Harbor Master Griffin is approved by the State. The State of Connecticut Department of Transportation Marine Transportation officer determined that the Island Belle was encroaching on the navigational channel even though the measurements do not place it in the federal project. There are no clear setback included in the Norwalk Harbor Management Plan. Since there were two complaints from two different delivery companies refusing to make deliveries there and prevent water born commerce, then an order needs to be issued to vacate the premises. Harbor Master Griffin then reviewed the various details of the conversation to the Commissioners. He explained that in response to his email to Mr. Hart, he did not see any actual firm answer to his two questions. Harbor Master Griffin said that he would be returning to his office following the meeting in order to send an email to Mr. Hart ordering him to vacate the premise within 14 days or legal action would result. He said that he was willing to give a copy to any Commissioner Member that wished one. Harbor Master Griffin explained that he was not requesting permission from the Commission, but simply advising them of his intentions as a State of Connecticut Harbor Master.

Harbor Master Griffin said that he would be happy to answer any questions or hear any input from the Commission, but his decision regarding this issue had already been made. Harbor Master Griffin was asked if anyone from the Attorney General’s Office was assisting him in drafting the order to vacate. Harbor Master Griffin said that he had to move this forward without their support. Between the local marine police and the City Counsel, he would have the support he needed. Harbor Master Griffin also said that he had discussed the details of this issue thoroughly with his boss. Discussion followed about the details of this issue as reference in Section 15-8 of the Harbor Management Plan.

Mr. Romano then asked Mr. Thomas Devine of Devine Brothers a number of questions regarding the details of the situation. Mr. Devine explained that when a fully loaded barge arrived at Devine Brothers, it could remain docked at their site for a few weeks. Mr. Romano asked about the potential of establishing a temporary mooring for the Island Belle. Harbor Master Griffin reminded everyone that when the Island Belle was docked at the Visitor's Dock, a mooring had been offered to them and the owner declined. He added that there had been a resurgence of interest in moorings, so that a temporary mooring may not be available.

Harbor Master Griffin also pointed out that historically Devine Brothers and O&G have been located almost directly opposite one another on the riverbank for close to 100 years. He said that both companies had barges with a minimum width of 40 feet arriving there. The Norwalk Boat Club located north of these two sites has complained in the past about barges tied up at the two sites which resulted in them almost blocking the entire channel. Even though The Island Belle is 6 feet narrower than any of the barges that might have been docked at O&G, the barges are having difficulty navigating upriver with the vessel moored at this spot. Since the two transportation companies can not come upriver, it is disrupting commerce and the vessel must move.

Harbor Master Griffin said that he and others had invested a great deal of volunteer time in order to have the State improve the harbors and ports in order to improve water born traffic. Allowing this situation to continue will result in a fall off of commercial traffic in the harbor and simply add more traffic on local roads. Discussion followed.

It was noted that Mr. Hart had been at the Common Council meeting previously and requested a reduction in the docking fees. Harbor Master Griffin said that he had been told that Mr. Hart had apparently attended the Recreation and Parks Committee of the Common Council and made several requests and recommendations. The Committee did not support these requests. The Committee did not support any of his recommendations. They did not vote on those items or forward them to the Common Council. Harbor Master Griffin reminded everyone that this speaks directly to the use of the Visitor's Docks and other concerns that the Commission had expressed in the past. There were also issues regarding a lawsuit that was underway between the City and Mr. Hart at the time.

Harbor Master Griffin was asked if he knew what Mr. Hart's intentions were in regarding to the use of the O&G site and whether the boat would be operating from that site or if it was a one time mooring. Harbor Master Griffin said that while it was a good question, he was not sure of the answer. These were concerns that were previously raised by suppliers and others. Harbor Master Griffin said that it was his understanding that O&G has asked him to permanently relocate the boat as soon as possible. Mr. Hart claims to be working on that.

Harbor Master Griffin said that he would be sending copies of the email to the Marine Police, the State DOT Marine Traffic and members of the Commission.

Dr. Pinto asked if this request to vacate the mooring within 14 days was similar to an eviction notice. Discussion followed about the details of the mooring agreement and maritime law. Mr. Cebrian reminded everyone that the concern was whether or not the boat was in the federal channel and obstructing commerce on the river.

REPORTS.

Dredging - Dr. Pinto said that Mr. Stedman and Mr. D'Andrea will be attending an Army Corps awards ceremony in Hartford. Previously, the Commission had decided to present several members of the Corps with certificates of acknowledgement for all their work regarding the dredging of Norwalk Harbor. He then read off the names of those ACOE members who assisted in moving the project forward.

Mr. Stedman stated that there was an updated timeline of the dredging project now available. (See Attached). He added that the City had saved a substantial sum by using the CAD cells rather than moving the material to another site.

Harbor Master Griffin said that he would like approval to share this timeline with the Connecticut Maritime Commission, so the other Commissioners could see what is involved in dredging. Mr. Stedman said that Harbor Master Griffin had his permission to give copies of the timeline to the Connecticut Maritime Commission.

Mooring and Harbor Safety – Mr. Santella said that he and Harbor Master Griffin had met with two representatives from the DEEP regarding the new buoys which never stationed. Mr. Santella said that he and Harbor Master Griffin had suggested what they thought was the best location but the DEEP representative disagreed. The buoys are currently located at the South Norwalk Boat Club. Mr. Santella asked Harbor Master Griffin what the next steps would be regarding placement of the buoys. Harbor Master Griffin noted that not only did the DEEP representatives disagree with the proposed location, but also with the need to station them at all.

Harbor Master Griffin said that following the DEEP meeting, the DEEP representatives felt that the way they had laid out the buoys in the outer harbor would address all of the concerns. There was a discussion about the need for the Commission to get behind the management and funding for the buoys both now and in the future for their maintenance and also in terms of what the DEEP has required in terms of decals and other markings. He went on to say that the job of cleaning, hauling and repainting the buoys has fallen unfairly on the Norwalk Police Marine Unit. It was agreed in Committee that the Commission would look into locating a marine contractor to pull the buoys and update the decals, which would be the first major step towards

Mr. Peyton's reconsidering the placement of the two new buoys. Discussion followed.

Harbor Master Griffin suggested that the Harbor Commission schedule an open Public Session for the community to speak to the need of placing these new buoys. He pointed out that there was no relationship between the buoys already in the harbor and the placement of the new "No Wake" buoys. Discussion followed about the proposed placement, color and the decal wording on the buoys. Mr. Romano said that he would prefer that a study of the costs involved be done first.

Harbor Master Griffin left the meeting.

Application Review Committee - Dr. Pinto said that there were no applications to review. There had been some discussion about a review and assessment proposal regarding the Visitor's Dock. Mr. Stedman explained that a recommendation had been made to Recreation and Parks about the commercial use of the Visitor's Dock. This recommendation was that an engineering analysis be done of the Visitor's Dock for the capacity of the dock. Mr. Stedman reminded that he was not an engineer, but that the City's engineers might be able to assist with the scope of work. He then listed the numerous departments he had contacted. Mr. Stedman then reviewed the details of the project. He pointed out that floating structures were not regulated by the building code. Discussion about the details followed. It was suggested that Mr. Cebrian meet with Mr. Moccia and the engineers to discuss this project.

**** A MOTION WAS MADE TO APPROVE THE RECOMMENDATIONS AND ACTING UPON IT.**

**** A SECOND WAS MADE**

**** THE MOTION PASSED UNANIMOUSLY.**

Finance – Mr. Cebrian said that the finances were in good shape. A brief discussion followed about the Finance meeting followed. The conversation then moved to the cost of the Visitor's Dock and future setback issues.

Plans and Recommendation - No report.

Newsletter/Website – No report.

Shellfish Commission - No report.

Nomination Committee – No report.

NEW BUSINESS.

There was no new business to review at this time.

OLD BUSINESS.

February 26, 2014 Meeting Minutes -

**** MR. ROMANO MOVED TO ACCEPT THE FEBRUARY 26, 2014 MEETING MINUTES.**

**** MR. STUMPF SECONDED.**

**** THE MOTION TO APPROVE THE FEBRUARY 26, 2014 MEETING MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT.

**** MR. ROMANO MOVED TO ADJOURN.**

**** MR. SANTELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services