

**DRAFT
CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
MAY 27, 2009**

ATTENDANCE: Anthony D'Andrea, Michael Harden, Anthony Mobilia, Pat Clark, Henry Palau, John Romano, Jack Callahan, Dr. John Pinto (7:46 p.m.)

OTHERS: Geoff Steadman, Consultant; Mr. Ray Redniss, Redniss & Mead; Sgt. Peter LaPak, Norwalk Police Department; Mr. Bernie Wiess, Stamford Harbor Management

CALL TO ORDER

Mr. D'Andrea called the meeting to order at 7:30 p.m.

ROLL CALL

Mr. D'Andrea called the roll and announced that there was a quorum present. He stated that Mr. Cebrian was excused and that Dr. Pinto was enroute to the meeting. Mr. D'Andrea then introduced the visitors present to the Commission.

CHAIRMAN'S REPORT

Mr. D'Andrea passed around copies of his Chairman's Report to the Committee members. He then reviewed his written report with everyone and added that he had been informed that the minutes were not posted on the website. Mr. D'Andrea checked and was not able to locate any copies of the minutes on the City website. He has contacted the IT department about this.

APPLICATION REVIEW COMMITTEE

2009-09: Anthony and Elise Tomas, 18 Tonetta Circle, E. Norwalk DEP # 200802445-SJ

Ms. Clark then reviewed the application and informed the Commission that the next application is for the adjoining property.

**** MS. CLARK MOVED TO RECOMMEND THAT THE PROPOSAL FOR ANTHONY AND ELISE TOMAS, 18 TONETTA CIRCLE, E. NORWALK DEP # 200802445-SJ IS CONSISTENT WITH THE NORWALK HARBOR**

MANAGEMENT PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE.

**** MR. PALAU SECONDED.**

Ms. Clark said that there is a small deck that is being repaired, along with a small 10' x 10' float, which is also being repaired. There is an encroachment of 84'6". There is a total of six permanent piling and there are separate lifts for the boat and for the float. There are stops on the pilings that will keep both the boat and the float 18" off of the bottom. There had been unauthorized structures on the property, which were removed before the application was prepared. There has been some commentary from the Norwalk Shellfish Commission, which expressed concern about the length of the dock and the encroachment.

Ms. Clark explained that the Committee looked at this and realized that by incorporating the lifts and the stops, the owners were attempting to minimize the encroachment into the waters of the Norwalk Harbor, but also realized that the structures would be visible from all the adjoining properties.

Dr. John Pinto joined the meeting at 7:46 p.m.

Discussion then followed. The float can be lifted to a height of over 16 feet, but the question arose regarding how high it needed to be to allow a small boat to work underneath the float. Mr. Romano said that he would like to see a line drawing of the unit so that the Commission could be aware of what the unit would look like. Harbor Master Griffin pointed out that the Shellfish Commission had not had the opportunity to review the application at this time.

**** MR. PALAU MOVED TO TABLE THE APPLICATION FOR ANTHONY AND ELISE TOMAS, 18 TONETTA CIRCLE, E. NORWALK DEP # 200802445-SJ PENDING FURTHER INFORMATION FROM THE SHELLFISH COMMISSION.**

**** MR. HARDEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2009-10 Woodward, 16 Tonetta Circle, E. Norwalk DEP #200802445-SJ

Ms. Clark stated that this was very similar to the previous application but would have an encroachment of 88'. There was also a notice of violation on the property and this violation was remedied prior to the application being submitted.

**** MS. CLARK MOVED THAT THE PROPOSAL FROM DAVID WOODWARD, 16 TONETTA CIRCLE, E. NORWALK DEP #200802445-SJ IS CONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE.**

**** MR. PALAU SECONDED.**

**** MR. PALAU MOVED TO TABLE THE APPLICATION FOR DAVID WOODWARD, 16 TONETTA CIRCLE, E. NORWALK DEP #200802445-SJ PENDING FURTHER INFORMATION FROM THE SHELLFISH COMMISSION.**

**** MR. HARDEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2009-11: City of Norwalk (WPCA) for work at 5 South Smith Street

Ms. Clark gave a brief overview of the project to the Commission. She stated that the CT DEP has issued a Notice

**** MS. CLARK MOVED TO RECOMMEND THAT THE PROPOSAL FROM CITY OF NORWALK (WPCA) FOR WORK AT 5 SOUTH SMITH STREET IS CONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE.**

**** MR. ROMANO SECONDED.**

Ms. Clark reviewed the details of the construction and reminded everyone that the area is presently paved and there would be no change in drainage structures. Harbor Master Griffin asked about the changes to the walkway and paths. Ms. Clark said that the changes would be behind the flood control dikes. She said that it would be self-contained and not infringe the public access to the river. Harbor Master Griffin said that the Shellfish Commission was very interested in having the treatment plan increasing their capacity for storm water run off.

****THE MOTION PASSED UNANIMOUSLY.**

2009-03 Cont.: Vantage Point Association, 100 Seaview Avenue, DEP #200502096.

Ms. Clark said that this was a complicated application and that there were some concerns about the encroachment of docks into the public waterways. Ms. Clark said that Mr. Redniss was present at the meeting and had submitted a letter with a line drawing. Ms. Clark said that the littoral lines extend to the south of the proposed docks.

Mr. Redniss said that he had sent three emails to Mr. Linnartz of DPW. He added that he had met with Mr. Linnartz about this and there did not seem to be a problem. He said explained how the littoral lines were determined and said that he had projected the lines and the proposed docks would not be encroaching on the Federal anchorage. Ms. Clark said that she would be happier with a written statement from the City acknowledging this situation. Mr. Redniss said that he would also like to have a written statement from the City.

Mr. Steadman then gave a brief overview of the situation and reminded everyone that this situation had started in the 1980s and that Vantage Point had several unauthorized structures. Harbor Master Griffin said that when Mr. Redniss had realigned the East Basin, the channel was not the focus of the problem. He said that there was a perception that public land is being encroached upon in this instance. A discussion about the case law followed.

**** MS. CLARK MOVED TO RECOMMEND THAT THE PROPOSAL FOR VANTAGE POINT ASSOCIATION, 100 SEAVIEW AVENUE, DEP #200502096. REMAIN TABLED UNTIL ADDITIONAL INFORMATION IS RECEIVED FROM THE CITY.**

**** MR. ROMANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Sean & Deborah O'Connor, 12 Nathan Hale Drive, South Norwalk, DEP #200603092-SJ

Ms. Clark reviewed the details of issue and said that DEP OLISP Notice of Tentative Determination to approve the application had been received. This application had been previously reviewed by the Harbor Management Commission and recommended for favorable action pending approval by the Shellfish Commission. There is no further action required as the Commission will let their previous findings stand.

South Norwalk Boat Club, 16 Mack Street, South Norwalk. DEP # 200900059-SJ

Ms. Clark reviewed the application, and said that DEP OLISP Notice of Tentative Determination to approve the application had been received. This application had been previously reviewed by the Harbor Management Commission and recommended for favorable action pending approval by the Shellfish Commission. There is no further action required as the Commission will let their previous findings stand.

Total Marine, Inc. 60 Water Street, South Norwalk, DEP # 200900058-SJ

Ms. Clark reviewed the application, and said that DEP OLISP Notice of Tentative Determination to approve the application had been received. This application had been previously reviewed by the Harbor Management Commission and recommended for favorable action pending approval by the Shellfish Commission. There is no further action required as the Commission will let their previous findings stand.

OTHER BUSINESS

Ms. Clark then distributed copies of an updated Guidelines and Requirements for Proposals Submitted to the Norwalk Harbor Management Commission to the Commission members.

**** MR. MOBILIA MOVED TO APPROVE THE NORWALK HARBOR MANAGEMENT COMMISSION UPDATED GUIDELINES AND REQUIREMENTS FOR PROPOSALS SUBMITTED TO THE NORWALK HARBOR MANAGEMENT COMMISSION AS SUBMITTED.**

**** MR. HARDEN SECONDED.**

Dr. Pinto said that as the future changes occur, the document should be updated. Everyone agreed. Ms. Clark said that she had received a number of comments from the Commission and that she wanted this to be a flexible, working document for the public.

**** THE MOTION PASSED UNANIMOUSLY.**

A brief discussion then followed about sending the Guidelines out to the agents and posting it on the Website.

Planning and Zoning

Mr. D'Andrea said that there was no report from Planning and Zoning.

REPORTS

Dredging – Dr. Pinto said that there does not appear to be any additional dredging costs, so that the projected refund amount should be the amount the City receives.

Finance – Mr. Cebrian was not present, but Mr. D’Andrea said that Mr. Cebrian was working on projecting budget amounts for the Commission.

Boating and Harbor Safety – Sgt. LaPak greeted everyone. He said that he was able to get the Coast Guard to the reset the markers that had been knocked off station during the dredging. There were a number of “no weight” buoys that were also aligned. Sgt. LaPak and Harbor Master Griffin worked very hard to get the buoys reset before the Memorial Day Week-end boating started.

Water Quality – Mr. Harden said that there was a meeting just prior to this one where the three new interns were introduced to the staff. The interns are under the supervision of Harbor Watch. A brief discussion followed about where the water testing would be done. Mr. D’Andrea said that the beach testing would be done at Norwalk Health Department. Mr. Harden said that this was a learning curve for him, so that he would have more to report next month.

Harbor Master Griffin said that Mr. Dick Harris has been generating reports about the water quality for many years, particular in regard to fluorides or phosphorus and other reoccurring chemicals.

Watershed Initiative -Mr. D’Andrea said that there was no meeting.

Plans and Recommendations – Mr. Mobilia said that there was a meeting on May 19th, with two items on the agenda. Mooring fees were discussed at length at that meeting. The last time that mooring fees were increased was in 2004, but not implemented until 2005.

Mr. Mobilia recommended that “all past due fees and all reinstatement fees” be included in the Rules and Regulations.

Mr. Mobilia then recommended that the fees be changed to be by the foot rather than categories.

Mr. D’Andrea asked Mr. Wiess how it is done in Stamford. Mr. Wiess said that their Harbor Plan had just been approved a few weeks ago and they were still setting up the administration for the Harbor Management.

Mr. Mobilia said that the new application fee should be \$75.00. Harbor Master Griffin then reviewed the formula used for determining the new application fee and the former reinstatement fee of \$90.00 plus the new application fee of \$75.00, yields a reinstatement fee of \$165.00. The new per foot charge would be \$3.00 per foot.

Harbor Master Griffin then reviewed the reasons why the per foot charge should be adjusted upward to \$3.00 per foot. He said that the only source of the revenue that the Harbor Management has are the mooring fees.

Mr. Palau said that he felt that the users should pay, but all the users should pay, rather than just some. Dr. Pinto said that the Boating Registration had not changed since 1978 and that the State was considering to taking over that operation. Sgt. LaPak commented said that he was a member of the Five Mile River Commission. He said that he helped collect the Five Mile River Fee. Dr. Pinto explained that the Five Mile River was under a different State authority.

Harbor Master Griffin said that there would be a Harbor Master meeting tomorrow night and that the State is seriously considering taking over the operation for Boater's Registration. Harbor Master Griffin then briefly outlined the proposed course of action that the Harbor Masters are considering if the State moves ahead with their consideration.

The discussion then moved back to the generation of revenue for the Harbor Commission. Regarding the idea of ticketing boaters who speed in the Harbor, Sgt. LaPak said that all the infractions are required to be sent to Hartford to the Centralize office. Dr. Pinto suggested that perhaps the Harbor Management could have an "Adopt-A-Buoy" program.

**** MR. ROMANO MOVED TO APPROVE THE RAISING OF THE MOORING FEES TO THE \$3.00/PER LINEAR FOOT; NEW APPLICATION FEE TO \$75.00 AND THE REINSTATEMENT FEE TO \$165.00
** MR. HARDEN SECONDED.**

Mr. Callahan asked if \$3.00 per foot was enough. Mr. D'Andrea said that it would be for the 2010 year and that the Commission could adjust it later.

**** MR. ROMANO AMENDED HIS MOTION FROM:**

THE RAISING OF THE MOORING FEES TO THE \$3.00/PER LINEAR FOOT; NEW APPLICATION FEE TO \$75.00 AND THE REINSTATEMENT FEE TO \$165.00

to: THE RAISING OF THE MOORING FEES TO THE \$3.00/PER LINEAR FOOT; NEW APPLICATION FEE TO \$75.00 AND THE REINSTATEMENT FEE TO \$165.00 AND WOULD INCLUDE ANY AND ALL PAST DUE ANNUAL FEES PLUS THE REINSTATEMENT.

**** MS. CLARK SECONDED.**

**** THE MOTION TO AMEND PASSED WITH (SIX IN FAVOR D'ANDREA, HARDEN, MOBILIA, CLARK, PINTO AND ROMANO) AND TWO OPPOSED (CALLAHAN AND PALAU).**

**** THE MOTION PASSED AS AMENDED (SIX IN FAVOR D'ANDREA, HARDEN, MOBILIA, CLARK, PINTO AND ROMANO) AND TWO OPPOSED (CALLAHAN AND PALAU).**

Mr. Mobilia said that he felt that the Plans and Recommendation Committee would take on the fees and also would consider other ways to increase the revenue

Waterfront Advisory –

Harbor Master Griffin then reviewed his report with the Commission. He added that he had recommended that the Shellfish Commission update their guidelines because they don't need to have State approval.

Harbor Master/Harbor Manager

Harbor Master Griffin then reviewed his Harbor Master report and his Harbor Manager report with the Commission. Harbor Master Griffin said that he had spent about 25 hours in the various meetings he had attended. Mr. D'Andrea said that there was nothing on the list and requested that Harbor Master Griffin continue to attend the meetings.

Harbor Master Griffin pointed out that the postage account was in arrears.

**** MR. HARDEN MOVED TO ACCEPT THE HARBOR MASTER REPORTS.**

**** MR. ROMANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY**

Newsletter/Web site

Mr. Romano said that there had been numerous conversations about compiling the articles.

STAFF REPORTS

Consultant

Mr. Steadman said that he had compiled a four page document summary of the Harbor Management Plan, which he then distributed to the Commission. Harbor Master Griffin then said that he felt it was an excellent summary.

Approval of April 2009 minutes

The following corrections were noted:

Page 1, Under **OTHERS**: please change Barry Smith, past Commander of the Ischoda Yacht Club; to Barry Smith, past Commodore of the Ischoda Yacht Club;

Page 6, under **WATER QUALITY**: please change the following from:

“were the hiring of interns, Platt Street situation” to “were the possibility of hiring of interns, the Platt Street situation”

Page 7, under corrections please change:

Page 2, under 2009-03 Vantage Point Associations, Inc. 100 Seaview Ave.; CT DEP #200502096-SJ paragraph 1, please change references to “Mr. Redman” to “Mr. Redniess”

TO: Page 2, under 2009-03 Vantage Point Associations, Inc. 100 Seaview Ave.; CT DEP #200502096-SJ paragraph 1, please change references to “Mr. Redman” to “Mr. Redniss”

Page 7, under Newsletter/Website, please delete the following: “Dr. Pinto announced that he almost made the newsletter deadline.”

- ** DR. PINTO MOVED THE MINUTES OF APRIL 22, 2009 AS CORRECTED.**
- ** MR. PALAU SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

NEW/OLD BUSINESS

There was no new or old business to discuss at this time.

ADJOURNMENT

Hearing no objections, Mr. D'Andrea adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

