

**CITY OF NORWALK  
NORWALK HARBOR MANAGEMENT COMMISSION  
REGULAR MEETING  
AUGUST 26, 2009**

**ATTENDANCE:** Tony D'Andrea, Chair; Henry Palau, Michael Harden, Tony Mobilia, John Romano, Jack Callahan, Pat Clark, Dr. John Pinto (8:12 p.m.)

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

**OTHERS:** John Frank, Shellfish Commission Chair

**CALL TO ORDER**

Mr. D'Andrea called the meeting to order at 7:35 p.m.

**ROLL CALL**

Mr. D'Andrea called the roll. A quorum was present. Mr. Cebrian has an excused absence.

**CHAIRMAN'S REPORT**

Mr. D'Andrea said that he would like to note for the record the fact that he had received a letter from Redniss and Mead regarding the Vantage Point littoral line dated August 12, 2009. Mr. D'Andrea then read his written response to this to the Commission.

Mr. D'Andrea said that this has been a long-standing issue. Corporation Counsel has requested that the Harbor Commission prepare all the documents regarding Vantage Point and present this to Corporation Counsel.

Harbor Master Griffin said that Alan Yale, who was mentioned in the Redniss & Mead letter, was a member of Vantage Point.

**APPLICATION REVIEW COMMITTEE**

Ms. Clark said that she would like to suspend the rules to consider a late arriving application. Mr. D'Andrea said that since there was no objection, the motion should be approved.

**South Norwalk Boat Club, 17 Mack Street, South Norwalk for work at the same regarding Maintenance Dredging in previously dredged marina basin.**

Ms. Clark explained that the Shellfish Commission has stated that this area is a historically dredged area and the Shellfish Commission has no objection maintenance dredging. Ms. Clark explained that a licensed surveyor had prepared the plans.

**\*\* MS. CLARK MOVED BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:**

**THAT THE COP APPLICATION FOR THE SOUTH NORWALK BOAT CLUB, 17 MACK STREET, SOUTH NORWALK FOR WORK AT THE SAME FOR MAINTENANCE DREDGING IN PREVIOUSLY DREDGED MARINA BASIN**

**IS CONSISTENT WITH THE 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. Frank commented that currently there is a dock that has been pulled out of the water and that this is a good time to do some quick dredging.

**\*\* THE MOTION PASSED WITH THREE IN FAVOR (CLARK, MOBILIA, ROMANO) AND FOUR ABSTENTIONS (CALLAHAN, PALAU, HARDEN AND D'ANDREA).**

#### **PLANNING AND ZONING REPORT**

There was no report from Planning and Zoning.

#### **REPORTS**

**Finance** – Mr. D'Andrea distributed copies of Mr. Cebrian's financial report to the Commission.

**Boating and Harbor Safety** – No report.

**Water Quality** – Mr. Harden said that the medallions are being applied to the storm drains. There was no Watershed Initiative report.

Mr. D'Andrea said that Mr. Harden was one of the rescuers who helped the boaters whose boat caught on fire recently. Harbor Master Griffin gave a brief rundown of the events of that incident. Mr. Callahan asked if there was any signage warning people that the ethol fuel could corrode the plastic fuel containers.

Mr. D'Andrea asked if there was a fuel spill. Mr. Harden said that there was about 120 gallons of fuel on board and it was boomed off within 15 minutes. Harbor Master Griffin said that in a follow up meeting, it was stated that the Coast Guard does not recommend booming off the gas spills because left along, the gas will evaporate, while if it is contained within a boom, there was the possibility of an additional explosion.

**Plans and Recommendations** – Mr. Mobilia said that the subject of Vantage Point deserves a full discussion because the Commission is mandated to protect the Harbor, and follow the Harbor Master Plan, along with the public right. Mr. D'Andrea said that Mr. Redniss' letter was encouraging the City to accept the lines as he drew them. He pointed out that Atty. Maslin has requested that all the issues be brought up and put on the table at one time. Mr. Mobilia pointed out that this project has been out of compliance since 1984. In 1983, the State mandated that Vantage Point resolve all their issues before any additional repairs.

Mr. Romano said that the main focus for Vantage Point was getting their pool fixed and it would take two permits, one from the State and one from the Norwalk Health Department. Mr. D'Andrea said that he wanted to resolve all the issues at once so that everyone knows where they stand.

Mr. Steadman said that he had a letter from Mr. Callahan to Mayor Esposito dated in 1999, which referred to problems that had occurred fifteen years earlier in the East Basin. He then reviewed the issues involved in that letter including the repairs made on the seawall without a permit with the Commission. He said that the Commission had made a motion to refer this matter to Corporation Counsel and indicated that he and Mr. D'Andrea were busy compiling all the information. He added that the Harbor Commission was in favor of protecting the dead end streets that lead to water access and that nothing should be done that would infringe or reduce the City's right of access.

Mr. D'Andrea said that he reviewed the professional standards for engineering with another professional also named Anthony D'Andrea from Greenwich, who is not a relative, and that curves are not usually used in determining littoral lines. It was stated that usually this would have to be an agreement between property owners. Ms. Clark said that she had checked with the DEP regarding their policy and apparently, they do not have a standard, consistent policy for this.

*Dr. Pinto joined the meeting at 8:12 p.m.*

Harbor Master Griffin then pointed out that the littoral lines often have intersecting perpendicular lines and when this is done, the docks are within their property boundaries. However, this does not cover the boats that are affixed to the dock. Harbor Master Griffin then pointed out that this was involved Federal waters and State anchorage. He suggested that the Commission recommend to the DEP that each of the non-compliance issues be resolved before granting approval. Mr. Palau reminded everyone that there are no squatter's rights when dealing with the City.

The discussion then moved to the fact that Corporation Counsel had already given an opinion on Second Street previously that could be applied to Yarmouth Road. Once the Commission makes a determination regarding their findings, it will be presented to Corporation Counsel for an opinion. Mr. D'Andrea said that he would like to see the Plans and Recommendation Committee prepare a resolution for the next meeting regarding the issues. There was a consensus by the Commission that this would be acceptable.

Following the vote by the Commission, the Commission will be presenting the resolution to the Corporation for their opinion, and the Corporation Counsel will be issuing an opinion letter. At that point, the Commission will take a final vote on the application.

There was a brief discussion about another set of docks just north of the Vantage Point where the previous owners had utilized the full application process.

Following the conclusion of the discussion regarding Vantage Point, Mr. Mobilia said that he had intended to discuss the DEP's new rules for docks and piers in the Plans and Recommendations meeting on September 2nd. A letter with the Commission's comments needs to be sent to the DEP regarding this by September 9th. The DEP held a meeting at City Hall last month regarding this. Harbor Master Griffin said that he felt that the DEP's deadline of September 9th was unrealistic. Mr. Mobilia asked Harbor Master Griffin to check to see if the deadline for comments had been extended.

Mr. Mobilia then announced that the Harbor Management Plan has been approved by the Common Council. The next step will be to publish the Plan. A limited number of printed copies will be distributed to select locations and interested parties may purchase hard copies for \$30.00. It will be uploaded to the website so that anyone from the public can download it.

**Dredging** – Dr. Pinto said that he had spoken with Mr. Corallis and that two checks will be in the mail shortly. Mr. Corallis said that he would like to sit down and start discussing Phase 3. Dr. Pinto said that there is no longer any clean fill available in the Norwalk Harbor. The new amount of clean fill for capping material would be about 300,000,000 cubic yards. Because there is no more capping material available in the

harbor, the amount of the capping material needed will increase. Mr. Corallis said that the cost of the final project will be about 8 million dollars.

Mr. D'Andrea said that he would like to thank our representatives in Washington for all their assistance with this project.

**Waterfront Advisory** Harbor Master Griffin said that there had been some reduction in the David S. Dunavan Boating Center hours due to the end of season activity. The Center will close earlier on Tuesdays and Wednesdays from now on.

The DOT will be out of Veteran's Park by the end of August in order to allow the Oyster Festival setup. When the DOT returns to finish the job, they will be paying a month to month lease fee.

### **STAFF REPORTS**

#### **Harbor Master/Harbor Manager**

**Harbor Manager's Report** - Harbor Master Griffin said that that Manager's report, revenue is static. He pointed out that he attended five meetings this past month regarding the Harbor, which are listed on his report.

**Harbor Master's Report.** Harbor Master Griffin then briefly reviewed this written report.

Mr. D'Andrea said if no objection, the report is accepted. Hearing none, the report is accepted

**Consultant** – No report.

**Newsletter/Website** – Mr. Romano said that he needed four articles for the upcoming Fall edition of the newsletter. Mr. Romano explained that he has been working with the IT department regarding compiling email addresses to keep people informed of events. The goal is to become paperless in the next two to five years.

### **APPROVAL OF JULY 2009 MINUTES**

The following correction was noted:

Pg 4, under Water Quality. please change the following from:

**d. Water Quality** – Mr. D'Andrea said that Mr. Harden was not able to be present and there was no meeting scheduled for July.

To: **d. Water Quality** – Mr. D’Andrea said that Mr. Harden was not able to be present and there was no Water Quality meeting scheduled for July.

**\*\* MR. PALAU MOVED TO APPROVE THE MINUTES OF THE JULY 2009 MINUTES AS CORRECTED.**

**\*\* MS. CLARK SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **NEW/OLD BUSINESS**

Ms. Clark asked about a comment in the Shellfish Commission minutes regarding damage to oyster beds owned by Tim Pramer, Norman Bloom and the City of Norwalk. Mr. Frank explained that someone had removed a barge load of dredging material when the tide was too low and it damaged the beds.

Dr. Pinto said that the annual meeting for the Connecticut Harbor Management Association will be September 24th. He then gave the details and said that the announcements will be sent out shortly.

### **ADJOURNMENT**

**\*\* MR. PALAU MOVED TO ADJOURN.**

**\*\* Mr. HARDEN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services