

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
SPECIAL MEETING
DECEMBER 8, 2009**

ATTENDANCE: Tony D’Andrea, Chair (8:40 p.m.); Pat Clark; Tony Mobilia,
Michael Harden,

Jack Callahan, Henry Palau, Dr. John Pinto (8:40 p.m.),
John Romano

STAFF: Michael Griffin, Harbor Master, (8:40 p.m.)

Geoff Steadman, Consultant (7:40 p.m.)

OTHER: John Frank, Shellfish Commission Chairman; John Hilts

Call to Order

Mr. D’Andrea stated that he and Harbor Master Griffin had to attend the Common Council meeting and that Mr. Cebrian would serve as acting chair. He requested Mr. Palau to start the meeting until Mr. Cebrian arrived, and Mr. Palau called the meeting to order at 7:30 p.m.

Roll Call

Mr. Palau called the roll and stated the above members were in attendance, and that a quorum was present.

Chairman’s Report

Mr. D’Andrea asked to suspend the rules to change the order of the agenda to discuss an item under the Plans and Recommendation section, the proposed amendments to mooring permit fees, as follows:

It is the responsibility of the Harbor Management Commission, set forth in the Norwalk Harbor Management Plan, to propose permit fees for mooring vessels in the Norwalk Harbor. To take effect, these fees must be adopted by the Common Council. The Commission’s authority to propose fees for adoption by the Council is established in the Connecticut State Statutes, Norwalk Code, Harbor Management Plan, and rules and regulations adopted by the commission and approved by the Council.

Under the existing fee schedule, the annual fees are \$30.00 for boats 20 ft. or less; \$45 for boats greater than 20 ft. and less than 30 ft.; and \$60.00 for boats 30 ft. or longer. The Commission proposed that the existing mooring permit fee previously adopted by the council be amended to: 1) establish an annual permit fee of \$3.00 per linear foot of the permitted vessel 2) raise the one-time application fee for new applications from \$40.00 to \$75.00; and 3) raise the reinstatement fee for persons who fail to renew their permits from \$110.00 to \$165.00.

Mr. D'Andrea stated that this was voted upon back in May 2009, and as required to present to the Common Council, a public hearing was held last evening. He added that no public participants were in attendance, and the hearing was held open for one full hour, from 7:32 to 8:34 p.m. With no objections from the public, he recommends approval of the proposed amendments to mooring permit fees.

**** MR. MOBILIA MOTIONED TO APPROVE THE PROPOSED AMENDMENTS TO MOORING PERMIT FEES TO ESTABLISH AN ANNUAL PERMIT FEE OF \$3.00 PER LINEAR FOOT OF THE PERMITTED VESSEL 2) RAISE THE ONE-TIME APPLICATION FEE FOR NEW APPLICATIONS FROM \$40.00 TO \$75.00; AND 3) RAISE THE REINSTATEMENT FEE FOR PERSONS WHO FAIL TO RENEW THEIR PERMITS FROM \$110.00 TO \$165.00.**

**** MR. HARDEN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Palau asked for a recount of the vote, and the motion vote was amended as follows:

**** THE MOTION PASSED WITH SIX VOTES IN FAVOR, ONE OPPOSED (MR. PALAU) AND NO ABSTENTIONS.**

D'Andrea asked for a moment of silence in memory of Jonathan Lovejoy's wife, Jeanne Dugdale Lovejoy, who passed away December 5, 2009. He read the obituary and stated that a Memorial Service will be held Wednesday at 2:30 p.m. at the First Congregational Church of Westbrook. Harbor Master Griffin added that it was quite timely and appropriate to have recently honored Jonathan Lovejoy, first Chairman of the Harbor Commission at the State of the Harbor meeting, while his wife was alive.

Mr. D'Andrea also asked for a moment of silence in memory of the events of Pearl Harbor Day, December 7, 1941. Mr. D'Andrea announced that in addition to the sad announcements he was pleased to share some good news, which was the birth of a daughter to Commission member, Mr. Cebrian.

Mr. D'Andrea and Harbor Master Griffin left the meeting at 7:45 p.m. to attend the Common Council Meeting.

Application Review Committee

Application 2009-14 Thomas Balsley, 14 Pine Point Rd, Rowayton.

Ms. Clark presented the pre-application review for work at a private residence in the waters of Farm Creek, as follows:

1. Construction of a 2.5' x 20' aluminum ramp and an 8' x 12' floating dock that will rest on a new 6'x10' timber support frame keeping the float 18" above the substrate.
2. Authorization for retention of 147 linear feet of stone and masonry seawall installed prior to 1980.

Ms. Clark added that the proposal includes a copy of an A-2 survey dated 8/11/2004 prepared by Hamons LLC Land Engineers of Fairfield, CT. Ms. Clark said that there had been some comments from the Shellfish Commission indicating there will be some adverse impact on a natural bed that is seldom harvested and is similar to others permitted in the same area, but it is minimal and reasonable. They are not registering an objection, and the Shellfish Commission has no objection to this design.

Ms. Clark asked if there were any questions, and Mr. John Hilts, agent in behalf of the applicant came forward to address the Commission. Mr. Palau asked if the high and low tides were placed on the survey by the surveyor, and Mr. Hilts responded that the survey was actually dated 2009. Mr. Cebrian asked for the location of the ramp and if the structure would block the channel, and Mr. Hilts answered no, that it was forty feet from the neighbor's dock.

**** MR. PALAU MOTIONED THAT THE PRE-APPLICATION 2009-14:
THOMAS BALSEY, 14 PINE POINT ROAD, ROWAYTON FOR WORK AT
THE SAME:**

- 1. CONSTRUCTION OF A 2.5' X 20' ALUMINUM RAMP AND AN 8' X 12' FLOATING DOCK THAT WILL REST ON A NEW 6' X 10' TIMBER SUPPORT FRAME KEEPING THE LOAT 18" ABOVE THE SUBSTRATE.**
- 2. AUTHORIZATION FOR RETENTION OF 147 LINEAR FEET OF STONE AND MASONRY SEAWALL INSTALLED PRIOR TO 1980.**

IS CONSISTENT WITH THE PLAN WITH 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, AND THE
ADDITIONAL COMMENT THAT THE COMMISSION NOTES
THERE IS NO OBJECTION BY THE SHELLFISH COMMISSION.**

**** MR. ROMANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Clark added that they had received a copy of a permit 2007-01764-KB which will be read for consistency. In addition she mentioned that she had received a letter from Redness & Mead requesting zoning permit and DEP application for a pool at Vantage Point Condominiums and required no action at this time.

PLANNING AND ZONING REPORT

There was no report. Mr. Cebrian commented that Mr. Green had noted previously that he would like to have his department attend the meetings on a quarterly or as needed basis.

REPORTS

Dredging

There was no report

Finance

Mr. Cebrian stated there was no formal Financial Report, and reminded the Commission that with the end of the year approaching, all the receipts for bills should be submitted as soon as possible. Mr. Harden submitted an invoice for payment.

Boating and Harbor Safety

Mr. Palau stated there was no formal report, but wanted to discuss the recent e-mail that described the news in the paper of a harbor rescue of the kayaker by Mr. Harden. The Commissioners acknowledged Mr. Harden for his heroic efforts and Mr. Palau stated that the absence of a public service boat during the off-season is troubling. Mr. Frank stated that the Police Department may close down this service due to financial constraints of manning. Mr. Harden suggested a four-season vessel equipped with a cabin with heat be provided in the Norwalk Harbor. Mr. Palau asked if there is a Maritime Boat manned, and Mr. Harden answered that the problem was with the 911 service, that the operator did not understand the location of a vessel and was looking for a street address.

Mr. Palau suggested the Boating and Safety Committee look into an evaluation and recommendation, but he personally would not be available until February. Mr. Harden and Mr. Romano agreed to look at the safety requirements of a four season vessel and to come up with a recommendation to the Commission.

Water Quality/Watershed Initiative

Mr. Harden reported that it was a good year, but they had gone a bit over budget due to necessary expenses. He added that they had discovered three new sites: Silvermine, Moody's Lane, and James Street. He showed a photograph of a waste explosion from a storm drain along the edge of septic fields, but the owner was taking responsibility and making necessary repairs. Mr. Harden added that relative to Platt Street, there was nothing new, tests were ordered by the DEP, and they were awaiting results.

Mr. Harden stated that the Committee plans to do some publicity of the Mayor's Water Quality Initiative, and they were looking into reproducing flyers. Mr. Cebrian asked if he needs to add a budget item for printing, and Mr. Harden answered, not now as hopefully he could get the printing donated. He added that the intention was to promote the message that had been previously done such as "alerting the public that everything you do ends up in the water...".

Plans and Recommendation

Mr. Mobilia stated that the primary issue was the proposed amendment of the mooring permit fees, which was approved by the Commission and was being presented to the Common Council for approval. He added that regarding the DEP Docks and Pier Regulations, no comments were received; and he would ask the Chair to generate a letter requesting comments on the regulations.

Waterfront Advisory

Mr. Cebrian stated that Harbor Master Griffin had e-mailed the Commissioners his report. Mr. Mobilia stated that this was a good practice and recommends approval of the report as submitted, and Mr. Harden stated that most committees were following this practice of approval as submitted.

Newsletter/Website

Mr. Romano asked for feedback of the newsletter, and Ms. Clark responded that it was a very good read. Mr. Romano said he would like to include the water safety issue and the recent rescue incident in the next newsletter.

Mr. D'Andrea and Harbor Master Griffin re-joined the meeting at 8:40 p.m.

Dr. Pinto joined the meeting at 8:40 p.m.

STAFF REPORTS

Mr. Cebrian stated that Harbor Master Griffin had e-mailed the Commissioners his report, and he distributed copies, which Mr. Cebrian requested to be summarized into the minutes as follows:

Deposits into the Harbor Management account total to date for 2009 is \$23,369.50, representing 205 individual permits, 316 from the three Yacht Clubs, and \$1,940.00 in new registrations, late fees, and reinstatement fees.

Harbor Master Griffin attended three meetings on behalf of the NHMC. He added a reminder that 2010 mooring renewal applications will be mailed December 21, 2009. He acknowledged a special note to salute the dedication and quick action on the part of the members of the Norwalk Marine Police unit that resulted in the life-saving rescue of two people this early December. He recommends a hero's award for Mr. Gary Wetmore and Mr. Michael Harden for their rescue involvement and professional action.

Mr. Cebrian asked for questions or comments on the report, and hearing none, he recommended approval.

- ** MR. MOBILIA MOVED TO ACCEPT THE HARBOR MASTER REPORT AS SUBMITTED.**
- ** MR. PALAU SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Consultant Report

Mr. Steadman stated there was no formal report, but he was prepared to address the issues surrounding the City's failure to return state rebated amounts to the Commission under New/Old Business.

APPROVAL OF NOVEMBER 2009 MINUTES

The following corrections were noted:

Page 1, paragraph 4: please delete DEP Notice...from that section and move it to page 3, paragraph 3. This should be the heading of the paragraph following the motion: CT DEP Notice of Tentative Determination to Approve an application by CT Light and Power.
Page 3, paragraph 5, line 1: please change "reimbursement" to "new grant amount"

- ** MR. PALAU MOTIONED TO APPROVE THE MINUTES OF THE NOVEMBER 18, 2009 MEETING, AS AMENDED.**
- ** MR. MOBILIA SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY**

NEW/OLD BUSINESS

Mr. D'Andrea requested the opportunity to speak on the outcome of the Common Council meeting, and stated that the Common Council voted to table the item to allow the Council more time to evaluate the proposed amendment. He added that despite the due process that the Commission had taken with following the procedures of a public hearing, the Council members felt uncomfortable that it was rushed through the process.

Mr. D'Andrea expressed his disappointment with the decision, and stated that as Chairman of the Commission, he was empowered to act upon the direction and votes of the Commission, and stated that it is the responsibility of the Harbor Management Commission, set forth in the Norwalk Harbor Management Plan, to propose permit fees for mooring vessels in the Norwalk Harbor. The Commission's authority to propose fees for adoption by the Council is established in the Connecticut State Statutes, Norwalk Code, Harbor Management Plan, and rules and regulations adopted by the commission and approved by the Council. He added that he has done what he was empowered to do and feels that the Council has tied his hands.

Harbor Master Griffin asked to speak to give his summary of the outcome and to clarify the next steps, and stated that most likely the proposed amendment will be approved after it is vetted through committee, and suggested this get put on the Parks & Recreation agenda for next Wednesday's meeting. He added that with the new Council members, it is unfortunate, but the members were not comfortable making a decision without going through the process of committee approvals.

Harbor Master Griffin then requested Mr. Steadman to provide an overview and summary of the financial matter regarding the \$50,000 received by the City from the ACOE grant.

Mr. Steadman read from the state statutes and reported that the remainder of the ACOE grant should clearly come back to the Commission for future dredging projects, and not be retained as a budget reserve by the City. In addition, there is a discrepancy over \$14,000 spent by the Commission at the request of the city to expedite the testing as required by the DEP. Mr. Romano, Dr. Pinto and Mr. D'Andrea all stated they were in agreement that the \$14,000 was promised to be returned to the Commission by Mr. Hamilton. Mr. Steadman stated he would pursue these financial issues and provide Mr. Hamilton with all supporting documentation necessary to recover the funds.

Mr. D'Andrea reported that Mr. Hamilton is requiring a budget number by December 11, regardless of the outcome of the negotiations regarding the state rebated amounts, and added that Mr. Hamilton indicated that the number could be changed based upon the Council approval of the proposed amendments to the mooring permit fees.

Harbor Master requested to add another item to New Business, and suggested the Commission look into requiring insurance for all boating permits. He stated that the surrounding towns all require insurance, and he added that the South Norwalk Boat Club names the City as an additional insured and most likely the other three yacht clubs are requiring insurance as well. He added that naming the City as an additional insured should be looked into especially in view of the potential of an environmental discharge of fuel or oil into the Harbor, who would be responsible for the clean up.

Mr. Romano stated that it was a good idea and should be added as a requirement in the rules and regulations. Mr. Mobilia stated that in view of the recent hold up by the Council, the likelihood of incorporating this into the next permit year would have a timing issue. Harbor Master Griffin suggested that something could be included in the next mailing, and again, when the permits are actually issued a follow-up request for insurance could be included. Mr. Mobilia agreed that the Plans and Recommendations Committee will take the matter up in February, as he will not be available in January.

Harbor Master reviewed the arrangements for the Christmas Party, which will be held at 7:00 p.m. on December 16th at Ischoda and the cost will be \$50.00 per person to include the complete meal, with a cash bar. Ms. Clark asked who the checks should be made payable to and Harbor Master Griffin answered "Ischoda", and he added that it was important for commitments to be honored, as arrangements had been guaranteed, and even if plans changed and people did not attend, the Commission would still be charged.

ADJOURNMENT

- ** MR. ROMANO MOVED TO ADJOURN.**
- ** DR. PINTO SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services