

DRAFT

Town of Greenwich
Harbor Management Commission
Meeting
May 18, 2016
7:00 P.M.
Mazza Room, Town Hall

MINUTES

Members in attendance:

Bruce Angiolillo, Chairman
Mike Van Oss, Secretary
Bill Ingraham
Steve Kinner
Frank Mazza
Peter Quigley

Absent:

Lile Gibbons, Vice Chairman

Alternates:

Bernard Armstrong
Gary Silberberg

Ex-Officio in Attendance:

Ian MacMillan – Harbormaster
Nancy Ramer – Planning & Zoning Commission
Lt. John Brown – Police Department
Brian Kerzner – Department of Parks & Recreation (for Mr. Freidag)
Horst Tebbe - RTM
John Toner – Board of Selectmen

Absent:

Sue Baker – Conservation Commission
Roger Bowgen – Shellfish Commission
Jeff Freidag – Department of Parks & Recreation
Rick Loh – Board of Parks and Recreation
Amy Siebert – Department of Public Works

1. Meeting called to order at 7:00 P.M. by Chairman Bruce Angiolillo

In the absence of Commission Member Lile Gibbons, Chairman Angiolillo seated Alternate Member Bernard Armstrong.

2. Approval of Minutes

Motion to approve the minutes of the April 20, 2016 Meeting made by Frank Mazza, seconded by Bill Ingraham. Motion carried (Unanimous).

3. Chairman's Report

Chairman Angiolillo reported on the prior month's activities:

- Reported on Chairman's personal meetings and contacts with 28 individuals, including Commission Members, Alternate Members, Ex Officio Members, Town and State Officials, and members of the public. There were three declinations in response to his outreach efforts. The Chairman expressed his gratitude for the interest, enthusiasm and support that he has received.
- Reported, as directed by the Commission at the April Meeting, that he submitted a letter, dated April 22, 2016, to DEEP providing comments on the 89 River Road project. Before doing so, he shared Mr. Steadman's draft with the Vice Chairman (Ms. Gibbons) and Secretary (Mr. Van Oss) for their comment and approval. A copy of the letter to be attached to the minutes for the May 18, 2016 Meeting.
- Reported that on April 22, the Commission and Town received two FOIA complaints filed by Ian MacMillan; that the Town Attorney had filed a motion to dismiss earlier in the week; and that the Chairman, the prior Chairman (Mr. Mazza), Penny Monahan and the Town Attorney (Aamina Ahmad, Esq.) will be required to travel to Hartford on Thursday, May 26 for a hearing on this matter.
- Reported that he had attended a neighborhood meeting hosted at the Rocky Point Club on May 2, regarding the club's pending mooring application with DEEP.
- Reported that he, along with Mr. Mazza, attended the Planning & Zoning meeting on May 3, where he shared the comments and concerns regarding the 89 River Road project that were set out in the April 22 letter to DEEP. Noted that Peter Quigley also attended this meeting and shared his views, as a private citizen.
- Reported that the Chairman had attended three meetings of the Ad Hoc Mooring Subcommittee (Messrs. Kinner & Armstrong) on April 29, May 6 and May 17.
- Reported that Lile Gibbons successfully arranged for a meeting with John Gaucher, the DEEP official who is giving our draft HMP a "preliminary" review, and she, Geoff Steadman and the Chairman, had a very constructive and positive 2 hour meeting in Hartford with Mr. Gaucher on May 12. Following the meeting, Lile gave us a tour of the Capitol building and we had the opportunity to meet with State Senator Scott Franz.
- Reported that the 2016 Town mooring ball stickers are being mailed and will continue to be mailed as applications are processed. The Chairman noted that he has received positive feedback from members of the public.
- Advised, given our full meeting agendas, that the Chairman would try to keep to a schedule that would enable the monthly meetings to adjourn by 9 P.M.

4. Update on Mianus River Dredge Project

Frank Mazza reported that the Dredge Project continues to be on track and that DEEP had given notice of its "Tentative Determination to Approve" the Project. At the request of the Army Corps of Engineers, he has arranged for a location for the Project's site office trailers and parking during the Dredge Project.

Geoff Steadman reported on the timeline for the Dredge Project, which continues to be on schedule. He reported that the funds for the Project have been allocated from the State of Connecticut to the Army Corps of Engineers. Dredging is expected to begin shortly after October 1, 2016.

Chairman Angiolillo asked for a motion to authorize Geoff Steadman to draft a letter of support to be sent by the Commission to DEEP. The deadline for such a letter is June 3, 2016. Motion made by Bernie Armstrong, seconded by Mike Van Oss to authorize Mr. Steadman to draft said letter of support and for the Chairman to sign and send the letter. Motion carried (Unanimous). The Chairman said that he would share the letter with the Vice Chairman and Secretary before it is finalized and sent.

Geoff Steadman suggested that a similar letter of support for the Project be sent to DEEP by the Board of Selectmen. Selectman Toner, in attendance as an Ex Officio, indicated no reservations about doing so. Motion made by Bernie Armstrong, seconded by Mike Van Oss to request that the Board of Selectmen send a similar letter of support for the Dredge Project. Motion carried (Unanimous). The Chairman said that he would work with Mr. Steadman to prepare a draft letter for the Board of Selectmen to consider and send prior to the June 3 deadline for comments.

5. Update on Harbor Management Plan

Chairman Angiolillo distributed copies of a summary, prepared by Lile Gibbons, of the May 12 meeting with John Gaucher at DEEP in Hartford. Copy attached.

Mr. Steadman shared his positive perspective on the two hour meeting, noting that the points raised by Mr. Gaucher were all cast as suggestions on how to make our proposed Plan stronger. Mr. Steadman reported that nothing raised during the meeting indicated that at this point in time, DEEP had identified anything in the current draft that would prevent State approval. As set forth in Ms. Gibbons' summary, Mr. Steadman reported that Mr. Gaucher recommended that we strengthen our draft with respect to home rule by reason of the Special Acts; that we consider adding more detail with respect to how we would like applications for Docks to be handled; and to be forthright about how we believe the mooring application and permitting process is broken and how we want it to be going forward under the Plan. Mr. Steadman said that Mr. Gaucher mentioned two other items that we might want to consider, namely, (i) how the Plan can support WB zoning, and (ii) how the Plan can assist with potential overuse or overcrowding of harbor areas.

Chairman Angiolillo noted that if there was a common theme in Mr. Gaucher's comments, it was that he was encouraging us to strengthen the draft of the Plan to more clearly assert the Town's home rule over its harbor management areas.

6. Ad Hoc Mooring Committee Update

Bernie Armstrong reported on his two meetings with Ian MacMillan and Penny Monahan to review mooring applications and that he will continue to meet with them to facilitate the process for the 2016 boating season. He thanked them for their cooperation.

Steve Kinner expressed his view that "mooring" needs to be better defined. Mr. Kinner reported that he had asked the Harbormaster to return some software data that had been given

to him a year ago, but was told by the Harbormaster that it is not available; he doesn't have it and that we can't get it back. Mr. Kinner reported that he wanted to get a copy of the chart that the Harbormaster has and that the Harbormaster stated that another person, a private citizen has it and it's for sale. Mr. Kinner stated that a private citizen has some mooring application related data that probably should not be in his hands.

After a lengthy and constructive discussion about the current year's mooring application process, Steve Kinner proposed a relaxation of the requirements for 2016 for the purpose of accelerating the mooring application and permitting process. He then made the following motion, seconded by Bernie Armstrong:

"Resolved, there shall be a Grace Period, effective immediately and expiring on 01 November 2016. The Grace Period shall cover all Town of Greenwich mooring applications. Specifically, to include expiring certificate information and any other missing data on the mooring application, with the exception of the insurance certification, owner information, vessel length/draft, and latitude/longitude of the mooring."

The Harbormaster expressed his support for the motion. Motion carried (Unanimous).

7. Harbormaster Report

Mr. MacMillan read his Report. Copy attached.

Regarding the Report's reference to the wreck of the Kevin B, the Harbormaster stated that several boaters had contacted him about recent incidents at the Kevin B location. Lt. John Brown commented that the Greenwich Police Marine Division had not received any reports. Mr. MacMillan clarified that he was not aware of any incidents since the one reported to the Commission last year.

8. Unfinished Business

(a) Proposed Rules and Regulations for Harbormaster Boat.

Chairman Angiolillo proposed discussing each of the draft 9 rules and regulations one at a time. Without objection, the Commission then reviewed and discussed each of the 9 proposed rules and regulations. No changes were proposed for Nos. 1, 2 and 4-9. No. 3 will be revised to read as follows: "3. Boat shall not be used to haul or drag for moorings **without the prior approval of the HMC Chairman**, and shall not be used to tow or give assistance to any vessel unless there is imminent danger to life or property." (addition in **bold**). The Harbormaster stated that the 9 proposed rules and regulations, as revised, were acceptable to him. Chairman Angiolillo stated that in view of the consensus reached by the Commission, he would make the revision to No. 3, prepare a form of release and waiver to be used for passengers on the boat, and have them formally adopted by the Commission at the June meeting.

(b) Solicit input on Bernie Armstrong's Professional Service Requirements draft.

Bernie Armstrong stated that no formal action was being requested of the Commission at this time. He reiterated his invitation to receive comments and suggestions on his draft.

(c) Peter Quigley Harbormaster Stipend proposal.

Chairman Angiolillo asked Mr. Quigley how he would like to proceed. Mr. Quigley stated that he would like to have a vote on his stipend proposal and reiterated the reasons why he believed his proposal has merit. Chairman Angiolillo reported that Lile Gibbons had sent him an email earlier in the day wherein she indicated that she did not support Mr. Quigley's proposal, and he distributed a copy of her email. Copy attached.

Motion by Mr. Quigley to pay Harbormaster a stipend of \$2,000. per month. There was no second to this motion.

Motion by Bernie Armstrong to amend Mr. Quigley's motion by deleting \$2,000 and inserting \$1,000 as the per month stipend amount. Amendment seconded by Peter Quigley.

A vote was taken – FOR: 2 (Armstrong, Quigley); AGAINST: 5 (Angiolillo, Ingraham, Kinner, Mazza, Van Oss) Motion defeated.

9. New Business

None

10. Public Comment

None

11. Adjournment

Motion to adjourn by Bernie Armstrong, seconded by Steve Kinner. Motion carried (Unanimous).

Meeting adjourned at 9:10 P.M.

Bruce Angiolillo
Chairman

Mike Van Oss
Secretary

Penny Monahan assisted the Secretary
in the preparation of the minutes.

Chairman's Meetings and Contacts with Commissioners, Alternates,
Ex Officio Members, and Others since Our April GHMC Meeting

Aamina Ahmad
Bernie Armstrong
Sue Baker
Roger Bowgen
Lt. John Brown and other members of the Marine Division
Tom Byrne (emails; scheduling follow-up meeting)
Katie DeLuca
Wayne Fox (telephone)
Jeff Freidag
John Gaucher
Lile Gibbons
Lisette Henrey (emails)
Bill Ingraham
Scott Johnson (emails)
Steve Kinner
Brian Kerzner
Doug Masi (telephone)
Frank Mazza
Penny Monahan
Mike Van Oss
Denise Savageau
Tonia Selmeski
Pat Sesto (emails; meeting scheduled for May 19)
Geoff Steadman
Horst Tebbe
Peter Tesei
Brian Thompson
John Toner

(There were three declinations)

Meeting with John Gaucher from the Connecticut DEEP
May 12, 2016
10:00 a.m. – noon
DEEP offices, Hartford, CT

In attendance: Lile Gibbons, Bruce Angiolillo, Geoff Steadman, John Gaucher

Mr. Gaucher had not quite finished a “soft review” of Greenwich’s HM plan, Draft 2, dated March, 2016, the purpose being to alert the HMC if he had picked up any major omissions or sections that are inconsistent with state statutes. He emphasized he was not looking at language syntax but for inconsistencies that would derail approval of the plan by the DEEP and/or the Army Corps of Engineers. While he hadn’t found any major issues so far, Mr. Gaucher suggested three areas which needed work and commented on two others.

1. Greenwich has home rule over its harbors because of the towns “Special Acts”. These acts and the subsequent history of how they are now administered should be more clearly spelled out at the beginning of the HM plan. This clarification would help resolve any conflicting authorities of the Selectmen vis-à-vis the State appointed Harbor master in Greenwich’s waters.
2. The issues with applications of oversized docks coming before the DEEP. This section needs further detail describing the adverse impact of large docks on the environment of the tidal wetlands, the traditional navigation uses of the waters and the historical character of the neighborhood. Look at Gilford plan definition of what is deemed reasonable access to navigable waters. Furthermore, the plan could list specific areas of concern with issues specific to those neighborhoods. If we mean “must” instead of “should” the plan should use “must”. (chapter 5)
3. Regarding the mooring regs, state up front the existing mooring application and permitting process is broken. The HMC needs to approve a framework that is consistent, transparent, with equal and fair applicability to all.
4. Discussion of the WB zoning and how a change in zoning regs could impact waterfront usage.
5. Discussion on the carrying capacity of the water. Needs further clarification especially if there is potential overcrowding in one area (ie, the Mianus River).



HARBOR MANAGEMENT COMMISSION
Selectmen's Office
101 Field Point Road
Greenwich, CT 06836-2540
203-622-7710

Bruce Angiolillo, Chairman
Lile Gibbons, Vice Chairman
Mike VanOss, Secretary

April 22, 2016

Ms. Tonia Selmeski
Connecticut Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127

**Subject: Certificate of Permission application by River Road Development, LLC
concerning proposed work in the Greenwich Harbors Area**

Dear Ms. Selmeski:

The Greenwich Harbor Management Commission (HMC) has reviewed the Certificate of Permission application submitted to the Office of Long Island Sound Programs (OLISP) by River Road Development, LLC (the Applicant), 1010 Summer Street, Suite 101, Stamford, Connecticut. The proposed activity involves removal of existing dock structures and installation of new docks and gangways suitable for supporting rowing activities in the Mianus River at 89 River Road, Greenwich.

In accordance with OLISP requirements, it is the responsibility of the Applicant to provide a copy of the application to the HMC.

During its April 20, 2016 meeting, the HMC considered the Applicant's proposal with respect to the draft Greenwich Harbor Management Plan (Draft Plan) now under review by the OLISP. After significant discussion, the HMC approved a motion to transmit the following comments to the OLISP and Applicant regarding the proposal.

- 1. The HMC is concerned about the proximity of the proposed main float to the Mianus River federal navigation channel.**

The Draft Plan calls for an appropriate set-back from the channel, taking into consideration U.S. Army Corps of Engineers (USACE) guidelines that call for a set-back of three times the authorized channel depth. The Draft Plan recognizes that a proper set-back is necessary for navigation safety and to accommodate channel maintenance. This discussion is timely as the USACE is now finalizing plans for maintenance dredging of the channel later this year. At the request of the USACE, the HMC has recently written to all waterfront facility operators informing them of the need to ensure that all in-water structures are set back at least 18 feet from the channel during the dredging project.

2. The HMC is concerned about the proximity of the proposed main float to the Applicant's extended littoral property boundary.

The Draft Plan calls for an appropriate set-back from the littoral property boundary, taking into consideration USACE guidelines that call for a set-back of 25 feet. The Draft Plan recognizes that a proper set-back is necessary to avoid conflicts and protect the littoral rights of waterfront property owners. Existing in-water structures adjacent to the Applicant's property are not shown on the Applicant's plan drawing and therefore the HMC and OLISP cannot consider whether the proposed main float will conflict with the use of any in-water structures in the neighboring littoral area.

3. The Applicant's plan drawing does not include certain basic information that the HMC believes should be included in an application of this type.

The plan drawing does not show the distance between the proposed main float and the federal channel, nor does it show the distance from the proposed main float to the extended littoral property line. In addition, the channel boundary is shown as "approx. federal channel." It is our understanding that federal channel boundaries, per OLISP instructions, are to be shown on applications for Certificates of Permission with respect to geographic coordinates based on the Connecticut coordinate grid system.

4. The HMC is concerned about the use of the seaflex anchor system in proximity to the federal channel.

The plan drawing shows approximate locations of the seaflex anchoring system which includes helical piles to be drilled into the substrate. One anchor location appears to be in the federal channel and another appears to be very close to the channel. The HMC is concerned about the potential interference of these imbedded piles with dredging operations.

Please be advised that the HMC reserves its right to re-evaluate the Applicant's proposal at such time as it may be modified or when additional information concerning the proposal may become available.

At such time as the Greenwich Harbor Management Plan is duly approved and adopted, the HMC will be reviewing all proposals affecting the Greenwich Harbors Area for consistency with the Harbor Management Plan and will transmit specific findings and recommendations to the OLISP as appropriate.

You may contact me at (203) 274-4032 or bruce.ghmc@gmail.com if you have any questions or wish to discuss this matter further at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Angiolillo". The signature is written in a cursive style with a large loop at the end.

Bruce Angiolillo
Chairman

cc:

Ms. Katie DeLuca, Planning and Zoning Director

Mr. Ian Macmillan, Greenwich Harbor Master

Mr. Matthew Taverna, P.E., Roberge Associates Coastal Engineers

Mr. Michael Wierbonics, U.S. Army Corps of Engineers

5/18/16 Report by Bernard Armstrong
Ad Hoc Mooring Committee

Item
#6

2016 Mooring Status		
as of 5/13/16		
	Count	Revenue
total Moorings in our harbors	805	\$60,357
Club Moorings	350	\$26,250
Total Non Club Moorings	455	\$34,125
Total	805	
Unknown customers	236	\$17,700
Initial Mailing 3/1/16	219	\$16,425
Received as of 5/13/16	150	\$11,250
Not yet heard from	69	\$5,175
Status of 150 rec'd	150	\$11,250
call outs req'd	-30	
RFSI	-28	(total 41)
Permitted thru 5/13	-7	
Inspctd-no ball for permit	-6	
Messy problems	79	
incomplete aap		
Exp Boat Reg	expires April 30th each year	
No mooring report	expires Dec 31 each year	
No Boat license		
no contact info in appl		
company checks		
no chain length		

Item # 7

5/18/16 Harbormaster Report

2015 total moorings	805
2015 Yacht Club moorings	347
Individually managed moorings	458

Individually managed mooring applications received:

2012	131
2013	213
2014	235
2015	228 (347 club), 575 total
2016	144

In 2015 the Board of Selectmen sent out 346 mooring applications, (not to be confused with the total number of yacht club moorings - 347), more than has ever been sent out before, and which represents exhaustive work in locating and identifying moorings and their owners.

In 2016 the Board of Selectmen sent out (219) applications. As of 5/13/16, the Board of Selectmen have given (144) applications to the Harbormaster. (51) of these applications have been reviewed and found to be complete with mooring tackle inspections and current registrations and are ready for site inspection and renewable 2016 category one private recreational mooring permit stickers.

On Friday, 5/13/16, the HM inspected (18) locations and permitted (6) with 2016 red stickers, (12) were not yet rigged with summer tackle and could not be stickered at that time.

On Monday, 5/16/16, (30) of the reviewed applications are incomplete and are on the HM's call list to complete.

(28) of the reviewed applications are ready to be site inspected.

The HM worked with Penny and Bernard Armstrong for five hours on two separate occasions inspecting mooring applications so as to qualify those that are ready for site inspections and permits as well as those that require further information to qualify for site inspections.

Dates of note:

December 31 of each year: Mooring permits expire

April 30 of each year: Connecticut Boat Registrations expire

June 15th : Managed Yacht Clubs file their mooring permits

June 15th: Town boat yard winter storage expires

June 15th : Winter sticks removed, Summer gear rigged

Mooring vendors are currently deploying summer moorings without approved locations or permit renewals. This issue is now addressed by the HMC mooring committee.

1. REPEAT: The HM attended a meeting about rowing safety held by the Greenwich Marine Police. It was pointed out that rowers or paddle craft do not have a right of way over other vessels and may be looked upon as the burdened vessel in every instance. Common sense and safety when in close quarters with a rower

must prevail. All boaters on the Mianus River this season must keep in mind that low tides and bridge closings will cause traffic problems until we are dredged in October. Even then the number of rowing craft in the Mianus will challenge all mariners to keep a sharp eye for small and large craft alike.

The HM sent a list of bridge closings to Lile Gibbons to disperse to the HMC. (Why aren't these posted on the HMC web site? Or a link to the relevant Coast Pilot or NtM sections?)

2. Off season marine activities that should be monitored and understood by the HMC and the Harbormaster include: rowing, model boat races, frostbite dingy races, kayakers, paddle boarders, kite surfers, fishermen, oyster farming, clamming, boating, seal watching, sightseeing, mooring service work, post storm coastal surveys, marine construction and High school sailing programs. All of these activities must be recognized as vital to the use of our harbors and must be supported by the Harbor Management Commission, and all government agencies in a manner that promotes safety at sea.

3. The wreck of the Kevin B must be removed to avoid further damage to visiting vessels. Short of that Jeff saw to it that the permit is in place to station a second wreck buoy to bracket the wreckage. The Town has deployed it's seasonal channel, hazard, . no wake and wreck buoys and is working on checking that permits are in order for same.

There is still wreckage and debris on the eastern shores of the Mianus River north of the RR bridge and debris left over from

Sandy on Greenwich Island in Old Greenwich Cove. This must be addressed by the Harbor Commission.

The Harbormaster's crew stationed six Ideal 18 moorings in deep water at the request of the OGYC. This engineering took several weeks of coordinated work with the OGYC bridge, contractors and mooring owners as well as the HM and his crew.

The Harbormaster assisted the neighbors of the Rocky Point Club in addressing their issues and concerns about the DEEP mooring application of (39) moorings for the (10) boats for the RPC sailing program.

Comments on use of the HM vessel:

1. If HMC chairman authorizes operator other than HM or deputy HM, the chairmen shall be responsible for logging use and proper securing of boat
2. Who is responsible for "qualifying" operators?. The CT license says nothing about knowing how to operate the boat.
3. There are 346 hours of use on the HM boat. (2) hours on 5/13/16 for site inspections and permitting.

Please see to it that this report is written into the minutes

Dutifully submitted: Ian Macmillan, Harbormaster, Greenwich

Item 8 - C.



Fwd: payment for the Harbormaster
Bruce Angiolillo to Bruce Angiolillo

05/18/2016 11:34 AM

Begin forwarded message:

From: lileg1@aol.com
Date: May 17, 2016 at 1:31:09 PM EDT
To: bruce.ghmc@gmail.com
Subject: **payment for the Harbormaster**

Peter Quigley submitted a resolution at the April 20, 2016 meeting of the HMC authorizing the HMC to compensate the Harbormaster with a stipend of \$2,000 monthly. I believe it is premature to approve such a stipend at this time. Mr. Quigley's motion states the stipend would be in payment of town and state tasks outlined in Greenwich's HM plan and in the CT General Statutes # 263, 268 and 444a.

Without an approved list of tasks that are to be performed by the Harbormaster and a quantitative value of what those tasks are worth to the HMC, I cannot approve a blanket stipend of \$2,000/month. Furthermore, it is not up to the town to compensate the Harbormaster for state duties as that should be done by the state.

Lile Gibbons
May 17, 2016