

**This certificate received on file**

On APR 14 2016

At 12:00 PM

*Charles D. Burtin*  
Town Clerk



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

Frank Mazza, Chairman  
Steve Kinner, Vice Chairman  
Bruce Angiolillo, Secretary

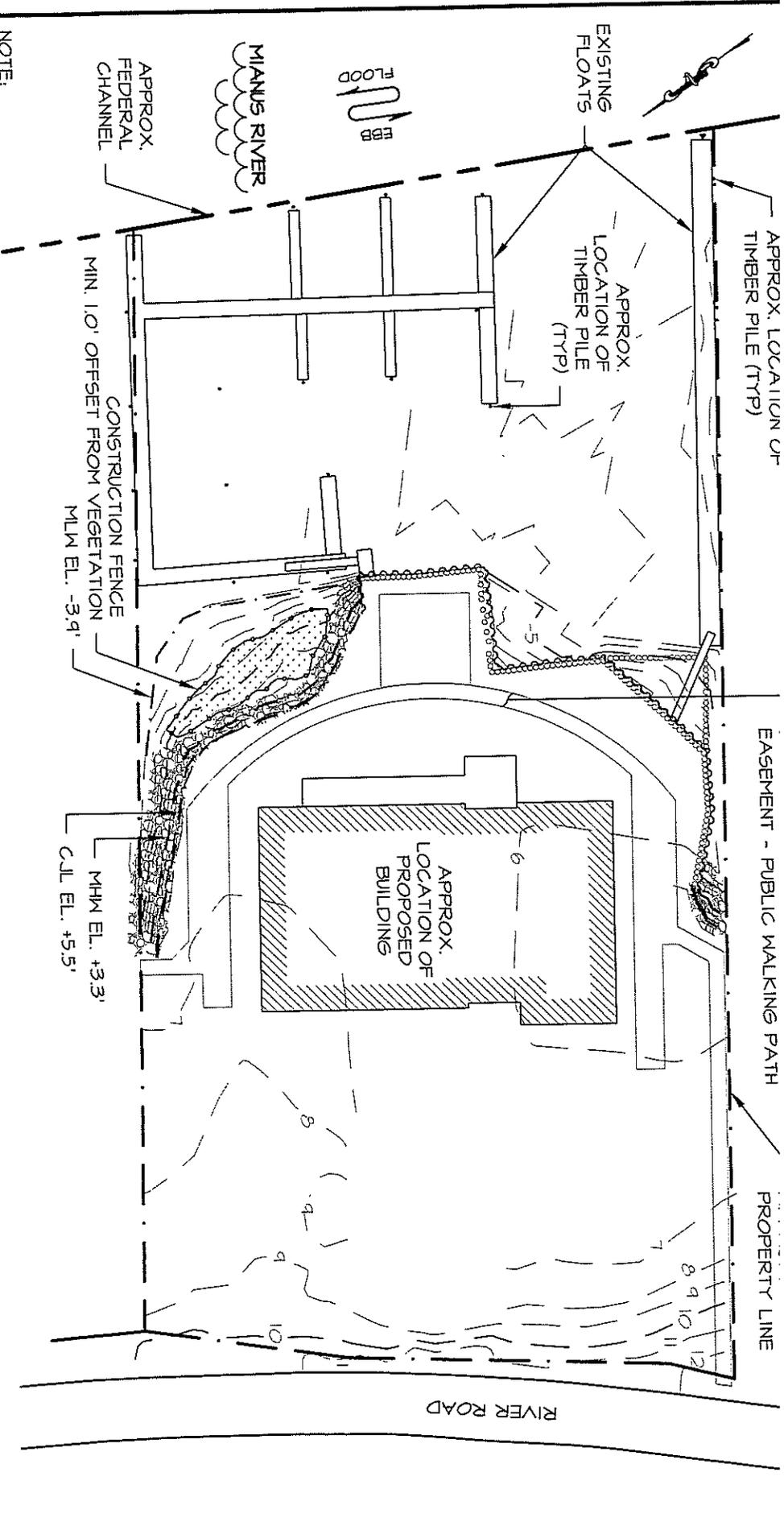
**Meeting Notice**  
**Harbor Management Commission**  
**Wednesday, April 20, 2016**  
**7:00 P.M.**  
**Mazza Room - Town Hall**

**AGENDA**

1. Call to Order
2. Approval of Minutes  
March 16, 2016 Meeting
3. Election of Officers
  - a. Chairman
  - b. Vice Chairman
  - c. Secretary
4. Update on Mianus River Dredge.
5. Discussion on DEEP Application at 89 River Road, Cos Cob. (Drawings enclosed).
6. Harbormaster Report.
7. Discussion on Proposed Rules and Regulations for Harbormaster Boat (copy attached)
8. Update on Harbor Management Plan

9. Old Business
  - a. Ad Hoc Committee Report
  - b. Peter Quigley motion on Harbormaster fees
10. New Business
11. Adjournment.

  
Frank Mazza  
Chairman



**EXISTING FLOAT LAYOUT**

NOT FOR CONSTRUCTION  
FOR REGULATORY REVIEW ONLY

**NOTE:**  
MEAN LOW WATER (MLM EL. -3.9'),  
MEAN HIGH WATER (MHM EL. +3.3')  
AND COASTAL JURISDICTION LINE  
(C.J.L. EL. +5.5') ALONG FACE OF  
SHEET PILE BULKHEAD



© 2016 ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC. ALL RIGHTS RESERVED.

DRAWN BY:	MTM
CHECKED BY:	MTT
DATUM:	NAVD 88
SCALE:	1" = 60'-0"
DATE:	3/08/2016
REV:	
PROJECT #:	201548

SEAL:

NOT VALID WITHOUT ENGINEERS SEAL

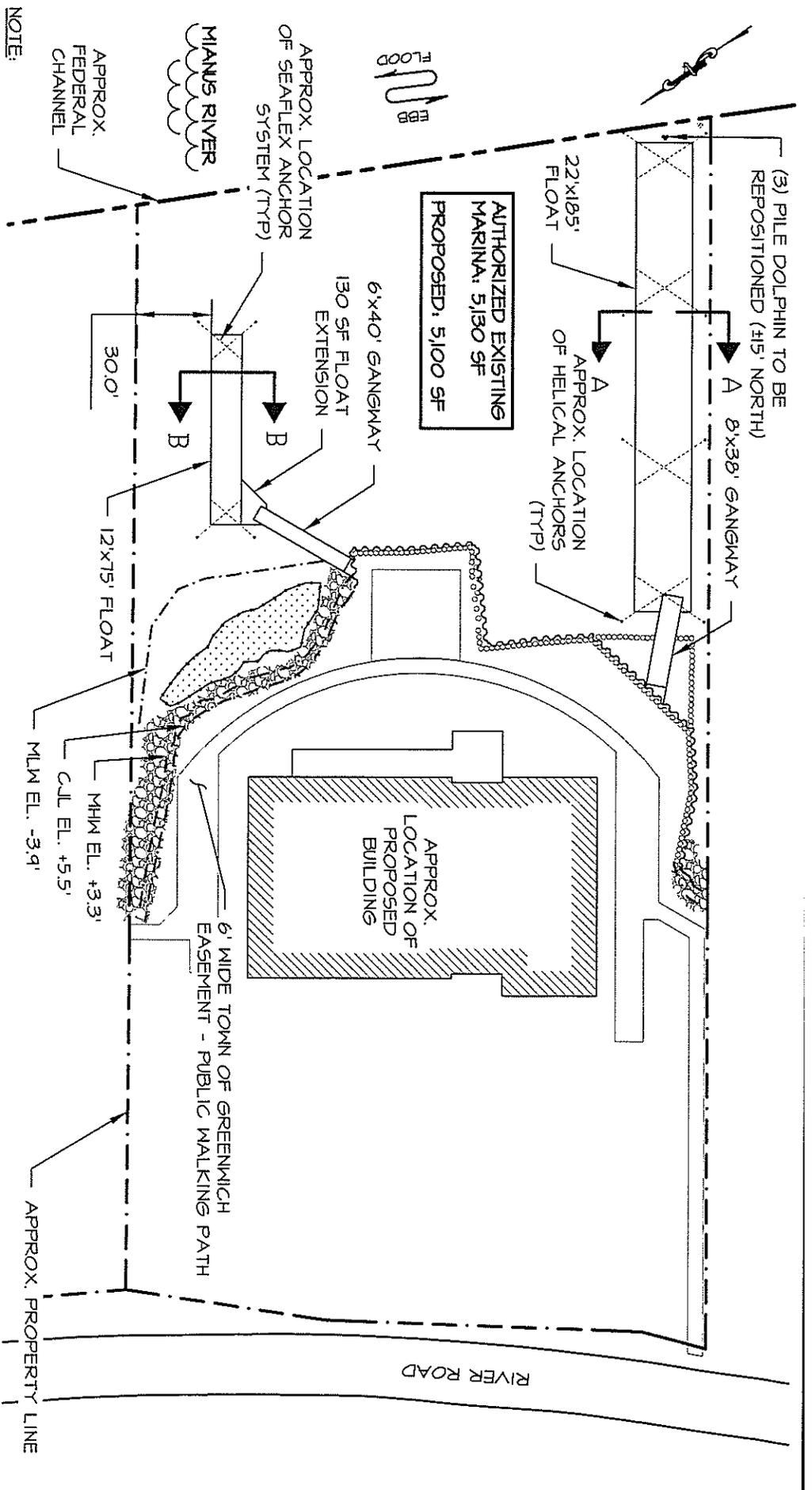
**PROJECT:**  
FLOAT IMPROVEMENTS  
RIVER ROAD DEVELOPMENT  
GREENWICH, CT  
MIANUS RIVER - L.I.S.

**APPLICANT:**  
STUART B. RATNER, TRUSTEE  
1010 SUMMER STREET, SUITE 101  
STAMFORD, CT 06905

**RVE**  
ROBERGE ASSOCIATES  
Coastal Engineers, LLC

611 Access Road  
Tel: 203-377-0863  
Stratford, CT 06615  
www.rvecllc.com

DRAWING NO. 3 of 6



**PROPOSED FLOAT LAYOUT**

NOT FOR CONSTRUCTION  
FOR REGULATORY REVIEW ONLY

GRAPHIC SCALE

0 30 60

1" = 60'

© 2018 ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC. ALL RIGHTS RESERVED.

DRAWN BY: MTM	SEAL:
CHECKED BY: MTT	
DATUM: NAVD 88	
SCALE: 1" = 60'-0"	PROJECT:
DATE: 3/08/2016	APPLICANT:
REV:	STUART B. RATNER, TRUSTEE 1010 SUMMER STREET, SUITE 101 STAMFORD, CT 06905
PROJECT #: 2015-48	NOT VALID WITHOUT ENGINEER'S SEAL

PROJECT:	PROJECT:
APPLICANT:	APPLICANT:
STUART B. RATNER, TRUSTEE 1010 SUMMER STREET, SUITE 101 STAMFORD, CT 06905	FLOAT IMPROVEMENTS RIVER ROAD DEVELOPMENT GREENWICH, CT MIANUS RIVER - L.I.S.

NOT FOR CONSTRUCTION  
FOR REGULATORY REVIEW ONLY

**ROBERGE ASSOCIATES**  
Coastal Engineers, LLC

611 Access Road  
Stratford, CT 06615  
Tel: 203-377-0663  
www.rveinc.com

DRAWING NO. 4 of 6



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

Frank Mazza, Chairman  
Steve Kinner, Vice Chairman  
Bruce Angiolillo Secretary

Proposed Rules and Regulations of Harbormaster Boat for discussion by HMC.

1. Only person to operate the boat shall be the State Appointed Harbormaster for Greenwich. The boat shall be used for only those activities of the Harbormaster that are set forth in State Statues, the approved Harbor Management Plan and any regulations that may be promulgated thereto. A representative of the Town of Greenwich may operate the boat with the prior approval of the HMC Chairman. All operators should have either a Ct. Safe Boating License or a USCG license.
2. Boat shall not leave the dock unless in proper operating condition and all required Coast Guard safety equipment is on board and in proper operating condition. The Harbormaster shall be responsible for the vessel once it is launched and turned over to him for the season.
3. Boat shall not be used to haul or drag for moorings and shall not be used to tow or give assistance to any vessel unless there is imminent danger to life or property.
4. No one other than the Harbormaster or Deputy Harbormaster shall be on the boat at any time without the prior approval of the Chairman of the HMC.
5. Harbormaster shall keep log on boat detailing date and time of all trips, purpose of trip, any passengers and results of trip. The log shall be submitted to the HMC monthly.
6. Any supplies or equipment required for use on the boat shall be requested by the Harbormaster through the Superintendent of the MFO Division of the Department of Parks and Recreation.
7. The Harbormaster boat shall be berthed at all times at the Town of Greenwich Marine Facilities at Grass Island. Slip assignment shall be at the direction of the Department of Parks and Recreation.
8. 8. The boat shall be cleaned and all gear properly stored after each use. No personal use of the boat.

9. Alcoholic beverages are prohibited on the boat.

Dated April 6,2016

# **Harbor Management Professional Service Requirements**

## **Table of Contents**

**Section I Harbormaster must do**

**Section II Commissioners must do or contract to get done**

**Section III Requirements to be assigned**

**Section IV CT General Statues in Brief and Backup**

Ad Hoc Committee Report

Bernie Armstrong, Steve Kinner, Gary  
Silberberg

April 20, 2016

# Harbor Management Professional Services Requirements (V7)

## Section I

### Harbormaster Must Do

- 1) Approve and issue mooring permits for the Town of Greenwich (ref HMP 7-24) See State job description. (ref CGS "The Connecticut Harbormaster" and CGS Sec 15-1, 444a sec 7, 22a-119r, 113r).
- 2) Prepare a Greenwich Harbor Mooring Grid plan in conjunction with the Harbor Commission. (Ref HMP 7-24)
- 3) Assist the Harbor Commission with maintaining complete and accurate records of all mooring permits, collected permit fees, mooring locations and moored vessels (ref HMP-7-24) and CGS" The Connecticut Harbormaster"
- 4) Direct the relocation of mooring tackle from previously approved areas to maintain public safety and efficient use or mooring carrying areas (ref HMP 7-25)
- 5) Establish a plan to have all moorings inspected on a rolling three year cycle. Revoke in conjunction with the Harbor Commission any noncomplying permit. n.b. The HM does not need the HMC in order to revoke non-complying permits (ref HMP 7-25, CGS 15-8)
- 6) Supervise the placement of all mooring tackle and be responsible for the inspection of new mooring tackle. The HM will check the location of all deployed moorings to insure that they are in conformance with any permit he issues. The HM may inspect mooring tackle presented to him, but he is not *required* to do so. (ref HMP 7-25, CGS 15-8)
- 7) Cross check the location of all deployed moorings to insure that they are in conformance with the permit as issued. The HM may require moorings to be pulled for inspection but is not *required* to do so.
- 8) Review, remedy, and/or revoke any non-complying mooring permit (ref HMP 7-26-E)
- 9) Monitor and report on all hazards to navigation and other obstructions, and work with the Greenwich Marine Police, Coast Guard and the HMC and other agencies to remove them (CGS 263-15-9)
- 10) Work with the HMC in determining where new mooring areas (fields) may be placed.

- 11) Maintain an active position on HMC Standing Mooring Committee when established (ref CGS 263-15-8)
- 12) Survey all mooring areas, including depths to determine the best layout to maximize use of these mooring areas for boats of all sizes as part of the mooring inventory process.
- 13) Report on areas that will require dredging.
- 14) Report any unauthorized dredging or fill.
- 15) Conduct a weekly review of all aids to navigation in Greenwich Harbors (GHA), and work with the Coast Guard and HMC to remediate or improve any issues.
- 16) Review and report on all non-Federal aids to navigation such as racing marks, speed limits, sunken wreck marks.
- 17) Monitor all navigation fairways and channels to be kept free of mooring tackle and obstructions. Recommend restricted speed zones in conjunction with the Marine Police Department and the HMC (ref CGS 15-8, 15-9).
- 18) Track and report all unauthorized/unpermitted structures (including docks, floats, piers, bulkheads, pilings and mooring tackle (CGS 15-11).
- 19) Be responsible for the application and interpretation of the CT Boating Statutes covering the removal of abandoned vessels(15-8, 15-9 and CT abandoned Boat Laws)
- 20) All nonfederal (private) aids are required to be permitted and must comply with State permit statutes. (E.g. race marks, sunken vessels, speed limits etc.)
- 21) Operate the Harbor Master vessel for the purpose of conducting Harbor Master business.
- 22) Identify and notify the Greenwich Marine Police and/or owner of any boat that has broken loose from its mooring tackle or dock. Help secure any such vessels.
- 23) Attend regular meetings of the Greenwich Harbor Management Commission and make reports on safety, moorings, dredging, special events and other issues that occur within Greenwich Harbors or may be of interest to the Greenwich HMC.
- 24) Implement the Harbor Management Plan in concert with the HMC.
- 25) Maintain regular communications with the town, state and federal agencies concerning Greenwich Harbors

- 26) Operate and maintain the Harbor Master Communication System by cell phone, text, emails, VHF Ch 16 and the USPS.
- 27) Assist the Harbor Commission in preparing its Annual Review to be conducted at the end of each boating season (ref HMP 7-15)
- 28) Provide assistance to the Harbor Commission for preparation of its operating budgets (ref HMP 7-29)
- 29) Assist the Greenwich Marine Police, if requested, in taking any law enforcement actions and provide a written statement of said matter and shall make he/she available for any related hearing of judicial proceeding. Notify the Greenwich Marine Police of any vessel docked, moored or anchored in an unsafe manner (ref HMP 7-26-4)
- 30) Notify the Greenwich Marine Police of any unseaworthy, badly deteriorated, or derelict vessel and make a diligent effort to contact the owner of such vessel. Order the removal of the vessel. (ref HMP 7-25-5).
- 31) Attend meetings called by the Harbor Commission to review any grievances brought forth as a result of a decision made by the Harbor Master (ref HMP 7-16)
- 32) Perform all duties in a manner consistent with the Greenwich Harbor Management Plan as well as State statutes and Federal regulations.
- 33) Attend meetings of the Connecticut Harbormasters' Association.
- 34) Maintain routine contact with the United States Coast Guard.
- 35) Provide written notice to all individuals on the Mooring Waiting List when a suitable mooring becomes available. A method is being developed as part of the Mooring Regulations.
- 36) Supervise the Deputy Harbor Master if appointed
- 37) Notify all mooring permit holders of any fines being levied for violation of Harbor Commission Regulations. If it is the HMC that is fining the permit holder, then the HMC should notify the violator (fine \$250/day?)

## **Harbor Management Professional Services Requirements (V7)**

### **Section II**

**Commissioners “must do” or contract to get done.**

- 1) Maintain routine contact with the State's Department of Energy and Environmental Protection (Mr. Robert Klee et al) effective 7/1/16, and the Department of Transportation through 6/30/16.
- 2) Maintain routine contact with Town of Greenwich departments and agencies including Coastal Site Planning that have interest or authority on matters on or near Greenwich Harbors...
- 3) As necessary, make reports to Municipal, State and Federal authorities regarding adherence to regulations, statutes and Federal laws and International treaties. (e. g. clean marinas, no-discharge zones, clean water act and MARPOL).
- 4) Assist in reviewing and drafting all regulations concerning mooring tackle and anchoring of vessels as well as records for all mooring tackle.
- 5) Participate in any meetings scheduled by the Coastal Site Application Review Committee, Planning and Zoning, Conservation, Shellfish etc.
- 6) Implement the requirements for the administration of all mooring locations in Greenwich Harbors.
- 7) Provide marking decals or tags with individual permit numbers to be attached to all moorings deployed in Greenwich Harbors. Process to be defined in the HMC mooring regulations.
- 8) Provide written notice to all individuals on the Mooring Waiting List when a suitable mooring becomes available. A method is being developed as part of the Mooring Regulations.
- 9) Implement procedures and requirements for administration of all mooring locations in Greenwich Harbors.
- 10) Maintain in town hall a complete and accurate full file of all mooring inspection reports and flag any not meeting requirements to the commission
- 11) See that all moorings are inspected by a qualified mooring vendor. . Not a HM responsibility. Applicant must show a three-year inspection on their renewal applications.
- 12) Maintain a Mooring Waiting List in Town Hall (ref HMP 7- xxx))
- 13) Maintain a list for the Harbor Commission of all individuals and businesses that are approved by the Harbor Commission to conduct mooring inspections. This is a Town responsibility; however the HM can refer the public to where such a list is maintained. Review and initial all completed Mooring Inspection Reports. This is basically in the approval of a permit application (ref HMP 7-25)
- 14) Notify all mooring permit holders of any fines being levied for violation of Harbor Commission Regulations. If it is the HMC that in fining the permit holder, then the HMC should notify the violator.

- 15) Review and comment on proposals for dredging, filling or placement of structures in Greenwich Harbors.

## **Other Harbor Management Responsibilities to be assigned**

### **Section III**

- 1) Maintain a master schedule of all activities in Greenwich Harbors( ref HMP 7-29-13)
- 2) Work with the Police Department to see that any and all boating state boating laws with the jurisdiction of the Greenwich Harbor Commission are implemented.
- 3) Provide information concerning boating laws, regulations, and ordinances to the general public  
May give advice, but best to direct the public to the State website or provide printed copies of the boating regulations
- 4) Help find transient dockage/moorings for visiting vessels. (consider assigning to the Harbor Master)

## **Harbor Management Professional Services Requirements (V7)**

### **CT General Statutes in brief and Backup**

#### **Section IV**

##### **1. (Sec 22a-113k) Harbor Management Commissions**

Any municipality having within its borders navigable waters may establish a harbor commission.

The harbor master may be a non-voting “ex-officio” member of the harbor commission.

The harbor commission may include one member from each of the following. Planning and Zoning, Conservation, Shellfish and the Flood Control Board.

##### **2. (Sec 22a-113/) Powers**

Any commission established pursuant to 22a-113k is authorized to enter into contracts, employing consultants, and other assistants and to receive funds for equipment, supplies and staff.

##### **3. Chapter 444a (Sec 22a-113r,113s Mooring and anchorage Permits**

Upon adoption of the plan no mooring or anchorage shall be placed in the harbor without a permit from the harbor master for the municipality. Permits granted by the harbor master shall expire on Dec 31<sup>st</sup>

each year. The harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued.

The harbor master shall enforce any ordinance adopted by the municipality to implement its plan.

#### **4. Chapter 444a (Sec 23a-113s) Permit fees.**

The commission may propose a permit fee schedule to be adopted by the legislative body of the town.

The maximum annual fee shall be \$200.

The harbor master shall collect such fees. Any fees collected shall be deposited into a special fund maintained by the municipality.

This fee shall be used for the maintenance and improvement of the harbors for public use, and for expenses for personnel and equipment directly related to the function of the commission and the harbor master.

#### **5. (Sec 15-8) CT Chapter 263 General Statutes. Power to station vessels**

Each harbormaster may station all vessels in the harbor under his care.

The harbormaster may make room for the passage of other vessels in the waterways if a vessel is obstructing the waterway

Exception: If the vessel is receiving or discharging cargo.

The harbor master shall be the sole judge of whether any vessel so anchored obstructs or hinders the passage of other vessels.

The harbor master may determine how far within a harbor the captain may move the offending vessel.

The harbor master, upon application to the owner or lessee of any dock, wharf or pier, may remove any boat from a dock, wharf, or pier to make room for the dockage or passage of any other vessel when in his judgement it would be in the best interest or commerce, navigation, or public access (e.g. the pump out station).

Any person who obstructs or refuses to obey the order of the harbor master regarding such vessel risks the vessel being attached and all forfeitures (less expenses) will be determined by the court rendering judgement. Any collections are to be paid to the general fund.

Any person who obstructs or refuses to obey the order of the harbor master in the duties of his office is subject to a \$250 fine per diem. (To be confirmed)

#### **6. (Sec 15-1) Harbor Masters**

The Governor shall appoint a harbor master in any town in the state that has navigable waters within its limits provided that the municipality has a harbor management plan.

Appointments may be for a term of 3 years starting July 1<sup>st</sup> each year. Harbor masters shall have general care and supervision of the harbors and navigable waters over which they have jurisdiction subject to the direction and control of the CT Commissioner of Transportation.

The Commissioner may delegate any of his powers and duties under this chapter to the harbor master or to the existing board of harbor commissioners.

7. **Sec. 15-2. Compensation of harbor masters.** Harbor masters shall receive a salary to be determined by the Commissioner of Administrative Services, subject to the provisions of section 4-40 and shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. **Sec 13b-51 Jurisdiction over harbors and navigable waterways.**

Harbor masters appointed by the Governor under section 15-1 shall be subject to the direction and control of the commissioner, and shall be responsible to him for the safe and efficient operation of the harbors over which they have jurisdiction.

9. **Chapter 263 Sec. 15-9 Vessels may be removed**

When the captain or owner of any vessel lying within the navigable waters of Greenwich Harbor willfully neglects or refuses to obey the order of its harbormaster the harbormaster may cause such vessel to be removed at the expense of the owner.

Any captain or owner in violation of this section shall be fined \$85 per diem?

The harbor master may notify any officer attached to an organized police department that a captain or owner is in violation of this subsection.

The police officer may remove and take such vessel into custody and store it.

Such vessel may be sold after 15 days if under \$500

Such vessel may be sold after 90 days if over \$500

The Board of Selectman (CEOs) may appoint a hearing officer to hear applications to determine whether or not the taking was authorized under the provisions of this section. Need to define who has this responsibility.

## 10. Source: The Connecticut Harbormaster (on state website)

Harbormasters have a distinct and essential role for ensuring public safety and managing waterways in the public interest.

The Harbormaster is responsible for maintaining an orderly haven for all vessels from commercial boats to canoes so they may co-exist in safety and harmony.

Sec 15-1 specifies that the Harbormaster is responsible for the general care and supervision of the harbors and waterways.

The Harbormaster is subject to the direction and control of the Commissioner of Transportation (John Radeker). Transfers to DEEP Robert Klee on July 1, 2016. (CGS 13-b51)

The Harbormaster is responsible safe and efficient operation of the waterways in accordance with the CT General Statutes.

The Harbormaster must work closely with a number of Federal, State and local agencies plus

- Army Corp Engineers
- US Coast Guard
- DEEP
- Harbor Commission
- Local police and fire departments
- Shellfish Commission

One important responsibility is to keep navigation channels and fairways clear of obstructions.

The Harbormaster is empowered to enforce the CT General Statutes concerning the removal of abandoned and derelict vessels.

The Harbormaster is responsible for the assignment of mooring locations and administration of mooring permits.

The primary agency for granting Federal approval of mooring locations is CT DEEP and has delegated approval authority for the installation of noncommercial moorings to the harbormaster.

The harbormaster is authorized to assign mooring locations and require mooring users to apply for mooring permits. The harbor master must maintain records that include mooring GPS co-ordinates, permittee name, boat name, type and length.

The harbormaster's local knowledge is a valuable resource to assist various Federal and State agencies (CGS Sec 15-1 and 444a, CGS 22A 113r) state that no mooring may be placed in our harbors without a permit from the harbormaster. It should be noted that without a plan there is no enforcement. With a state approved plan there is.

CGS Section 22a-113s charges the harbormaster with collecting any fee established by the town (up to \$200) for an annual mooring permit.

The fee must be deposited in a special municipal fund that may only be used for maintenance and improvement of the harbor for the public and for personnel and equipment directly related to the functions of the harbor commission and the harbormaster.

CGS 15-154 empowers the harbormaster to enforce State boating laws, by informing local law enforcement authorities rather than becoming directly involved.

- Other harbor master duties include;
- Promptly reporting chemical or oil discharges to local marine police who will report it to the Coast Guard and DEEP.
- Make periodic reports to the Coast Guard regarding improvements of buoy locations and channel dredging.

The harbormaster is a State Officer and as a consequence is generally protected from liability and is entitled to indemnification and representation for acts performed in the discharge of his duties, provided acts are not wanton, reckless, or malicious.

#### **11.(Sec 14-57) Abandonment of vessels amends CGS 15-140c**

A boat is considered abandoned when;

1. Left on someone's property for more than 24 hours without property owner's permission.
2. Found free floating and unattended for more than 24 hours.
3. Improperly registered and left in state waters for more than 24 hours.
4. Left on a mooring for more than sixty days since mooring payment became overdue.
5. Left at a commercial facility for more than 1 year after payment was overdue
6. Found on a public right of way during a public emergency.

Who has the right or "standing" to submit a claim for an abandoned boat?

1. The owner of property where boat was abandoned
2. Any harbor master, police department, municipality or agent of the state.
3. Any emergency responder in process of responding
4. Any licensed motor vehicle dealer or marine salvager who is engaged in tow or transport.
5. The law cannot be used for abandoned boats currently documented by the USCG.

#### **11. (Sec 15-140) Special Acts and ordinances superseded**

All special acts and municipal ordinances inconsistent with the provisions of this part are superseded and shall be of no force or effect.

**12. (Sec 15-140b) Marine Parades, Regattas, Races**

Written permission shall be obtained from the commissioner at least thirty days in advance for any marine parade, regatta, race, tournament or exhibition to be held on state waters, as defined in section 15-127, or, by agreement between the United States Coast Guard and the commissioner, on federal waters, as defined in said section 15-127. The commissioner may grant season permits. Any person who obtains such permission shall be responsible for providing reasonable protection as prescribed by the commissioner and for taking reasonable precautions to safeguard persons and property. During any authorized event, the commissioner may require the person conducting it to conspicuously display one or more warning flags, warning buoys or warning signs as prescribed by the commissioner. When such warning devices are displayed, no watercraft not participating in the event shall cross the course or area of the event, except in an emergency. The warning devices shall be removed for reasonable periods of time during the event to allow nonparticipating watercraft to pass through the area. Any person who violates any provision of this section shall be subject to the penalty in subsection (b) of section 15-139.

- 13. (Sec. 13b-51). Jurisdiction over harbors and navigable waterways.** Harbor masters appointed by the Governor under section 15-1 shall be subject to the direction and control of the commissioner, and shall be responsible to him for the safe and efficient operation of the harbors over which they have jurisdiction. Nothing in this chapter shall be construed to limit or in any way derogate from the powers and authority of the Commissioner of Energy and Environmental Protection under title 25.