

DRAFT

Town of Greenwich
Harbor Management Commission
Meeting
January 19, 2016
7:00 P.M.
Cone Room, Town Hall

MINUTES

Members in attendance:

Frank Mazza, Chairman
Bruce Angiolillo, Secretary
Peter Quigley
Lile Gibbons
Steve Kinner

Absent:

James Bonney
Mike Van Oss
Bernard Armstrong - Alternate
Gary Silberberg - Alternate

EX-Officio Attendance:

Ian MacMillan - Harbormaster
Jeff Freidag – Department of Parks & Recreation
John Brown – Police Department
Roger Bowgen – Shellfish Commission
John Toner – Board of Selectmen

Absent:

Rick Loh – Board of Parks and Recreation
Amy Siebert – Department of Public Works
Andy Fox – Planning & Zoning Commission
Sue Baker – Conservation Commission
Horst Tebbe – R.T.M.

1. Meeting called to order at 7:02 P.M. by Chairman Frank Mazza.
2. **Approval of Minutes**
Motion by Bruce Angiolillo, seconded by Steve Kinner to approve the minutes of the December 16, 2015 meeting. Motion carried.

3. Chairman Updates.

Chairman Mazza reported that a meeting with the Rowing Clubs will be rescheduled to late February or early March.

Chairman Mazza reported he has received a letter from Robinson-Cole re: leases for shellfish beds off Binney Lane.

Chairman Mazza has received notification from the Shellfish Commission re: re-planting of clams from Mianus River to area "G".

Chairman Mazza reported on the Mianus River dredging project. The Corps of Engineers is requesting permit for dumping.

Chairman Mazza given authorization to sign Corp. of Engineers DEEP Consultation form.

88 South Water Street - Chairman Mazza provided brief history of this project and updated present application.

4. Harbormaster Report

Harbormaster Ian MacMillan read his usual report. Copy attached.

5. Sub Committee Report on Harbor Management Plan

Report presented by Lile Gibbons. Lile requested motion to approve addendum.

Motion by Bruce Angiolillo, seconded by Steve Kinner to approve addendum. Motion carried unanimously. This completes the Harbor Management Plan.

Lile wants Planning & Zoning Commission to send Harbor Management Commission legal notices of all coastal applications.

6. Budget Discussion and Action.

Budget Suggestions for 2016-2017 Fiscal Year presented and explained by Chairman Mazza. Motion to approve 2016-2017 Budget by Lile Gibbons, seconded by Bruce Angiolillo. Motion carried 4 – 1. For: Bruce Angiolillo, Lile Gibbons, Frank Mazza and Steve Kinner. Against: Peter Quigley.

Bruce Angiolillo explained that proposed budget must be acted upon tonight.

Peter Quigley wants money in Budget to compensate Harbormaster. Peter Quigley submitted his written proposal – copy attached. Peter Quigley stated he will continue to present same proposal at every meeting.

Bruce Angiolillo presented his views on Mr. Quigley's proposal to compensate the Harbormaster and distributed copies of same to the members of the Harbor Management Commission and guests, together with a photo of the Harbormaster Boat.

When this copy was distributed Harbormaster complained that it was out of order and stated that he was leaving the meeting in protest. MacMillan then left the meeting room.

Peter Quigley then objected and complained that the issue was out of order. Chairman Mazza ruled that the action was not out of order.

Peter Quigley interrupted and refused to allow discussion.

When he did not get his way, Peter Quigley walked out of the meeting.

Bruce Angiolillo requested that his memo and photograph of Harbormaster boat be included in the minutes of this meeting.

Werner Roder asked to speak to explain that Mr. MacMillan does not leave the boat in that condition. Mr. Roder said that he and others also use the boat.

Lile Gibbons suggested that a sub-committee be formed to draw a plan as to what Harbormaster should and should not be doing.

7. Old Business

Bruce Angiolillo reported he has been in contact with Justin Colombo who provided helpful suggestions as to mooring specs and regulations. Bruce requested permission to invite Mr. Colombo to a future meeting to give Harbor Management Commission his professional opinions and suggestions.

Bill Bennett asked if we have any update from the Law Dept. on creating an ordinance to assess all boaters. Chairman Mazza advised Law Dept. has not been given direction to do this. Lile Gibbons advised this subject should be referred to the Board of Selectmen.

8. New Business

None

9. Adjournment

Motion to adjourn by Steve Kinner, seconded by Lile Gibbons.

Meeting adjourned at 9:10 .P.M.

Frank Mazza
Chairman

Penny Monahan
Acting Secretary

Item 4

Harbormaster's Report
1-19-16

1/19/2016 mooring report Season's Greetings!

The purpose of our mooring permit application forms is to establish sufficient information to award A C of E Category One, private, recreational annual mooring permits to our waters once a plan has been adopted. The criteria spelled out in Chapter 444a, Sec.22a-113r requires the harbor master to keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored upon adoption of the plan.

It is important to note that there is no record of mooring permit location criteria on Town records. There is no town inventory of mooring locations.

Once the application is complete each mooring location takes about 30 minutes to find, verify location, depth and label. The distance from other moorings is an important variable to establish. Vendors do not stay on station while servicing moorings. Oystermen often move moorings while working their dredges. Mooring floats are often lost.

Attached previously was an account of time it takes to register a mooring application on an average. Please keep in mind that without a former grid pattern or exact locations already charted, each mooring is unique but similar. Some moorings require a great deal more time than others and cannot be averaged as to how long they will take. 20 hours maybe required when a mooring location is contested or requires more survey work to possibly be relocated.

To lay the ground work for this process an accounting of the locations of every potential mooring was the first step. In 2012 we located with GPS about 800 possible moorings in Greenwich waters. We have, again, located 805 moorings in town waters, 350 in yacht clubs, 455 individual mooring applications. Of those 455 we have identified 391 owners, 253 of which filed applications this 2015 season. We have identified 59 abandoned locations, now available town wide.

Last season, 2014, RYC accounted for 110 moorings, IHYC = 153, BYC = 110, for a total of 373 moorings managed by the three private yacht clubs. This 2015 season RYC accounts for 112 moorings, IHYC = 125, BYC = 110, for a total of 347 moorings so far this season. Although subject to the same regulations as other recreational moorings, these moorings are managed and maintained by the three private yacht clubs with the harbormaster.

In 2012 we accounted for 131 mooring applications outside of the private clubs. In 2013 it was 213 applications and in 2014 we saw 235 applications. In 2015 we sent out 310 renewal forms to date with instructions and as of 5/12/15 we have 139 returned to Penny's office of which I have had copies forwarded to me for inspection by 5/15/15, 203 returned by 7/15/15. 228 returned by today 9/16/15. As of 7/15/15 we have had 550 mooring applications to date. At \$75.00 each that should total \$ 41,250.00. As of 9/16/15 we have had 575 mooring applications to date.

A form that has been completed may have the mooring ball numbered with paint in the field and may be permitted provided that it does not lie in a shellfish bed or a channel or fairway and is in sufficient water depth and is free from interfering with another moored vessel. Incomplete fields or unacceptable information is circled in red ink. About a third of the forms are incomplete with red circles. It is important to note that a mooring permit is a privilege not a right like anchoring.

I advise the BOS that vendors often deploy moorings and commission them without permits or notification to the Harbor Master or the HMC. I have enclosed in a previous report a Nov.25, 2013 copy of advice from my DOT manager to permit moorings without charge to establish inventory. DOT views vendors as a local issue. Our unaccounted mooring inventory is directly related to mooring vendors not reporting the owners or locations of deployed moorings to the HMC or the HM.

Rowing traffic safety in the Mianus River must be addressed in a clear and transparent fashion ASAP for this upcoming season.

The Harbormaster boat is out of the water with 326 hours and is in winter servicing by Catalano's and the Tog.

I and my staff have not been reimbursed for the hundreds of hours or the many dollars we have spent to meet the duties of this and other tasks required. Our available mooring location inventory is about sixty locations throughout the Greenwich harbors area. Thank you,

Submitted to be included in the minutes

Ian Macmillan, State Harbor Master, Greenwich

Item #5
1-19-16

Harbor Management Commission Meeting
January, 19 2016
Consideration of Town Budget FY 2016-2017

MOTION:

“That the Greenwich Harbor Management Commission makes its recommendation to the Board of Selectmen and the BET to pay \$2,000 per month (inclusive of telephone expenses) from its special Harbor Management Fund for contractor-vendor fees to its Harbor Master ‘for professional services and performance’ and for a period of twelve (12) months commencing July 2016 to coincide with town’s FY 2016-2017.

Set fee will be paid by monthly invoice of tasks to be performed based on an annual (or ‘as needed’) ‘performance review’ of service criteria set forth by the Harbor Management Commission.”

OPTIONAL ADDENDUM to Motion:

Extraordinary marine-related expenses to maintain a town boat, tools, and facilities to be budgeted and paid with prior Harbor Management Commission approval documented with a signed and approved expense voucher with original receipts submitted at the end of each month of expenditure.

(For Harbor Management Commission review ONLY):

Criteria

1. Set ‘fees’ will require monthly invoicing by the vendor on a monthly basis of tasks performed that will be assigned by Harbor Management Commission and timed to Harbor Commission meetings prior to the month of service (i.e. April tasks will be assigned in March meeting). Invoices are due at the end of each month with original receipts as required by expenses – failure to invoice within 10 days of end of each month for prior month’s expenses risk the loss of compensation or reimbursement.
2. Overall job responsibilities will be outlined and updated on an annual basis; specific tasks may be assigned on a monthly basis for contractor fee ‘based on annual performance and expectations” of the duties and tasks so designated.
3. Job qualifications (credentials) will be posted when an opening occurs and on an as-needed basis, to fill a Harbormaster and/or staff position with professional, qualified candidates.
4. Performance Review – a performance review will be conducted not less than on an annual basis or on an ‘as-needed’ basis.

Presented by Bruce Angiolillo
1-19-16

Memo to my fellow members of the GHMC

What does Ian MacMillan do? In the two years that we have been in existence, it is a question that I often ask myself. I believe that looking at what Mr. MacMillan has done or not done, speaks to what we can expect in the coming year and thereafter. So let's review the record -- and it is not one that would support a recommendation to the Board of Selectmen that the Town should expend any additional resources on the current Harbor Master.

Mr. MacMillan has been Harbor Master since 2012. Let me focus my observations on the last two years -- starting from when we were first appointed to the GHMC. It is always suspect to offer views about events that one hasn't observed firsthand. Accordingly, I will try to confine myself to what we have all witnessed together.

At the outset and repeatedly over the last two years, Mr. MacMillan has claimed that in 2012 he located all moorings in the Greenwich Harbors Area and mapped them with GPS technology. Assuming that such a map exists, this was work that he performed as a Connecticut State official and for the benefit of the Town of Greenwich and all who use and enjoy its waters. That said, he has refused to provide us with a copy of this alleged map and the GPS coordinates. He treats this as his own personal property, which it is not. Worse, he has told us that he will not give it to us unless we buy it from him. He appears completely oblivious to the fact that trying to sell for personal gain the work product of a public official is both unethical and illegal.

Over the past two boating seasons, we have suffered two tragic fatalities. While the Harbor Master has no public safety responsibilities and has no role to play in that regard, he inserted himself where he had no legitimate business, causing distraction, embarrassment and adding to the hurt. In the first, he addressed the press, misrepresenting his position and stating falsely that he had knowledge as an eyewitness. In the second, as the Marine Division of the Police Department has confirmed, Mr. MacMillan had to be threatened with arrest to stop him from crossing a police line to enter the building where the grieving family was being held in seclusion.

Controversy follows Mr. MacMillan like a shadow. The list of those who have been at odds with the Harbor Master is so long that it forces one to ask the question: "How can everyone else be wrong?" It just doesn't ring true to trot out the lame excuse that Mr. MacMillan is fighting entrenched interests or the politicians or whatever. The sad truth is that by design or defect in temperament, Mr. MacMillan is an obstacle to progress in the Greenwich Harbors Area.

Along the same lines, Mr. MacMillan has stated repeatedly that he will not take guidance or direction from this Commission. Specifically, he has persisted in the legally erroneous position that he is a completely independent actor, who owes no allegiance to the Town and is not subject to any Town oversight or control. We live in a nation, organized in a federal system of government. In virtually every aspect of governmental and regulatory affairs, federal, state and local officials have overlapping jurisdictions and responsibilities. In the galaxy Mr. MacMillan inhabits, he answers to no one. In any other context, be it public or private, such a lack of cooperation and good judgment would be called insubordination, or worse. Given this situation,

it seems foolhardy and civically irresponsible to recommend the expenditure of funds -- over which this Commission has some say -- on an individual who refuses to work with us.

Now, it is one thing for Mr. MacMillan to persist in such a counterproductive mindset, but it is another to attempt subversively to undermine the good work of the GHMC. Time and time again, we have sat through discussions of items here at our meetings without any contribution from the Harbor Master, only to read thereafter in the public press contrary opinions and views which he did not have the courtesy or courage to express to our faces.

At some point in our Commission's first year, it was suggested to Mr. MacMillan that he prepare a monthly Harbor Master's report. The thought was that it would give Mr. MacMillan the opportunity to share with the Commission the work that he had performed in the prior month and thereby help to educate the Commission, as we worked on identifying and weighing priorities. It was also suggested that Mr. MacMillan keep a log when he went out on the Town's boat. I went back and reread the Harbor Master's monthly reports for 2015. There were only five of them: May, July, September, October and December. They are basically the same one page verbatim recitation -- with a sentence or two added or subtracted each month. What is most telling is that none of them reports any action or task or work performed by Mr. MacMillan in the prior month. Similarly, we have never seen any log book. Thus, there is no written record that Mr. MacMillan actually did anything for our Town as Harbor Master in 2015. And, it goes without saying, that since these are his own reports, one would expect that he would tell us if he had indeed done anything.

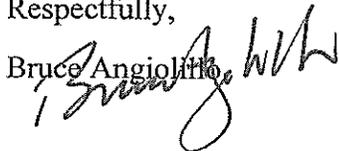
I have heard it argued that we can't expect the Harbor Master to do much if the Town doesn't pay him a salary or stipend. We can put aside the fact that no one forced Mr. MacMillan to apply for the appointment and later for reappointment. Instead, let's take a look at an example of the support that the Town has given him -- at taxpayers' expense -- and how he has handled it. Has he been a good steward of the assets he has been provided? I believe that actions speak louder than words. And, I believe that when it comes to our current Harbor Master, what is past, is indeed prologue.

At meaningful expense, the Town provides the Harbor Master with a boat. It maintains it and pays all repairs and upkeep. The Town commissions it in the spring, fuels it during the boating season, and decommissions it at the end of the year. Last year, we authorized the purchase of a new trailer for its winter storage. Let's take a look at how Mr. MacMillan takes care of the boat and what it says about his professionalism. Here is a photograph of the condition of the boat when it was turned in to the Town for decommissioning and winter storage. Does this not offend? Does this not make you angry? Does this not make you sick to your stomach?

So, when we are considering any request to provide Mr. MacMillan with additional material or financial support, please think about this photograph. And, please take one more look at it and note the empty Miller Lite beer can in the drink holder at the helm.

Respectfully,

Bruce Angiolillo



January 19, 2016

