



CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION

Minutes of November 18, 2014

DRAFT

A Scheduled Meeting was held on Tuesday, November 18, 2014 at the Stamford Government Center – Training Room, 6th Floor.

Called to order at 6:34 p.m., Chairman Ortelli presiding. Recording system partially operating with audio only. Video portion did not function.

In Attendance:

In attendance were:

Commissioners: Dr. Damian Ortelli; Ray Redniss; Robert Karp; Paul Adelberg; Jeffery Saunders; Robert J. Strada; Griffith Trow; Steven Loeb, Alternate; Michael Pensiero, Alternate

Staff: Frank Fedeli, COS; Eric Knott, Harbor Master; Sgt. Bob Monck, Stamford Police Dept.; Sean Elumba, Marina Supervisor; Geoff Steadman, Consultant

Guests: Randy Dinter, Save Our Boatyard; Tom Young; Bill Buckley and Max Haub, BLT; Kieran Ryan, BOR-1st District Rep; Gary Silberberg, Greenwich Harbor Commission

1) Review and Approval of October 21, 2014 Meeting Minutes.

Commissioner Karp moved to approve minutes. Seconded by Commissioner Adelberg

Discussion: Commissioner Saunders proposed a correction for Agenda Item 5) Old Business: OGM (from OMG).

Approval of minutes with noted correction: Approved Unanimously

2) Chairman's Report: D. Ortelli

a) Review/discussion of BLT's development proposal for 28 Southfield Avenue was tabled pending its receipt by the Commission.

b) Outlined three concepts thus far drafted for Cummings Park/Marina Master Plan. Project consultants scheduled to make a presentation at the Commission's January meeting.

3) Staff Reports:

a) Financial - Frank Fedeli reported anomalies in Commission fund balances totaling \$48,386, apparently due to funds having been improperly transferred into the city's General Fund over the past three fiscal years. Fedeli to pursue issue with the city's OPM. Discussion ensued on how best to keep Commission funds segregated and intact.

b) Harbor Master – E. Knott

- Winterizing of moorings has begun
- Has received multiple inquiries of dying Bunker in the harbor.
- HM is assisting Coast Guard and CG-Auxiliary in photographing positions of private navigational aids to ascertain their proper locations.
- 2 recent barge incidents: 2 loaded scrap barges partially broke away from a buoy, but were corralled and returned to the buoy causing no damage; a large barge broke away from the tug Eric R. Thornton, causing damage to at least 2 boats and docks at Ponus Yacht Club. Tug owners reported the incident to officials.
- Has photographed damaged docks and pilings owned by BLT which pose a hazard to navigation. BLT has been notified and ordered to remove/mitigate the hazard.

- Work continues on a risk assessment for tug and barge operations in the inner harbor
- Working with Commissioner Loeb on updating mooring permit requirements. Permit renewal letters go out by mid-December.
- Getting the derelict docks removed from inside the hurricane barrier is still a work in progress. The logistics are complicated.

4) Committee Reports:

Safety – R. Strada reported no meeting was held.

Applications – G. Trow reported on meeting held November 3, 2014:

- Work continues on fine tuning protocols and procedures for filing applications with the Commission. Consultant Steadman is crafting a flow chart to assist in this process.
- 104 Sea Beach Drive Application (Note: Commissioner Redness recused himself from discussion and vote): Committee heard presentation by owner’s attorney. Owner seeks permit from DEEP for wire fencing illegally erected off owner’s seawall facing Westcott Cove. Committee found owner’s application not consistent with the Harbor Management Plan. Upon request by the Applicant, the Commission delayed action until its December meeting at which time applicant will present additional information.
- Committee received a land use text change application for building a surgical center on property outside the purview of the Commission. Following discussion Chairman Ortelli authorized to send a letter to the Zoning Board stating why the Commission is not acting on this matter; but that it reserves the right to review future text change or site plan applications for properties on or contiguous to the waterfront.

Planning/Moorings – S. Loeb reported no meeting was held.

5) Old Business:

- a) Planning Board’s Draft Master Plan: Commissioner Ortelli updated the Commission on PB’s deliberations as they relate to the harbor and coastal sections of the plan. He also conveyed a discussion he held with Corporation Counsel Jim Minor regarding statutory obligations the Commission has for reviewing the proposed master plan. The Commission voted to take the following actions:

The Commission finds the latest version of the draft master plan, as edited, inconsistent with the Harbor Management Plan.

Moved by Commissioner Karp; Seconded by Commissioner Saunders.

Approved Unanimously

Chairman Ortelli authorized to send a letter to the Planning Board expressing the following comments and concerns:

- A.1 Recommend that Category 10 - Shorefront Mixed-Use include similar language contained in the 2002 Master Plan emphasizing the boatyard’s preservation and restoration on the 14-acre Yacht Haven site.**
- A.2 If the Commission’s unfavorable finding stands, the Planning Board’s adoption of a new master plan requires a two-thirds vote as mandated by state statute and city code.**
- A.3 If the Draft Master Plan is adopted in this manner, a potential legal issue looms as to whether future site plan applications are considered automatically inconsistent with the Harbor Management Plan, and thus requiring a two-thirds vote by the pertinent land use boards.**
- A.4 The Commission reserves the right to provide additional comments and recommendations while the PB continues its master plan deliberations.**

Above moved by Commissioner Strada; Seconded by Commissioner Adelberg.

Approved Unanimously

Chairman Ortelli authorized to request from Corporate Counsel its legal opinion in writing concerning the limits of the Commission’s review authority of the Draft Master Plan.

- b) Harbor Vision Letter to the Mayor. No discussion.
- c) Errant speed marker in Westcott Cove has been removed by OGM.
- d) Woodland Cemetery Site Work: Commissioner Redness received correspondence and photos from a group representing Palmer Landing residents complaining of the lack of city monitoring and enforcement of non-compliance issues at the project site. Mr. Fedeli says an effort is in the works by the administration to augment zoning enforcement capabilities.

6) New Business:

a) Pros and cons of making on-site visits for certain applications were discussed. Conducting them will be decided on a case by case basis. Ground rules for such visits to be incorporated in the application flow chart.

b) Following Commission's December meeting, the group will adjourn for its annual, holiday gathering at Brasitas Restaurant, 954 East Main Street, Stamford.

7) Public Participation – The following individuals spoke:

Tom Young – said he is voicing his concerns in writing to the Coast Guard regarding its protocol for stationing boats inside the hurricane barrier during major storms.

Kieran Ryan – is seeking Commission support for more harbor boat launch ramps and adoption of a city ordinance making it illegal to launch from non-approved locations.

Gary Silberberg – said not having a full service boatyard in Stamford diminishes the city's economic vitality and quality of life.

8) Next scheduled Commission meeting: Tuesday, December 16, 2014, 6:30 p.m., 6th Floor Training Room.

Upon motion by Commissioner Redniss, seconded by Commissioner Adelberg, Commission voted unanimously to adjourn at 9:03 p.m.

Respectfully submitted
Robert M. Karp
Secretary/Treasurer
November 20, 2014

Cc: Commissioners; David Martin, Mayor; Ernie Orgera, Director of Operations;
Board of Representatives; Town Clerks Office