

1. Packet

Documents:

[SEPTEMBER 20, 2017 MEETING AGENDA.PDF](#)
[SEPTEMBER 20, 2017 MEETING MINUTES - DRAFT.PDF](#)



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 Van Oss, Secretary

Meeting Notice
Harbor Management Commission
Wednesday, September 20, 2017
7:00 P.M.
Mazza Room - Town Hall

AGENDA

1. Call to Order
2. Approval of Minutes for July 19, 2017 Meeting
3. Chairman's Report (Angiolillo)
4. Update on Harbor Management Plan (Gibbons & Steadman)
5. Update on Online Mooring Program (Van Oss)
6. Update on GHA Boating Brochure (Ingraham)
7. Greenwich Harbor Dredge Project Planning (Mazza)
8. Harbormaster & Harbormaster Liaison Reports (MacMillan & Ingraham)
9. New Business: (a) Committee Assignments (Angiolillo); (b) Old Greenwich Cove management (Mazza)
10. Public Comment
11. Adjournment

This certificate received on file

On SEP 12 2017

At 10:00 AM


Town Clerk

Bruce Angiolillo
Chairman

DRAFT

**Town of Greenwich
Harbor Management Commission
Meeting
September 20, 2017
7:00 P.M.
Mazza Room, Town Hall**

Minutes

Members in attendance:

Bruce Angiolillo	Chairman
Lile Gibbons	Vice Chairman
Mike Van Oss	Secretary
Bernard Armstrong	
Bill Ingraham	
Steve Kinner	
Frank Mazza	

Alternates:

Don Carlson
Casey McKee

Ex-Officio Members in Attendance:

Jim Bonney	Police Department
Roger Bowgen	Shellfish Commission
Jeff Freidag	Department of Parks Recreation
Ian MacMillan	Harbormaster
Horst Tebbe	RTM
John Toner	Board of Selectmen

Absent:

Sue Baker	Conservation Commission
Rick Loh	Board of Parks & Recreation

Consultant in Attendance:

Geoffrey Steadman

1. **Meeting called to order at 7:04 P.M. by Chairman Bruce Angiolillo**

2. **Approval of Minutes of the July 12, 2017 Special Meeting and the July 19, 2017 Regular Meeting**

Motion to approve the Minutes of the July 12, 2017 Special Meeting by Lile Gibbons, seconded by Bernard Armstrong. Motion carried (Unanimous).

Motion to approve the Minutes of the July 19, 2017 Regular Meeting by Bernie Armstrong, seconded by Lile Gibbons. Motion carried (Unanimous).

3. **Chairman's Report**

Chairman Angiolillo reported that since the Commission's July 12 and 19 Meetings, the State of Connecticut had completed its review of the proposed Harbor Management Plan and granted formal approval of the Plan (a copy of the DEEP approval letter, dated August 21, 2017, is attached). He noted that the last step remaining was Town Adoption of the Plan by the RTM.

4. **Update on Harbor Management Plan**

Vice Chairman Gibbons reiterated that the *"Town of Greenwich Harbor Management Plan: Final Draft for Town Adoption (August 2017)"* has been approved by DEEP and she reported that the Board of Selectmen had been requested to put Town Adoption of the Plan on the agenda for the October 23, 2017 meeting of the RTM. Vice Chairman Gibbons requested that all Harbor Management Commission Members and Alternate Members attend the RTM meeting. She also reported that she, Bruce Angiolillo and Frank Mazza will attend upcoming meetings of the Parks and Recreation, Land Use, and Legislative and Rules Committees in advance of the RTM meeting. She added that she will be assigning Commission Members and Alternate Members to cover each of the 12 District meetings that will occur during the week prior to the October 23d RTM meeting.

Chairman Angiolillo reported that *Ex-Officio* Member Horst Tebbe had inquired as to whether the Harbor Management Commission needed to re-vote to approve the proposed Plan because there had been edits to the draft subsequent to the approval votes of the Commission and the Board of Selectmen on July 12 and 13, respectively. In response to this inquiry, Mr. Angiolillo reported that he had received a written legal opinion from the Town's Law Department, dated September 15, 2017 (copy attached), which concluded:

“We have reviewed the corrections that were made to the HMP. We find them to be non-substantive and *de minimis* at best. We are of the opinion that further approval by the HMC and BOS is not required and will serve no purpose. Finally, in reviewing our file, we note that the HMC and BOS have already been notified of the corrections.”

Notwithstanding the foregoing, Mr. Angiolillo stated that to avoid any potential distraction from the goal of Town Adoption of the Plan, he invited a housekeeping motion to re-vote on the Plan. Before proceeding, Mr. Angiolillo read *verbatim* each of the changes included in the version of the draft Plan that was approved by DEEP on August 21, 2017. After doing so, and not hearing any questions or comments, Chairman Angiolillo asked for a motion. Thereupon, the following motion was made by Bernie Armstrong, and seconded by Frank Mazza:

Whereas, on July 12, 2017, the Harbor Management Commission (HMC) voted unanimously to approve the Plan;

Whereas, on July 13, 2017, the Board of Selectmen (BOS) voted unanimously to approve the Plan;

Whereas, by letter, dated August 21, 2017, the Connecticut Department of Energy and Environmental Protection (DEEP) granted formal approval of the Plan;

Whereas, the draft Plan approved by DEEP contained several corrections of typographical errors and non-substantive edits that were made subsequent to the July approval votes of the HMC and the BOS; and

Whereas, to reconfirm the approvals of the Plan by the HMC and the BOS prior to presentation of the Plan to the RTM for Town Approval;

It is resolved that the “*Town of Greenwich Harbor Management Plan: Final Draft for Town Adoption (August 2017)*” is hereby approved and re-approved by the HMC, and the HMC authorizes Chairman Angiolillo and Vice Chairman Gibbons to transmit said Plan to the BOS for its re-approval and placement on the agenda for the October 23d RTM Meeting for Town Adoption.

Motion carried (Unanimous). Alternate Members Don Carlson and Casey McKee, who were not seated for this meeting also expressed their support of the motion.

5. Update on On-Line Mooring Program

Mike Van Oss reported Mooringinfo.com is now capable of sending email messages to mooring holders. He noted that this had been successfully done the prior week to provide a hurricane warning. The system will soon also be capable of sending out mooring renewal applications for the 2018 season.

6. Update on GHA Boating Brochure

Bill Ingraham gave a progress report on this project. He recommended that the Commission seek external assistance with graphic design for the brochure. Life Gibbons expressed her support for engaging an outside professional and other Commission Members indicated their support for doing so. Bernie Armstrong suggested that the Commission target up to \$1,000 to produce the brochure. Casey McKee volunteered to help with this project. Mr. Ingraham stated that the goal is to have a brochure in time for the 2018 boating season. Chairman Angiolillo volunteered to investigate whether the Commission may sell commercial advertisements in the brochure.

7. Greenwich Harbor Dredge Project Planning

Frank Mazza provided a detailed history of Greenwich Harbor prior to the construction of I-95. At that time, the water extended to the railroad tracks. Grass Island was connected by bridges. The connecting road onto Grass Island and Roger Sherman Baldwin Park were created by fill at the time of the construction of the I-95. Back then, Greenwich Harbor was largely commercial, with boat builders on the waterfront, and tankers and barges making deliveries.

Mr. Mazza stated that the time has come where the entire harbor needs to be dredged. He recommended that the Harbor Management Commission work with other Town Departments to develop a dredge plan. There was a consensus expressed by Commission Members that Mr. Mazza should begin by initiating a meeting with the Department of Parks and Recreation.

Chairman Angiolillo recognized Doug Masi, who shared his point of view regarding the silting-in of the mooring area at Grass Island. He believes that this area should be included in any future dredge plan. He stated that Greenwich Harbor has not been dredged since 1954 and expressed his opinion that the Harbor has been long neglected.

8. Harbormaster & Harbormaster Liaison Reports

Harbormaster Ian MacMillan reported on his limited use of Harbormaster Boat during the Summer boating season, noting that he had used the boat for only 5 hours since June.

Bill Ingraham reported on the setting up of a procedure to facilitate the Harbormaster's timely handling of complaints on the water.

9. New Business

(a) Chairman Angiolillo announced the following Committee assignments:

Mooring Committee:

Bill Ingraham, Steve Kinner, Mike Van Oss

Long Range Planning Committee:

Don Carlson, Bill Ingraham, Frank Mazza

Finance Committee:

Bernie Armstrong, Lile Gibbons, Frank Mazza

Application Review Committee:

Bernie Armstrong, Bruce Angiolillo, Casey McKee

(b) Old Greenwich Cove Management:

Geoff Steadman explained the notification procedure for waterfront permitting applications. There followed a discussion regarding a notice in the newspaper concerning a current dock application, about which the Commission had not received separate notice.

Frank Mazza reported on a recent incident where a swimmer was injured by the shaft of an abandoned and deteriorated mushroom anchor. Bill Ingraham reported on the removal of the anchor and a discussion followed concerning what practical steps could be taken to address the matter of abandoned moorings and other underwater debris in Old Greenwich Cove. Ex-Officio Member Roger Bowgen offered to contact the commercial shellfisherman who works in that area of the Cove about this situation.

10. Public Comment

Doug Masi questioned the U.S. Coast Guard's re-installation of the channel buoys in the area North of Riverside Yacht Club in the Mianus River after completion of the

dredge project last year. He expressed the view that the buoys need to be re-positioned. Chairman Angiolillo asked Geoff Steadman to contact the U.S. Coast Guard on the Commission's behalf and to report back to him in advance of the next month's Commission meeting.

11. Adjournment

Motion to adjourn made by Bernie Armstrong, seconded by Bill Ingraham.
Motion carried (Unanimous).

Meeting adjourned at 8:25 P.M.

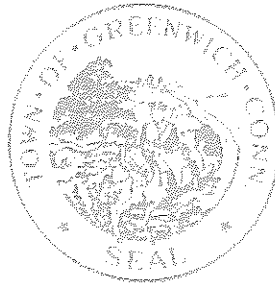
Bruce Angiolillo
Chairman

Mike Van Oss
Secretary

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

John Wayne Fox
Town Attorney

Eugene F. McLaughlin, Jr.
Fernando E. de Arango
Valerie Maze Keeney
Aamina Ahmad
Abby R. Wadler



John K. Wetmore
Special Counsel

LAW DEPARTMENT

Town Hall • 101 Field Point Road • P.O. Box 2540 • Greenwich, CT 06836-2540
Tel: (203) 622-7876 Fax: (203) 622-3816

MEMORANDUM

TO: Mr. Bruce Angiolillo, Chairman – Harbor Management Commission

FROM:  Aamina Ahmad, Assistant Town Attorney

DATE: September 15, 2017

RE: Harbor Management Plan Approvals

Reference is made to your letter dated September 12, 2017 (copy attached) in which you seek our opinion on whether the Harbor Management Commission (HMC) and the Board of Selectmen (BOS) need to re-approve the Harbor Management Plan (HMP) as a result of two non-substantive revisions and correction of minor typographical and editing errors contained in the HMP approved by the HMC and BOS on July 12, 2017 and July 13, 2017 respectively.

We have reviewed the corrections that were made to the HMP. We find them to be non-substantive and *de minimis* at best. We are of the opinion that further approval by the HMC and BOS is not required and will serve no purpose. Finally, in reviewing our file, we note that the HMC and BOS have already been notified of the corrections.

Please do not hesitate to contact me if you should have any questions.

AA:js

cc: Ms. Lile Gibbons, Vice Chairman - Harbor Management Commission
Mr. Michael Van Oss, Secretary - Harbor Management Commission
John Wayne Fox, Town Attorney



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Selectmen's Office
101 Field Point Road
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Bruce Angiolillo, Chairman
Lile Gibbons, Vice Chairman
Mike Van Oss, Secretary

September 12, 2017

Aamina Ahmad, Esq.
Assistant Town Attorney
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

Re: Process for the adoption of the Greenwich Harbor Management Plan

Dear Aamina:

I am writing to you in my capacity as Chairman of the Greenwich Harbor Management Commission (GHMC). GHMC Vice Chairman Lile Gibbons and Secretary Mike Van Oss are copied on this letter. We are requesting the legal advice of the Law Department to reconfirm that the "Greenwich Harbor Management Plan, Final Draft for Town Adoption" may properly be presented to the Representative Town Meeting (RTM) for consideration and adoption at an upcoming RTM meeting.

As you will recall, at a Special Meeting of the GHMC on July 12, 2017, the GHMC voted unanimously to approve the draft Plan and forward it to the Board of Selectmen (BOS) for its consideration. The BOS, in turn, voted unanimously at a Regular Meeting on July 13 to approve and submit the draft Plan to the Connecticut Department of Energy & Environmental Protection (DEEP) for its approval. Thereafter, on August 2, we conferred with DEEP and corrected a handful of typographical and non-substantive editing errors. We also discovered that by oversight a statement on page 3-4 regarding the deference to be accorded by DEEP to recommendations of the GHMC did not correctly match the approved language that we had previously negotiated with DEEP and that already appeared on pages 7-10 and 7-22. Accordingly, we conformed page 3-4 to pages 7-10 and 7-22 so that page 3-4 now reads as it should have read:

"Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the GHA, unless such official shows cause why a different action should be taken."

Additionally, for ease of readability, we also reversed the order of the two existing sentences constituting Section 1.7.4 of Chapter 5 so as to now read:

"1.7.4 Any person with a grievance regarding a decision or action of the Harbor Master to remove a vessel from the GHA is encouraged to attempt to resolve that grievance with the HMC prior to exercising his or her rights pursuant to Sec. 15-9(C) of the General Statutes. Furthermore, the First Selectman, acting as the chief executive officer of the Town, may appoint a hearing officer to hear any grievance that may be filed concerning an action by the Harbor Master to remove a vessel from the GHA."

Thereafter, we re-ran the draft Plan document, now titled "Greenwich Harbor Management Plan, Final Draft for Plan Adoption." We provided DEEP with a copy for its final review and by letter, dated August 21, 2017, DEEP granted Plan approval. DEEP's letter stated: "We hereby approve this plan pursuant to the provisions of Connecticut Harbor Management Act (CHMA), Connecticut General Statutes (CGS) 22a-113m." We also notified the members of the GHMC, BOS and the Law Department of the foregoing. We printed hard copies of the "Greenwich Harbor Management Plan, Final Draft for Town Adoption" and made them available in Town Hall and have posted it on the Town website.

Recently, we understand that a question has been raised as to whether the GHMC and the BOS should re-approve the proposed Plan in view of the two non-substantive edits and the other corrections of the typographical and non-substantive editing errors referenced above. You have advised us that, as a matter of both form and substance, the prior approvals of the GHMC and BOS were and remain valid, and that re-voting on the proposed Plan by the GHMC and/or BOS is unnecessary and would serve no legal purpose. Accordingly, we would appreciate a formal opinion on this subject so that we may have it in hand should any question arise in the future. Many thanks.

Sincerely,



Bruce Angiolillo
Chairman, GHMC

cc: Lile Gibbons
Mike Van Oss