

**CONNECTICUT MARITIME COMMISSION (CTMC)  
REPORT OF MEETING (Mtg. #09-09)  
16 September 2009**

**Location of Meeting:** CONNDOT Headquarters Building  
Newington, CT

**Attendance:**

**Commissioners**

***Present***

Chuck Beck (for Commissioner Marie)  
Sue Decina (for Commissioner McDonald)  
Tom Dubno  
Linda Krause  
G.L. "Doc" Gunther  
John Johnson  
Joseph P. Maco  
Larry Miller  
John Opie  
Joe Riccio  
David Shuda  
George Wisker (for Commissioner Marella)  
John Wronowski

***Absent***

Vincent Cashin  
Robert Genuario

**Guests**

John Craine	K. Dixon	Bill Gash	Lou Ginaldo	Fred Hall	David Lis
Kevin Oditt	Ed O'Donnell	Dave Rossiter	Joe Salvatore	Peter Simmons	Bill Spicer
Geoff Steadman	Brian Thompson	Fred Walters	Bruce Wettensteen		Scott Zakes

**I. Call to Order:**

The Chair, Commissioner Joe Riccio, opened the meeting at 9:31 AM. A quorum of 13 was present. The CTMC members were asked to introduce themselves. The audience was asked to introduce themselves.

**II. Review of Meeting Minutes:**

The summary report of the 15 July 2009 meeting was reviewed. A motion was made by Commissioner Krause and seconded by George Wisker to approve. Commissioner Gunther stated that he had reviewed two drafts during the two months. The first draft was sent out 2 days after the meeting. He was concerned about the wording in Section E under New Business that covered the discussion about PA 09-186. He noted that a revised draft went distributed amended the wording of concern. Commissioner Gunther wanted to know who recommended the changes and why. Commissioner Krause stated that it was she who recommended using different wording in response to the standard solicitation to all Commissioners to review the draft and make recommended edits. Commissioner Gunther appreciated the recommendation made by Commissioner Krause. He further stated that the apology offered by Commissioner Riccio at the July meeting didn't provide a reason for initiating the legislative change to the state statute that became PA 09-186. Commissioner Gunther expressed concern that not all of the Commissioners had received all of the newspaper articles concerning PA-186. Several Commissioners stated that they had received the electronic scan of the documents but that they were upside down. Commissioner Gunther then stated that he believes that the summary reports of the CTMC meetings should be a verbatim transcript. The Chairman reminded all that the issue of the verbatim transcript had been raised and discussed several time before and that there was no support, requirement or funding for such an effort. Commissioner Gunther complained about the manner in which Beck editorialized some on some points he wants. He stated that Beck is a

designee thus not a voting member. George Wisker and others corrected the misperception that agency designees were not voting members. Commissioner Krause suggested that the motion she made be moved on. The motion to approve the summary report was approved with 11 affirmative votes. Two Commissioners abstained.

Commissioner Gunther challenged why the topic he requested, discussion of PA 09-186, was put on the agenda under new business vs old business. Tom Dubno provided an explanation. Stating that it made sense to move the item to the end of the meeting and based on the material distributed on behalf of Commissioner Gunther discuss during an Executive Session. He further stated that there was no intent to diminish the discussion. Commissioner Gunther stated that he did not feel that an Executive Session was appropriate and expressed concern that people might leave before the end of the meeting.

### **III Discussion Open to Public**

Geoff Steadman made two requests to the CTMC. The first request was for the office of the dredging coordinator to provide a list of potential disposal options and sites including upland for the Mianus River and Greenwich Harbor dredging projects. Commissioner Johnson asked about the quantity of material to be dredged. Geoff Steadman replied that the ACOE estimated several years ago that the quantity is approximately 50K cubic yards. Chuck Beck inquired as to whether or not Mr. Steadman had asked the CTDOT for assistance from the dredge coordinator since the coordinator was an employee of the CTDOT not the CTMC. After receiving a no, Chuck Beck stated that he and the dredging coordinator would certainly assist. The second request made by Mr. Steadman was for the office of the dredging coordinator to identify disposal options for smaller projects (50-75K cubic yards) located within the Housatonic River vs the entire 600K cubic yards project previously considered. Mr. Steadman was advised that assistance would be provided. He also requested that the CTMC and CTDOT pursue a policy change to relax current CTDEP regulations related to allowing the ACOE's Dredge Vessel Currituck to accomplish the smaller projects and utilize near shore disposal methods.

Fred Hall, Vice President of the Bridgeport-Port Jefferson Steamship Company, requested time on the next CTMC meeting agenda to make a presentation on the proposed relocation of the ferry terminal in Bridgeport. He also requested to be added to the CTMC distribution list. Joe Maco asked if Mr. Hall had made similar presentations to any state agencies. Mr. Hall indicated that presentations had been made to CTDEP and CTDECD.

Bill Spicer stated that he had attended most all of the CTMC meetings over the years and liked the thoroughness of the meeting summaries.

### **IV Old Business:**

#### **A. Dredging Update - Joe Salvatore**

1. LIS DMMP – Joe reported that the results of the dredging needs survey is expected to be released in draft form in October. George Wisker offered that part of the delay was driven by contractual items related to identification of disposal affects on cultural matters as well as document searches required. There will be another round of public information releases and meetings as the LIS DMMP process continues. Joe Salvatore provided a brief description and update on the Innovative Technology material disposal project. He also stated that there were 9 dredging projects in the queue looking to use the CLIS disposal site. Four of the projects would have approximately 44K cubic yards that would require cap material. Five of the projects would provide approximately 58K cubic yards of cap material. Lastly, Joe Salvatore stated that the USN dredging project in New London is on hold.

Commissioner Riccio advised that the Long Island Sound Assembly had invited the CTMC to participate in meetings to discuss common dredging issues. Chuck Beck stated that CTDOT Commissioner Marie would be making a presentation to LISA at their October meeting.

- B. LIS AMSC Update – CDR Kevin Oditt from Coast Guard Sector Long Island Sound (CGSECLIS) stated that the next meeting of the Long Island Sound Area Maritime Security Committee would be on 29 September 2009 in Bridgeport.
- C. LIS HSC Update – CDR Oditt stated that the CG Sector LIS Heavy Weather Plan was being finalized. Some changes to the Heavy Weather Plan, specifically to reduce the reporting requirements in response to approaching storms, are being reviewed. A copy of the plan will be provided to the CTMC. He further stated that changes were recently submitted to correct some language in the Long Island Sound sections of the Coast Pilot related to the location of boarding stations. Additionally, the opportunity was being used to update the contact information for the pilot organizations. He encouraged all to continue to submit recommended changes in advance of next year's solicitation. CDR Oditt advised that the Coast Guard would have a role in reviewing the Niantic River Railroad Bridge project. Commissioner Gunther inquired again about the ownership of the abandoned navigation beacons on the Housatonic River. CDR Oditt stated that his command did not have the historical records but they were being sought from the Civil Engineering Unit in Providence, RI.
- D. TSB Maritime Committee Update - Chuck Beck stated that the TSB Maritime Committee chair, Mayor Dennis Popp, had resigned from the TSB. A new Chair has not yet been selected.
- E. Maritime Highway Corridors – Chuck Beck brought to the attention of all the fact that the CTMC letter authorized at the last meeting had been transmitted to the docket.

**V New Business:**

- A. CMC-DECD Economic Impact Study (EIS) – Sue Decina asked Bill Gash, Executive Director of the CT Maritime Coalition (CMC), to provide an update on the status of the EIS being prepared to show the economic loss to the state if the harbors and waterways are not maintenance dredged. Bill Gash reported that the draft dredging needs study being conducted by the ACOE is expected to be available in early October. The dredging needs information is a critical element of the EIS. Mr. Gash reminded all that the EIS was being conducted at the request of the CTMC to justify funding by Congress for dredging projects in CT. DECD is a co-sponsor of the project. He suggested that the CTMC might want to send a letter to the New England District of the ACOE requesting the dredging needs information be provided as soon as possible. Commissioner Dubno made a motion for the CTMC to send such a letter to the NE District of the ACOE for the work completed as well as asking for the information to be released ASAP. The motion was modified to allow CTMC staff to work with Mr. Gash on a draft and to allow the Chairman to sign and send without further review by the CTMC. The motion was seconded by George Wisker and passed by a unanimous vote. David Lis provided comments on the response level (over 1300) to the questionnaire used by the ACOE as part of the dredging needs study.
- B. Coastal Zone Interstate Consistency – George Wisker reminded all about the two letters that had been sent to the CT Attorney General (copies in the meeting packet) requesting assistance in determining if the State of NY was overreaching its authority to conduct a Coastal Zone Consistency review of CT dredging projects. Mr. Wisker stated that he thought a draft reply had been prepared but had not yet made it out of the AG's office. Although the letters were sent to the AG in November 2006 and September 2008, the issue is still topical. NY has exercised its CZM authority to request a review of the USN dredging project which is now causing a delay to the start date. Since the USN project was to provide capping material

at the New London disposal site, other local projects are also being delayed. Mr. Wisker stated that NY has agreed to expedite the allowed 90 day review as best as possible.

- C. Bridgeport Rezoning Actions – George Wisker noted that there were two separate proposed projects on the Bridgeport waterfront that will be reviewed by CTDEP for permit purposes. One project is the creation of a wholesale/retail complex (Seaview Plaza) on the north end of the Bridgeport Regional Maritime Complex (BRMC). The other proposed project is an application received at CTDEP to relocate the Bridgeport Port Jefferson Ferry terminal from its current location to the southeast part of the Coastline Terminal across the harbor. There are no specific plans available at this time for the Seaview Plaza project but there is concern about incorporation of water dependent use. Reportedly the Bridgeport Port Authority (BPA) will continue to own the property. The site is adjacent to the Derecktor Shipyard facility. The property is currently zoned for heavy industrial use within the coastal zone. There was some discussion about housing that was established on a property across the street. Joe Maco asked if anybody had any knowledge of wind farm development off of the CT coast. Commissioner Miller stated that he was only aware of a proposal to establish a wind farm adjacent to a state prison which is inland. He further stated that studies have indicated that CT has a limited capacity for wind generated energy. Peter Simmons (DECD) offered that a lot of alternative energy generation projects have been looked at of late (solar, geothermal, etc) but few related to wind. Commissioner Krause stated that from a municipal planner's point of view, CTDEP need to stick to a water dependent use as opposed to allowing an economic development of the moment to occur. Once the property is allowed to be used for a non-water dependent use it will be lost for that use forever. There was discussion about what the City of Bridgeport's overall plan for its waterfront might be. Commissioner Shuda questioned what a property owner was to do when efforts to develop a water dependent use of a property within the Coastal Zone Management (CZM) area fail. If not allowed to pursue a non-dependent use would the state step in a purchase to preserve the property for water dependent use? He further indicated that the City has been patient relative to the development of the property and does not want to waist another economic development opportunity. In response to a question about who is looking at how the proposed development will use the property, George Wisker stated that the City's Planning & Zoning (P&Z) Committee is responsible for site review relative to the proposed project. CTDEP will review the P&Z determination. It was stated that there are three state agencies (DECD, DEP and DOT) that have some role relative to the proposed development but each with its own focus. Commissioner Opie inquired about the pecking order of the permit determination. George Wisker stated that a municipality P&Z could determine that a project is not consistent with CZM and reject. If the local determination is to allow a project and the state rejects a lawsuit could be initiated. The Chairman stated that it might be constructive for and asked CTDEP to make a presentation on CZM issues at the next CTMC meeting. Commissioner Krause concurred expressing a need for the CTMC to take a big picture look at waterfront development as has been done with dredging issues. George Wisker reminded all that the number 2 focus in the Maritime Policy statement created by the CTMC is infrastructure improvements to the state's ports only behind dredging. Peter Simmons remarked that there is a long history with the development of the property including recent meetings between the City and CTDECD and the City and CTDEP. The proposed project appears to provide needed services to the neighborhood. Commissioner Dubno recommended that the officials from the City of Bridgeport be invited to a future CTMC meeting to present their waterfront development plan. Peter Simmons supported the idea. Chuck Beck reminded all that the City officials had been invited to make such a presentation in the past but never responded. Joe Maco stated that development or gentrification projects on the waterfront were squeezing industry out. Commissioner Gunther stated that he did not see any waterfront dependent use in the design that was available. The Chairman reminded all that what was available was only an artist's conception, not a detailed plan. George Wisker stated that the state agencies have coordinated to a degree but perhaps it would be appropriate for the CTMC to ask the agency heads to determine their specific interests on this project. He also opined that the current state of the State's budget made purchasing the property unlikely.

- D. New Haven Waterfront Street Reconstruction – Commissioner Dubno advised that the CTDOT had recently notified the NHPA that there was insufficient funding to complete the project for the unforeseeable future. The project had been scheduled for final work this year as a result of a plan that started over 10 years ago as part of the Q Bridge replacement project. The City of New Haven had paid for the design. The NHPA sent a letter to the CTDOT Commissioner on 12 August 2009, asking for the project to now be submitted for TIGER Grant funding but no response has been received. Since the deadline for TIGER Grant application was 15 September, the NHPA submitted its own TIGER Grant application. Commissioner Dubno asked the CTMC for support to CTDOT to reinstate the project on its priority list.
  
- E. Amtrak Public Notice – Chuck Beck reminded all of the letters CTMC sent to both CTDEP and the ACOE requesting that Amtrak be required to obtain any clean material needed to reinstate the beach in Niantic from the CT River as part of the Niantic River Railroad Bridge replacement project. Public Notices about the project have recently been posted by CTDEP and the ACOE. Mr. Beck recommended that the previous CTMC letters be re-transmitted via a cover letter to the respective dockets. All agreed, with the exception of George Wisker who had to decline because of his role in the project.
  
- F. CODEL letter – The Chairman asked if the Commissioners had reviewed the draft letter that was part of the meeting package intended to be sent to the CT Congressional Delegation. (CODEL). The letter has become an annual reminder to the CODEL of the state's dredging and associated Federal funding needs. Commissioner Johnson made a motion to approve, sign and send the letter. The motion was seconded by Commissioner Miller and was approved unanimously.
  
- G. Public Act 09-186 Discussion – Commissioner Gunther initiated discussion on the topic stating that the CTMC has a dictate by statute thus an obligation to be informed on matters such as those that became PA 09-186. All the CTMC had was information provided by Beck that Commissioner Gunther felt was incomplete if not one sided. Commissioner Gunter stated that even though Commissioner Riccio's involvement in the legislative process was done in his capacity as the Executive Director of the Bridgeport Port Authority, as Chairman to the CTMC he had an obligation to keep the CTMC informed. Commissioner Gunther felt that the CTMC still needed to hear from Commissioner Riccio on what he knows about the circumstances that led up to the eleventh hour change to the Port Authority state statute. Commissioner Dubno made a motion to retire to an Executive Session since Commissioner Gunther was now discussing personnel matters of the CTMC. Part of the motion was for the Chairman to "pass the gavel" to the Vice Chairman during the Executive Session. (DECD Designee Sue Decina departed.) Commissioner Opie seconded the motion. The motion passed with 11 affirmative votes and 2 abstentions. At 1059 the room was cleared and the CTMC Commissioners entered an Executive Session. At 1133, the CTMC Commissioners concluded the Executive session and continued the Public session.

**VI Date of Next Meeting:**

It was announced that the next meeting of the CTMC would be at the **Fort Trumbull Conference Center in New London, CT at 0930 on Wednesday October 21, 2009.**

**VII Adjournment:**

A motion to adjourn was made by John Opie, seconded by George Wisker and passed by unanimous vote. The meeting adjourned at 11:35 AM.