

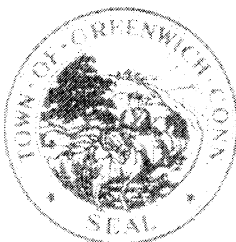
RTM

September 2013

ITEMS

1. Contract
6. Lease
7. Harbor Management Commission Ordinance

Item 1



# TOWN OF GREENWICH

Finance Department

Peter P. Mynarski, Jr., Comptroller

August 15, 2013

TO: David Detjen, Chairman  
Labor Contracts Committee

FROM: Peter Mynarski  
Comptroller

REQUIRED CONFIRMATION OF THE ESTIMATED COSTS FOR THE 2012  
-2015 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN  
OF GREENWICH AND LOCAL 1042 INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS, AFL-CIO.

As required by the Representative Town Meeting approved Sense of the Meeting  
Resolution, Item 22, Paragraph 3, dated June 9, 1980, I am certifying the attached  
estimate of annual costs to the Labor Contracts Committee and the Representative Town  
Meeting for September 16, 2013 are correct and I am in agreement.

8-15-2013  
Date

Peter P. Mynarski, Jr.  
Comptroller

cc: Alfred C. Cava, Director of Labor Relations

**Local 1042 IAFF 2012 - 2015 Settlement Cost Summary**

|                                  |                     |                     |                     |                     |                |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|----------------|
|                                  |                     | 2.65%               | 2.60%               | 2.50%               |                |
|                                  | Current             | 7/1/2012            | 7/1/2013            | 7/1/2014            |                |
| <b>Base Wages a</b>              | \$ 7,272,252        | \$ 7,487,904        | \$ 7,711,743        | \$ 7,917,431        | <b>8.87%</b>   |
| Percentage +                     |                     | 2.97%               | 2.99%               | 2.67%               |                |
| <b>Other Wages</b>               |                     |                     |                     |                     |                |
| Stipends                         | \$577,727           | \$577,727           | \$577,727           | \$577,727           |                |
| Out of Class Pay                 | \$67,746            | \$69,755            | \$71,840            | \$73,756            |                |
| Overtime                         | \$1,144,971         | \$1,178,924         | \$1,229,166         | \$1,276,950         |                |
| Uniform Allowance                | \$101,799           | \$101,799           | \$101,799           | \$101,799           |                |
| Night Differential               | \$164,219           | \$164,219           | \$164,219           | \$164,219           |                |
| Holiday Pay                      | \$478,590           | \$492,782           | \$507,513           | \$521,049           |                |
| <b>Wages Related Totals</b>      | <b>\$9,807,303</b>  | <b>\$10,073,110</b> | <b>\$10,364,006</b> | <b>\$10,632,932</b> | <b>8.42%</b>   |
| Percentage+                      |                     | 2.71%               | 2.89%               | 2.59%               |                |
| <b>Medical (Town Costs) b</b>    | <b>\$2,204,234</b>  | <b>\$2,204,234</b>  | <b>\$2,058,853</b>  | <b>\$1,894,142</b>  | <b>-14.07%</b> |
| Percentage +                     |                     | 0.00%               | -6.60%              | -8.00%              |                |
| <b>Retirement</b>                |                     |                     |                     |                     |                |
| DB Retirement Tier I c           | \$1,326,883         | \$1,362,820         | \$1,372,935         | \$1,350,841         |                |
| DB Retirement Tier II c          | -                   | -                   | \$20,171            | \$61,994            |                |
| 401-k                            | \$150,375           | \$150,375           | \$158,475           | \$166,575           |                |
| Medicare                         | \$142,206           | \$146,060           | \$150,278           | \$154,178           |                |
| <b>Retirement Related Totals</b> | <b>\$1,619,464</b>  | <b>\$1,659,255</b>  | <b>\$1,701,858</b>  | <b>\$1,733,588</b>  | <b>7.05%</b>   |
| Percentage +                     |                     | 2.46%               | 2.57%               | 1.86%               |                |
| <b>Grand Totals</b>              | <b>\$13,631,000</b> | <b>\$13,936,598</b> | <b>\$14,124,718</b> | <b>\$14,260,661</b> | <b>4.62%</b>   |
|                                  |                     | 2.24%               | 1.35%               | 0.96%               |                |

a - Includes paid leave

b- based on premiums in effect for 2012-2013

c- Normal Cost Used in Calculating Town retirement costs; Tier II costs based replacement of 2 retirements in 2013 and 4 retirements in 2014

Town of Greenwich  
And  
Local 1042 IAFF  
2012 – 2105 Summary of Negotiated Changes

| <i>Article</i>                       | <i>Summary of Change</i>                                                                                                                                                             |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article I Recognition                | Delete reference to outdated Appendix XII.                                                                                                                                           |
| Article III (B) Wages                | Amend to provide for GWI s 7/12-2.65%, 7/13-2.6%, 7/14-2.5%.                                                                                                                         |
| Article III (E) Wages                | Add new paragraph for mandatory direct deposit.                                                                                                                                      |
| Article IV (H) Collective Bargaining | Change “man” to read “member.”                                                                                                                                                       |
| Article VI (B) (1) Overtime          | Provide for the existing calculation for determining the overtime rate of pay for line firefighters.                                                                                 |
| Article VI (B) (2) Overtime          | Provide for the existing calculation for determining the overtime rate of pay staff firefighters.                                                                                    |
| Article VI (C) (1) (2) Overtime      | Outdated references deleted.                                                                                                                                                         |
| Article VI (I) Overtime              | Revise Captain to Deputy Chief to reflect correct title and provide for paid overtime in lieu of comp time for certain overtime worked by members assigned to the training division. |
| Article VI (J) Overtime              | Delete reference to volunteers who are not covered by the terms of the collective bargaining agreement. Adjust hourly rate for Fire Watch duty to \$65.00 per hour.                  |

Item 1

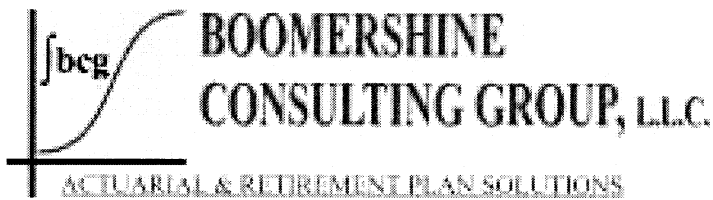
Item 1

| <i>Article</i>                    | <i>Summary of Change</i>                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article VIII (A) (3) Sick leave   | Adjust calculation for pay for unused sick leave at retirement based on annual hours scheduled.                                                                                                                                                                                                                                                                                                                         |
| Article XI (F) Vacations          | Reinstate past practice for vacation payout for Tier I retirement members (i.e. members hired prior to October 1, 2013).                                                                                                                                                                                                                                                                                                |
| Article XII (A) (B) (C) Insurance | Effective January 1, 2014 provide for 2000/4000 HSA at 10% employee contribution and POS at 12% employee contribution, increase generic Rx to \$10 from \$5.<br>Effective January 1, 2015 provide for 2000/4000 HSA with RX co-pays of 10/25/40 at 10% employee contribution and POS at 13% employee contribution.                                                                                                      |
| Article XII (E) Insurance         | Effective January 1, 2014 increase class D procedures to a maximum of \$2,000 from \$1,000 and increase annual deductible to \$100/\$300 from \$50/%150.                                                                                                                                                                                                                                                                |
| Article XII (F) Insurance         | Outdated reference deleted.                                                                                                                                                                                                                                                                                                                                                                                             |
| Article XII (G) (1) (2) Insurance | Outdate reference deleted and Town contribution to retirees in HSA to be made in January of each year. Provide for a 24 month waiver for spousal cost share of medical insurance in instances where the Retirement Board awards an accidental death benefit (excludes death benefits awarded to due heart and hypertension). Delete outdated reference to prior arbitration award and quarterly HSA Town contributions. |
| Article XIII Retirement           | The retirement article was amended to provide for non-substantive changes to be consistent with language of the Town Charter and Retirement Plan Document.                                                                                                                                                                                                                                                              |

| <i>Article</i>                      | <i>Summary of Change</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article XIII Retirement             | <p>Provide for a change in retirement benefits for members hired on or after October 1, 2013 (Tier II retirement).</p> <ul style="list-style-type: none"> <li>- Member contributions to continue until maximum benefit is reached (i.e. 37.5 years of service).</li> <li>- Provide for a minimum of 25 years of service and age 50 for eligibility for a service retirement. Prior benefit had been 20 years of service with no minimum age.</li> <li>- Eliminate the 26 year 8 month cliff benefits providing for 75% maximum retirement benefit.</li> <li>- Final pensionable compensation cannot exceed 118% of Appendix I wages.</li> <li>- Multiple reduced to 2% per year from 2.5% per year.</li> </ul> |
| Article XIII (J) Retirement         | <p>Provide for an increase in Town match to the members deferred contribution plan of \$100 in January 2013 for 2012 member contributions and \$100 in January 2014 for 2013 member contributions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Article XVI (C)(1) (2) (3) Training | <p>Revise reference to medical responder certification to conform to state changes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Article XIX (C) Specialty Teams     | <p>Outdated reference deleted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Article XX (G) Appointments         | <p>Replace posting requirement at each fire station with posting to Town's web site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Article XX (I) Appointments         | <p>Add Fire Science to list of acceptable Associate Degrees for promotion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Article XX (J) Appointments         | <p>Amend reference to rank to reflect current table of organization.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Article XX (L) Appointments         | <p>Outdated references deleted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| <i>Article</i>                  | <i>Summary of Change</i>                                                                                |
|---------------------------------|---------------------------------------------------------------------------------------------------------|
| Article XXII Effective Date     | Update all date references to reflect new term of agreement.                                            |
| Appendix I Annual Wage Rates    | Updated to reflect general wage increases.                                                              |
| Appendix V HD-HSA Medical Plan  | Summary of benefits revised to reflect plan changes                                                     |
| Appendix VI \$10 POS Plan       | Reflects summary of benefits for \$10 POS medical plan.                                                 |
| Appendix VII Prescription Drugs | Summary of benefits revised to reflect plan changes.                                                    |
| Appendix VIII Dental Benefits   | Summary of benefits revised to reflect plan changes.                                                    |
| Appendix IX Overtime Agreement  | Revised to reflect changes to table of organization, technical changes and practices of the department. |
| Appendix XII Fire Marshal       | Appendix deleted as outdated.                                                                           |

Item 1



August 22, 2013

Mr. Alfred C. Cava, SPHR  
Director of Labor Relations  
Town of Greenwich  
101 Field Point Road, 2<sup>nd</sup> Floor  
Greenwich, CT 06830

**Re: Cost Analysis for Fire Fighter Tier II Benefits**

Dear Al:

As requested, we have completed an updated actuarial analysis on the impact on the Town of Greenwich Retirement System ("the Plan") of recent changes in the pension benefits for the Town's firefighters. A summary of the changes in plan provisions is shown in the enclosed exhibit.

Our understanding is that the new benefit tier (Tier II) will apply to all members of the IAFF Local 1042 bargaining unit hired by the Town on or after October 1, 2013. As such, there will be no impact on Plan liabilities or costs until the next actuarial valuation, July 1, 2014. The decrease in pension related costs associated with this change will occur very gradually, materializing over the course of several decades.

#### **Town Pension Costs**

The impact of this benefit change, which will only apply to new hires, is best measured by estimating the change in Normal Cost associated with the newest members of the Plan in the affected bargaining unit. Accordingly, we determined the Normal Cost as a percentage of pay for the ten most recently hired firefighters ("new entrants"), under both current plan provisions and Tier II provisions. The difference in these two rates represents a reasonable estimate of the cost impact of the changes. All of the figures below are percentages of *total* pay.

| New Entrant Costs        | Current | Tier II | Impact |
|--------------------------|---------|---------|--------|
| Total Normal Cost        | 20.5%   | 16.4%   | (4.1%) |
| - Employee Contributions | 5.0%*   | 4.9%    | (0.1%) |
| = Net Town Normal Cost   | 15.5%   | 11.5%   | (4.0%) |

\* Under current provisions, 5.0% rate decreases to 0.0% for members working beyond 26½ years

The figures above are based on the July 1, 2012 member data, and will be updated when the July 1, 2013 data becomes available, possibly resulting in a slightly different estimate.

Mr. Alfred Cava  
August 22, 2013

### Actuarial Assumptions

We used the same actuarial assumptions as were used in the July 1, 2012 valuation of the Plan, with the following exceptions:

- Assumed return = 7.00% (the Board's long-term assumption)
- Rates of retirement were adjusted to account for the lack of a specific incentive to retire at a given service levels. Such incentive exists within the current benefit structure at 26 $\frac{2}{3}$  years of service.

### Conclusion

The Tier II benefit structure represents a savings in pension costs of about 4% of pay (for new members) versus the current plan provisions. However, there are a number of issues that should also be considered, including:

1. Disability benefits – A change in retirement benefits can sometimes cause an increase in disability applications. Any increase in frequency disability claims can offset part of the cost savings.
2. Actual versus expected experience – The actual experience of the Plan will determine the cost of the benefits, so the actual impact of Tier II changes may vary from what is shown herein.
3. Other benefits and costs – We did not take into account any changes in non-pension costs that could be associated with Tier II changes, such as salaries, healthcare, other fringe benefits, or training costs.

This analysis has been performed in accordance with generally accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice. The undersigned is a member of the American Academy of Actuaries, and is qualified to render the opinions presented in this communication.

This letter was prepared for the exclusive use of the Town of Greenwich for the purpose described above, and is not intended for other audiences or purposes.

Please contact me if you have any additional questions or would like to discuss this analysis.

Sincerely,



Gregory M. Stump, FSA, EA, MAAA, FCA  
Vice President and Senior Actuary

Mr. Alfred Cava  
August 22, 2013

**Exhibit**

| <b>Benefit Provision</b>  | <b>Current</b>                                                                                                 | <b>Tier II</b>                                                                   |
|---------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Eligibility</b>        | Age 50 OR 20 years of service                                                                                  | Age 50 AND 25 years of service                                                   |
| <b>Benefit Amount</b>     | 2.5% of final compensation per year of service; 75% of final compensation at 26 $\frac{2}{3}$ years of service | 2.0% of final compensation per year of service (no additional threshold amounts) |
| <b>Final Compensation</b> | 26 pay average, Base Pay + Stipends                                                                            | 26 pay average, Base Pay + Stipends; limited to 118% of Base Pay                 |

Item 6



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860)594-2444



April 29, 2013

RECEIVED

MAY - 2

James W. Michel, P.E.  
Chief Engineer  
Department of Public Works  
Engineering Division  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06430

DPW - ENGINEERING DIVISION

Dear Mr. Michel:

Subject: ROW File No. 301-092-001A  
Town of Greenwich  
Town of Greenwich

This is in regard to the meeting that was held on March 11, 2013 between Department and Town officials concerning the subject project and property.

Station and Parking Lot Improvements:

At the Old Greenwich Station, the existing 6 car platform will be extended on both sides of the railroad to 10 car lengths with additional staircases added to the extensions. The station will receive all new electrical power, and the lighting on the platforms will be upgraded. The southern two parking lots are to be reworked to increase the existing total number of available spaces by approximately 97. The upper lot is owned by the State, and the lower lot called the Arcadia lot is owned by the Town of Greenwich. Both lots are to be restriped, and the existing street lighting will be upgraded and enhanced to cover the reconfigured lots. An existing staircase providing access from the lower Arcadia lot up to the station will also be rebuilt in conjunction with a new retaining wall required to support the expanded State parking lot.

During the Stage I and II construction activities, there will be temporary loss of parking. Stage I = 85 spaces and Stage II = 115 spaces. Once we finalize building the Stage II section of the retaining wall, we can completely restore the Arcadia lot and stripe for the new configuration.

As a result of the proposed improvements, the Department is requesting a donation of the required property rights.

Item 6

RECEIVED

MAY - 2 -

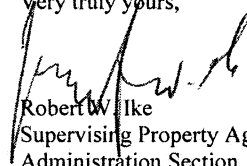
- Page 2 -

DPW - ENGINEERING DIVISION

Enclosed please find a Waiver of Compensation Form and proposed acquisition map. Please execute the Waiver and return it to me in the enclosed envelope. Upon receipt, this office will prepare the necessary conveyance document.

If you should have any questions, please contact me at the above telephone number.

Very truly yours,



Robert W. Ilke  
Supervising Property Agent  
Administration Section  
Division of Rights of Way

Enclosures

Item 6

RECEIVED

MAY - 2

(860) 594-2444

DPW - ENGINEERING DIVISION

April 29, 2013

The Department of Transportation  
Bureau of Engineering and Construction  
2800 Berlin Turnpike  
P. O. Box 317546  
Newington, Connecticut 06131-7546

**WAIVER OF COMPENSATION & APPRAISALS**

**Whereas, The Town of Greenwich** is the owner of certain real property situated in the Town of Greenwich, County of Fairfield, and State of Connecticut, upon which the State of Connecticut requires a certain permanent Easement for Construction & Maintenance of Retaining Wall Footing.

**Whereas, The Town of Greenwich** has been informed of their right to receive any and all just compensation for said Easement for Construction & Maintenance of Retaining Wall Footing in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**Now therefore, said The Town of Greenwich** does hereby waive their right to receive any and all just compensation for said Easement for Construction & Maintenance of Retaining Wall Footing described on the map entitled:

**"TOWN OF GREENWICH, MAP SHOWING EASEMENT ACQUIRED FROM THE TOWN OF GREENWICH BY THE STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, METRO-NORTH RAILROAD BRIDGE NO. 03948R AND METRO-NORTH RAILROAD BRIDGE NO. 03955R, SCALE 1" = 30', DECEMBER, 2012, THOMAS A. HARLEY, P.E. - CHIEF ENGINEER, BUREAU OF ENGINEERING AND CONSTRUCTION, Town No. 056, Project No. 301-092, Serial No. 001A, Sheet 1 of 1."**

By \_\_\_\_\_

Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

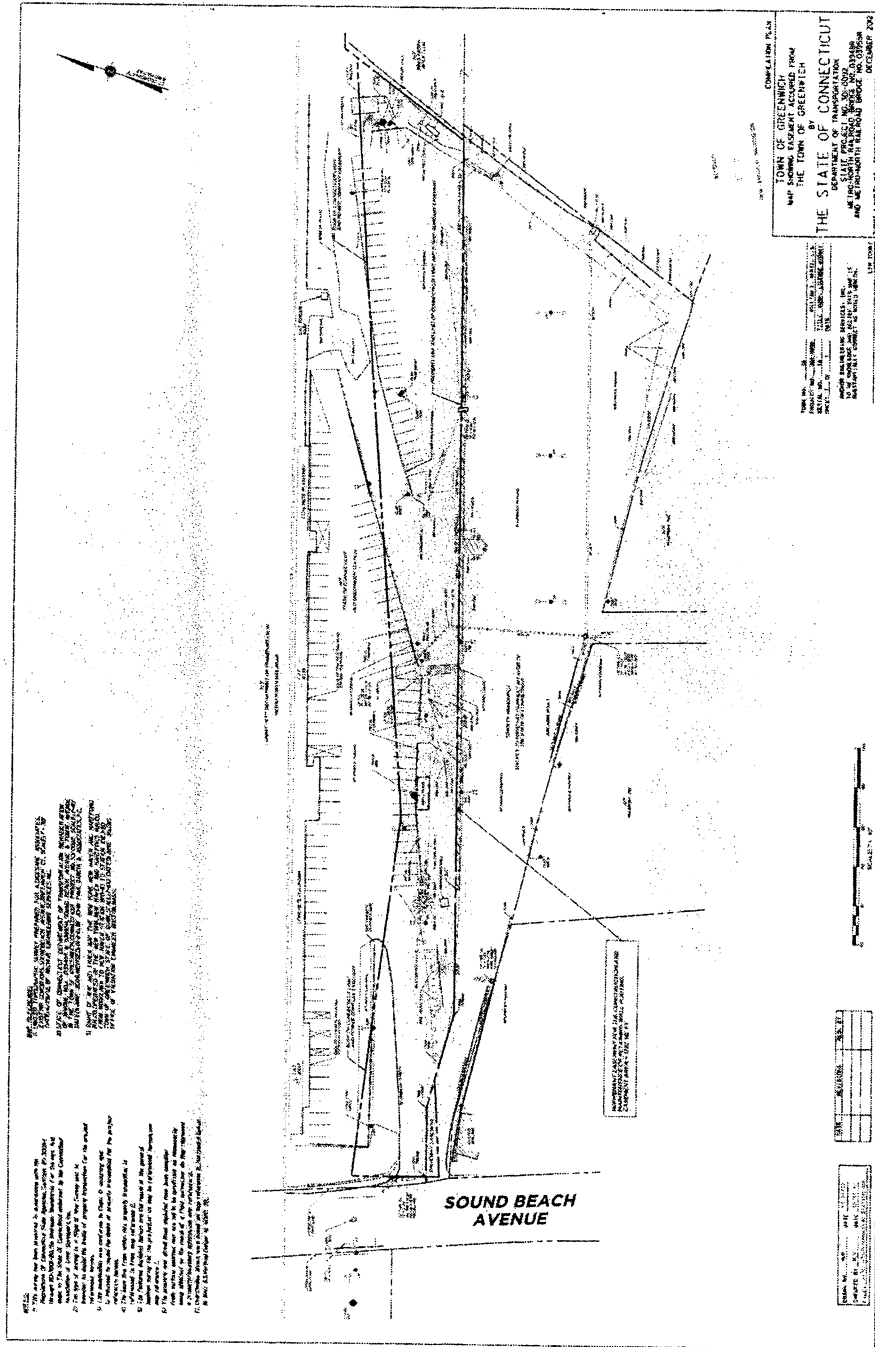
Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Witness: \_\_\_\_\_

Date \_\_\_\_\_

Item 6



Item 6

Return to:  
State of Connecticut  
Department of Transportation  
Office of Rights of Way/0403  
P.O. Box 317546  
2800 Berlin Turnpike  
Newington, Connecticut 06131-7546

EASEMENT

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW THAT, the Town of Greenwich, a municipal corporation, having its territorial limits within the County of Fairfield and State of Connecticut, acting herein by \_\_\_\_\_, hereunto duly authorized, for Good and Valuable consideration received to its full satisfaction of the State of Connecticut, does hereby give and grant unto the said State of Connecticut, its successors and assigns, that certain full and perpetual easement for the construction and maintenance of retaining wall footing under, over and across portions of land of the Town of Greenwich, containing 1,722 square feet, more or less, located on the southerly side of the Metro North Railroad property, easterly of Sound Beach Avenue, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, as more particularly shown on a map to be filed in the Greenwich Town Clerk's Office, entitled: "TOWN OF GREENWICH MAP SHOWING EASEMENT ACQUIRED FROM THE TOWN OF GREENWICH BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 301-0092 METRO-NORTH RAILROAD BRIDGE NO. 03948R AND METRO NORTH RAILROAD BRIDGE NO. 03955R DECEMBER 2012 THOMAS A. HARLEY, P.E. - TRANSPORTATION CHIEF ENGINEER BUREAU OF ENGINEERING AND CONSTRUCTION", Town No. 56, Project No. 301-0092, Serial No. 1a, Sheet 1 of 1.

TO HAVE AND TO HOLD the easements for the aforesaid purpose unto the said State of Connecticut, its successors and assigns.

IN WITNESS WHEREOF, said municipal corporation has caused its name to be signed and its corporate seal to be hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

Signed, Sealed and Delivered  
in the presence of

Town of Greenwich

Witness

By \_\_\_\_\_ (L.S.)

Duly Authorized

Witness

STATE OF CONNECTICUT )  
COUNTY OF FAIRFIELD ) ss:

The foregoing Instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 2013, by \_\_\_\_\_, of Town of Greenwich, a municipal corporation, on behalf of the corporation.

My Commission Expires

Notary Public

## EASEMENT

For a valuable consideration, receipt and sufficiency of which are hereby acknowledged, the TOWN OF GREENWICH, CONNECTICUT, a municipal corporation and body politic under the laws of the State of Connecticut (the "Grantor"), hereby grants unto THE CONNECTICUT LIGHT AND POWER COMPANY, a specially chartered Connecticut corporation having an office in the Town of Berlin, County of Hartford, State of Connecticut, its successors and assigns forever (the "Grantee"), the following permanent and, except to the extent as may hereinafter be specifically set forth, exclusive rights and easements in the rights of way described in Exhibit A attached hereto and made a part hereof and also depicted in the map referenced in said Exhibit A and specifically in Exhibit B attached hereto (collectively, the "Rights of Way") that are located in, within and on that certain land of the Grantor in the Town of Greenwich, County of Fairfield, State of Connecticut, more commonly known as the Old Greenwich Rail Road Station, South Beach Avenue, Greenwich, Connecticut.

1. The right, from time to time, to erect, install, construct, reconstruct, repair, maintain, replace, relocate, inspect, patrol, expand, operate and remove upon, over, in, under, along, across and through the Rights of Way, poles, towers, crossarms, guys, foundations, anchors, braces, ducts, manholes, fences, gates, and other structures, lines, wires, filament, cables, including fiber optic and communication cables, other conductors, antennas, and other structures, fixtures and appurtenances useful for the conducting and the transmission and distribution of electric current, energy, intelligence, wireless signals, light and communications of any character; and monuments and signs to locate the Rights of Way; and

2. The right to conduct, distribute and transmit electricity, energy, intelligence, light, wireless signals and/or communications of any character and to provide the service or services relating to said right(s) by means of the equipment, structures and facilities described in or otherwise installed in connection with this instrument; and

3. The right to trim and keep trimmed, cut, clear and remove, by mechanical means or otherwise, trees or limbs and branches thereof, underbrush and other growth, and the additional right to remove structures, improvements, obstructions, deposits of materials, soil and the like, any and all parts of which, are (i) within the limits of the Rights of Way, (ii) on adjoining land of the Grantor and which may interfere with the exercise of any of the rights and/or easements herein granted, or (iii) which may create a hazard; the right to control the growth of such trees, limbs, branches, underbrush and other growth by the use of chemicals or otherwise, provided the right to use chemicals shall not apply to any area which at the time of exercising such right is used for growing crops, other than trees, or for mowing or grassland; the right to dispose of all wood cut; and the right to use "self-help" in order to exercise or effectuate any of the rights of the

Grantee herein; regarding any exercise of such "self-help" by the Grantee the Grantor hereby consents to and hereafter ratifies; and

4. The right to enter upon, travel and transport materials and equipment over and upon the Rights of Way and, if necessary or convenient in connection therewith, the right to grade, excavate, fill or otherwise improve the Rights of Way; and

5. The right of reasonable access over and across other (including adjoining) land of the Grantor to the Rights of Way.

The easements and other rights granted herein to use and occupy the Rights of Way shall include all surface and subsurface rights and air rights thereover.

The Grantor hereby reserves the right to use the Rights of Way for purposes which, in the opinion of the Grantee, (i) do not interfere with the exercise of any of the rights, interests and/or easements herein granted, and/or (ii) do not create a hazard.

Grantor, by its granting of said easements and rights, and Grantee, by its acceptance of same, hereby acknowledge, covenant and agree for themselves and their respective successors and assigns as follows:

- (a) the easements and other rights granted herein are intended to be permanent rights and easements for the benefit of Grantee, its successors and assigns, and are to be fully apportionable and fully assignable or transferable, all or in part, without the need of any consent of the Grantor or the Grantor's successors and assigns;
- (b) the Grantor shall not erect any building or structure on, place or store any materials on, park or store any vehicles on, grade, excavate, fill or flood the Rights of Way, or otherwise use the Rights of Way in any manner which, in the opinion of the Grantee (i) may interfere with the exercise of any of the rights and/or easements herein granted to Grantee or (ii) which may create a hazard;
- (c) nothing shall be attached to the property of the Grantee installed by virtue of this instrument except such things as are placed thereon by the Grantee;
- (d) no cessation of use or operation of all or any portion of said easements or rights or of the Rights of Way by Grantee shall be deemed an abandonment thereof resulting in the termination of any aspect of the easements and/or rights or of the Rights of Way, unless the holder of same at the time of such cessation of use or operation releases, in a written instrument in recordable form, its rights in such easements and rights or in the Rights of Way; and

(e) the Grantor shall not convey any new or additional easements to any third parties within or across the Rights of Way or other lands of the Grantor which may, in the opinion of the Grantee, (i) interfere with the exercise of any of the rights and/or easements granted herein, and/or (ii) which may create a hazard.

The words "Grantor" and "Grantee" in this instrument are intended, where the context requires, permits or is appropriate to include the plural number as well as the singular and their successors and assigns. The terms "right", "Right of Way" or "easement" are intended to extend to more than one right of way or easement where the context so requires or permits.

If any part of the Rights of Way is now or shall hereafter become a public street or highway or a part thereof, permission as provided in the General Statutes of Connecticut relating to adjoining land owners is hereby given to the Grantee to use that part for the purpose and the manner above described.

The Grantor and Grantee hereby acknowledge and agree that nothing herein shall adversely affect, release, waive or diminish in any way any existing rights and easements held by the Grantee.

TO HAVE AND TO HOLD the above granted and bargained rights and easements unto it, the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF the Grantor has hereunto set its hand this \_\_\_\_ day of August, 2013.

Signed and delivered  
in the presence of:

TOWN OF GREENWICH, CT

By: \_\_\_\_\_  
Its \_\_\_\_\_  
Duly Authorized

Item 6

ACKNOWLEDGEMENTS

STATE OF CONNECTICUT)

) ss:

COUNTY OF )

On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, personally appeared \_\_\_\_\_, who acknowledged himself to be the \_\_\_\_\_ of \_\_\_\_\_, a municipal corporation, and that, being authorized to do so, executed the foregoing instrument for the purpose therein contained as his free act and deed as such officer and the free act and deed of said municipal corporation.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public  
My Commission Expires: \_\_\_\_\_

Item 6

**Exhibit A**

**PROPERTY DESCRIPTION**

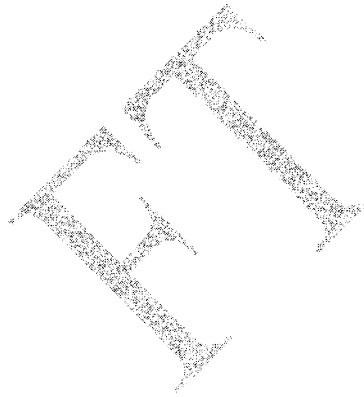


**Exhibit B**

**EASEMENT MAP**

That certain map entitled "EASEMENT MAP EASEMENT TO BE ACQUIRED FROM THE TOWN OF GREENWICH SOUND BEACH AVE. OLD GREENWICH, CT DATE: 7/29/13 REV. SCALE:1"=30' R.E. PROJ. NUMBER 056-08-056 R.E. DWG.23419".

DA

Item 6

**FIGURE 1.2 (a)**

**STATEMENT - REAL ESTATE CONVEYANCE TAX**

GRANTOR: Town of Greenwich, Connecticut

GRANTEE: The Connecticut Light and Power Company

To Town Clerk of Greenwich, Connecticut:

The following information is submitted with reference to property at

and in accordance with Secs. 12-494 to 12-503 inclusive of the 1969 Supplement as amended by Public Act 158 of the 1971 Session of the Connecticut General Assembly.

Check and insert applicable pertinent data:\*

☐ Full purchase price, including assumed or existing mortgages, liens, etc.

Not subject to tax for following reasons:

(Check appropriate reason)

☐ No consideration paid;

☐ Consideration other than money;

☒ Deed to or by the United States, State of Connecticut, any municipality or any agency, political subdivision or instrumentality thereof;

☐ Tax deed;

☐ Deed of partition.

TOWN OF GREENWICH, CT

Signed By: \_\_\_\_\_

\_\_\_\_\_  
Seller or Representative (Typed)

Date \_\_\_\_\_

Exact Sale Price \$ 0.00 x .00 = \$ 0.00

Item 6

No deduction shall be made for the amount of any mortgages or liens remaining upon the property at the time of the sale even though not assumed by the grantee.

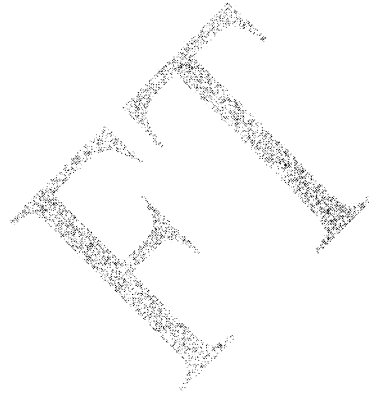


**FIGURE 1.3**

**RESOLUTION**

The undersigned Town Clerk of the Town of Greenwich (the "Town"), a municipal corporation of the State of Connecticut, does hereby certify that the following is a full, true and correct copy of a resolution adopted at a meeting of the Board of Selectman of said town, duly called and held on \_\_\_\_\_ at which a quorum was present and acting throughout:

RESOLVED: That it is hereby determined by the Board of Selectman that it is in the best interests of the Town to grant to The Connecticut Light and Power Company, an Easement in, within, on, through and across certain real property of said town located at \_\_\_\_\_ for consideration in the amount of Zero Dollars (\$0.00) and good and valuable consideration, in substantially the form of Easement attached hereto, and be it further resolved that \_\_\_\_\_ as the Town's First Selectman, is hereby authorized to execute said Easement on behalf of the Town, as well as any and all other documents pertaining to said Easement.

The undersigned further certifies that the foregoing resolution is still in full force and effect as of this date.

In witness whereof I have hereunto set my hand and affixed the Seal of the Town of Greenwich on \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Corporate Seal

\_\_\_\_\_  
Greenwich Town Clerk

Item 6

**Exhibit A**

**EASEMENTS TO BE GRANTED TO THE CONNECTICUT LIGHT & POWER COMPANY  
FROM THE TOWN OF GREENWICH**

**Easement Area A**

The Easement herein described contains 10,760 sq. ft., more or less, and is located off the easterly side of Sound Beach Avenue, Town of Greenwich, County of Fairfield, State of Connecticut. Said easement is more particularly bounded and described as follows:

Beginning at a point, said point being 46.52' westerly along the northerly property line of land of the Grantor said Town of Greenwich from the northeasterly corner of land of the Grantor said Town of Greenwich,

Thence along said southerly property line of land of Now or Formerly State of Connecticut, A.K.A. Old Greenwich Station,

N73°07'44"E A distance of thirty six and 48/100 (36.48') feet to a point,

Thence across land of the Grantor said Town of Greenwich the following two courses,

S17°48'06"W A distance of one hundred fifty and 04/100 (150.04') feet to a point, thence,

S65°30'14"W A distance of one hundred twenty two and 23/100 (122.23') feet to a point on the northerly property line of land of Now or Formerly Marmah Inc.,

Thence along said northerly property line of land of said Marmah Inc.,

S87°27'21"W A distance of one hundred twenty two and 50/100 (122.50') feet to a point, thence,

Thence across land of the Grantor said Town of Greenwich,

S89°51'29"W A distance of twenty five and 25/100 (25.25') feet to a point, thence,

N89°27'09"E A distance of ninety one and 57/100 (91.57') feet to a point, thence,

S88°44'41"W A distance of thirty one and 38/100 (31.38') feet to a point, thence,

S86°52'54"W A distance of fifteen and 87/100 (15.87') feet to a point,

Thence across land of the Grantor said Town of Greenwich the following ten courses,

N79°14'14"E A distance of forty two and 60/100 (42.60') feet to a point, thence,

N88°23'15"E A distance of ninety six and 65/100 (96.65') feet to a point, thence,

N89°51'29"E A distance of twenty five and 34/100 (25.34') feet to a point, thence,

N27°16'18"W A distance of fifty seven and 26/100 (57.26') feet to a point, thence,

N62°43'42"E A distance of ten and 00/100 (10.00') feet to a point, thence,

S27°16'18"E A distance of sixty one and 86/100 (61.86') feet to a point, thence,

N87°27'21"E A distance of one hundred twenty two and 29/100 (122.29') feet to a point, thence,

M:\dpw\Eng\Capital Projects\2008\08-44 Metro North over Tomac and Sound  
Beach\Correspondences\ROW\CLP\Greenwich Town of Electrical Easement DRAFT OG RR Station EXHIBIT A 07 29  
13.doc

N24°29'46"W A distance of ten and 28/100 (10.28) feet to a point, thence,  
 N65°30'14"E A distance of one hundred thirty one and 15/100 (131.15') feet to a point, thence,  
 N17°48'06"E A distance of one hundred sixteen and 03/100 (116.03') feet to a point, said point being the point of beginning.

#### Easement Area B

The Easement herein described contains 664 sq. ft., more or less, and is located off the easterly side of Sound Beach Avenue, Town of Greenwich, County of Fairfield, State of Connecticut. Said easement is more particularly bounded and described as follows:

Beginning at a point, said point being 36.98' easterly along the southerly property line of land of the Grantor said Town of Greenwich and the northwesterly corner of land of Now or Formerly Marmah Inc.,  
 Thence across land of the Grantor said Town of Greenwich,  
 N53°48'04"W A distance of sixty four and 06/100 (64.06') feet to a point,  
 Thence along said southerly property line of land of Now or Formerly State of Connecticut, A.K.A. Old Greenwich Station,  
 N73°07'44"E A distance of twelve and 51/100 (12.51') feet to a point,  
 Thence across land of the Grantor said Town of Greenwich,  
 S53°48'04"E A distance of sixty eight and 75/100 (68.75') feet to a point on the northerly property line of land of Now or Formerly Marmah Inc.,  
 Thence along said northerly property line of said Marmah Inc.,  
 S86°52'54"W A distance of fifteen and 78/100 (15.78') feet to a point, said point being the point of beginning.

#### Easement Area C

The Easement herein described contains 100 sq. ft., more or less, and is located off the easterly side of Sound Beach Avenue, Town of Greenwich, County of Fairfield, State of Connecticut. Said easement is more particularly bounded and described as follows:

Beginning at a point, said point being 51.37' easterly along the southerly property line of land of the Grantor said Town of Greenwich from the streetline of Sound Beach Avenue, the southwesterly corner of land of the Grantor said Town of Greenwich and the northwesterly corner of land of Now or Formerly JP-Soundbeach Ave, LLC.,  
 Thence across land of the grantor said Town of Greenwich the following two courses,  
 N00°05'42"W A distance of one and 95/100 (1.95') feet to a point, thence,

Item 6

N89°54'18"E     A distance of one hundred two and 14/100 (102.14') feet to a point on the northerly property line of land of said JP-Soundbeach Ave, LLC,

Thence along said northerly property line of said JP-Soundbeach Ave, LLC,

S88°48'37"W     A distance of one hundred two and 16/100 (102.16') feet to a point, said point being the point of beginning.

Said easements are more clearly designated and defined on a map entitled "Easement Map, Easement to be Acquired from Town of Greenwich Sound Beach Avenue Old Greenwich Ct. " Dated 7/29/13 Scale 1"=30' R.E. Drawing Number 23419, By William E. Wertz CT. L.S. #70067 A copy of which has been or will be filed for record with the Town Clerk in the Town of Greenwich Land Records.

[illegible]

## SELECTMEN'S HARBOR MANAGEMENT ADVISORY COMMITTEE

### **BENEFITS AND DISADVANTAGES REGARDING THE CREATION OF A HARBOR MANAGEMENT COMMISSION AND HARBOR MANAGEMENT PLAN**

JULY 3, 2012

#### **OVERVIEW**

At the initial meeting of the Selectmen's Harbor Management Advisory Committee on April 26, 2012, the Selectmen requested the Committee prepare a report in this regard. After extensive research and discussion, together with input received from the Town's Waterways Management consultant, Geoff Steadman, we are pleased to present the results of our efforts.

This report contains an overview of the possible benefits and disadvantages, a suggested action plan and backup information.

#### **BENEFITS**

1. It is anticipated that a Town Harbor Management Plan, applied in coordination with Town authorities provided by Special Legislative Acts 288 and 93, would strengthen the Town's role, relative to state and federal authorities, for managing use and conservation of the Town's navigable waterways.
2. The Harbor Management Plan would increase Town oversight regarding the actions and responsibilities of the Greenwich Harbor Master and should facilitate increased involvement by the Harbor Master for achieving the Town's goals for beneficial use and conservation of the Town's navigable waterways.
3. The Harbor Management Plan would extend the Town's municipal planning authority over the Greenwich Harbors Area and thereby complement the Town's land-use planning policies set forth in the Town's Plan of Conservation and Development.
4. Coordination among the different Town commissions and departments and among the different Town, state, and federal agencies that now carry out responsibilities affecting the Town's navigable waterways may be increased.
5. Through the regular meetings of the Town's Harbor Management Commission, a continuing local forum would be established to give all citizens, officials and businesses an opportunity to address issues concerning the Town's navigable waterways.
6. The Harbor Management Plan could provide a formal basis for capital projects and other initiatives for beneficial use and conservation of the Town's navigable waterways and coastal area properties.

7. The Board of Selectmen would be relieved of daily operational responsibilities associated with management of the Town's navigable waterways without relinquishing any authority currently provided by the Special Legislative Acts.
8. The Harbor Management Plan can be modified or repealed if necessary.

### **DISADVANTAGES**

1. There will likely be concern among members of the Representative Town Meeting and others that creation of a Town Harbor Management Commission and preparation of a Harbor Management Plan would represent an undesirable expansion of Town government.
2. Since the Harbor Management Plan requires State of Connecticut approval prior to adoption by the Representative Town Meeting, it may be perceived that the Plan would give the State increased authority over local matters.
3. The process of preparing the Harbor Management Plan, including the process of obtaining public input, securing necessary State of Connecticut approvals, and achieving Town adoption, may be challenging and difficult.
4. An allocation of Town funds will be required to prepare the Harbor Management Plan and any new or amended rules and regulations for implementing the Plan.
5. A continuing allocation of Town funds may be required for administrative and staff assistance needed to support the Harbor Management Commission and otherwise assist the Commission with implementation of the Harbor Management Plan.

### **SUGGESTED ACTION PLANS**

1. Contact nearby municipalities for their advantages/disadvantages perspectives.
2. Ensure the HMAC budget addresses key financial requirements.
3. Schedule a meeting with yacht club commodores and marina owners to provide an overview & obtain feedback.
4. Schedule a public hearing to review perspectives, answer questions and obtain consensus. Issues such as the updating and rewriting of the Town marine rules and regulations need to be addressed.

**A MUNICIPAL HARBOR MANAGEMENT PLAN  
FOR THE TOWN OF GREENWICH  
POSSIBLE BENEFITS AND PERCEIVED DISADVANTAGES**

Prepared By:

Geoffrey Steadman for the  
Board of Selectmen's Harbor Management Advisory Committee  
June 18, 2012; Revised June 25, 2012

**POSSIBLE BENEFITS**

1. It is anticipated that a Town Harbor Management Plan, applied in coordination with Town authorities provided by Special Legislative Acts 288 and 93, would strengthen the Town's role, relative to state and federal authorities, for managing use and conservation of the Town's navigable waterways.

The Town currently has significant authority for managing its waterways utilizing the Special Act powers and duties of the Board of Selectmen. However, without a Harbor Management Commission and Harbor Management Plan, the Town is not applying the full range of municipal authority available to manage use and conservation of the Greenwich Harbors Area (GHA). Additional municipal authority available to the Town is provided by the state legislation known as the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes). This act authorizes any municipality with navigable water to establish a municipal harbor management commission and prepare a municipal harbor management plan for the most desirable use of those waters.

This additional municipal authority is significant as the Special Act powers and duties of the Selectmen do not extinguish state and federal authorities in the GHA. All tidal waters, submerged lands, and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public; just about everything that takes place below the high tide line is subject to the control and jurisdiction of the State of Connecticut and federal government, acting primarily through the Department of Energy and Environmental Protection (DEEP) and U.S. Army Corps of Engineers (USACE), respectively.

The Harbor Management Plan would establish a specific role for the Town, acting through the Town's Harbor Management Commission, in the state and federal decisions that affect waterfront development, environmental resources, and the boating and other activities that take place in the GHA. Those decisions pertain, for example, to the issuance of permits to construct docks, piers, and bulkheads and dredge in the GHA. A basic principal of the Plan would be that Town, state, federal, and private actions affecting the GHA should be consistent with the Plan. This consistency requirement would be a significant tool that the Town can use to ensure that state and federal actions conform with the Town's needs and interests.

In this regard, Sec. 22a-113n of the Connecticut General Statutes specifies that a recommendation made by a harbor management commission pursuant to a harbor management plan shall be binding on any official of the state when making regulatory decisions or undertaking or sponsoring development affecting the commission's area of jurisdiction, unless such official shows cause why a different action should be taken. This section of the General Statutes was upheld by the Connecticut Court of Appeals in the "Peter DiPietro v. Zoning Board of Appeals of the City of Milford" in 2006. In that instance, the court stated that "When a municipality has enacted such a plan [harbor management plan], and the commissioner of environmental protection has approved it, any recommendation made pursuant to that plan becomes binding."

With the Harbor Management Plan, the Town will have a specific, formal role in the DEEP permit process affecting navigable waters. Applicants for permits issued by the DEEP's Office of Long Island Sound Programs (OLISP) must submit their plans to a municipality's harbor management commission for review and comment prior to including those plans in a permit application submitted to the OLISP. In addition, applicants for OLISP Certificates of Permission (COPs) must provide copies of their applications to the harbor management commission at the same time those applications are submitted to the OLISP. These requirements ensure that the Town has the opportunity to review all proposals submitted to the OLISP for consistency with the Harbor Management Plan.

2. **The Harbor Management Plan would increase Town oversight regarding the actions and responsibilities of the Greenwich Harbor Master and should facilitate increased involvement by the Harbor Master for achieving the Town's goals for beneficial use and conservation of the Town's navigable waterways.**

Special Legislative Act 288 requires the Greenwich Harbor Master to advise the Board of Selectmen on matters concerning the Selectmen's rules, regulations, and orders for the use of Town waters, and requires the Harbor Master to confer with the Selectmen and make reports to the Selectmen when requested to do so. However, the Special Act does not appear to affect the Harbor Master in the exercise of his authorities set forth in the General Statutes. The Harbor Master is appointed by the Governor of Connecticut and is subject to the direction and control of the Connecticut Department of Transportation. With a Harbor Management Plan, the duties of the current Harbor Master and any future Harbor Masters must be conducted in accordance with the Harbor Management Plan. Sec. 15-1 of the Connecticut General Statutes specifies that "harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan... for a harbor over which they have jurisdiction." Therefore, the Harbor Management Plan would provide additional local direction and control with regard to the harbor master's activities, and ensure continuity between the actions of current and future harbor masters for the Town. In addition, the Plan would give the Town influence over the Governor's appointment of the Town's Harbor Master. Section 15-1 of the General Statutes specifies that "the appointment of a harbor master or deputy harbor master for the harbor of any municipality which has adopted a harbor management plan... shall be made by the Governor from a list of not less than three nominees submitted by the municipality's harbor management commission."

3. **The Harbor Management Plan would extend the Town's municipal planning authority over the Greenwich Harbors Area and thereby complement the Town's land-use planning policies set forth in the Town's Plan of Conservation and Development.**

The Greenwich Plan of Conservation and Development (POCD), updated by the Planning and Zoning Commission in 2009 and approved by the Representative Town Meeting, includes a recommendation that the Town should manage its waterways through development and adoption of a Town Harbor Management Plan. The Harbor Management Plan would be a complementary document to the POCD. In coordination with the POCD, the Harbor Management Plan would establish the Town's basic goals and strategies for beneficial use and conservation of the GHA and provide a guiding framework for Town planning and development initiatives focused on the GHA and waterfront. Together, the Harbor Management Plan and POCD would serve as the Town's principal guides for land and water use on, in, and contiguous to the GHA.

- 4.- **Coordination among the different Town commissions and departments and among the different Town, state, and federal agencies that now carry out responsibilities affecting the Town's navigable waterways may be increased.**

It may be expected that the Harbor Management Plan, as a duly adopted planning document of the Town, will serve to increase coordination among the different Town commissions and departments that carry out harbor management-related responsibilities. A number of Town commissions and departments in addition to the Board of Selectmen have authority or influence affecting the Town's navigable waterways. Close coordination among these Town agencies is necessary to accomplish the most effective management of the GHA. The Harbor Management Plan would provide a guiding framework (e.g., the Town's harbor management goals, objectives, and policies) within which the existing and future activities of these agencies can be carried out in a coordinated and effective manner. The Harbor Management Plan would help ensure that awareness and understanding of harbor management concerns are incorporated into the actions of Town commissions and departments without removing any of their existing authorities.

5. **Through the regular meetings of the Town's Harbor Management Commission, a continuing local forum would be established to give all citizens, officials and businesses an opportunity to address issues concerning the Town's navigable waterways.**

The Harbor Management Commission, through its regularly scheduled and special meetings, would provide a continuing forum for the expression of all public concerns related to use and conservation of the GHA. All citizens, officials, and businesses would have an opportunity to express their interests and bring their issues to the attention of the Commission.

6. **The Harbor Management Plan could provide a formal basis for capital projects and other initiatives for beneficial use and conservation of the Town's navigable waterways and coastal area properties.**

The Harbor Management Plan may establish a priority list of capital projects and other special initiatives to achieve the Town's goals for improving and maintaining the Town's

navigable waterways. That list would reflect careful review of Town needs and conditions and help to demonstrate the Town's commitment to actively managing its waterways. As a result, opportunities for the town to receive governmental and private grants for water and waterfront improvements and other harbor management purposes may be increased.

7. **The Board of Selectmen would be relieved of daily operational responsibilities associated with management of the Town's navigable waterways without relinquishing any authority currently provided by the Special Legislative Acts.**

With a Harbor Management Plan, the Selectmen would still retain their significant authorities pursuant to Special Legislative Acts 288 and 93. Those authorities would be suitably combined with the municipal harbor management authorities applied through a Harbor Management Commission and Harbor Management Plan. The Harbor Management Commission would be charged with the day-to-day responsibilities of addressing issues affecting the use and conservation of the Town's waterways, subject to appropriate municipal oversight, including oversight by the Selectmen, thereby relieving the Selectmen of daily operational responsibilities.

8. **The Harbor Management Plan can be modified or repealed if necessary.**

The Harbor Management Plan would necessarily include provisions for amendment as needed to address changing conditions and circumstances and therefore should not be considered a permanent document. To become effective, the Plan would require adoption by the Representative Town Meeting through a resolution that would be referenced in the Town Code. In theory, that section of the Town Code could be repealed by the RTM at such time as the RTM might determine that the Plan does not serve a beneficial Town purpose.

### **PERCEIVED DISADVANTAGES**

1. **There will likely be concern among members of the Representative Town Meeting and others that creation of a Town Harbor Management Commission and preparation of a Harbor Management Plan would represent an undesirable expansion of Town government.**

Previously, when the topic of harbor management planning has been discussed in Greenwich, concerns have been raised about the possible resulting expansion of Town government and the creation of additional regulatory authorities that would affect property owners. Such concerns could influence the RTM when considering a new Town ordinance that would be needed to establish the Harbor Management Commission. It would be expected that property owners, developers, and their representatives would object to additional regulatory review, including review of their applications for State permits and Town land use approvals by the Harbor Management Commission to determine the consistency of those applications with the Harbor Management Plan. That consistency determination, it should be recognized, would have to be carried out within the time frames of the existing regulatory processes and therefore should not add to the length of time currently required to complete those processes.

2. **Since the Harbor Management Plan requires State of Connecticut approval prior to adoption by the Representative Town Meeting, it may be perceived that the Plan would give the State increased authority over local matters.**

This concern was raised in other towns preparing harbor management plans, especially in the 1980s and early 1990s, but has proved to be unfounded. Communications with representatives of other municipal harbor management commissions should confirm that municipal harbor management plans have not resulted in increased State authority in local matters but instead have increased local authority. The legislative intent of the Connecticut Harbor Management Act which gives municipalities the authority to establish municipal harbor management commissions and prepare harbor management plans states that it is the intent of the Act to increase local authority over navigable waterways. Although State approval is required, a harbor management plan is clearly a municipal plan and does not become effective until it is adopted by the local legislative body.

3. **The process of preparing the Harbor Management Plan, including the process of obtaining public input, securing necessary State of Connecticut approvals, and achieving Town adoption, may be challenging and difficult.**

In some towns, the process of preparing a harbor management plan has been complex, requiring multiple years to complete. The process involves public participation, review of the plan by the U.S. Army Corps of Engineers, approval by the State of Connecticut, and adoption by the local legislative body. Most recently, the City of Stamford required about three years to complete and adopt its harbor management plan. It should be anticipated that conflict resolution and consensus building as well as negotiations with State agencies will be needed during the plan formulation process. Greenwich has a significant advantage when starting the plan formulation process in that much background work for preparation of the Harbor Management Plan has been completed by the Department of Parks and Recreation and Board of Parks and Recreation in the course of their 2010 Waterways Management Study.

4. **An allocation of Town funds will be required to prepare the Harbor Management Plan and any new or amended rules and regulations for implementing the Plan.**

It should be anticipated that existing Town departments such as the Planning and Zoning Department and Department of Parks and Recreation would not have the resources to assist a Town Harbor Management Commission with preparation of the Harbor Management Plan. As a result, it would be necessary to allocate additional Town funds to retain professional services to prepare the Plan, utilizing the information and documents previously developed by the Department of Parks and Recreation and Board of Parks and Recreation through the 2010 Waterways Management Study. For planning purposes, it may be recognized that the City of Stamford recently allocated and expended approximately \$25,000 to prepare that city's harbor management plan.

5. A continuing allocation of Town funds may be required for administrative and staff assistance needed to support the Harbor Management Commission and otherwise assist the Commission with implementation of the Harbor Management Plan.

It also should be anticipated that existing Town departments would not have the resources to provide administrative support for the Harbor Management Commission, including support for the Commission's review of proposals for consistency with the Harbor Management Plan. As a result, it may be necessary for the Commission to retain consultants and other assistants, utilizing funds obtained through permits for moorings and other activities within the scope of the Plan. Other harbor management commissions in southwestern Connecticut function in this manner with annual budgets for consultant services ranging from \$10,000 to \$20,000.

**NAMES and PHONE NUMBERS of Harbor Management Commission Contacts from Stamford to Milford**

Ray Redniss, Chairman, Stamford Harbor Management Commission. (203) 327-0500 (office)

Sandy McDonald, Chairman, Darien Advisory Commission on Coastal Waters (203) 655-9193 (home)

Tony D'Andrea, Chairman, Norwalk Harbor Management Commission. (203) 866-3767 (office)

Mary von Conta, Chairwoman, Fairfield Harbor Management Commission. (203) 259-9588 (home)

Peter Holecz, Chairman, Bridgeport Harbor Management Commission. (203) 335-3574 (home)

Bill Rock, Chairman, Stratford Waterfront and Harbor Management Commission. (203) 377-6537 (office)

Ray Swift, Operations Manager, Milford Harbor Management Commission. (203) 874-1610 (office)

John Pinto, President, Connecticut Harbor Management Association. (203) 984-5339 (cell phone)

Connecticut General Statutes Annotated CurrentnessTitle 22A. Environmental Protection (Refs & Annos)→ Chapter 444A. Harbor Management Commissions (Refs & Annos)→ § 22a-113k. Harbor management commissions

(a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance one or more harbor management commissions or may designate any existing board, commission, council, committee or other agency as a harbor management commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of any harbor management commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of a commission and shall set forth the number of members of a commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Notwithstanding the provisions of the general statutes or any special act, if an existing municipal waterfront authority, municipal shellfish commission or municipal port authority is designated as a harbor management commission, the municipality may by ordinance increase the membership of such authority, commission or agency and may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board.

(c) Any two or more municipalities whose common boundaries lie within navigable waters, as defined in subsection (b) of section 15-3a, may by concurrent ordinances of their legislative bodies establish one or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a) of this section. Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commis-

sion.

→ **§ 22a-113l. Powers**

Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission.

→ **§ 22a-113m. Harbor management plan. Approval**

The commission, in consultation with the Commissioners of Energy and Environmental Protection and Transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area, as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-111, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the Commissioners of Energy and Environmental Protection and Transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the Commissioners of Energy and Environmental Protection and Transportation.

→ **§ 22a-113n. Content of plan**

(a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to,

provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the Commissioner of Energy and Environmental Protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the Commissioner of Energy and Environmental Protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the federal Clean Water Act; [FN1] and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this section shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

[FN1] 33 U.S.C.A. § 1251 et seq.

→ **§ 22a-113o. Factors considered in preparation of plan**

In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; [FN1] (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as

defined in section 22a-93.

[FN1] See 42 U.S.C.A. § 4001 et seq.

→ **§ 22a-113p. Action on applications to municipal agencies referred to commission**

The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

→ **§ 22a-113q. Request for general permit and delegation of enforcement authority**

Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

→ **§ 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan**

Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality.

Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall 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. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. [FN1] The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

[FN1] C.G.S.A. § 15-121 et seq.

→ **§ 22a-113s. Permit fee**

The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be two hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

→ **§ 22a-113t. Model harbor management**

Not more than six months after October 1, 1984, the Commissioner of Energy and Environmental Protection in consultation with the Commissioner of Transportation shall prepare a model harbor management plan.

END OF DOCUMENT

S. A. 288 of 1949.

AN ACT CONCERNING THE REGULATION OF THE MOOR-  
ING, ANCHORING, AND SPEED OF BOATS AND VES-  
SELS IN THE HARBORS OF GREENWICH.

SECTION I. The selectmen of the town of Greenwich shall, within that area bounded on the west by the line separating the state of Connecticut from the state of New York, and on the east by the line separating the town of Greenwich from the town of Stamford, and north of the forty-first parallel of latitude, have authority to regulate the anchoring and mooring of all vessels, boats and craft and to designate those places or mooring grounds within the area hereinbefore described in which vessels, boats and craft may be moored or anchored, and to make such orders that all such vessels, boats and craft when so moored or anchored shall not interfere with the free use of channels and other navigable waters included within said area, and may make such other reasonable rules, regulations or orders respecting the use of said waters by all vessels, boats and craft, the method of their mooring or anchoring and the reasonable sufficiency of their mooring and anchoring gear as may be necessary to protect persons and all other vessels, boats and craft in such waters and other property thereon. Said selectmen shall also have authority to fix speed limits for the operation of all vessels, boats and craft within said area.

SEC. 2. Such designations of places or mooring grounds, such orders, rules and regulations and such speed limits, when determined or fixed, shall be published at least once in a newspaper having a circulation in the town of Greenwich and shall be filed in the offices of the selectmen and of the town clerk of said town and shall become effective ten days after such publication and filing.

SEC. 3. Any person who shall disobey any such designations of places or mooring grounds, or such orders, rules or regulations or such speed limits,

when determined or fixed as provided in sections 1 and 2 of this act, shall be fined not less than ten dollars nor more than fifty dollars for each offense.

SEC. 4. Any police or peace officer of the town of Greenwich shall have authority to enforce the provisions of this act. The town court of Greenwich shall have cognizance of all violations of this act.

SEC. 5. The harbormaster of the harbors of Greenwich, and his deputies, if any; shall, from time to time advise the selectmen with respect to the matters hereinbefore described or provided for and shall, upon the request of the selectmen, confer with the latter and make such reports to the selectmen as they shall from time to time require with respect to any matter or matters hereinbefore referred to.

Approved, July 25, 1949.

HOUSE BILL No. 239.

209

SPECIAL ACT NO. 93

AN ACT AMENDING AN ACT CONCERNING THE REGULATION OF THE MOORING, ANCHORING, AND SPEED OF BOATS AND VESSELS IN THE HARBORS OF GREENWICH.

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

SECTION 1. The first sentence of section 1 of number 288 of the special acts of 1949 is amended to read as follows: Within that area bounded on the east by so much of the line separating the town of Greenwich from the town of Stamford as lies north of the forty-first parallel of latitude; on the south by a line running from the intersection of said town line with said forty-first parallel westerly to Flat Neck Point, thence southwesterly through lighted bell buoy No. 1 east of Little Captains Island, thence southwesterly to red nun buoy No. 2 immediately southwesterly of Great Captains Island, and thence to the state line on a line running northwesterly through black can buoy No. 1 on Manursing Reef at the entrance to Port Chester Harbor; on the west by the line between New York and Connecticut, and on the north by the shore line of the town of Greenwich, the selectmen of said town shall have authority to regulate the anchoring and mooring of all vessels, boats and craft and to designate those places or mooring grounds within the area hereinbefore described in which vessels, boats and craft may be moored or anchored, and to make such orders that all such ves-

Item 7

210

HOUSE BILL NO. 239.

sels, boats and craft when so moored or anchored shall not interfere with the free use of channels and other navigable waters included within said area, and may make such other reasonable rules, regulations or orders respecting the use of said waters by all vessels, boats and craft, the method of their mooring or anchoring and the reasonable sufficiency of their mooring and anchoring gear as may be necessary to protect persons and all other vessels, boats and craft in such waters and other property thereon.

SEC. 2. This act shall take effect upon its approval by the representative town meeting on such date as shall be designated by said meeting, and notice of such approval and effective date shall be sent to the secretary of the state by the town clerk of Greenwich.

*Certified as correct by*

\_\_\_\_\_  
*Engrossing Clerk.*

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Speaker of the House.*

Approved \_\_\_\_\_ April 29, 1955.

\_\_\_\_\_  
*Governor.*

Approved by R.T.M. May 9, 1955.

## **Q&A for Proposed Harbor Management Commission Ordinance**

### **Q1. Why does Greenwich need a Harbor Management Commission (HMC)?**

Over the past several years, there has been an increased recognition of the need for a coordinated effort to manage the Town's harbors, address various competing interests while at the same time developing a long range plan for the efficient management of the Town's harbors and the waterfront. This need was recognized in the 2009 Plan of Conservation and Development (POCD) approved by the RTM in June 2009. The 2009 POCD recommended that the Board of Selectmen should consider establishing a HMC. After lengthy consideration of the benefits to the Town of having a HMC, the Board of Selectmen believes that now is the time for the Town to take advantage of the Connecticut Harbor Management Act which authorizes any municipality with navigable waters to establish a HMC and prepare a Harbor Management Plan (HMP) for the most desirable use of its harbors. A HMC will ensure better coordination between State and local authorities over issues affecting our harbors and provide a local forum for Town residents to address harbor related concerns. While the Board of Selectmen will continue to oversee the management of the Town's harbors, day-to-day operational issues will be handled by the HMC, subject to the authority and jurisdiction of the Board of Selectmen under the Special Acts of the Town of Greenwich.

A detailed analysis of the pros and cons of a HMC is attached.

### **Q2. How many members will the proposed HMC consist of and how will they be selected and appointed?**

The proposed HMC will consist of seven (7) regular voting members and two (2) alternates. Candidates will be nominated by the Board of Selectmen and appointed by the RTM. Except for a staggered initial term, HMC members will serve a three (3) year term.

There will also be ten (10) *ex-officio* non-voting members on the HMC. They will be as follows: the Greenwich Harbor Master, one (1) member of the Board of Selectmen, a member each from the Planning and Zoning Commission, Conservation Commission, Board of Parks and Recreation, Shellfish Commission and the RTM, and a representative from the Greenwich Marine Police Division, the Department of Parks and Recreation and the Department of Public Works.

**Q3. What powers will the proposed HMC have?**

The primary function of the proposed HMC will be to prepare and implement a Harbor Management Plan (HMP). The HMC will also review and make recommendations, consistent with the HMP, concerning any proposals submitted to the Planning and Zoning Commission, Zoning Board of Appeals and the Historic District Commission, if the proposals affect property on, in, or contiguous to the Greenwich harbors and shoreline. Additionally, the HMC will be charged with proposing a fee schedule for permits for moorings, anchorages and any other activity within the scope of the HMP. It is anticipated that the HMC will serve as the central forum for all harbor related issues.

**Q4. What is a Harbor Management Plan (HMP)?**

A HMP is a policy document that typically contains the goals, objectives, policies, guidelines and recommendations for the balanced and efficient use of a municipality's harbors. The enabling State legislation requires a HMP to identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor, identify officials responsible for the enforcement of the plan and propose ordinances to implement the plan. The HMP is also required to include provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing the location and distribution of seasonal moorings and anchorages, unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and space for moorings and anchorages for transient vessels. The City of Stamford's Harbor Management Plan is one example of a HMP. The Plan can be found on the City of Stamford's website.

**Q5. Why does Greenwich need a Harbor Management Plan?**

The 2009 POCD, approved by the RTM in June 2009, recommended that the Town develop and adopt a HMP to better manage its waterways. Consistent with the recommendation in the POCD, it is anticipated that a HMP will foster better co-ordination between Town, State and Federal agencies that currently have overlapping jurisdiction over navigable waters in the Town's harbors. Also as noted in the POCD, a HMP can serve as an effective advocacy tool for the Town to work with the U.S. Army Corps of Engineers for maintenance dredging projects. A HMP will provide a general framework for the safe, efficient and balanced use of our harbors.

An approved HMP will also have a beneficial impact on the Town's relationship with the State and the State appointed Harbor Master. With an approved HMP, the State appointed Harbor Master is required to exercise his/her duties in a manner consistent with the HMP. Furthermore, the Governor is required to appoint a Harbor Master from a list of three (3) candidates submitted by the Town. The State is also required to abide by the recommendations of the HMC when making certain types of decisions affecting the HMC's area of jurisdiction.

There is a very high threshold for the State to deviate from the HMC's recommendation.

**Q6. Who prepares the HMP and who approves it?**

The HMP will be prepared by the HMC. It is anticipated that the HMC will work with a consultant and will also consult with the Commissioners of the State Department of Transportation (DOT) and the Department of Energy and Environmental Protection (DEEP). The Town has already done extensive work in studying the Town's coastal resources and waterways, examples of which are *A Waterways Vision, Town of Greenwich*, September 2011 and *Town of Greenwich, Waterways Management Study*, August 2010. These studies will serve as an invaluable resource to the HMC in drafting a HMP.

When the HMC completes its task of drafting a HMP, the HMP must be reviewed and approved by the Commissioners of DOT and DEEP. A copy is also sent to the U.S. Army Corps of Engineers for its review and recommendations. The Board of Selectmen and the RTM will also review the draft HMP, which does not become effective unless approved and adopted by a vote of the Board of Selectmen and the RTM.

**Q7. If the Town finds that an approved HMP is not working out as anticipated, can it be amended?**

Yes, once approved and adopted, the HMP can be modified at any time and is re-approved in the same manner as the original plan. Furthermore, the HMP must be reviewed annually by the HMC and the Commissioners of DOT and DEEP. As a result of the ability to modify the HMP, it becomes a document that can evolve over time to address various harbor related issues that are identified and therefore better address the changing needs and concerns of Town residents

**Q8. What role does the State of Connecticut play in the creation of a HMC or HMP?**

Other than providing the enabling legislation which allows a municipality to create a HMC, the State is not directly involved in the formation of a HMC. However, once the HMP is developed by the HMC, the HMP must be reviewed and approved by the DOT and DEEP.

**Q9. Is the Town giving up local control of its harbors by establishing a HMC and eventually adopting a HMP?**

The legislative intent of the Harbor Management Act was to give municipalities more input in decisions involving its navigable waters, especially since jurisdiction is currently shared in many respects with State and Federal agencies.

As previously noted, once Greenwich has an approved HMP, State officials are required to follow the recommendations of the HMC when reviewing certain types of applications to the State involving waterfront uses. The HMP adopted by the Town becomes the guiding document for all harbor related issues and must be adhered to. An approved HMP also gives the Town more control over the selection and appointment of a Harbor Master by the State. The proposed ordinance allows the Board of Selectmen to retain their jurisdiction and authority as established by the Special Acts of 1949 and 1955, while at the same time allowing the Town to take advantage of the Harbor Management Act.

**Q10. Is there any impact on the role of the Harbor Master once a HMC is created and a HMP is approved?**

The Harbor Master will serve as an *ex-officio*, non-voting member of the HMC. Upon approval of a HMP, the Harbor Master is required to exercise his/her duties in accordance with an approved HMP. It is also anticipated that the Harbor Master will act as a liaison between the HMC and State authorities, in particular the DOT and DEEP.

The Harbor Master's other statutory duties are expected to remain unchanged

**Q11. What role will the Board of Selectmen play if there is a HMC and HMP?**

The Board of Selectmen will continue to exercise ultimate jurisdiction and authority over the Town's harbors, while delegating day-to-day operational issues and implementation of the HMP to the HMC. The Board will nominate members to the HMC, review and approve any fees proposed by the HMC and review and approve the HMP. Under the proposed ordinance, the Board will also have the authority to review decisions of the HMC and hear appeals taken from decisions rendered by the HMC. One member of the Board will be designated as an *ex officio* member of the HMC. The Board will also exercise authority over the removal of any member of the HMC for failure to attend at least fifty-percent of the regular meetings of the HMC within a 12-month period.

**Q12. What role will the RTM play if there is a HMC and HMP?**

Upon approval of the proposed HMC ordinance, the RTM will have the authority to appoint members to the HMC, upon nomination by the Board of Selectmen. The RTM will also review the HMP developed by the HMC and exercise final approval authority over the HMP, including all fees recommended by the HMC. One member of the RTM will also serve as an *ex-officio* member of the HMC.

**Q13. If the RTM votes in favor of the ordinance establishing a HMC, is it also approving a HMP?**

No, the ordinance currently before the RTM only establishes a HMC. If the ordinance is approved and after members are appointed, the HMC will begin the work of preparing a HMP. After review and approval by the DOT, DEEP and the Board of Selectmen, a proposed HMP will be submitted to the RTM for a vote in the form of an ordinance adopting the HMP.

**Q14. How many other municipalities in Connecticut have a HMC and HMP under the State statutes?**

There are currently 22 HMC's in Connecticut with fully approved HMP's. Fairfield County municipalities with HMCs and HMPs are: Stamford, Norwalk, Southport/Fairfield, Bridgeport and Stratford.

**Q15. What is the anticipated fiscal impact of having a HMC?**

Once a HMC is approved, it is anticipated that it will need funds to retain a consultant to assist in the preparation of a HMP. It is also likely to need some administrative support. However, the HMC will have access to funds collected from mooring fees and other fees established in the HMP. These fees will be deposited into a fund maintained by the Town and will be used solely for the maintenance and improvement of the areas within the HMC's jurisdiction and for expenses directly related to the HMC's and Harbor Master's functions. Therefore, it is anticipated that the HMC will become self-supporting through the fees that are collected.