

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
MAY 2, 2024**

ATTENDANCE: Steve Bartush, Chair; Pete Johnson, Jonathan Pageler, Jordan Saxe
Nick Sacchinelli

OTHERS: William Mooney, Health Department; Alan Kibbe, Harbor Commission;
Police Sgt. Justin Bisceglia, John Hilts, Carmelo Tomas; Geoff Steadman,
Consultant; Dr. John Pinto

CALL TO ORDER

Commissioner Bartush called the meeting at 7:17 p.m. A quorum was present.

ATTENDANCE

Commissioner Bartush announced that a quorum was present.

APPROVAL OF MINUTES

• April 4, 2024 meeting

**** COMMISSIONER PAGELER MOVED TO APPROVE THE MINUTES OF THE
APRIL 4, 2024 MEETING.**

**** COMMISSIONER JOHNSON SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE APRIL 4, 2024 MEETING
AS SUBMITTED PASSED UNANIMOUSLY.**

OLD BUSINESS

• 2 Nathan Hale Drive

Mr. Hilts and Mr. Tomas greeted the Commissioners and said that the all the structures were approved. The ramp and float have been removed. There was a discussion with the DEEP officials about keeping the ramp in place over the winter months because the floating dock has float stops. The landward pilings were about 3 ½ feet from the wetlands. The ramp will not extend beyond the pilings. It does not shade the grass and has no adverse impacts.

Mr. Steadman said that the Harbor Commission had said that the float should be removed during the winter months, unless the Shellfish Commission felt it was appropriate. Discussion followed about the details.

Commissioner Bartush asked if there were landward pilings. Mr. Hilts said that there were pilings at the landward end of the floating dock. Commissioner Bartush said that it would not be possible to dredge in that area. Mr. Hilts agreed.

Commissioner Bartush said that there was a consideration about hand picking seed oysters and the ability to harvest. Mr. Hilts said that the float could be removed if they knew harvesting would be taking place.

Commissioner Bartush asked for details of the location of the anchor piles and the waterward limit. Mr. Hilts said that it was about 3 ½ feet. Commissioner Bartush said that the floating dock would have to be removed during the winter months.

**** COMMISSIONER JOHNSON MOVED TO HAVE THE RAMP TIED UP AS HIGH AS POSSIBLE AND REMOVE THE FLOATING DOCK FOR THE WINTER.**

Mr. Hilts said earlier there had been a question about an additional permit. However, he believed this was a modification of the existing permit but was not sure.

Commissioner Sacchinelli asked if the request to have the ramp tied up as high as possible had been done before. Commissioner Johnson said that because they can't dredge the area, there is handpicking being done. Many people already tie up the ramp as high as possible and removed their floating docks.

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Hilts said that he would check back with DEEP and keep the Shellfish Commissioners in the loop.

PUBLIC COMMENT

There were no members of the public who wished to comment at this time.

NEW BUSINESS

• Treasurer's Report

There were no changes to the account. The balance as of March 31, 2024 was \$24,988.00.

• Secretary's Report

Commissioner Bartush thanked the first responders for containing the disaster earlier in the day. Commissioner Bartush thanked Mr. Mooney for keeping the Commissioners up to date. An emergency closure was put into place until it is determined by Aquaculture what the impact is on the shellfish beds.

Dr. Pinto asked how they would determine how much gas and foam got out into the Harbor. Mr. Mooney said that information would be included in the Aquaculture report. Mr. Bartush said that most of it was contained in the retention pond behind the mall. Dr. Pinto asked if the foam had PFAS. Commissioner Bartush said that the foam is not PFAS, it is green foam. Commissioner Johnson said that staff from King Industries had come to the site with additional resources. Commissioner Bartush said that they needed to thank King Industries for their assistance, also.

COMMITTEE REPORTS

A) Health Department – Mr. Mooney reported that for April, there was 3.74 inches of rain and last year's amount was 5.51 inches. Historically, it is 4.26 inches. There was a two hour bypass on April 28th due to the Westport pump house experiencing a failure. The backup tripped the electrical sensors. Mr. Mooney said that he would follow up on this and report next month. There were also two additional closures, on April 2nd and on April 12th due to rainfall.

B) Wastewater Treatment Plant – No report.

C) Water Quality – No report.

D) Permits – No report.

E) Police – Sgt. Bisceglia said that he had been told that everything from the day's fire had been caught in the retention pond and nothing made it into the Harbor. But a boom was deployed just to be cautious. The water temperature is between 50 and 51.

Commissioner Johnson asked about the Shellfish Boat. Sgt. Bisceglia said that Mr. Lovallo would have more information on that.

F) Advisory – No report.

G) Harbor Management – Mr. Kibbe said that he had been able to schedule a public hearing for the Eversource underwatering project. An electronic petition was submitted with enough signatures to require a public hearing. He had a meeting with DEEP for a site visit on May 22nd 10L30 a.m. and May 29th at 6:30 p.m. for a public hearing. Public comment deadline is June 5th.

Mr. Kibbe said that in his experience, once the hardware is installed, it takes an act of God to move anything. He said that it was his understanding that this was just a plastic conduit with cables.

He said that the City might want to require a security because the cables go under the launch ramp. The cables are by the Stroffolino Bridge and zigzag under the Harbor. There has been no clear indication about the warning signage.

Mr. Kibbe said that the shellfish boat was supposed to be inspected today, but due to the closure of I-95, the mechanic was not able to get to work. So, they would like to get the boat evaluated and back in operation as soon as possible. Mr. Johnson said that the Shellfish Commission had been the group that purchased the boat and share it with the Harbor Master and Marine Police.

Mr. Steadman said that the Public Hearing was an absolute necessity and there are two legal parties, Eversource and DEEP, so there is no input from the public. The Eversource attorney was previously a DEEP attorney. There was a discussion about the dates for the site visit. The Eversource attorney commented that they hadn't planned a site visit because the lines would be underground and therefore there would be nothing to see.

Mr. Steadman said that there were some alternative routes, but they had chosen to place the cables under a public facility. This would make them responsible for the issues and the Visitors Dock and Launching Ramp are permitted by DEEP. Now DEEP feels it should be the City's responsibility.

The discussion moved to potential legal interventions. Mr. Steadman reminded everyone about how the DEEP attorney had dismissed the Harbor Commission's concerns about the Walk Bridge and referred to the Greenwich decision.

Mr. Kibbe said that at a Public Site Visit, it is important to have as many people present at the visit and politely asking questions. Dr. Pinto agreed. He also noted that they should have had this site visit when the project started.

Mr. Steadman then spoke about the recent decision in Fairfield regarding United Illuminating. DEEP has a vote on the Siting Council and something is not right.

Mr. Steadman said that the Harbor Commission was pursuing a Port Authority grant to work on the Veterans Park marina. There was a meeting scheduled today at the marina was cancelled due to traffic issues.

Mr. Steadman gave a brief overview of the Norwalk River Watershed history and explained that there was a SEA grant that may be able to update the Norwalk River Watershed Plan.

The USGS had completed their monitoring work at the Maritime Aquarium and Cove Marina. The data will be transferred to DEEP. Mr. Steadman said that the USGS is going to request a final summary report.

Mr. Steadman spoke how this project was about improving coastal resources and is an environmental enhancement.

There has been discussions about re-opening the O&G facility. There are many neighbors who are opposed. The Federal navigation channel has been dredged to 10 feet to insure water dependent businesses

**** COMMISSIONER SACCHINELLI MOVED TO ACCEPT THE COMMITTEE REPORTS AS PRESENTED.**

**** COMMISSIONER JOHNSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS CONT'D

• **2 Nathan Hale Drive** – Commissioner Bartush said that there was some recent correspondence that arrived earlier in the day. Commissioner Pageler asked for a copy of the correspondence.

• **Eversource** – No additional action at this time.

Commissioner Pageler wished to know who would be protecting the City's interest when the tunneling is done underneath the river. Commissioner Bartush noted that The Hour referred to this process as "micro-tunneling", which it is not.

Dr. Pinto pointed out that if they had to do some future expansion, once the cabling is in place, it may require additional costs. Mr. Steadman said that Eversource said that the City would not be precluded from working on the docks, but they would be subject to restrictions. This would entail additional costs.

Commissioner Pageler said that the City needs to be aware that they are giving up something of tremendous future value or placing themselves in a position of tremendous additional cost by allowing this cabling project to proceed.

Mr. Steadman said that he believed that the Shellfish Commission was to receive \$10,000 for this project and the Harbor Commission would receive \$50,000. Commissioner Pageler said that the optics were not good for payments to the Commissions. Commissioner Johnson said that it looks like a bribe to him and that he had worked for the utilities for 20 years.

Mr. Steadman said that they would do the best they can at the public hearing. Commissioner Johnson pointed out that when they go to perform maintenance on the docks, they will have to get Eversource's permission and Eversource would be informing the City what repairs they can make.

Mr. Steadman spoke about the environmental impacts of the relocation of the power cables. He reminded everyone that the Visitor's Dock was originally a Harbor Commission project and that the Harbor Commission had worked on getting the river dredged.

Next Meeting – June 6, 2024 @ 7:15pm (Zoom)

ADJOURNMENT

**** COMMISSIONER JOHNSON MOVED TO ADJOURN.**

**** COMMISSIONER PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

S. L. Soltes

Telesco Secretarial Services