

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
JANUARY 4, 2023**

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

OTHERS: William Mooney, Health Department; Jim Bajek, Alan Kibbe, Harbor Commission; Tom Ryder, LandTech; Police Sgt. Justin Bisceglia, John Hiltz, Jerry Toni, Norwalk Seaport Association; Dr. John Pinto, Harbor Commission

The meeting was held via Zoom teleconference.

CALL TO ORDER

Mr. Bartush called the meeting to order at 7:17 p.m.

ATTENDANCE

The attendance was taken and a quorum was present.

APPROVAL OF MINUTES

• November 2023

**** MR. PAGELER MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 2023 MEETING.**

**** MR. JOHNSON SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 2023 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

NEW BUSINESS

There was no new business to consider at this time.

PUBLIC COMMENT

There was no one from the public who wished to comment at this time.

TREASURER'S REPORT

Mr. Mooney presented his report. The current balance is \$26,305.67. He said that they were splitting the cost of working on the boat with the Harbor Commission, which was \$402.50. Mr. Mooney said that he had picked up the clamming permit fees from Fisherman's World, which was \$958.00. Those funds were given to the Comptroller's Office, along with the checks for the party, which have not been cashed as of the meeting.

Mr. Pageler said that he had been at Fisherman's Wharf earlier in the day and said that there had been inquiries about the 2024 permits. The permits have been on order with the printer.

The discussion moved back to the details regarding the work done on the Harbor Master's boat.

SECRETARY'S REPORT

Mr. Bartush thanked the former P&Z Commissioner Mushak's comments regarding Manresa Island potential development. He said that he was in agreement with Mr. Mushak. Mr. Bartush said that he personally considered that the Stuart B. McKinney National Wildlife Refuge had failed and had been a disaster. He suggested the Shellfish Commissioners consider co-opting the internal section of the smoke stack as an iconic symbol.

COMMITTEE REPORTS

A) Health Department – Mr. Mooney then presented the monthly report for the Health Department. There was 8.17 inches of rainfall for the month of December, which was almost double from last year's 4.54 inches and exceeds the historic average of 3.89 inches. There were four closures due to excessive rainfall, 12/3, 12/10, 12/18 and 12/27. There were two bypass events reported, one on 12/18 and one on 12/28. Both lasted approximately 7 ½ hours each.

B) Wastewater Treatment Plant – No report. Mr. Bartush said that the Commission receives a monthly Wastewater Treatment report.

C) Water Quality – No report. A chair has not been appointed at this time.

D) Permits – No additional information at this time.

E) Police – Sgt. Bisceglia reported that the excavator vessel had an incident and the contractor claims 10 gallons of discharge was in the water. Officer Lee was the individual that discovered the leakage. A brief discussion followed about the details of the leakage.

F) Advisory— The water temp on the 3rd was between 38 and 39 degrees.

G) Harbor Management – Mr. Kibbe said that they would have to accommodate the extra vessels in the Norwalk River. This is the quiet season and they are looking forward to the coming season.

Dr. Pinto said that the Harbor Commission was working on two applications: Tonetta Circle and Shorehaven Road.

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

**** MR. PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

• **18 Tonetta Circle** – Mr. Pageler said that he had been there and felt there was minimum impact. Mr. Johnson asked how long the pier would be. Mr. Hilts said that it would be a 60 foot long pier. It currently is a 40 foot pier. Mr. Johnson noted that the neighboring dock is the same length.

**** MR. JOHNSON MOVED TO APPROVE THE APPLICATION FROM 18 TONETTA CIRCLE WITH THE STANDARD LANGUAGE AND RESERVING THE RIGHT TO COMMENT.**

**** MR. PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

• Norwalk Seaport Association/COP: Sheffield Island North Shore Sea Wall

Dr. Pinto said that the Harbor Commission has no comment while reserving the right to comment. Mr. Bartush noted that Mr. Toni was present to represent the Seaport Association.

**** MR. JOHNSON MOVED TO APPROVE THE APPLICATION FROM THE NORWALK SEAPORT ASSOCIATION/COP: SHEFFIELD ISLAND NORTH SHORE SEA WALL WITH THE STANDARD LANGUAGE AND RESERVING THE RIGHT TO COMMENT.**

**** MR. PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

• **32 Shorehaven Rd.** – Mr. Bartush said that the beach is a plain sand but noted that this dock was only 11 feet from the neighbor. Mr. Ryder said that the neighbor was okay with it. Dr. Pinto noted that the Harbor Commission requires a 25 foot set back and a written document from the neighbor. Mr. Johnson wished to know if there were any oyster beds in the area. Mr. Ryder said that there were no commercial beds in that area. Mr. Ryder displayed an aerial view of the oyster bed maps which did not indicate that there were oyster beds in the immediate area.

**** MR. PAGELER TO APPROVE THE APPLICATION FOR 32 SHOREHAVEN ROAD WITH THE STANDARD LANGUAGE AND RESERVING THE RIGHT TO COMMENT.**

**** MR. SAXE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

• **18 Burwell St.** – Mr. Bartush said that he thought that this item had been approved, but a new DEEP representative had some comments. Mr. Bartush said that the DEEP representative had stated that the removal of the aluminum ramp and docks from November 15th to April 15th was not enforceable. Mr. Bartush added that the Commission had included this language as long as he could remember. Mr. Johnson agreed. Mr. Bartush also noted that the required five foot clearance for the dock was taken directly from the DEEP website.

Dr. Pinto said that that Harbor Commission had approve the application with the condition that the ramp and docks be removed from November 15th to April 15th. A discussion followed about whether the town's ordinances could supersede the State.

Mr. Bartush said that he would reply to the DEEP representative and copy everyone else the following day.

• **132 Water St.** – Mr. Bartush said that this was about the dock, not the COP. Dr. Pinto explained that Harbor Commission's policy indicated that there should be 20 foot set back from the Federal Navigation channel, but there are a number of docks in the area that are within 10 feet of the channel.

Dr. Pinto noted that the permit was issued to Bloom Brothers and was dated 2010. Mr. Bajek said that as far as he knew, the permit was still valid. Mr. Bajek said that the finger docks had been installed and had been used until recently when they were removed, possibly for maintenance. A discussion followed about the details of the dockage in the area.

Dr. Pinto said that he was not sure if this would require a 408 requirements from the Army Corps as well. Dr. Pinto said that his comment was that this COP was inconsistent with the Harbor Management Plan. Without any verification, the Harbor Commission would have to stay with the decision that it is inconsistent with the Plan. Mr. Bajek said that it was his understanding that the boats would not extend past the end of the fingers. Dr. Pinto said that he had to speak with the ACOE and the DEEP.

**** MR. JOHNSON MOVED TO TABLE THE APPLICATION FOR 132 WATER STREET PENDING THE RECEIPT OF ADDITIONAL INFORMATION ON THIS PROJECT.**

**** MR. SACCHINELLI SECONDED.**

**** THE MOTION TO TABLE PASSED UNANIMOUSLY.**

- **Shellfish/Harbor Master boat maintenance**

This was discussed earlier in the meeting.

The annual gathering of Shellfish Commissions has been scheduled for February 3rd at The Station in New Haven. Harbor Commissioners are also invited to attend. Anyone interested should contact Mr. Bartush.

The Next Meeting –February 1, 2024 @ 7:15pm (Zoom)

ADJOURNMENT

Mr. Bartush adjourned the meeting at 7:58 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services