

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
JUNE 3, 2021**

The meeting was held via Zoom teleconference

ATTENDANCE: Pete Johnson, Chair; Steven Bartush, Joe Madaffari, Nicholas Sacchinelli

OTHERS: Thomas Closter, Diane Lauricella, Mitch Palais, Wilson Point Property Owners Association President (WPPOA); Commodore Mike Ramsey, Norwalk Yacht Club, Atty. Stephen Finn, Wofsey Rosen Kweskin & Kuriansky, LLP; Atty. J. Spahr, City of Norwalk; Dr. John Pinto, Harbor Commission, Geoffrey Steadman, Harbor Commission Consultant, Joseph Schnierlien, Water Quality Chair

CALL TO ORDER

Mr. Johnson called the meeting to order at 7:15 p.m. A quorum was present.

PUBLIC COMMENT

Ms. Lauricella addressed the Commissioner and stated that she has lived in Norwalk for over 35 years. She stated she came to Norwalk to identify pollution sources and ended up working as an investigator with the Environmental Department of Protection. She identified the Kellogg Deering well field polluter. She later worked in the private sector before starting her own company. She said that she had worked with Wilson Point residents over 10 years ago and organized them to stop the Gault oil tank farm that had been proposed for the end of Martin Luther King Drive.

She said that she was present as a citizen and felt it was important to welcome citizen observations and discover them, research them and perform testing if necessary. She said that she hoped that the Wilson Point community will take a breath and realize that she was one of the first Harbor Commission managers under Mayor Bill Collins back in the 1980's and participated in the initial Harbor Management Plan.

Ms. Lauricella said that she wished to encourage the Shellfish Commission to do the tasks that they have the authority and responsibility to perform. She said that the Harbor Management Commission, the Mayor's Water Quality Commission and the Shellfish Commission to look at the water quality and find solutions. Everyone should be welcomes and the Commissions should not excoriate citizen input. It sends a chill to the citizenry when anyone is called out for voicing concerns.

She said that she welcomed the discussion tonight and thanked the Commissions for all that they do and mentioned that she had lived in Village Creek for several years and helped them with their septic

system issue. This is a new type of discussion that is being considered regarding how to monitor and keep track of that type of pollution.

Mr. Johnson said that when the Shellfish Commission receives a complaint, they have to follow up on it. He then asked if there was anyone from Wilson Point that wished to comment.

• WPPOA re Wilson Point

Mr. Mitch Palais, the President of the Wilson Point Property Owners Association then addressed the Commissioner and said that he appreciated the previous comments that were made. Appropriate comments that are made about real issues are important to investigate. The Commission has been sent the official response from the WPPOA.

Mr. Floyd stated that this was a four and a half year campaign by an individual to find fault with members of the Board and previous boards. There have been several allegations have been made along with numerous comments and some character assassinations towards members of the Board.

Mr. Johnson stated for the record that if there are internal issues at Wilson Point, the Shellfish Commission does not wish to become involved. He reiterated that when a complaint is received, the Shellfish Commission have to follow up on it.

Mr. Palais stated that the initial complaint was about work that was done without permits. He said that the Commission had confirmed with all the authorities that had jurisdiction that Wilson Point did in fact notify and spoke with various government agencies only to be told that no permits were required. They then proceeded with the work. An individual then has been trying to find fault and complained that permits were required for the last four and a half years.

Mr. Johnson said that the Commission could perform tests and the Association would not have to worry about it.

Mr. Palais said that once it was established that there were no permits required, the conversation changed to the claim that there may be sources of pollution. He noted that the DEEP's requirements relating to pollution state that there has to be a specific occurrence or a specific issue. The items that were cited by the resident are issues that are the same for any storm drain in the entire City of Norwalk that is not on the black water system.

In the absence of having a specific issue, the Association's answer is no. This has been a four and a half year vendetta and the Commission is listening to nonsense.

Mr. Johnson repeated his early comment that when the testing on the water is done and the results are clear, the Association would not have to worry about it.

Mr. Palais said that he would not give this individual or the situation any more oxygen. The Shellfish does not have the Association's permission to come in and test their storm drains. It is a private system and the Association will not be a part of this.

Mr. Johnson said that they would not be checking the storm drains, but would be testing water.

Mr. Palais said that the previous minutes stated something very different. If the Commission wished to establish something to improve the entire City, the Association would be 100% supportive. He added that the Association was part of the five acre estuary restoration along Wilson Road. That estuary is part of the Association property. It is cleaned up by the residents every year. The City doesn't clean the culvert, the residents do. The City doesn't come in and remove the garbage that floats in, the residents do. The Association takes this issue serious and they are not going to jump in and give oxygen to spurious claims, allegations and character assassinations.

Mr. Palais said that the email that was sent would refute each point, line by line. The Commission has a great deal of hard work to do and Mr. Palais said that he appreciates any volunteer group because the Association is also a volunteer group. However, the Commission deals with real issues like the use of Manresa as a construction site. He reminded everyone that Manresa was washed over during two major storms in the last 10 years and wondered what would happen if it was washed over when it was being used as a construction site. The upper Norwalk River received a "F" grade and Mr. Palais said that he had read Mr. Schnierlien's response to that issue. Those are real issues so the Commission should not be looking for issues that don't exist. He then thanked the Commission for hearing the Association out.

Mr. Johnson repeated that they have to investigate and would be testing the water. Mr. Palais said that the Commission was welcomed to test public waters. He added that he had suggested that to the Harbor Commission. At the end of the day, the email covers line by line the accusations that were made were character assassinations, misrepresentations and lies. Mr. Palais said he would like to know how the Commission and all the other various commissions and agencies respond to people who make knowingly false statements.

Mr. Johnson replied that they had received some bad readings from a marina but discovered the source was a quarter mile up the road where a septic pipe emptied into a street drain. If they receive bad test results in the water, they back trace to the source.

Mr. Palais said that at the last meeting there was a vote taken that was different. The discussion was that the Commission was going to come into Wilson Point, test the storm drains and if the Association did not allow the Commission to do this, the constable would be sent in order to force the issue. It was recorded. As long as the Commission tests public waters, it's fine. If it comes back to the Point, the Association will help find the source.

Mr. Bartush said that they always call their applicants or agents involved in a site visit, also. It is on the recording, also, so it is important not to mischaracterize that.

Mr. Palais said that he believed they were on common ground and that if they test public water and it comes back to the Association, it's a different story than coming to the Association and looking for problems in the drains.

Mr. Johnson said that if the testing results are bad, they will look for the source. They are not looking to get anyone arrested. They only care about the shellfish. Mr. Palais said that they also care about the environment. He thanked the Commission.

• Norwalk Yacht Club re Wilson Point

Commodore Mike Ramsey of the Norwalk Yacht Club was the next to address the Commission. He said that he has been a resident of Norwalk for over 20 years and was involved in the Gault Tank Farm protest. He thanked the Commissioners for placing the Club on the agenda.

Commodore Ramsey said that the Club was surprised at Ms. Jones' comments at the May 6th meeting. The substance of her remarks concerning the yacht club was in most cases, not accurate along with being decades outdated and irrelevant. The Club appreciates the opportunity to speak and rebut those comments and to clarify for the record the facts that Ms. Jones is probably unaware of.

Commodore Ramsey said he would discuss the facts in her presentation and the Club's attorney, Stephen Finn will review the legal issues for the Commission. A written response was sent to the Commissioners by Atty. Finn.

This is the Club's 127th year located in Norwalk's Wilson Cove, as the Club was founded in 1894. The Club members are sailors who love the water and care deeply about the water quality on Long Island Sound. Commodore Ramsey displayed some slides as he narrated his presentation. He noted that the members children swim in Wilson Cover, off the docks, boats and the junior sailors regularly capsized their boats in order to learn how to right them properly. It would be inconceivable that the members or the Board of Governors would condone allowing the environmental chaos that was alleged by Ms. Jones. The Club has always made various improvement to the facilities over the 100 plus years. They apply for the proper permits and some are approved while others are denied, but the Club always adheres to the various requirements. In rare cases when inadvertent mistakes have occurred, the Club has addressed the situation. Notwithstanding their compliance, they have had to endure many years of defamatory complaints from Ms. Jones. Her complaints last year resulted in a DEEP site visit and investigation that showed no substantive violations. Her complaints triggered a Zoning inspection that resulted in no violations. Her complaints are without merit and she is clearly unaware of all the best practices that we follow for environmental damage mitigation.

Commodore Ramsey said that he would like Atty. Finn, the Club's counsel to discuss some of the legal issues regarding the Commission. Commodore Ramsey said that following the conclusion of Atty. Finn's remarks, Commodore Ramsey would rebut Ms. Jones' specific allegations against the Club.

Atty. Finn greeted the Commissioners and stated he was an attorney with the Law Firm of Wofsey Rosen Kweskin & Kuriansky, LLP in Stamford who was present on behalf of the Norwalk Yacht Club. His partner, Adam Blank, had written and sent a letter to the Commissioners on June 2nd and Atty. Finn requested that Atty. Blank's letter become part of the record for tonight's meeting.

Atty. Finn said that he was present to address some of the legal issues and complaints of Ms. Jones' claims. One of the specific points was the allegation regarding pollution raised by Ms. Jones falls under the jurisdiction of the Connecticut Department of Energy and Environmental Protection and not the Shellfish Commission. Ms. Jones herself admits that DEEP has jurisdiction over these claims because she has clearly raised and acknowledged very similar complaints to DEEP. That is where she went first and having failed to be successful before DEEP, she then raised these issues to the Shellfish Commission, who with all due respect, does not have the jurisdiction to entertain her complaints. The jurisdiction belongs to DEEP. She is asking the Shellfish Commission to do things that DEEP has refused to do. The insurmountable problem for Ms. Jones is that she is correct that DEEP has jurisdiction and with all due respect, Atty. Finn reminded the Shellfish Commission that they do not.

While the Shellfish Commission does have the right to test water, under the Connecticut General Statutes that grant the right of local municipalities to have Shellfish Commissions and the moral code from which the Commission's authority derives, the Commission is limited to the following: issuing licenses and setting fees for the taking of shellfish within the waters under seed control, designating the size and quantity of the shellfish to be taken, the methods of taking and lastly to prohibit the taking of shellfish from certain designated areas for periods not in excess of one year. While the Commission has charge over the shellfish beds, a determination or investigation that a particular entity or a property owner is causing pollution is under DEEP's authority.

The Shellfish Commission, along with Ms. Jones and Ms. Lauricella, have the able to take water samples in local waters and make complaints to DEEP about pollution. But the Shellfish Commission cannot act outside its delegated authority and does not have investigative or enforcement powers. The Shellfish Commission does have the right to investigate and take water quality samples but after that, any positive findings have to be turned over to DEEP for investigation. That is their role and their purview as set forth in the statutory scheme with some exceptions where the Connecticut Department of Agriculture may have jurisdiction. Anyone, including this Commission and Ms. Jones, can go out into the Harbor and take water samples.

Atty. Finn said that it was his understanding that this was Mr. Johnson's intent and that Atty. Finn assumed that Mr. Johnson would take those sample to a test lab. But neither Ms. Jones, the Commission or any other entity can go through private property to access the harbor to test the water. Atty. Finn then encouraged the Commission to do their testing and said that if there are positive results, they should be reported to DEEP. The Club would appreciate a copy of the findings. Atty. Finn reminded everyone that Commodore Ramsey had mentioned that DEEP had been out to the Yacht Club before, investigated and found no substantive violations with regard to pollution or anything else for that matter.

Mr. Johnson replied that when the City of Norwalk established the Shellfish Commission, they charged the Commission with keeping the waters clean and if the water is dirty, to identify the reason with the assistance of the Norwalk Health Department. If there are positive findings, they do call DEEP, but Aquaculture will arrive first.

Mr. Bartush added that the CGS also authorizes the Shellfish Management Plan, which is well-documented and ratified by Norwalk officials. He said that the first task in the Plan which is ratified by City officials and provided by the CGS, is human health. Mr. Bartush stated they had no intent to be on private property unauthorized. Mr. Palais apparently would have no objection to the Commission doing testing off site.

Atty. Finn said that he would respectfully disagree about the Commission's duties could go beyond the scope of authority that the CGS allows Shellfish Commission to have. He said there had been discussions with town attorneys regarding the scope. Atty. Finn did not think the town attorneys disagreed with the summary that was included in the Club's letter or what has been stated at this meeting. He said that he would leave that matter to the attorneys.

Atty. Finn asked for clarification regarding the usefulness of testing the water in the harbor in determining the source as there are substantial numbers of property owners and marinas in the area. There has been no determination by anyone that any pollution has occurred. He then repeated that it would be a matter for DEEP to investigate because they have the ability to determine the source and to enforce Connecticut environmental laws.

Atty. Finn said that everyone has the right to make complaints and he appreciated the Commission's stance in taking this complaint seriously. However, Atty. Finn questioned whether this was the same complaint over and over again when there is no evidence of any pollution. He said Ms. Jones could come in and state she had water samples that indicated pollution and then the Commission and DEEP could start looking into it. But these are just allegations without any evidence. Allowing her to repeatedly do this is crying "Wolf!" without any evidence and wasting a lot of people's time.

Atty. Finn thanked the Commission for their time.

Commodore Ramsey said that he wished to rebut five points that were included in Ms. Jones' PowerPoint presentation that was included as part of the agenda.

The first issue was the cleaning and painting of the floats. The photos date back to 2002 thru 2008, which is more than a decade old and in some cases almost two decades old. This was an attempt to convince the Commission that the Club pollutes the Sound with bottom [inaudible] on the floats. The floats are all new floats that have been there for a decade. Commodore Ramsey displayed some photos of the floats on screen. None of the 32 floats have any buoyance devices that are painted. In addition, Sunrise Scuba comes in once a year to clean the floats in the water usually near the end of the year before they are removed from the water for the winter. There is no paint on any of the floats and all the marine growth is left in the water, which is the best management practice that the Club knows about. He displayed a photo of the floats attached to the docks and also on dry land.

Commodore Ramsey said that the Club believes that this was an attempt by Ms. Jones to deceive the Commission.

Commodore Ramsey said that one of the complaints was that the Club power washes the boats. He explained that Sunrise Scuba cleans all the bottoms of the Club's sailboats on a weekly basis during the season and the powerboats are cleaned twice a month. When the boats are removed from the water at the end of the year, there is hardly anything on the hulls to power wash off. Again, this is a best management practice that the Club follows. Last year, this cost the Club over \$17,000 to clean the boats and floats to minimize environmental damage. When there are boats requiring power washing, it is done at the main hoist and all the water flows into a water separator catch basin. This catch basin was constructed over 9 years ago and not included in Ms. Jones' presentation. The contaminants are cleaned out of the catch basin and stored in drums for proper offsite disposal by a certified waste disposer. He displayed a photograph of the water separator in the catch basin and the drums where the contaminated debris is stored prior to proper disposal by one of two companies. Commodore Ramsey said that Ms. Jones was uninformed about the Club's practices for boat and float cleaning and their water separator for removing contaminants.

Commodore Ramsey then spoke about the Club's pump out system. Ms. Jones maintains that the Club should have a dockside pump out facility for waste water capable of servicing all the boats and the moorings. This is inaccurate and not what the regulations state. Connecticut DEEP investigated this and determined that the Club was in compliance with their permits which state that the Club must have a portable emergency pump out system, which is stored in the shed in case it is ever needed. Commodore Ramsey displayed a photo of the Norwalk Harbor Management Plan Chapter 3, paragraph 7.5.10., which he read. Commodore Ramsey said that like most of Norwalk, they used East Norwalk Blue.

While Ms. Jones may not know about East Norwalk Blue, every boater in Long Island Sound knows about them. The East Norwalk Blue president is Norm Bloom who runs a very professional operation, which serves about 30 miles of north Long Island coast from the harbors in New York State to near Bridgeport. Last year, they serviced 60 marinas and yacht clubs and performed 3,600 pump outs.

In addition to the service of East Norwalk Blue, located right in Norwalk Harbor, there is dockside pump out station at our neighbor at Cove Marina at Wilson Point. Ms. Jones is wrong that they were required to have a dockside pump out station and Connecticut DEEP has agreed with the Club.

Commodore Ramsey stated Ms. Jones alleged that the septic system for the Club house was inadequate and was never pumped out in order to pollute Wilson Cove. This is ridiculous. The current septic system was designed and constructed during the 2010 renovations. After years of protests and delays, the septic design and permitting issues were litigated in 2010. The Stamford/Norwalk Superior Court ruled in favor of the Club and directed the Zoning Board issued the renovation permit. While the issue has been litigated and judgement pronounced, Ms. Jones brings up decades' old issues. The system works perfectly. There has never been a failure and no waste water has ever entered Wilson Cove. the Club regularly pumps out the septic system and the it

was done was once in 2020, when the Club house was closed for the most part. It was also pumped out twice in 2019. It is usually pumped out once before the season and once at the end of the season. It has been pumped out once already this year. Ms. Jones' allegations regarding the septic system are totally inaccurate.

Commodore Ramsey said that the Club did anything wrong regarding the storm drain work. They improved the road, solved the safety issue involving freezing water and did not damage Long Island Sound. The storm drain is not on the Club property and none of the associated piping is on the Club property. Ms. Jones is combining issues and creating conspiracy theories about the Norwalk Yacht Club and the Wilson Point Property Owners Association.

Commodore Ramsey thanked the Commissioner for their time and said that Ms. Jones' allegations are without merit and she does not know anything about the best management practices for float and boat cleaning, the scuba service, the water separator catch basin or the pump out procedures for the septic tank. She is also unaware of the regulations and the fact that they used East Norwalk Blue to comply with the pump out requirements.

Atty. Finn then said that all Ms. Jones' claims had rebutted and there was not one shred of evidence about pollution happening at this time. Typically, in these types of scientifically based cases, there are expert witnesses that are retained by the complainant with some degree of expertise or evidence. Without that, these become spurious claims. If the Commission wishes to test the water quality, they can do so. However, without some evidence, this is a colossal waste of time as the same claims are being presented to different Commissions. Enough is enough. Atty. Finn thanked the Commission for their time.

Mr. Palais stated that he had responded to Ms. Jones' presentation and the Commission should have copies of that document. He said that he would like that response read into the record for this meeting.

Mr. Bartush asked if it would be possible to provide the Commission of engineered documentation of the water reclamation system that is adequate for oil/water separation and for [inaudible] materials. Commodore Ramsey reminded everyone that the system was installed over 9 years ago and he would see what they had in the records. It is cleaned out on a regular basis and the contaminated waste company removes it from the Club.

**** MR. BARTUSH MOVED TO ADD AN ITEM REGARDING THE WATER QUALITY TESTING CONSIDERATION FOR THE WPPOA AREAS TO THE NEW BUSINESS AGENDA, WHICH REQUIRES A 2/3RDS VOTE OF THE COMMISSION.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Lynnelle Jones re Wilson Point

Mr. Johnson asked if there was anyone else present who wished to address the Commission. There was no response.

APPROVAL OF MINUTES

**** MR. MADAFFARI MOVED THE MINUTES OF THE MAY 2021 MEETING.**

**** MR. SACCHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

TREASURER'S REPORT

Mr. Closter said that he had checked with Finance earlier in the day and there was no activity for the month of May. The balance is currently \$23,355.06

SECRETARY'S REPORT

No report.

COMMITTEE REPORTS

A) Health Department – 5.1 inches compared to last year's 6.72. Average for May is 4.42 inches. The total rainfall for May was 18.27 inches. There were five closures: May 1 – 1.2 inches of rain; May 9 – .86 inches of rain; 5/28, 5/29 and 5/30 – ½ inch of rain. One bypass event on Karen Drive on May 24th involving 400 gallons of sewage.

B) Wastewater Treatment Plant – No report.

C) Water Quality – Mr. Schnierlien said there was an update from Mr. Harris about mitten crabs that were well entrenched in the Housatonic area.

The Norwalk River Watershed Initiative will be holding a Zoom meeting on June 9.

The Water Quality will recommend to the City that discharges from private neighborhood into Norwalk waters file with DPW, the Harbor Commission and the Shellfish Commission. They will also recommend funding an intern to work on the low tide sewer study which has not been updated since 1991. There has been new construction and with the issues with Wilson Point, it will be important to know what discharge pipes are emptying into the Harbor.

D) Permits – No report.

E) Police – No report.

F) Advisory – No report.

G) Harbor Management – Mr. Stedman said that they were still waiting to hear about the DOT project. There is no additional information from Eversource. He said that he hoped to have the results of the turbidity analysis by the Harbor Management meeting. They will also have a presentation regarding the Norwalk River Watershed as well.

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

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Johnson noted that the Marine Police had not put in their rubber boat this year because it needs replacement. They are currently using the Shellfish/Harbor Master's boat. They would like to have the plugs changed and have a tune up.

**** MR. MADAFFARI MOVED TO APPROVE HAVING THE BOAT'S PLUGS CHANGED AND HAVE A TUNE UP PERFORMED.**

**** MR. SACCHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

Walk Bridge - DOT – No report.

Eversource – No report.

Fees – No report.

Mr. Bartush said that a few years ago, they had nominated three sites for shellfish restoration and two of the three have been visited by Aquaculture members who are chairing the Shellfish Restoration project. Mr. Bartush said that he would like to thank the agencies for the productive site visits. He also thanked the attendees and he particularly thanked Mr. Steadman for his presentation and materials on both sites. They appeared to be interested in restoring the bed off the southern point of Veteran's Park, which is critical for the Shellfish Commission.

Mr. Johnson thanked Mr. Steadman for his presentation.

Mr. Bartush then spoke about the Pine Point Association in Rowayton who felt that a recent nearby project involving the relocation of some rocks was a violation of the DEEP permit and have requested DEEP enforcement. He noted that the Shellfish Commission had disagreed with the proposal to move the rocks.

NEW BUSINESS

Mr. Bartush requested that the Committee discuss the Wilson Point area water testing, which will be done from the intertidal zone near the outflows. He invited the Association to be present at the testing. The testing will follow the state mandated protocols by the Board of Aquaculture. There

will be a clear chain of custody from the site to the Milford laboratory. The test will be performed between a Monday and a Thursday, which are the days that the laboratory accepts samples. The test sample will be taken at low tide following a rain fall.

Atty. Spahr said that he agreed with the previous stated conditions. He wished to make it clear for the record that he had been in contact with Atty. Blank, Mr. Palais and another individual. Atty Spahr said that he had assured them that while it would have been nice to come ashore, but the testing would be conducted in the water. Atty Spahr noted that Mr. Bartush had previously stated that if Mr. Bartush felt that he needed to be on shore, Mr. Bartush would request permission and had no intention of forcing his way on the property.

Atty. Spahr said that due to the Public Trust Act, everyone should be aware that the public owns up to the mean high water mark and has access to that. Atty. Spahr said that he had emailed some proposed language to Mr. Bartush, Mr. Johnson and Mr. Closter to consider as part of the motion. He said that they should a. consider conducting appropriate water and shoreline testing for water quality and contamination to the extent allowed by law; which would define what was allowed by law and b. based on the testing results, pursue appropriate reporting actions and/or enforcement actions provided and allowed for by law.

**** MR. BARTUSH MOVED TO APPROVE THAT TESTING BE DONE OFF OF WILSON POINT FOR FECAL COLIFORMS WITH THE FOLLOWING CONDITIONS:**

- a. CONDUCTING APPROPRIATE WATER AND SHORELINE TESTING FOR WATER QUALITY AND CONTAMINATION TO THE EXTENT ALLOWED BY LAW; WHICH WOULD DEFINE WHAT WAS ALLOWED BY LAW, AND**
- b. BASED ON THE TESTING RESULTS, PURSUE APPROPRIATE REPORTING ACTIONS AND/OR ENFORCEMENT ACTIONS PROVIDED AND ALLOWED FOR BY LAW.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Bartush asked Mr. Palais if he was interested in coordination with the Commission regarding the testing. Mr. Palais replied that he was.

Mr. Palais pointed out that Wilson Cove was a large area and there were several boat yards in it. He wished to know if they would be testing all the area. Mr. Johnson replied that they would be testing the outflows in all the area. The Shellfish Commission follows the Aquaculture's procedures.

Mr. Bartush said that Dr. Pinto was present on the call along with Mr. Steadman to discuss the Water Street bulkhead and other items.

68 Water Street bulkhead plan pre-application

Mr. Bartush said that 68 Water Street was the area where the proposed vessel relocation and the potential site of the Eversource power lines under Norwalk Harbor.

Dr. Pinto reported that at the last Harbor Commission meeting on May 26th, all three projects had been discussed as pre-applications. They had put together a preliminary response to each of the projects. Dr. Pinto said that the project at Water Street could go forward but the Commission wished additional information. He noted that there was some overlap in the application from the DOT application to relocate excursion vessels there. They also wished to know what agreements had been reached with the use of the property. Dr. Pinto reviewed the details.

Dr. Pinto said that the Eversource power lines would be going underneath the Harbor and the Vets Park Visitor's Dock. There are still many unanswered questions. Mr. Steadman agreed and said that the Commission was okay with the project going forward to DEEP with the understand that the questions would be answered. He noted that there was unauthorized work going on at the location in 1998. The violation was never corrected and still exists.

**** MR. BARTUSH MOVED TO CLOSELY MIRROR THE NORWALK HARBOR MANAGEMENT COMMISSION IN THAT THE NORWALK SHELLFISH HAD CONDUCTED A PRELIMINARY REVIEW OF THE APPLICANT PRE-APPLICATION PLAN AND FINDS THAT THE APPLICANT CAN MOVE FORWARD WITH THE APPLICATION PURSUANT TO DEEP WITH THE UNDERSTAND THAT THERE ARE STILL A NUMBER OF ISSUES THAT REQUIRE RESOLUTION INCLUDING THE OVERLAP PLANS AT THE SITE AND RESERVES THE RIGHT TO CONTINUE TO REVIEW THE APPLICANT'S PROPOSAL AND PROVIDE ADDITIONAL COMMENTS AT SUCH TIME AS IT MAY BE MODIFIED, ADDITIONAL INFORMATION IS PROVIDED OR THE PROPOSAL IS THE SUBJECT OF A PUBLIC NOTICE OR HEARING.**

**** MR. SACCHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Spahr said that he would be happy to help the Commission as the issue moves forward. He also wished Mr. Closter the best.

• 5 Decker Street pier/ramp/dock COP

Mr. Bartush then reviewed the details for the 5 Decker Street COP. He noted that COPs were not generally reviewed by the Shellfish Commission and asked Dr. Pinto and Mr. Steadman if the COP status was incorrect. Dr. Pinto said that there was no construction at the site. They had submitted a COP, but no construction had been done. Discussion followed. Mr. Bartush suggested that this item be tabled to next month.

•14 Shorehaven Road pier structure pre-application

Dr. Pinto said that the Harbor Commission had approved the pre-application but felt that the Shellfish Commission might have comments regarding the positioning of the dock. Discussion followed.

**** MR. BARTUSH MOVED THAT THE SHELLFISH COMMISSION HAS NO OBJECTION TO THIS APPLICATION MOVING FORWARD TO THE FULL APPLICATION WITH THE STANDARD LANGUAGE WITH RESPECT TO BARGE PLACEMENT, WITH RESPECT TO WINTER REMOVAL, WITH RESPECT TO OTHER DEEP RESIDENTIAL DOCK GUIDELINES, INCLUDING HEIGHTS, AREAS OF LANDED AND FLOATING DOCKS AND 18 INCH DOCK STOPS.**

Dr. Pinto noted that they had included the fact that the littoral boundary lines were not indicated on the plans in their letter.

**** MR. MADAFFARI SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

Mr. Bartush thanked Mr. Closter for his decades of service to the Commission and the City of Norwalk. There is not a better partner to work with respecting his professionalism. Mr. Bartush wished him all the best.

Mr. Steadman commented that there were some comments about the authority of the Shellfish Commission. He said that any efforts to diminish the Shellfish Commission's long standing programs and initiatives to manage Norwalk Harbor's shellfish resources should be resisted. The programs are conducted in the public interest in coordination with the State and local agencies. Mr. Johnson noted that the original charge was that the Shellfish Commission's mission was to keep the water clean for the shellfish.

Mr. Johnson announced that the next meeting was July 1, 2021 @ 7:15pm

ADJOURNMENT.

**** MR. SACCHINELLI MOVED TO ADJOURN.
** MR. MADAFFARI SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

S. L. Soltes

City of Norwalk
Shellfish Commission
Regular Meeting
June 3, 2021

Telesco Secretarial Services