

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
JULY 1, 2021**

The meeting was held via Zoom teleconference

ATTENDANCE: Pete Johnson, Chair; Joe Maddafari, Steve Bartush

OTHERS: William Mooney, Health Department; Jim Bajek, Atty. John Casey, Robinson and Cole; Geoffrey Steadman, Harbor Commission Consultant; John Romano, Harbor Commission Chair; Joseph Schnierlien, Water Quality Chair; Tim Pramer

CALL TO ORDER

Mr. Johnson called the meeting at 7:02 p.m. A quorum was present.

PUBLIC COMMENT

Mr. Bajek said that he was present with the applicant, her son and their attorney regarding 26 Shorefront Park. Mr. Bajek said that he had requested that the item be tabled because he had not had time to adequately prepare for the Harbor Commission meeting.

Mr. Bajek said that they were proposing some dredging and were in the process of working with the Army Corp of Engineers for sediment studies and also with Dr. Pellegrino. Dr. Pellegrino said that the area should recolonize very quickly.

Mr. Bartush said that the property had been problematic in the past. Mr. Bajek said that there was an issue in the past about reconfiguring the dock and reconstructing a pier. However, the contractor had made unauthorized changes by placing boulders in the wetlands and changing other things. This was rectified and the DEEP issued the permit.

Mr. Bartush asked if there had been dredging done in this area in the past. Mr. Bajek said that there had been in the past by a club, but not at the dock.

Atty. John Casey, of Robinson and Cole, explained that about 15 year ago, a former DEEP Commissioner had issued a ruling about dredging around private docks. The ruling was interpreted that no new residential dredging was allowed. However, there is nothing in the statutes that prohibits dredging at private property. Atty. Casey then gave an example of a dock that was silted in and permission was given to dredge. The Army Corps of Engineers has no prohibition on dredging. The dredging is just a temporary impact and the marine life will return in a fairly short time.

Discussion followed about the details and whether the area was an oyster nurse area. Dr. Pellegrino said that the South Norwalk Boat Club had been dredged in 2014 and the marine life returned to the former condition in a relatively short time. The conditions are almost identical to 26 Shorefront Park.

Mr. Steadman asked how much water was available at the site and noted that there was a letter from the Bureau of Aquiculture. Dr. Pellegrino said that he could only address the current conditions. Mr. Bajek said that at reasonable low tide, the property owner does not have access to Norwalk Harbor.

Mr. Bartush had several detailed questions about the marine life in the area. Atty. Casey said that Mr. Bruce Williams at the DEEP Fisheries had sent a letter saying that the dredging would not have any impact. Discussion followed.

**** MR. BARTUSH MOVED THAT PURSUANT TO ROBERTS RULE, TO HAVE A 2/3RD VOTE TO MOVE THIS ITEM TO THE NEW BUSINESS PORTION OF THE AGENDA AND IF THE SHELLFISH COMMISSION SO DESIRES, THEY VOTE ON THIS TO MAKE SOME DETERMINATION ON THE ITEM.**

**** MR. MADDAFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

• June 3, 2021

**** MR. BARTUSH MOVED THE MINUTES OF JUNE 3, 2021.**

**** MR. MADDAFARI SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF JUNE 3, 2021 AS SUBMITTED PASSED UNANIMOUSLY.**

TREASURER'S REPORT

No report.

SECRETARY'S REPORT

No report.

COMMITTEE REPORTS

A. Health Department – Average June rainfall – 2.4 inches compared to last year's June average of 1.83. There were no bypass events. There were two shellfish closures; one on June 14th for rain and again on the 19th.

B. Wastewater Treatment Plant – No report

C. Water Quality –Mr. Schnierlien said that the meeting was focused on assembling a list of recommendations that will be presented to the different commissions as well as other City Agencies regarding improving the Water Quality in Norwalk. The mission statement was also reviewed and a final copy should be ready within the next few weeks.

D. Permits – No report.

E. Police – No report.

F. Advisory – Mr. Johnson said that the water temperature was 67.4 on Sunday.

G. Harbor Management – Mr. Steadman said that next month the recommendations for reducing the turbidity for the Walk Bridge project. Mr. Romano said that the City would be receiving some funding and suggested that the Harbor Commission see if some of the funding could be used for the study to identify where water was entering the river.

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

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

Mr. Bartush said that he owed Mr. Hiltz a consultation form on 14 Shorehaven, which would he would send out soon.

Mr. Maddafari said that he felt that they should be going back to on site meetings. Mr. Romano said that he had been pushing for on-site meetings. Mr. Bartush pointed out that they would not have had a quorum if they were in person as he was zooming in from out of state. Having a hybrid meeting would be helpful.

Walk Bridge - DOT – No report.

Eversource – No report.

Fees – No report.

5 Decker Street pier/ramp/dock COP – No discussion.

NEW BUSINESS

• **26 Shorefront Park**

Mr. Bartush said that the item was moved from Public Comment. Mr. Johnson said that they should table the item until Harbor has their chance to vote. Mr. Romano said that they were still waiting for information to come in.

Mr. Schnierlien said that the property owner would have to dredge again in about five to ten years. He also noted that the property owner does not have rights over the mud flat, therefore he is not improving the property since the property owner does not own the mud flats or pay taxes on them. Also, Dr. Pellegrino wrote an article during the 1970's stating that there could be up to 10,000 invertebrates living in a cubic meter of sediment. If that statement is accurate, it would equal the loss of food resources for fish living in that area. There is a number of people fishing off the dock and seawall at the South Norwalk Boat Club. The dredging would be removing a source of food.

**** MR. JOHNSON MOVED TO TABLE THE ITEM REGARDING 26 SHOREFRONT PARK UNTIL MORE INFORMATION IS AVAILABLE.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEXT MEETING

- August 5, 2021 @ 7:15pm (Zoom)

ADJOURNMENT.

**** MR. BARTUSH MOVED TO ADJOURN.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:24 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services