

**TOWN OF FAIRFIELD
SHELLFISH COMMISSION
MEETING MINUTES – November 14, 2012**

The Shellfish Commission of the Town of Fairfield held a regular meeting on November 14, 2012 at 7:30 PM in the First Floor Conference Room of the Fairfield Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

MEMBERS PRESENT: Sanford J. Wakeman, Chairman; David Thornton, Secretary; Robert Bilek; Sally Harold; Paul Nelson; Cathy Raynor-Catropa

MEMBERS ABSENT:

ALSO PRESENT: Thomas J. Steinke, Conservation Director; Jim Salce, Commercial Shellfish Operator

CALL TO ORDER: Sanford J. Wakeman, Chairman, called the meeting to order at 7:30 PM

I. BILLS AND COMMUNICATIONS

A. Meeting Minutes of October 10, 2012

Sally Harold *moved*, Robert Bilek *seconded* to accept the minutes of October 10, 2012. *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Bilek, Thornton – Robert Bilek reported that they have been working on planning a relay but have been delayed due to Hurricane Sandy and the Nor'easter. After consultation with Jim Salce, it was decided that it would be best to conduct the relay in the spring. There are concerns over cool water temperatures preventing clams from digging in properly over the winter, as well as over adverse weather. The committee did not want to purchase clams only to have them lost. There is also less demand at this time of year. The committee also wanted to develop a program over the winter for use of natural beds to cultivate clams. David Thornton reported that the Pequot Yacht Club's "North Anchorage" in Southport Harbor is being dredged and he was present with Jim Salce for clam dredging and testing. There were relatively few clams there. Jim Salce was present and discussed various logistical matters concerning a future relay.
2. *Water and Habitat Quality:* Bilek, Wakeman, Harold, Raynor-Catropa – Sanford J. Wakeman inquired of Jim Salce the status of the DA/BA lab in Milford. He reported he had been in touch with the lab, which will not be open for another week, and it already has a backlog due to the Hurricane.

3. *Permits and Access*: Thornton – No report presented this evening
4. *Commercial Shellfish Regulations*: Wakeman, Harold – No report presented this evening
5. *Oyster Bed Development*: Lanute, Thornton, Harold – No report presented this evening

II. OLD BUSINESS

A. CT DA/BA Town Recreational Relay (Transplant) License issued to the Town of Fairfield Shellfish Commission

No discussion; See Item I, Section B, Subsection 1, Clam Relay and Planting Committee Report

B. CT DEEP-OLISP, Application No. 200802577-TS, Zecchi, to retain and repair existing timber bulkhead at 1774 Fairfield Beach Road, Fairfield

Thomas J. Steinke recommends postponing discussion on this item until the December meeting as he has not been able to conduct a site visit. He has reviewed the plans, and recommends that applicant submit revised plans showing reciprocal development on the opposite side of Pine Creek, and provide dimensions for the vessel proposed to be docked.

Robert Bilek *moved*, Sally Harold *seconded* to request the applicant submit revised plans that identify the opposite shore of Pine Creek and what the open fairway is for the creek, as well as include dimensions of the vessel proposed to be docked there, all for consideration at the Shellfish Commission's December meeting. *Motion passed unanimously.*

C. Proposed Remediation of the Mill River Estuary associated with the former Exide Battery Site, 2190 Post Road, Fairfield, CT/Superior Plating

Thomas J. Steinke reported that he received a response from CT DEEP from the evidence of industrial waste discharge he presented. He discussed the survey of waste discharge from the railroad drain into the river at the former factory site. The DEEP's response, including further information from Exide, concluded that, based on exploration of 48 percent of the common boundary line between the factory buildings and the railroad drain, there was no cross-connection between the Exide factory and the railroad drain pipe.

An area of particular concern is a drain from the railroad to Mill River in which some form of a direct or indirect cross connection apparently existed at some point made with Exide drains. As a result, industrial waste was discharged from the railroad drain to Mill River, as well as the factory drains along the Post Road into Mill River. Exide claimed they knew of no cross connection. Exide did not place a camera in the drain, or physically expose the entirety of the pipes. After inspecting only about half of the pipes at issue, they claim that no cross connection exists.

Thomas J. Steinke further discussed the history of some of the Exide contamination and sources from which the pollution emanated, and areas most affected.

The DEEP will not be conducting a public hearing on the proposed remediation by Exide, but rather a public meeting. The Army Corps of Engineers has approved the Exide Sediment RAP plan as proposed. Thomas J. Steinke explained that there may be a procedure under the Clean Water Act, through the National Pollutant Discharge System, to request a public hearing.

The Commissioners discussed possibly attending the next Conservation Commission meeting or conducting a joint meeting with other agencies, such as Conservation, Harbor Management, Health, etc. They further discussed different approaches to the project and potential negative consequences, especially with respect to treating dredged material.

D. CT DA/BA Sanitary Survey of the Shoreline

DA/BA put a notice in the newspaper that they would be conducting a shoreline survey, as expected. Thomas J. Steinke noted that the survey will be postponed due to the hurricane.

E. Printing of 2013 Shellfish Permits

The Commissioners briefly discussed the necessity of deciding on permit fees before ordering permits.

Sally Harold *moved*, Cathy Raynor-Catropa *seconded* to order 250 permits and make no changes to the fee structure. *Motion passed unanimously.*

III. NEW BUSINESS

A. Nominating Committee for Election of Officers for December Vote

Rather than appointment of a nominating committee, the Commissioners came to a consensus that Sanford J. Wakeman would stand to be re-elected as Chairman, Robert Bilek would stand to be elected as Vice Chairman, and David Thornton would stand to be re-elected as Secretary, with elections to occur at the December meeting.

B. Draft 2013 Meeting Schedule for December Vote

Robert Bilek *moved*, Cathy Raynor-Catropa *seconded* to approve the 2013 meeting calendar with the correction of the May meeting date to May 8, 2013. *No vote taken.*

The Commissioners will vote on the meeting schedule at the December meeting.

C. 2013-2014 Shellfish Commission Budget - Review and Discussion on Upcoming Shellfish Commission Budget Request

Thomas J. Steinke and the Commissioners discussed the budget considerations in light of funds appropriated, but never spent, on the sanitary survey.

Robert Bilek indicated he would like to see some more data from past years in order to construct a budget. Thomas J. Steinke agreed to email past budget data to the commissioners in order to create FY 2013-2014 budget.

IV. INFORMATIONAL

None

V. OTHER

None

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

There being no further business to come before the Commission, Sally Harold *moved*, Robert Bilek *seconded* to adjourn at 10:00 PM. *Motion passed unanimously.*

Respectfully submitted,
Anthony Monelli