

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – January 9, 2013**

The Shellfish Commission of the Town of Fairfield held a regular meeting on January 9, 2013 at 7:30 PM in the Second Floor Conference Room of the Fairfield Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

**MEMBERS PRESENT:** Sanford J. Wakeman, Chairman; Robert Bilek, Vice-Chairman; David Thornton, Secretary; Cathy Raynor-Catropa

**MEMBERS ABSENT:** Sally Harold; Paul Nelson

**ALSO PRESENT:** Thomas J. Steinke, Conservation Director

**CALL TO ORDER:** Sanford J. Wakeman, Chairman, called the meeting to order at 7:31 PM

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of December 12, 2012

Robert Bilek *moved*, Cathy-Raynor Catropa *seconded* to accept the minutes of December 12, 2012. *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Bilek, Thornton – Robert Bilek reported that they still plan to plant clams in the spring. He believes that planting will occur before any work begins at the former Exide Battery site. He anticipates having a more extensive report on a relay from the natural beds after speaking with Thomas J. Steinke, DA/BA, the town attorney, and possibly the purchasing department.
2. *Water and Habitat Quality:* Bilek, Wakeman, Harold, Raynor-Catropa – Robert Bilek reported that the beds were closed on December 27, 2012 due to rain. Beds did not open until January 7, 2013 due to holiday closures and DA/BA delays. According to the MOU, the beds may reopen eight days after a significant rain, which would have been January 4, 2013. The Commissioners would like to discuss a mechanism to open the beds on a weekend, which is not currently possible.
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. Proposed Remediation of the Mill River Estuary associated with the former Exide Battery Site, 2190 Post Road, Fairfield, CT

Before any remediation, Thomas J. Steinke recommends that Exide examine the railroad drain as it has discharged lead in the past. DEEP has previously directed them to study that drain, and they have not yet done so. Exide has done a cursory check and they believe that nothing connects to that drain that would have caused contamination. Thomas J. Steinke and the Commissioners discussed the history of the site and future ramifications of proceeding with remediation without adequately addressing the railroad drain. Thomas J. Steinke described how contamination leeches out through joints in the underground drains into the soil. The heart of the problem is that any future development may have serious environmental and construction impact by lead contamination.

Thomas J. Steinke reported that the meeting will not occur during the comment period. He suggested requesting a 10 day extension of the comment period if a special Shellfish meeting is needed. If an extension is not on the record, a petition with 25 signatures is necessary to force a public hearing on the permit application. The meeting on January 10, 2013 is only a courtesy public meeting.

Robert Bilek suggested creating a list of Shellfish recommendations and suggestions to be submitted to DEEP during the comment period. Thomas J. Steinke suggested that the dredge discharge may adversely affect shellfish larvae and that the Commissioners should address those concerns.

Robert Bilek *moved*, Cathy Raynor-Catropa *seconded* to schedule a special meeting within two weeks if DEEP does not grant an extension to the comment period. *Motion passed unanimously.*

If the remediation plan is approved by DEEP, DA/BA may close shellfishing in Southport Harbor for as long as it takes for the lead to be taken out and any re-suspended lead is no longer reflected in the bottom downstream. Based on past data and experience, the area may be closed for the duration of the Exide project.

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

Tim DeBartolomeo, engineer for the applicant, has responded to the Shellfish Commission and submitted revised drawings. First, he described possible vessels that would be supported by the proposed dock and noted the applicant does not yet own a boat. Second, he described the area and noted that at low tide, the float cannot be pulled back or else the applicant would not have riparian access. Third, he described the dock design which is identical to another nearby dock that the Shellfish Commission previously approved. DEEP does not allow floating docks to rest on the mud line, therefore they must be supported. Fourth, he analyzed alternative locations and described that the location, while not ideal, is the best available considering the depth of the creek at low tide.

Robert Bilek *moved*, David Thornton *seconded* to approve the application as revised.  
*Motion passed unanimously.*

**III. NEW BUSINESS**

None

**IV. INFORMATIONAL**

None

**V. OTHER**

None

**VI. PUBLIC COMMENT**

None

**VII. ADJOURNMENT**

There being no further business to come before the Commission, David Thornton *moved*, Cathy Raynor-Catropa *seconded* to adjourn at 9:20 PM. *Motion passed unanimously.*

Respectfully submitted,  
Anthony Monelli