

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – March 13, 2013**

The Shellfish Commission of the Town of Fairfield held a regular meeting on March 13, 2013 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; Robert Bilek, Vice-Chairman; David Thornton, Secretary; Sally Harold; Richard Ferrari; Paul Nelson; Cathy Raynor-Catropa

**MEMBERS ABSENT:**

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

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

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of February 13, 2013

Sally Harold *moved*, David Thornton *seconded* to accept the minutes of February 13, 2013 with a correction so that on page 4, item 2, subitem 2, Paragraph 6, line 1, “Linda Shelham Moore” is corrected to read “Linda Snelham Moore.” *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Bilek, Thornton – Robert Bilek reported that water temperatures are too cold for a relay.
2. *Water and Habitat Quality:* Bilek, Wakeman, Harold, Raynor-Catropa – Sanford Wakeman reported that the beds are closed due to significant rain. Robert Bilek reported that he has been in touch with DA/BA. He also discussed opening of the shellfish beds on weekends.
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:* 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

#### 1. Proposed Exide SedRAP for Mill River and Southport Harbor

Discussion occurred together with next subitem.

#### 2. CT DEEP Tentative Determination to issue a National Pollutant Discharge Elimination System (NPDES) Permit to the Exide Group, Inc. for the discharge into the waters of the State of Connecticut at 2190 Post Road, Fairfield

Thomas J. Steinke reported that the CT DEEP Adjudications Division held a pre-hearing status conference on March 12, 2013 for the purpose of determining who are intervening Parties in the Exide Mill River sediment remediation project. The CT DEEP will refer public comments to Exide for response and the parties will adopt a schedule to conduct a series of technical sessions to attempt to work out the issues raised. Fairplan, an organization of Fairfield residents, has submitted a petition and intervened in the matter. The Town of Fairfield is considering doing so. After intervention, the CT DEEP hearing officer makes a decision as to the rights and status of parties.

The Commissioner of the DEEP has, however, published is tentative determination to approve the NPDES permit without first having approved the SedRAP. Thomas J. Steinke further discussed the procedural implications of the DEEP process.

Thomas J. Steinke and Robert Bilek discussed representation of the Fairfield Shellfish Commission at DEEP meetings, clarifying that an officer or member of the Commission may represent the Commission. Sanford J. Wakeman and Robert Bilek will be the initial designees. Paul Nelson also submitted his name. Thomas J. Steinke noted that in the past, a town employee, along with the Town Attorney, has also represented town boards and commissions in DEEP proceedings. The Shellfish Commission, Harbor Management Commission, Conservation Commission, and the Town of Fairfield, with respect to its own property rights, are all town agencies represented by the Town Attorney's party status and will need to coordinate their concerns on behalf of the town.

Thomas J. Steinke suggested meeting with the Town Attorney before attending any meetings with the DEEP, due to the wide-ranging nature of the interests of the town at large.

### III. NEW BUSINESS

#### A. CT DEEP OLISP COP Application of Keresey to replace boat dock and repair bulkhead in Pine Creek at 1931 Fairfield Beach Road

Thomas J. Steinke noted that this is a COP application and explained the types of matters that are eligible for a COP rather than a general permit. Overall, COP applications are less intrusive matters. He also reported that this application does not propose structures that encroach on the 50 foot fairway.

### IV. INFORMATIONAL

Robert Bilek inquired and Thomas J. Steinke reviewed the budget request and fund balance. Thomas J. Steinke reviewed the status and outlook of the shellfish fund. There may be a possibility of having to use money from the shellfish fund rather than town appropriations.

### V. OTHER

The Commissioners discussed the cost aspects of different types of dredging, hydraulic versus coffer dam, as it relates to Exide. Thomas J. Steinke also presented a brief review of the project.

### VI. PUBLIC COMMENT

None

### VII. ADJOURNMENT

There being no further business to come before the Commission, David Thornton *moved*, Sally Harold *seconded* to adjourn at 8:38 PM. *Motion passed unanimously.*

Respectfully submitted,  
Anthony Monelli