

Edgartown Shellfish Committee
Tuesday, April 4, 2017, 4:30PM
Edgartown Public Library

Present: Acting Chair – Ryan Smith, Les Baynes, Coop Gilkes,
Shellfish Dept. Paul Bagnall, Warren Gaines,
Others: Town Administrator Pamela Dolby, Nick Turner,
Great Pond Foundation – Emily Reddington,
Recorder – Marni Lipke

The meeting was called to order at 4:35PM.

OLD BUSINESS

Schifter/Leland Poucha Pond

Town Administrator Pam Dolby strongly requested the Committee give permission to release the remaining Leland/Schifter funds (see Minutes: 1/17/17 p.2 & 2/7/17 p.2). The planned subdivision that triggered the original order had not occurred and the party had provided two rounds of testing information. Shellfish Constable Paul Bagnall explained the matter had been referred to the Martha's Vineyard Commission (MVC) who had declined to send a written response.

• LES BAINES MOVED TO AGREE TO RELEASE THE REMAINING LELAND SHIFTER ESCROW FUNDS; COOPER GILKES SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.

DEPUTIES' & CONSTABLE'S REPORT

- The Sengekontacket oyster season ended Friday, March 31st when a single fisherman got his limit. Edgartown Great Pond season opened Monday to a surprising response and 20 limits. Paul Bagnall judged the Pond had about 3-5,000 washbasket/bushels and could sustain a reasonably healthy oyster season. The Pond had a good opening so salinity was up enough for the oysters to taste good. The test would be marketability and fishermen's patience with raking-only regulations.
- The Great Pond cut blew out impressively and was doing well.
- After a strong conversation, Shellfish Constable Paul Bagnall persuaded the Personnel Board to abandon the proposed 15 step salary reclassification system.

NEW BUSINESS

April Town Meeting Articles

- There was an error in the Martha's Vineyard Shellfish Group (MVSG) Town Meeting article that could be amended down from \$43,000 (the FY17 figure) to \$37,500.
- Other Shellfish Town Meeting Articles were numbers 38, 39, 40 and 41.

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Summer Meeting Schedule (See below: Meetings/Events.)

PUBLIC COMMENT

- Nick Turner asked about bringing contaminated quahogs into Katama Bay, particularly in view of the aquaculture industry. Quahogs (from the Mt. Hope Bay area) were randomly tested before planting, and found to be clean.
- The relay would likely be delayed until the fall due to the loss of the Edgartown supplier (see Minutes: 4/21/15 p.2, 6/16/15 p.2, 9/20/16 p.1).
- The Katama relay started when the natural harvest was under level. The Family Area was under utilized compared with Sengekontacket. 200 quahogs per year were put in for two years and at least 400 remained showing a good natural crop, so that another relay was not planned. The crop was beautiful and generously interspersed with little necks.

OLD BUSINESS

Rules and Regulations Update

The Selectmen agreed to accept the non-resident senior discount for a recreational shellfish license (see 10/18/16 Minutes p.1).

Aquaculture License Issues

The Committee discussed updating Section 12: Aquaculture License Penalties.

- Jack Blake suggested that an aquaculturist be allowed to buy seed during the one year grace period after license revocation/non-renewal. However the Committee was unclear on the consequences. In the first place a license (at that point in a state of revocation) was required to sell any seed kept/grown for more than 3 months. Furthermore the grace period was only to allow sufficient time for the business owner to grow out the remaining harvest, dispose of their assets, and return the plot to vacant condition.
- **IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE TO PROHIBIT PURCHASE OF SEED AFTER LICENSE REVOCATION/ NON-RENEWAL.**
- Enforcement of equipment removal was considered in terms of possible daily fines or an initial deposit on all licenses—which would require an escrow account.
- **IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE THAT THE BYLAWS BE AMENDED TO INCLUDE THE FORMER LESSEE BE LIABLE FOR THE COST OF CLEARING THE LOT INCLUDING ABANDONMENT, LEGAL EXPENSES, HAULAGE, ETC.**
- Finally the Committee discussed interim enforcement tools before license revocation.
- Les Baynes suggested that as the first enforcement case with the new rules, the penalties were sufficient as they stood and could be amended next year if necessary.
- Cooper Gilkes felt that money talked and that it took 3 or 4 years to enforce the current penalties.

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- Ryan Smith felt fines were a reasonable option and that the problem was really only one or two fishermen. The Committee noted that the aquaculture farmers were decent people working hard to make a living.

- Staff noted that the Town would keep the funds and that the fines could be contested/appealed in court just like the wild shellfish harvest penalty fines. The Committee noted staff time spent enforcing aquaculture regulations.

- Marni Lipke pointed out the Committee's recent reluctance to deprive a worker of their livelihood and suggested this might be a good interim measure.

- Sandy Fisher seemed to be in compliance, working on a very small raft beside his lot and driving the empty barge back and forth every night.

IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE TO AMEND THE SECTION 12B AS FOLLOWS:

3. IF THE SITUATION IS NOT RECTIFIED WITHIN THE ONE (1) WEEK / SEVEN (7) DAYS OF THE WRITTEN WARNING THE LICENSE/LEASE HOLDER WILL BE FINED \$100 PER DAY UNTIL THE VIOLATION IS CORRECTED AT THE DISCRETION OF THE SHELLFISH CONSTABLE.

4. IF THE SITUATION IS NOT RECTIFIED WITHIN THE ONE (1) WEEK / SEVEN (7) DAYS, THE LICENSE/LEASE HOLDER WILL APPEAR BEFORE THE BOARD OF SELECTMEN FOR LICENSE/LEASE REVOCATION OR NON-RENEWAL.

- Coop Gilkes reported on a letter from Harbormaster Charlie Blair and the Marine Advisory Committee to request all rafts be tagged with the owner's name, and that commercial fishing boats refrain from using the Finger Piers until the third week of October. Securing aquaculture rafts in winter ice and storms was a constant worry.

Meetings/Events

- Annual Town Meeting – Tuesday, April 11, 2017
- Edg. Shellfish – 4:30PM Tuesdays, April 18, & May 2 & 16, 2017 at Town Hall
- Edg. Shellfish – 4:30PM Tuesdays, June 20, July 18th, August 15, 2017 at the Library

ADJOURNMENT

• RYAN SMITH MOVED TO ADJOURN AT 5:42PM; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY.

Actions To Be Done:

- Paul – reserve Library for summer meetings.

continued >

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Documents on File:

- Agenda 4/4/17
- Shellfish Update 3/27/17
- Oyster Season 3/15/17
- Sandy Fisher Aquaculture License 3/15/17
- Application for commercial Shellfish Permit (4 p.)
- Regulations for Taking and Culture of Shellfish Draft #4 (12 p.) 3/13/17
- Family and Commercial Scallop: Taking, Possession, Landing Areas, Sizes, Seasons, Limits, Harvest Licenses, Permits, Regulations and Penalties (5 p.)