

**Edgartown Shellfish Committee**  
**Tuesday, May 3, 2016, 4:30PM**  
**Edgartown Public Library**

Present: Chair - Ryan Smith, Les Baynes, Donald Benefit, Cooper Gilkes,  
Christian Thornton,  
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,  
Others: Nick Viera, Danny Thomas,  
Recorder - Marni Lipke

The meeting was called to order at 4:32PM.

CONSTABLES & DEPUTY CONSTABLES' REPORT

- Edgartown Great Pond oyster season ended last Friday, April 29th, with 2 or 3 people still getting limits. The Pond itself was coming up well and an opening would be scheduled based on height and weather.
- Sandy Fisher had reduced the number of his cages in the Narrows by half.
- Staff was preparing for the coming season; working on boats, getting ready for quahog propagation.
- Clyde McKenzie and Martha's Vineyard Shellfish Group (MVSG) Director Rick Karney were talking about a scallop research project.
- Press coverage of imported quahogs was generating negative comment. The Committee noted there were 60 water born vibrio species. Edgartown tested its imported quahogs and found them fairly clean of bacteria, although carrying a heavy metal load (see below: Actions & 8/2/11 Minutes p. 1-2).

Chappaquiddick Nursery Update

Storm damaged vent fans were being repaired. The salt water would be turned on as the weather warmed up. \$10,000 in MVSG funding would replace a couple windows and repair the porch supports in anticipation of algae cultivation. Staff reported a large vole population in the dunes.

OLD BUSINESS

Citation Update (See 4/5/16 Minutes p. 2.)

The Selectmen Hearing on Nick Viera examined Shellfish Regulations and recommended a 30 day license suspension as the most lenient of the penalty terms. The Committee considered a number of issues:

- one month to one year suspension for pulling seed;
- penalty start date to encompass 3 weeks of the quahog season and 1 week of the scallop season;
- how to schedule the timing without yet knowing the start of scallop season;
- predictions of a good scallop season next year;

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- concerns over Nick Viera's livelihood but responsibility placed with his own actions;
- stern warnings on the 3 year time span for penalty counting and the next violation likely to result in a year's license suspension;
- past license suspension precedents, including staff based enforcement, " you should take a few days off."

• **IT WAS THE CONSENSUS OF THE EDGARTOWN SHELLFISH COMMITTEE THAT THE SUSPENSION PERIOD RUN SUCH THAT IT ENCOMPASSED AT LEAST ONE WEEK OF THE SCALLOP SEASON.**

• **LES BAYNES MOVED THAT THE SHELLFISH COMMITTEE AGREED WITH SELECTMEN FOR A 30 DAY SUSPENSION OF NICK VIERA'S COMMERCIAL SHELLFISHING LICENSE WITH DATES TO BE SET WHEN THE SCALLOP SEASON START WAS KNOWN; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

The Selectmen also pointed out that both Angela Fisher and Dave Viera were carrying at least 2 unpaid tickets meriting a week's suspension each. The Committee discussed:

- David Viera's history of multiple tickets from previous years;
- leniency already shown by staff, who testified that citations before the Committee were already fairly egregious and well-earned;
- perspectives: \$100 tickets as "cost of doing business" vs. a week's suspension as significant loss;
- scalloping as the gravitas of the season;
- importance of handing out Shellfish regulations with each commercial license;
- difficulties of initial enforcements followed by better general adherence to regulations;
- late violations (including needing to inspect the catch) versus seed and hidden stash violations;

• **LES BAYNES MOVED TO REQUEST THE SELECTMEN SET DATES FOR CITATION HEARINGS FOR DAVID VIERA AND ANGELA FISHER; CHRISTIAN THORNTON SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

• Schifter Letter

The letter was signed and sent to the Selectmen with copies to the: Board of Health, Conservation Commission, Sourati Engineering, Woods Hole Group, Marine Advisory, etc.

NEW BUSINESS

• Financial Update

Fiscal Year 2016 (FY16) still had \$18,900 remaining in the Shellfish Propagation Article (of which \$4,000 was earmarked for Muskungus oysters in June); and \$7,600 remaining in the Department Budget. The Department ordered a Ford 150 truck with a back-up camera for FY17.

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Meetings/Events

- Viera Selectmen Hearing - 4:00PM Monday, May 9, 2016 at Town Hall
- Edg. Shellfish - 4:30PM Tuesdays, May 17, June 1, 2016 at Edg. Library

ADJOURNMENT

• **LES BAYNES MOVED TO ADJOURN AT 5:15PM; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY.**

**Actions To Be Done :**

- Paul/Ryan - find someone to respond to press comments on the quahog relay.
- All - attend Selectmen citation hearings Monday, 5/9/16
- Agenda Items - Minutes 4/19, 5/3

**Documents on File:**

- Agenda 5/3/16