

**Edgartown Shellfish Committee**  
**Friday, October 28, 2016, 3:00PM**  
**Edgartown Town Hall**

Present: Chair – Christian Thornton, Donald Benefit, Les Baynes, Coop Gilkes,  
Ryan Smith,  
Shellfish Dept. Paul Bagnall, Warren Gaines, Pete Jackson, Rob Morrison,  
Others: Angela Fisher, Lori Fisher,  
Recorder – Marni Lipke

The meeting was called to order at 3:03PM.

COMMERCIAL LICENSE SUSPENSION ANGELA FISHER APPEAL

- At their September 23, 2016 meeting the Selectmen upheld the Shellfish Committee vote on penalties for Angela Fisher, David Viera and Nick Viera. The Rules and Regulations provided for an appeal but did not delineate the mechanism. Consequently this special meeting was called before the next Board of Selectmen on Monday, October 31st.
- At the instigation of the Selectmen, the Committee was tightening regulation enforcement. Since this was a change in practice, the Committee chose to modify the penalties such that Dave Viera's and Nick Viera's month long suspension would only encompass one week of the scallop season; Angela Fisher's one week suspension would run concurrently with that first scallop season week (see 5/17/16 Minutes p. 2 & 9/20/16 Minutes p. 3).
- Angela Fisher's appeal was based on unfair treatment, in that she received the same de facto penalty as those who had more severe violations, and she asked why her suspension did not start at the same time as theirs on October 11th.
- The Committee debated the matter at length taking into account a number of issues.
  - David and Nick Viera could not fish during the previous three weeks, encompassing quahogs, conchs, etc.; One more citation within three years could mean a one-year citation.
  - There was no commercial season from October 11th to November 1st, partly due to the unforeseen Amnesiac Shellfish Poisoning (ASP) regional closing. However it was acknowledged that the penalty effect was primarily linked to timing.
  - On examining the Regulations it was established that Angela Fisher had 2 violations, one for lateness and one for seed when she was one of two people in a cited boat. This put her in the one-week suspension category.
  - Staff was mindful of the stiff penalties and were consequently very lenient and discreet with fishermen, giving verbal warnings and handing out tickets only in flagrant cases.
  - The rules protected everyone and the shellfish crop. Citations for seed were particularly serious in light of the time, money and effort the Town put into propagation.
  - The penalties should follow Regulations that were currently difficult to interpret and enforce.
  - Angela Fisher was appealing on a technicality and any vote to mitigate the penalty did not lessen the fact of the citations and misbehavior.

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- There was debate as to the proportion of a reduction between 1 1/4 days or 2 days.
- The Committee expressed serious concern on two points: supporting and enforcing staff at their work, and setting a precedent for changing penalties on appeal.
- **LES BAYNES MOVED THAT ANGELA FISHER'S PENALTY BE REDUCED BY THE SAME FORMULA AS THOSE PERSONS VOTED AT THE SAME TIME, SO THAT THE PENALTY PERIOD WOULD BEGIN OCTOBER 29, 2016 AND BE EQUAL TO A SUSPENSION OF 1.25 DAYS OF THE SCALLOP SEASON WITH THE UNDERSTANDING THAT SHE RETURN AT 1:30PM ON THE FINAL DAY; DONALD BENEFIT SECONDED; MOTION PASSED: 4 AYES, 1 NAY - COOP GILKES, 0 ABSTENTIONS.**
- Donald Benefit also expressed reluctance in the vote and the Committee in general considered this as a failure on their part. Staff understood that leniency was what landed the Department and Committee in this quandary and they should be more vigilant in ticketing.
- Les Baynes repeatedly cautioned Ms. Fisher that the rules would henceforth be strictly enforced and the next offense would result in a serious suspension up to one year. Lori Fisher assured the Committee that as a single mother earning her living Angela Fisher would not be before them again. Mr. Baynes repeated his caution and that having been before them once the next time the Committee would be inclined to adhere to Regulations.
- There was a discussion on the current rules including the: inefficacy of fines, dangers and complications of confiscation, etc. Revision of the rules and regulations was on the agenda for the November 1st meeting. The goal was compliance not tickets.

Meetings/Events

- Edg. Shellfish - 4:30PM Tuesdays, November 7 & 21, 2016 at Town Hall
- Edg. Shellfish/Aquaculture meeting - 4:30PM Tuesday, December 13, 2016 at Town Hall

ADJOURNMENT

- **DONALD BENEFIT MOVED TO ADJOURN AT 4:02PM; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY.**

**Actions To Be Done :**

- Paul/Warren/Rob/Pete - draft a list prioritizing offenses.
- Paul - make copies of regulations for November 1st meeting.

**Documents on File:**

- Agenda 10/28/16
- Sign In Sheet 10/28/16