

Edgartown Shellfish Committee
Tuesday, December 20, 2016, 4:30PM
Edgartown Public Library

Present: Acting Chair - Ryan Smith, Les Baynes, Cooper Gilkes,
Christian Thornton—by remote,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison, Petey Jackson,
Others: Richard Baxter,
Recorder - Marni Lipke

The meeting was called to order at 4:31PM.

MINUTES

• **COOPER GILKES MOVED TO APPROVE THE:**
- **NOVEMBER 15, 2016 MINUTES AS AMENDED; AND**
- **DECEMBER 6, 2016 MINUTES AS WRITTEN:**
LES BAYNES SECONDED: MOTION PASSED UNANIMOUSLY: 4
AYES, 0 NAYS, ABSTENTIONS AS ABSENT: LES BAYNES—AYE,
COOP GILKES—AYE, CHRISTIAN THORNTON—AYE, RYAN SMITH—
AYE.

DEPUTIES' & CONSTABLE'S REPORT

The Office phone rang a lot with complaints about the Cow Bay sand in Sengekontacket.

- Bay Scallop Season Update
- Fishermen were taking about twice as long to get their limits and participation varied, for example on good days about 40 boats got limits but there was a freeze and only about 9 boats were out on Saturday.
- All buoys had been removed from the Major's Cove Oyster Project and the cages were set for winter. The raft would be hauled out shortly when equipment was available.
- Shellfish Constable Paul Bagnall went to the Massachusetts Shellfish Officer Association (MSOA) in Hingham. There were only 2 vibrio cases from Katama, down from last season's 13 and public health officials were happy with the Eel Pond arrangement (see 3/15/16 Minutes p.1).
- The Wellfleet neurovirus closing wasn't lifted until October 31st.
- The State would not reimburse Martha's Vineyard Shellfish Group (MVSG) Fiscal Year 2017 (FY17) funding, and would also not fund FY18.
- A Federal Food and Drug Administration representative came to investigate a summer 2014 concern over the sewage pump station failure and proposed a prohibited zone and year round closure, which Paul Bagnall argued. A November 1st to April 5th Cullins Beach closure was suggested.

Edgartown Shellfish Committee
December 20, 2016

2

- The Selectmen followed Shellfish Committee recommendation (see 12/6/16 Minutes p. 1-3):
 - suspending Mark Morris' license for the remainder of the 2016-17 season;
 - confirming a one week suspension for Mike Hathaway.
- Mr. Hathaway agreed to the one week suspension and
- **LES BAYNES MOVED THAT THE SHELLFISH COMMITTEE AGREED WITH SELECTMEN FOR A FIVE DAY SUSPENSION OF MIKE HATHAWAY'S COMMERCIAL SHELLFISHING LICENSE WITH DATES TO BE SET WHEN THE 2017-18 SCALLOP SEASON START WAS KNOWN; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY: 4 AYES, 0 NAYS, 0 ABSTENTIONS: LES BAYNES—AYE, COOP GILKES—AYE, CHRISTIAN THORNTON—AYE, RYAN SMITH—AYE.**
- The Committee discussed the Mark Morris Hearing at some length.
 - Incident reports and a Citation Report (see documents on file) were submitted to the Selectmen along with the 12/6/16 Minutes—but it was a good idea to have multiple copies of all documents available.
 - The citations were under Shellfish Regulations Section 2 = failure to comply, and Section 5 over the limit.
 - Members remarked on Mr. Morris' offensive, obstructive manner that damaged his own case.
 - Mr. and Mrs. Morris' raised the issue of Constables not searching every boat, however this was neither practicable nor precedent since constables and deputies searched boats either as issues arose or by rotation.
 - It was re-confirmed that if a fisherman was fishing a species commercially, the further taking of a family limit was forbidden—hence Mrs. Morris' family limit representation was void.
 - Shellfish constables and deputies are authorized to search boats, equipment, etc. (all except the domicile) without a search warrant.
 - The Selectmen remembered the Morris 2008 citation hearing.
 - Mark Morris was appealing the suspension and citations and the Committee discussed Court protocol and the new magistrate.
- The Committee and Constable Bagnall again commended the Deputies for a job well done and instructed them to walk away and call the police if he showed any further offensive behavior.

OLD BUSINESS

- Rules and Regulations Re-Write
- The Committee discussed changing Check-In to North Warf because it provided better visibility of incoming boats. This would entail a small shed and a couple floats. Staff agreed but also noted that the catch visibility was good at the bottom of Main St.

Edgartown Shellfish Committee
December 20, 2016

3

- The Committee liked the Commercial Application Update (see documents on file) and discussed:
 - = a warning not to submit the application without all boxes checked off;
 - proof of residency similar to the Steamship Authority regulations (vehicle registration, utility bill, rental agreement, Town voter or street list.
 - legal implications of setting a 6 month residency requirement.

NEW BUSINESS

- **Leland Schifter Poucha Pond Sampling**

Another round of testing was completed in September. Town Administrator Pam Rose asked if the escrow balance could be released. The matter was tabled (see below: Actions).

- Edgartown Great Pond blew open the Wednesday before the Columbus Day weekend and stayed open until the following Wednesday.
- Les Baynes noted that the Island dredge committees had to address the winter flounder season time restrictions. He emphasized that the health and maintenance of the Island waterways was the lifeblood of the Vineyard tourist based economy.
 - Barnstable bought a new smaller dredge, and was running both their old dredge and the new one to clear its backlog.

Meetings/Events

- Edg. Shellfish/Aquaculture meeting - 4:30PM Wednesday, January 3, 2017 at the Library
- Morris Court Appeal- 10:00AM Wednesday, January 11, 2016 at the Courthouse
- Edg. Shellfish - 4:30PM Tuesdays, January 3 & 17, 2017 at the Library

ADJOURNMENT

• RYAN SMITH MOVED TO ADJOURN AT 5:35PM; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY.

Actions To Be Done:

- Paul - post 1/3/17 Aquaculture meeting w/Selectmen & inform aquaculture farmers.
- Paul/Christian/Les - attend 1/11/17 Morris Court Appearance - bring document copies.
- Paul - inform Harbormaster to leave 2 floats in at North Wharf.
- Paul - contact MVC DRI Director Paul Foley re: written statement on Schifter compliance.
 - Put on January 3 or 17 agenda.
- Marni/Committee - clarify commercial license supersedes family limit of same species

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Edgartown Shellfish Committee
December 20, 2016

4

Documents on File:

- Agenda 12/20/16
- Sign In Sheet 12/20/16
- Bagnall email cover re: Selectmen Today at 4PM 12/19/16
- License Suspensions (2 p.) 12/19/16
- Mike Hathaway and Dick Hathaway Incident Report 11/22/16
- Shellfish Deputy Incident Report, Warren Gaines, Rob Morrison December 6, 2016 (2 p.)
- Town of Edgartown Application for a Commercial Shellfish Permit (2 p.)
- Town of Edgartown Application for a Commercial Shellfish Permit Draft #1 (3 p.)
- Regulations for Taking and Culture of Shellfish Draft #3 (12 p.) 12/6/16 & cover email 11/28/16