

**Edgartown Shellfish Committee  
Joint Meeting with Oak Bluffs Shellfish Committee  
Tuesday, December 19, 2023, 4:30pm  
Selectboard Meeting Room in Edgartown Town Hall**

Present: Nic Turner, Ryan Smith, Madeline Fisher, Warren Gaines, David Faber  
Shellfish Dept: Rob Morrison, Julie Pringle (recorder)

Oak Bluffs (OB) Shellfish Dept: Donovan McElligatt (Constable)  
OB Shellfish Committee Members: Mark Landers, Isaiah Scheffer, Dan Martino, Fred Huss, Nicole Morey (recorder)  
Other: Chris Seidel (Cartographer/ GIS Coordinator at the Martha's Vineyard Commission)

The meeting of the Edgartown Shellfish Committee was called to order at 4:33 pm.

**SHELLFISH PERMITS AND AQUACULTURE LICENSES**  
None.

**MINUTES**

The Committee reviewed the draft minutes from 12/5.

*Motion placed on the floor by Nic to approve the 12/5/23 draft minutes. Warren seconds the motion, no further discussion, vote taken and passed, 4-0. Madeline abstained as she was not present at the 12/5 meeting.*

**SHELLFISH DEPARTMENT REPORT**

Rob reported that there have been 25-30 fishermen consistently commercial scalloping. Jason reported 60 baskets were landed today. Many fishermen are still getting their boats back in the water after the December 18th storm.

Rob stated that this storm caused a second breach at Norton Point. A breach may have occurred in Crackatuxet as well, based on the water level and amount of washover. The water level in Edgartown Great Pond is now very high so a cut will be scheduled soon. The storm brought enormous waves and severe beach erosion to the south shore.

**OLD BUSINESS**

**EDGARTOWN/OAK BLUFFS TOWN LINE IN SENGEKONTACKET**

Rob stated that for at least three decades the Edgartown-Oak Bluffs town line in Sengekontacket has been delineated by concrete bounds on the bottom of the pond. In spring 2023, fishermen disputed the location of some of these bounds. At this time, Rob reached out to Chris Seidel at the Martha's Vineyard Commission (MVC) to obtain coordinates for the official town boundary. Rob explained that he and other Department employees used a handheld GPS device to locate both the MVC boundary coordinates and the concrete bounds. As a visual aid, the Shellfish Department produced a map marking the location of the concrete bounds and the boundary coordinates provided by the MVC. This map is included, below. This determined that most of the concrete bounds were correct, however there was a discrepancy in two bounds around the mouth of Majors Cove. Using the program Google Earth, Rob demonstrated

that this discrepancy is 700-900 feet off from the official boundary. Chris Seidel stated that Google Earth can distort distances based on the angle of the satellite photo, however she offered to accurately measure the discrepancy using different software.

Rob asked Chris Seidel to provide background information on the boundary coordinates she provided. Chris stated that MVC is not the legal source for the boundary data- the data is published by Mass GIS, which is the state's repository for spatial data. This particular boundary came from the Massachusetts Department of Transportation's Harbor and Lands Commission Town Boundary Atlas, and has an accuracy of +/- 3 feet. However, this boundary originated from older survey plans prior to the invention of GPS. Surveyors had to tie the old map into the state's spatial coordinate system in order to obtain coordinates. These coordinates represent the town line according to the state, which should not change unless there is a legal change to the town boundary. Chris offered to reach out to Mass DOT to determine the exact source of the boundary data.

Mark Landers (OB Shellfish Committee Chair) stated that the bounds were placed as a joint effort between the two towns using a team of surveyors located both on a barge and on the beach. He remembers the location of the two disputed bounds being different from what was displayed on the map.

There was some discussion about the accuracy of the coordinates of the state's boundary. The buoys placed on this boundary are dependent on the accuracy of the GPS device used. Rob reported that the Department has a Garmin handheld GPS device. Chris explained how difference devices have different accuracies, and how sometimes signal strength can vary which causes additional inaccuracies.

Mark Landers expressed concern about the shellfish resources located within the disputed area, particularly with the time and effort the OB Shellfish Department spent seeding that area over the years. Mark stated that any shellfish located in that area should belong to Oak Bluffs. Rob responded by stating that since this issue first was brought to his attention he's repeatedly invited the OB Shellfish Constable to corroborate the location of the boundary via GPS. He attempted to correct the town line as a joint effort between the two towns, however he never got a response from the OB Constable. In regards to the seeding efforts by OB, Rob stated that Edgartown employs 2 former OB Shellfish staff, including the former constable. Rob was assured that there are records which indicate that the disputed area has not been seeded in the past 10 years. Mr. Landers responded by stating that Richie Madeiras used to seed that area with quahogs.

There was discussion between the two Shellfish Committees regarding the records describing the town line and whether or not the Town and the State boundary lines agree. The OB Committee referenced a 1907 document which describes the location of the town boundary. It is the position of the OB Committee that the town line should be professionally surveyed and new concrete bounds should be placed. Nic and Ryan, Edgartown Shellfish Committee members, stated that concrete blocks can easily be moved by ice and that placing new bounds is not a good solution. This was followed by discussion amongst the two committees regarding why it appears two of the preexisting concrete bounds have moved, likely due to ice during cold winters.

OB Committee members repeatedly called for the line to be professionally surveyed. The cost of this was estimated at approximately \$10,000. David, Edgartown Committee Chair, stated that the cost for hiring surveyors was not accounted for in the budget, and the Committee is not in a position to ask the

Town to use taxpayer money for this. The Edgartown Committee is not disputing the current location of the line, however if OB hires a surveyor to locate the town boundary they will be supportive. The Edgartown Committee and Constable believe the GPS coordinates from MassDOT are accurate and using a handheld GPS unit to locate them is sufficient. Rob stated that the goal is not to take land/water from OB, but to have GPS points that both towns agree on. Once the coordinates of the town boundary are agreed upon, the town line can be easily and repeatedly found using simple GPS devices. However, this requires that both towns cooperate and communicate.

Chris, the MVC Cartographer, offered to reach out to MassDOT to confirm the source of the town boundary they have on file and compare it to the 1907 document the OB Committee referenced. Both committees agreed that getting more information from the state is a logical next step. The two town committees and constables agreed to communicate via email to determine subsequent actions and to hopefully come to a resolution.

Rob asked Donovan, OB Shellfish Constable, about the shellfishing area map published on the OB town website which depicts the town line along the Felix Neck shoreline instead of down the middle of the pond. Rob stated that this map is inaccurate and asked for it to be corrected. Donovan responded by describing how the map was made using verbal descriptions without the use of mapping software. Donovan agreed to take it off the town website and stop using it in an official capacity.

The joint committee meeting between the two towns concluded, and the OB committee members and department representatives exited the meeting room.

The Edgartown Committee further discussed the town boundary and OB's request for a professional survey. Members agreed that since OB is disputing the location of the town line the onus should be on them to pay for a surveyor. The Committee's position is that this can be resolved by improving communication between the two departments once the GPS coordinates of the town line are confirmed. Members were appreciative of Chris Seidel for attending the meeting and bringing her valuable expertise to the meeting.

#### PUBLIC COMMENT

#### ANYTHING THAT THE CHAIRMAN COULD NOT ANTICIPATE IN ADVANCE

Rob stated that he was contacted by David Bouck from Great Pond Foundation (GPF) requesting a meeting about data on cuts to Edgartown Great Pond. Rob suggested that GPF get on the agenda for the next shellfish committee meeting to discuss this, as it is a more appropriate venue and doesn't violate open meeting laws. The Committee agreed.

Rob will be away for the first meeting in January, so the Committee agreed to have only one meeting in January. The Committee will meet again on January 16, 2024.

At 5:39pm, a motion to adjourn was made and seconded. No further discussion, vote taken and passed unanimously, 5-0.

Minutes submitted by Julie Pringle.



*Map of the Edgartown-Oak Bluffs town boundary in Sengekontacket Pond. The yellow thumbtacks represent the location of the concrete bounds. The red points represent the town boundary provided by the MVC (data source = MassDOT). Map produced using GoogleEarth software.*