

Edgartown Shellfish Committee
Tuesday, February 7, 2017, 4:30PM
Edgartown Public Library

Present: Acting Chair – Ryan Smith, Les Baynes, Donald Benefit,
Coop Gilkes,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,
Others: Emily Reddington – Great Pond Foundation, Dave Viera,
Recorder – Marni Lipke

The meeting was called to order. *(Some discussions have been summarized and grouped for clarity and brevity.)*

MINUTES

• **RYAN SMITH MOVED TO APPROVE THE JANUARY 17, 2017 MINUTES: DONALD BENEFIT SECONDED: MOTION PASSED UNANIMOUSLY: 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

DEPUTIES' & CONSTABLE'S REPORT

• On an average day about 12-13 boats were scalloping but only 1 or 2 bringing back limits, the rest being partial or broken limits. Staff polled fishermen and found minimal resistance to a late February season closing, although some inquired about possible Sengekontacket and Edgartown Great Ponds oyster seasons. The Committee and Dave Viera reviewed the remaining crop and noted:

- it had been a good year in regards to weather, pricing, and quantity, and
- it was vital to protect seed for next year's harvest.
- Dave Viera suggested keeping a few areas open but it was difficult to mark and police piecemeal locations.

• **DONALD BENEFIT MOVED TO CLOSE THE CAPE POGUE SCALLOP SEASON FEBRUARY 28, 2017; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY; 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

- There was some concern regarding Edgartown Great Pond oystering:
 - less tasteful, overgrown or distorted oysters (water-bellies) reduced market prices;
 - Pond bottom health was protected by allowing hand-raking only in both Ponds, increasing labor and discouraging many fisherman.
 - The propagation sanctuaries were extremely successful.
 - Staff was starting the process of opening Great Pond contingent on: current, weather, equipment/labor availability, etc. Oysters tasted better with higher saltwater proportions.
- Sengekontacket oysters had to be harvested to complete the nitrogen reduction cycle. The harvest would be less than last year's 3-year accumulation.

Edgartown Shellfish Committee
February 7, 2017

2

- **DONALD BENEFIT MOVED TO OPEN:**
 - = **ALL OF EDGARTOWN SIDE OF SENGEKONTACKET POND EXCEPT THE FAMILY AREAS, TO COMMERCIAL OYSTERING MARCH 1, 2017,**
 - **BUT NOT EDGARTOWN GREAT POND UNTIL DETERMINED AT A LATER DATE,**
 - **AT TWO LEVEL WASHBASKETS, MONDAY THROUGH FRIDAY, ALL OTHER RULES APPLY;**
- **COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY 4 AYES, 0 NAYS, 0 ABSTENTIONS.**
- The Committee noted theft from the Department's shell piles that were awaiting spreading for propagation – landscape sale price \$37.50/cu. yd. for driveways and paths.

NEW BUSINESS (See documents on file.)

- Paul Bagnall protested the Town Personnel Review results, in particular the 15 step pay scale, initiating a number of anomalies such as lack of Harbor/Shellfish education and enforcement differentials, equal pay for a 6 yr. and 20 yr. deputies, etc.

OLD BUSINESS

FY18 Budget Meeting

The Shellfish Budget passed the Finance Committee without an interview. Dredge Committee representative Les Baynes reviewed the article for the new dredge and urged members to talk up its cost saving and revenue producing aspects. The current 20 yr. old dredge reclaimed its capital investment on its first job.

Schifter/Leland Poucha Sampling

Although the Martha's Vineyard Commission (MVC) ruling mandated continuing monitoring, the planned subdivision had been abandoned and enforcing the order was an arduous process for Town Hall. The MVC indicated they would abide by Shellfish Committee parameters, however the Shellfish Committee directed Shellfish Constable Paul Bagnall to consult with the Marine Advisory Board and get a written statement from the MVC (see below: Meetings/Events & Actions).

Rules and Regulation Review

- Staff suggested Section 2C of the Bylaws reflect similar language to the Tisbury Bylaws that specifically listed allowed searches: boat, hatch, bench, barrel, etc., an issue Mark Morris raised in Court (see 12/6/16 Minutes p.1-3). However it was agreed the Edgartown version was in keeping with Massachusetts General Law (MGL) Chapter 130 Section 52 delegation of powers.

Edgartown Shellfish Committee
February 7, 2017

3

- Paul Bagnall received notification that Mr. Morris was required to pay both fines in a Hearing format (see below: Meetings/Events & Actions). The Committee congratulated the Department on their successful procedures that withstood any technicality objections. As long as the Committee backed up staff, violations would continue to decrease.

• **RYAN SMITH MOVED TO APPROVE THE REVISED COMMERCIAL SHELLFISHING LICENSE APPLICATION; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

• The Deputies had been giving Sandy Fisher daily verbal warnings and multiple Aquaculture/Shellfish Regulations copies (see 1/3 & 17/2017 Minutes p.2.). Staff and the Committee were apprehensive about his propensity for large barges (a regulatory gray area) as opposed to rafts; but were also frustrated with his continual recalcitrance and flouting of regulations (see 4/19/16 Minutes p.1) which raised serious precedent issues.

• **LES BAYNES MOVED TO DIRECT STAFF TO PROCEED IN ACCORDANCE WITH THE SHELLFISH/AQUACULTURE BYLAWS SECTION 12B TO SERVE SANDY FISHER WITH A WRITTEN WARNING / SEVEN (7) DAY PERIOD BEFORE AN APPEARANCE BEFORE THE BOARD OF SELECTMEN; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

Meetings/Events

- Edg. Shellfish - 4:30PM Tuesdays, February 21 & March 7, 2017 - Edg. Public Library
- Morris Fine Payment Hearing - 3:00PM Wednesday, February 22, 2017 - Courthouse
- Edg. Marine Advisory Bd. - Wednesday, February 22, 2017 - Town Hall
- Annual & Special Town Meeting - 7:00PM, Tuesday, April 11, 2017

ADJOURNMENT

• **LES BAYNES MOVED TO ADJOURN AT 5:40PM; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY.**

Actions To Be Done:

- Paul - 2/21 Agenda - Shellfish Committee Letter re: Bills/Payroll Sign Off Permission
- Paul - attend 2/22/17 Morris Court Hearing. .
- Paul - attend 2/22/17 Marine Advisory Meeting re: Schifter/Leland Poucha testing.
- Paul - request MVC *written* statement on Schifter/Leland Poucha testing.
- Warren/Rob - serve written warning to Sandy Fisher.

Documents on File:

- Agenda 2/7/17
- Bagnall - Shellfish Update re: Personnel Review 2/6/17