

Harbor and shellfish Advisory Board
Minutes
January 5, 2016
Community Room, 4 Fairgrounds Road

Members Present: Peter Brace, Wendy McCrae , Peter Boyce, Michael Glowacki, Kenneth Gullicksen and Andy Lowell

Members absent: Bill Blunt

Marine Department: Sheila Lucey

Natural Resources:

Call to Order at 5:03

Agenda Approved

Marine Dept. report: Lucey: 2 boats in, Madaket and Town. Both are ready if there is an issue. Otherwise- advertising for seasonal positions and lifeguards in February. Like to hire by mid-April. Q(Brace) any issues on water? A: no.

Natural Resources report: None.

Old Business: Scallop catch confiscation. Keith Robinson, environmental police officer present. Chair requested report, not received.

Sharon Ames: Original questions was number required to seize. (seeking report) originally told warden took personal day, then week off. Still no report. Feel have been lied to. Ten boxes were dumped in back of truck, don't know what happened to.

Keith Robinson- was not present, don't know what took place. At state level is no 20 scallop rule. Allowed 5%, above that is discretion of officer. 20% would be egregious, all seed would be confiscated, may not seize whole catch if not egregious, but would issue citation.

McCrae: would like to address math question. 20 is not 5% of 450 in box. Need to look at impact on community, loss of fishing.

Chief Pittman: does not know procedure. In past concern for due process, but excluded from process, Natural Resources took over.

Robinson: is lot of confusion in scallop fishery- as to what is legal (e.g.) nub scallops.

Boyce: can be difficult to determine age an growth ring, especially this year. 20 per box was discussed as trigger but is not in regs.

McCrae: can't do more without Natural Resources being present, mind boggling they not here, not fair to Board or Ames.

Glowacki: what is question? Are we being asked to revise regs? We don't have authority to oversee (enforcement).

Dan Drake: am president of Shellfish Association, established in 2003. Reason was poor relationship between fishermen and wardens and supervisor. Wardens are operating as policemen, should operate under similar procedures. Association will work with HSAB to resolve.

McCrae: would like issue discussed in February, will not be at next meeting.

Pittman: by state law report must be provided within ten days or reason why not if officially requested. Need to revise to allow for due process.

McCrae: also in February would like discussion of double penalty- loss of catch and day off. If Natural Resources will not appear HSAB should be notified.

Boyce: Board should be more proactive. Have requested information twice, not provided. Is Board business, not just helping citizen, suggest follow up with Libby. Move write letter and have Board member meet with Libby or her designee.

Ames: would like to appeal to town manager.

Lowell: Q: chain of command- Natural Resources oversees wardens, is own agency, overseen by Asst. Town Manager.

Discussion (on motion) McCrae- premature, doesn't help Ames. Q. letter to include request for report? Vote- all in favor except McCrae.

Drake: section 7.2- 20 days from when? Pittman: 30 days from confiscation. Question of remedy.

Voted to approve minutes of December 1, 2015 (Glowacki abstained).

Discussion by Board: who to report to town manager. Glowacki volunteered. McCrae: should be someone who was at all meetings issue discussed. McCrae: move that Boyce handle. 2nd. Lowell: okay if both go. Vote: passed. Motion-rephrased: Send Dr. Boyce to town administration to get report.

Motion: to take new business next, so voted.

Arthur Reade: Wants to discuss how to handle situation in Shimmo under new mooring regulations. Shimmo Association= people in original Shimmo layout with easement to harbor and adjacent land, with place to park and place dinghies, no public access. Shimmo Association provides the town with a list of owners. They have been treated as having direct water access. Not all have boats or moorings. Once past Cathcart Road no access until Pimney's Point. Would like treated as has always been, allowing new owners to have moorings, would keep them off the list for other areas.

Steve Anderson: area determined by Land Court in 1926. Association got land in '50s. has half acre at end of Shimmo Pond Road. In 2002 or 2003 met with Dave Fronzuto, given moorings because had land, access to water and place for dinghy, lead to list, updated annually. Changed this year with new regulations. Only grandfathered in sellers that had mooring.

Q(Brace to Lucey) Why eliminated? A: was not, was never in regulations, was practice. In new regulations addressed in 250.33. MGL 10A no one has right to mooring. Can apply and will be looked at, if room will be granted, but needs review, are concerns by scallopers, loss of eel grass.

Q(Brace) how many in Association? A: about 45, about 20 moorings there now, plus others with mooring directly in front of their house.

Reade: best thing may be for person in questions to apply and review with Harbor Master.

Brace: concerns with chain, if willing to use alternative mooring would be viewed more favorably.

Absence of Harbor Master from meetings: Brace: was misunderstanding, understood was on vacation, no implication can't take vacations but need here for some matters for knowledge.

Pittman: suggestion of written monthly reports to supplement appearances.

Expects to hire additional personnel for Harbor Master's office.

McCrae: fine to forward report, concern- united effort, Board nothing without Harbor Master.

7pm Glowacki left meeting.

Mooring Regulations- Lucey left, can't ask questions about.

Gullicksen: have questions about fee compliance with state law.

Lowell: Q- can factor in damage, increase due to size? Can town get into eel grass propagation? A (Gullicksen) No, statute limits fee to administrative fees and larger boat moorings are in deeper water so no effect on eel grass.

Gullicksen: also question on timing of inspections. Since payment due prior to year end and have to have inspection for issuance, must have inspection that year, even if due following year, which would lead to having inspection done every year.

Recap: Boyce to follow up with town as to report;

The meeting adjourned at 7:41.