



TOWN OF OAK BLUFFS
SHELLFISH COMMITTEE MINUTES
Thursday September 7, 2023
Oak Bluffs Town Hall

Present: Chair Mark Landers, Vice-chair Fred Huss, Lisa Leonard, Isiah Scheaffer, and Dan Martino

Also Present: Donovan McElligatt, Deborah Potter, Nicole Morey, Gail Barmakian, Maura McGroarty

4:17 PM Chair Mark Landers opened the meeting

Public Announcements - None

Department Head Report:

Propagation – mainly scallop and quahog seed with some oyster seeds. Scallop seed - on long lines this year. Changed from previous years as not enough netron in the bags. Netron is the material in the bag that keeps it from collapsing. Doing more maintenance on the lines, splitting the densities, and cleaning the bags which resulted in phenomenal survival. Have also seen a wild set of scallops this year. Getting 85-90 % survival from trays at nickel to quarter size seed. Will determine how much to overwinter in the next few weeks. Last year was move to Senge and exploded in growth. There was a late season barnacle set but they have begun releasing them in Senge as they are a harvestable size. Watching them to see if they spawn. Quahog seed – been trying different methods to try out what is going to work in different water areas; bottom planted nets, Florida bags (doing really well) in deeper water and may try overwintering in pea stone/gravel as Edgartown did last year. Also trying different raft style and will build over the winter to try next summer. The bottom trays were finished and put out with good growth but water temperature spiked in Senge so much that no dealers on island were taking any product from Senge as they were dying the next day. All sizes were stressed out from the warm temperature. And there is a Cochlodinium bloom in Senge which is not good for shellfish. Maybe looking to relocate the oyster propagation area.

Coastal Resiliency – Senge boat ramp is on track for repairs/replacement this winter; meeting coming up with Mass Office of Fishing & Boating Access (OFBA). Dukes County did get Little Bridge parking area graded and Danny Rogers put down scour pad at entrance. The dredging of Senge will not be happening this year by Edgartown Dredge and Danny Rogers will be doing the channel into the pond in order to keep the water flowing in and out of the pond. He hopes that next year the dredge will go into the pond in order to get better flow.

Member Leonard asked about Farm Pond and MassDOT and if the funds had been returned to the General Fund.

Constable McElligatt replied that they are still waiting for MassDOT but does not expect to hear anything until mid-October and as MassDOT has not decided whether or not to take over the project yet, the funds remain in place.

Enforcement – a number of violations in August of mostly undersized or over the limit and few instances of people taking scallops. Most are tied to the one-week or two-week permits so better education is required. Also began 3x week boat and mooring patrols in Lagoon Pond. They are checking for sealed heads as mandated to check by FDA.

Members expressed their concern about the amount time the boardings take away from Shellfish Department work and felt that the Harbor Master should be doing it.

Constable McElligatt said that he is working with the Harbor Master for a warrant article for navigation aids needed as well as workflow that works for both departments and allow them to do the work mandated by the FDA. He said Tisbury is required to do 5x times a week inspection because they have live-aboard vessels in their waters. OB plans to have a designated anchor area with signs on the bridge stating boats must check in with the Harbor Master and that there will be monetary fines for anyone staying more than three days. Due to the FDA regulations, boats will not be able to just move across the Town line. He confirmed that all of Lagoon Pond is conditionally approved open year-round with the exception of Brush Pond. They are planning on proposing an area past the Saling Camp Park for anchoring.



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Member Scheffer asked why OB offers overnight anchorage and Chair Landers felt it should not be in the pond except storm related reasons. Constable Mc said that would be a question for the Harbor Master but they were under a comply order from the FDA otherwise there would be no shellfishing in the Lagoon.

Member Dan Martino arrived at 4:40 PM

Gail Barmakian wanted to know why the Town can't regulate the number of boats allowed into Lagoon Pond.

Member Scheffer doesn't want to see the anchorage near the hatchery, designate an area and let the Harbor Department deal with it rather than the Shellfish Department.

Town Administrator Deborah Potter advised that what the day-to-day operations of department staff is not necessarily what Shellfish Committee oversees, they make recommendations which are then acted upon by the Select Board. She said that the Shellfish Constable and Harbor Master did a fantastic job after the FDA and the State came down unannounced and imposed a series of rules that they had to come into compliance with or be shut down. They found a solution but now it becomes what is the longer-term vision and what rules are needed to create the solution we want.

Chair Mark Landers said that anchorage area placement needs further discussion. Gail Barmakian feels that limiting the number of boats should also be part of the discussion.

Constable McElligatt said that the Harbor Master should be invited to the meeting as she may have the answers to some of their questions. He said that it does take a lot of time to do inspections and if regulation changes, they will still have to spend time enforcing the regulation. The notifications for the FDA closures came through DMF to him and he alerted the Harbor Master and the regulations did come out two years ago but nothing had been done about it.

He said that there will be a meeting next week with Assistant Town Administrator and others to discuss the dredging of Sengekontacket. He added that the proposed regulation changes were not meant to be discussed at this meeting but a future one.

Chair Mark Landers made a motion to accept the Constable's report. Seconded by Member Scheffer.

Roll Call Vote: Huss – Aye, Landers – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye **(5 – Aye)**

Old / New Business

Gail Barmakian advised the Committee that there was no response to the letter sent to MassDOT regarding mitigation for what happened at the flat on the Oak Bluffs side of Lagoon Pond during the reconstruction of the drawbridge.

Discussion of water temperatures in the ponds being above 80 degrees.

Discussion and possible vote to reorganize the board

Vice Chair Fred Huss nominated Mark Landers to be Chair. Member Scheffer seconded.

Roll Call Vote: Huss – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye, Landers - Abstain **(4 – Ayes, 1 – abstain)**

Member Martino nominated Fred Huss to Vice Hair. Chair Landers seconded.

Roll Call Vote: Landers – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye, Huss - Abstain **(4 – Ayes, 1 – abstain)**

Discussion and possible vote to establish regular meeting date and time for future meetings



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Meetings will be on the second Wednesday of the month at 4 PM

There will need to be a special meeting to vote on recommendations for scallop season and harbor opening dates.

Discussion and possible vote to approve minutes of June 27, 2023 and January 17, 2023 – no minutes available

Discussion and possible vote to recommend input on any new licensing applications – no applications received

Discussion and possible vote to establish committees' priorities (at least 3) for upcoming year with the following:

- Review and discussion of Constable Job Description
- Review and discussion of Shellfish Department priorities and scheduling
- Review and discussion of Shellfish propagation and predation ideas
- Review and discussion of improving communication/working relationship between Shellfish Department and Advisory Board
- Review and discussion of implementation of Constable/Committee member joint site visits regarding planting and releasing of seed

Chair Landers said that as the Constables are unfamiliar with the ponds and in order to not to lose any seed received from MVSG, he would like to show them areas that are most beneficial for survival. He would like the area from Lagoon Road to the Hatchery to be designated as a recreational area which he would like to show the constables. He also would like to see the sandy area in OB Harbor is another recreational only area. He also mentioned the benefits of power dredging in the harbor.

Member Scheffer suggested daily logs that could be sent out weekly to Committee members as well as the Select Board's designee to the Committee, so that everyone knows what is happening on the ponds. He said that it takes 10-15 minutes at the end of the day and feels that it is important.

Constable McElligatt said that HR is working on the job description for the new year-round deputy. He prepared it and has been working with HR on it and will need to be approved by the Personnel Board. He found that it more effective to have people departmentalized with the current Deputy working on propagation rather than enforcement. He is very good at building gear, good with propagation and is taking on-line aquaculture classes. The new Deputy would be 60% enforcement: more trained in and comfortable with enforcement aspects of the work. The current Deputy would contact either the Constable or the new Deputy should a need for enforcement arise rather than take away from his propagation work. The new Deputy would be doing the mooring/boating checks and everyone would work propagation, just a little more compartmentalized so people can concentrate on their tasks rather than everyone be a catchall for everything.

Member Martino liked the concept of just having one propagation person as from his own experience that they need to hire just a "seed" person.

Chairman Landers and Member Scheffer expressed their concerns about the current Deputy not doing enforcement if he sees people taking shellfish out of season, etc as he would taking the Constable away from whatever work he was doing if he has to call him about it. They both want to see the current Deputy doing enforcement.



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Constable McElligatt asked if he should fire the current Deputy. Chair Landers replied if he sees someone doing something wrong, then he needs to speak to the person about it. Member Scheffer asked if the current Deputy had taken the Shellfish Constable's course and the answer was that he did not pass the course as he failed the test. Constable McElligatt said that he did not think personnel issues related to a singular employee that has his own issues going on should be discussed; it is his private business and has been given reasonable accommodation by the Town and he did not want to discuss it at an open meeting as he does not feel it is appropriate. He said that the Deputy is doing a phenomenal job with the propagation; he has shown initiative and follow through.

Member Scheffer would like to see logs so they know what is going on with the department. Constable McElligatt replied that he is already doing daily logs and sending them to the Town Administrator every day. Members asked that they be shared with them as well. It would allow them to be more involved as they don't always see them doing the work.

Discussion and possible vote to recommend ideas on new bounds established in Sengekontacket

Members expressed their concerns with using the GIS coordinates to mark the Town line between Oak Bluffs and Edgartown. The past survey was done with land surveyors when Richard Madeiras was Constable and there are two-ton blocks in the water marking the boundary. Both Town Shellfish Departments were present when the line was previously surveyed. They felt that Edgartown should have given more warning about the moving of the line and allowed Oak Bluffs to remove what was in the area as Oak Bluffs had seeded it. Members would like some mitigation from Edgartown should the line be moved back to the previously surveyed line.

Constable McElligatt advised that he look into it and the Select Board wants a recommendation from the Committee asking that the area be reevaluated. He added that he thought Edgartown was replacing the buoys, not moving the line.

Member Martino made a motion to recommend to the Select Board that the Oak Bluffs-Edgartown line in Sengekontacket Pond be re-surveyed using land-based surveyors, as well as using the mooring blocks already in place and with Edgartown Shellfish Department's participation. Vice chair Huss seconded the motion.

Roll Call Vote: Huss – Aye, Landers – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye **(5 – Aye)**

Discussion and possible vote to recommend joint meeting with VH regarding dredging of flats by drawbridge

Chair Landers has been complaining about this issue since the drawbridge was under construction. He said that the flat got covered with construction sand after every rain event. He feels dragging the sides would allow for eel grass to come back and/or be planted. Member Scheffer says that you can search Google maps and see the difference.

Chair Landers made a motion to send a letter to the Tisbury Shellfish Constable and Waterways Committee to set up a meeting date to discuss the dredging in Lagoon Pond. Vice Chair Huss seconded the motion.

Roll Call Vote: Huss – Aye, Landers – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye **(5 – Aye)**

Discussion and possible vote to recommend ideas preparing town boat for upcoming scallop season

Discussion and possible vote to recommend equipping town boat with working culling board, rigging, and winch to increase functionality

Constable McElligatt advised that there will be one boat rigged up for scallop season and he is building a list of volunteers to assist with any washed-up seed. He said the September plan is to get the drag gear ready. He said that the mop drags for starfish are in the shed but Tisbury Constable says she has not seen any starfish in Lagoon Pond for 2-3 years.

6:05 pm Adjourn *Chair Landers made a motion to adjourn. Seconded by Vice chair Huss.*



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Roll Call Vote: Huss – Aye, Landers – Aye, Leonard – Aye, Martino – Aye, Scheffer – Aye **(5 – Aye)**