

SAB Meeting Oct 23rd – Town Hall Conference Room

Meeting called to order 7 pm - Ethan Estey (acting chair), Nick Sirucek (acting secretary), Becca Taylor, Adrien Kmiec, Stephen Pickard, Brad Morse (seated alternate), Damien Parkington (alternate, arrived after meeting called to order)

Announcements and Public Comments:

- Nancy Civetta – commented that WSD did not draft the regulation changes that are on tonight's agenda for review, stated that WSD has concerns about these proposed regulation changes, and has comments from WSD to share when those agenda items are discussed
- Dave Ricketts – commended Karen Johnson for her comments at Tuesday's BOS meeting, raised concerns about some of the issues raised at that meeting
- Ginny Parker – raised concerns of possible Town Charter violations at last Tuesday's BOS meeting, urged people to watch the meeting online
- Chris Merl – raised concerns about how the SAB Agenda has changed
- Stephen Pickard – also raised concerns about how the Agenda has changed, suggested time sensitive issues such as Town Ice Machine and propagation be prioritized
- Brad Morse – raised issue of WSD Deputy hire, suggested that there is a provision for unforeseen items not on the agenda to be heard
- Brad Morse – made Motion to discuss WSD hire at tonight's meeting, 2nd'd by Stephen Pickard
- Nick Sirucek - suggested sticking to the agenda
- Adrien Kmiec - suggested sticking to the agenda
- Damien Parkington – agreed with Brad Morse's concerns

Motion Made by Brad Morse: “That SAB address issues in respect to full-time WSD hire, including approval of, posting of, and necessity of position, including interviews.”

2nd'd by Stephen Pickard

Vote failed 3 to 3 – Ayes – Brad Morse, Stephen Pickard, Ethan Estey, Nays – Nick Sirucek, Becca Taylor, Adrien Kmiec

Public Comment:

- Alfred Pickard – suggests revote, noted that Damien Parkington has ability to be seated as voting member
- Helen Wilson – comments that members should be identified as voting at beginning of meeting, but any vacancies can be filled with present alternates
- Ethan Estey (chair) – seats Damien Parkington (alternate) as voting member, revote possible
- Nancy Civetta – commented that the issue was not necessarily time-sensitive, since at the BOS meeting that decided to ask for Town Counsel's opinion on the matter before approving hire
- Nick Sirucek – commented that we should stick to tonight's agenda items
- Tim Sayre – spoke to Brad's motion, recommended item be put on next meeting agenda
- Brad Morse – again suggested deliberation on WSD hiring issue
- Adrien Kmiec – commented that the board and public needs more info and time to review issue before discussing
- Becca Taylor suggests sending a letter to the BOS
- Nancy Civetta – commented that she spoke the TA, and the TA has not yet prepared documents for Town Counsel to review. BOS made their motion contingent on Town Counsel review
- David Ricketts – raised concerns of topic not being posted
- Chris Merl – commented that BOS motion was for Town Counsel to review TA powers, issue might be time-sensitive. Suggests SAB meet on issue ASAP.

- Diane Brunt – suggests SAB vote to stop hire, give time to review process
- Brad Morse restates his Motion, motion fails 3-4, additional Nay vote from Damien Parkington
- Stephen Pickard makes motion to write a letter to the BOS and TA to delay hire.
- Motion: “Ask the Select Board and Town Administrator to pause the hiring process of new Deputy Shellfish Warden until the Shellfish Advisory Board and Wellfleet community has the time to meet and deliberate.”
- Motion passes 7-0
- Helen Miranda Wilson suggests we set a meeting date and time to send along with the letter
- Board agrees to hold a special meeting on Thursday Oct 26th at 7:30pm

Last Meeting Minutes, Review and vote to approve

- Brad Morse comments that we should postpone approval of minutes until they can be reviewed.

Agenda Item #1: “To discuss and make a recommendation to the Selectboard on whether to include or not include or revise this section: 7.8.8 Aquaculture Research and Development Projects”

- Nick Sirucek – spoke of concerns about the proposed revisions, namely that limiting the license to “natural persons” would make it impossible for entities and groups to apply to do research projects in town
- Stephen Pickard – spoke of the Audubon project and how it was actually managed by the town
- Adrien Kmiec – commented that proposed revisions would make the regulation too narrow
- Stephen Pickard – suggests reviewing other changes to 7.8.8
- Nancy Civetta – notes that 7.8.8.5 addresses concerns about product ending up in commerce
- Aldred Pickard – commented that research results need to be made available to the town
- Helen Wilson – commented that 7.8.8 is based on State Research Permit being in hand prior, and that 7.8.8.4 addresses research/data being available to the town
- Diane Brunt – commented about SAB review of 7.8.8 projects
- Nick Sirucek made Motion: “Motion to make no changes to Regulation 7.8.8”, 2nd'd by Becca Taylor. Motion passes 6-1.

Agenda Item #2: “To include or not include a new definition of “Institution” as proposed by Town Counsel”

- Board discusses definition
- Helen Wilson proposes alternate definition
- Mike DeVasto comments that it's important to have a definition of “Institution” since the Shellfish Regulations refer to it
- Becca Taylor suggests single-item meeting agendas
- Nick Sirucek comments he has no issue with the proposed changes and see's it as necessary due to the changes in Shellfish Regs that distinguish between Natural Person and other entities
- No Motions are made and no action taken on this item

Agenda Item #3: “To discuss and evaluate different options instead of requiring grant holders to hold a commercial shellfishing permit, e.g Farm Fee”

- Board Discussion of issues surrounding commercial permit requirement (pay for something you might not use, issues with the deadline for getting a commercial permit, issues when someone wins a grant lottery or is added to a grant)
- Nick Sirucek suggests an “either/or” Farm Fee as an option, to be less expensive than a Commercial Permit
- Nancy Civetta notes that per-acre fee is set by the state and can't be raised without a Home Rule petition, but if the Commercial Permit requirement was removed, a farm fee could be instituted
- Stephen Pickard raised concerns that any new fee could eventually be raised in the future
- Patrick Winslow voiced his opposition of a Farm Fee, raised concerns that it could be raised in the future
- Sam Pickard asked how fee money is being used by WSD
- Nancy Civetta commented that all fees go 75% to revolving fund and 25% to shellfish fund for capital improvement projects
- Helen Wilson disagrees with requiring commercial permit for farmers, raises concerns about the use of hardship exemption for people who miss deadline for purchasing permit
- Mike DeVasto noted that many grants aren't on town land
- Nick Sirucek suggested that SAB take up this issue again by December, as the Commercial Permit purchasing period ends Jan 31
- Damien Parkinson comments that WSD could be funded more by taxes and less by fees
- No Motions are made and no action taken on this item

Agenda Item #4: To discuss and make a recommendation in terms of language to the Selectboard of the following section changes proposed by Town Counsel, 7.8.5 Working of Grants by Non-Licensees

- Board discussion
- Concerns raised: Too restrictive, would require registration and written permission from all grant holders for every employee working the grant instead of just the employees who are approved to work the grant in the absence of a license grant holder as the regulation currently requires, would put liability for the actions of employees of other people named to the license on everyone named to the license, restriction on employees who are “also employed by any Institution that participates in the shellfish industry” is too broad
- WSD comments on the revised changes “There is nothing broken that requires revision”
- Nick Sirucek made motion : “Reject the proposed changes to Reg 7.8.5, and to make no changes to Reg 7.8.5”
- No 2nd on the motion
- No further action taken on this item

Agenda Item #5: “To discuss and make a recommendation in terms of language to the Selectboard of the following section changes proposed by Town Counsel: 7.9 Rights of Use, Subletting and Transfer”

- Board Discussion
- Concerns raised: Some board members commented that “subletting” has been a practice in town for decades and is a way for people to get a foot in the door of the industry
- Public Comment: Nemanja Krsmanovic spoke of his mentorship under established farmers in town and how “subletting” allowed him to enter the industry, spoke to issues of a worker shortage, issues with “subletting” being an option that allows grant holders to let others grow on their grants without giving up their rights by adding names to their license, commented that it was “not broken”, Mike DeVasto commented on the definition of “subletting” vs “subleasing”

on the state level, commented on long history of it in the town, John Wolf raised concerns about the practice in areas of the town, and how it related to corporations.

- Nick Sirucek made Motion: “Reject the proposed changes to Reg 7.9 and to make no changes to Reg 7.9”, motion was not seconded
- No further action was taken on this item

Agenda Item #6: “To consider whether this section relates to corporations, and if so, whether SAB would like to discuss this and make recommendations back to the Select Board: 11.3 Authority to Revoke Aquaculture License”

- Board discussion
- Concerns raised: Some board members commented on the current language of the regulation and the definition of the word “individual”, issues of Revocation vs Removal, Revocation vs Surrender, whether this would apply to corporations that had been removed from their licenses in the past
- No action was taken on this item

Future Topics: Board agreed that the meeting to take place on Oct 26th at 7:30pm would focus on WSD hiring of new Deputy Constable, other issues of a time-sensitive nature would take priority at future meetings, i.e Commercial Permit requirement