

Shellfish Advisory Board Meeting Minutes
July 28, 2023 7PM
Hybrid Meeting – Senior Center and Zoom

Board Attendees: Rebecca Taylor, Stephen Pickard, John Duane (via Zoom), Ethan Estey, Karen Johnson, Adrien Kmiec, Nick Sirucek, Damian Parkington, Brad Morse

Over 30 public attendees in person and over Zoom.

R. Taylor open meeting at 7:05 PM

Announcements, Open Session & Public Comments

Received open meeting law complaint from Jude Ahearn. This will be addressed at next SAB meeting.

Karen J. made that announcement that Joan Thomas, well known shellfisherman and hatchery employee passed away in June.

Public request that the SAB re-organize earlier in the agenda. The board discussed allowing the Chair to appoint Karen Johnson as acting secretary for the meeting and to reorganize later in the agenda as planned. John D. made a motion to do so, Nick S. second. Motion passed 6-0-1.

Review and approve meeting minutes from June 8, 2023

E. Estey made motion to approve minutes, K. Johnson 2nd , all in favor 7-0-0

Status of Grant Lottery on Indian Neck

K. Johnson introduced the topic that there is concern that the lottery for these grants has been postponed for quite some time with the latest communication from the shellfish department stated that they would take up the lottery in the fall. There is concern that this will be too long and that those that would like a grant need to get started as soon as possible if they have any hope of farming next season. She floated the idea of asking the selectboard if SAB could form a subcommittee to work on the lottery.

Nick S. expressed concern that a subcommittee would slow things down further. After some discussion it was first thought that a letter to the shellfish department should be sent urging them to proceed with the lottery posthaste.

Public comments noted disappointment with the shellfish department not making these grants a priority over issues like allowing corporations to be named to grants.

Stephen P. urged a letter with another meeting in August for an update to help move things along. Karen J. made a motion to write a draft letter to the shellfish department requesting they fast track the lottery process and offering assistance from the board if needed. Becca seconded the motion. 7-0-0.

Public comment reminding that the SAB is supposed to be advising the Board of Selectmen, not to the Shellfish Department. The board then continued discussion and revised their direction. A new motion was made by Stephen P. to amend the motion to send a letter to the Board of Selectmen instead. The motion was seconded by Karen J. 6-0-1.

E-mail on Propagation Discussion

Board had brief discussion and decided to wait until the Shellfish Department could be present to address questions / issues in person.

Public comment that all these propagation plans should be dated and that there are multiple different propagation plans from the department and to please make sure when we have these discussions to note which plan we are referring to and the date.

Corporations / Businesses Named to Grants

Becca T. introduced the topic and discussed the meeting between town counsel, the Shellfish Constable, the Chair and one member of the Board. Becca talked about bringing another lawyer to come to the meeting.

Karen J. said we should take a vote and give it back to the Selectboard and stop meeting with lawyers.

Becca T. stated she still thinks we should be having a lawyer come in to speak with us.

Brad M. stated that we keep going round and round with the corporation thing and we keep wasting tons of time on this issue that he thought was put to bed a long time ago and he would support a motion to end this and move on.

Ethan E. agreed we need to move along, take a vote and give it back to the selectboard.

Becca T. asked that we still hear from a business lawyer before we make that decision.

Brad M. stated that this is something we need to talk about in the future, how grants can be passed on to the next generation, and maybe there are some legacy things we should talk about, a retirement plan, these are all things we should talk about later on.

John D. said it seems like it would be two things - and there should be a way we can have both the name on the license and the company name on the license.

Public comments expressing concern about a possible conflict of interest as the Chair has ARC working on her grant.

Further commentary that it seems there would be a real issue with the town managing corporations being on grants and with the current staff issues already this seems like it would be a real issue. That grants are set up for Wellfleet families and corporations on the flats is like opening Pandora's box.

Damian P. pointed out there is a lot of grey area in well intended state and town regulations, it's a moving and constantly evolving thing. It's clear the town regulation allowing corporations was to save one particular entity - that entity, ARC, was not fulfilling their role for the town and now it's time to move on. The town needs to maintain control of it's bottom and this will be diminished if we allow corporate structured entities to go the way that it could go.

Stephen P. make a motion to prohibit corporations on leases. Leave it as for individuals, not allow corporations on them.

Public asked again for Becca to recuse herself from the vote citing a conflict of interest.

Ethan seconded Stephen P.'s motion.

John D. wanted clarification on the motion.

After further discussion and encouragement to do so, Becca T. ended up recusing herself from the vote and assigned Karen J. to take over chairing the meeting in her stead.

Public commented that we keep focusing the liability of the fishermen but not liability of the town.

Stephen P. repeated his motion that would prohibit Corporations to be named to grant licenses or leases.

Ryan Curley noted that the board needs to first vote to recognize a Chair for this vote and that the acting Chair can then designate an alternate member to be able to vote. Ethan E. made a motion to appoint Karen J. as the Chair for this vote. Adrien K. seconded. Approved 6-0-0

The acting Chair then appointed alternate member Damian P. as a voting member for Stephen P.'s motion.

Mike Devasto and board member John D. both felt that the conflicts of interest issues were possible for more than one member if they were part of a corporation.

Role call vote taken on Stephen P.'s motion to prohibit Corporations (or other Corporate Entities) from being named to grant licenses. Motion passed 5-2-0.

Becca T. returned to Chair the meeting.

Discussion Materials Deadline

Ethan E. made a motion to require materials to be sent in to SAB within 72 hours of the meeting and that the materials will be posted to the public 48 hours before the meeting. Stephen P. seconded. Motion passed 7-0-0.

Re-organizing SAB

After some discussion about available seats, it was announced that the positions of Chair, Vice Chair and Secretary were vacant.

Becca T. stated she would nominate Karen J. for any of the three available positions.

Ethan nominated Karen J. as Chair. Stephen P. seconded. Motion passed. 7-0-0.

Karen J. nominated Ethan E. as Vice Chair. John D. seconded. Motion passed. 7-0-0.

Nick nominated Ethan E. as Secretary. Adrien K. seconded. Motion passed. 7-0-0.

Future Topics

Open meeting law complaint to address. Meeting to be planned second week of August based on availability of meeting room. 7:30 start time agreed.

John D. reminded us that the town meeting will be August 15th.

Continued propagation discussion.

Brad M. asked for more discussion about the mitigation plan.

Damian P. asked about funding and whether it would be at the town meeting.

Public discussion on possible mitigation concerns we could discuss at the next meeting.

Mike Devasto recommended we have further discussion about conflict of interest.

Ethan E. made a motion to end the meeting. Becca T. seconded. All approved. Meeting ended 8:31 PM.