

MINUTES OF MEETING OF THE BOARD OF SELECTMEN

Date of Meeting: October 13, 2015
Date of Transcription: October 15, 2015
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN AT 7:00 P.M.

2. ROLL CALL

Selectmen Present: Patrick G. Tropeano, Chairman
Judith Whiteside, Clerk
Stephen M. Holmes
Peter W. Teitelbaum
Alan H. Slavin

Also present: Derek Sullivan, Town Administrator
Attorney Richard Bowen

3. PLEDGE OF ALLEGIANCE

4. ANNOUNCEMENTS

Selectman Holmes stated that now is a good time to reach out to your neighbors before winter starts exchange contact information to keep tabs on them during the winter months.

If you live near a storm drain, Selectman Holmes recommended that you keep an eye on the leaves and clean them to prevent flooding when it rains.

Selectman Teitelbaum stated that the Board of Health has placed a ban on smoking on the beach.

Selectman Slavin stated that the Town is going to start strictly enforcing signs.

Selectman Whiteside wished Happy Birthday to the Council on Aging and congratulated them on turning around the perception of the Council on Aging. They are offering a free one year subscription of the Senior Beacon and she urged seniors to take advantage of this offer.

The Readers become Leaders walk will take place this weekend starting at the Minot Forest School.

SELECTMEN MEETING MINUTES- 10-13-15 (CONT'D)

5. CITIZENS PARTICIPATION

Present before the board: Sandy Slavin

Ms. Slavin stated that it was Breast Cancer Awareness month and urged woman to get your mammograms done.

6. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS

a. Community & Economic Development Authority

MOTION: Selectman Whiteside moved to appoint Kenneth Fontes as a member to the Community & Economic Development Authority to a term to expire no later than June 30, 2016. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved to appoint Rhonda Josey as a member to the Community & Economic Development Authority to a term to expire no later than June 30, 2016. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved to appoint Barbara Sullivan as a member to the Community & Economic Development Authority to a term to expire no later than June 30, 2016. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

b. Road Commissioners

Present before the board: William Heaney

Mr. Heaney was before the board seeking appointment as a Road Commissioner.

MOTION: Selectman Whiteside moved to appoint William Heaney as a member to the Board of Road Commissioners to a term to expire no later than June 30, 2017. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

7. LICENSES AND PERMITS

a. 7:15 P.M. Hearing – continued on the application for transfer of existing Year Road Common Victualer All Alcoholic Beverages License from Liu jin Xian Corporation, d/b/a New Hong Kong Island, 3035 Cranberry Highway, Wareham.

MOTION: Selectman Whiteside moved to reopen the hearing. Selectman Teitelbaum seconded. Poll vote: Selectman Whiteside – yes, Selectman Slavin – yes, Selectman Holmes – yes, Selectman Teitelbaum – yes, Chairman Tropeano – yes.

VOTE: 5-0-0 (Unanimous)

Chairman Tropeano stated that the transfer didn't take place and therefore they would close the hearing. (no action was taken).

SELECTMEN MEETING MINUTES- 10-13-15 (CONT'D)

MOTION: Selectman Whiteside moved to close the hearing. Selectman Teitelbaum seconded. Poll vote: Selectman Whiteside – yes, Selectman Slavin – yes, Selectman Holmes – yes, Selectman Teitelbaum – yes, Chairman Tropeano – yes.

VOTE: 5-0-0 (Unanimous)

8. TOWN BUSINESS

a. Discussion and vote on Commercial Soft Shell Clam Fishery.

Present before the board: Garry Buckminster & Jamie McIntosh

MOTION: Selectman Whiteside moved that in accordance with the provisions of Chapter 130, Section 52, of the Massachusetts General Laws, the Board of Selectmen hereby approves the Commercial Soft Shell Clam regulations from November 1, 2015 to April 30, 2016. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

b. Discussion and vote on 2015 Commercial Oyster Harvesting.

Mr. Buckminster was before the board with a recommendation to stop the commercial oyster harvesting but to still allow recreational harvesting. He stated that it was a difficult decision but it is something that needed to be done.

MOTION: Selectman Whiteside moved to endorse the recommendation of Garry Buckminster, Harbormaster/Shellfish Constable submitted to the Board of Selectmen for the commercial oyster harvesting fisheries as presented in the document dated October 6, 2015 (as attached). Selectman Slavin seconded.

VOTE: 3-2-0 (Selectman Tropeano & Holmes opposed)

c. Discussion with Compassionate Care Clinics re: Marijuana Dispensary

Present before the board: Shelley Stormo, Robert Sylvester & David Aubrey

Ms. Stormo is the Executive Director for Compassionate Care Clinics and was seeking approval from the board to open a medical marijuana dispensary. They were looking to have this facility in the Industrial Park. The board will place on the next agenda further discussion and possible vote to sign a letter of support to the Department of Public Health.

d. Continued discussion and possible vote on Town Meeting Warrant Articles.

MOTION: Selectman Whiteside moved favorable action on article #13. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved favorable action on article #18. Selectman Teitelbaum seconded.

VOTE: 4-1-0 (Selectman Slavin opposed)

Selectman Slavin stated that he is reluctant to support this article.

SELECTMEN MEETING MINUTES- 10-13-15 (CONT'D)

MOTION: Selectman Whiteside moved to reconsider article #25. Selectman Slavin seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Whiteside moved favorable action on article #25. Selectman Teitelbaum seconded.

VOTE: 2-3-0 (Selectman Whiteside, Slavin & Holmes opposed)

e. Meeting with Buzzards Bay Coalition re: vote on Conservation Restriction.

Present before the board: John Browning, Wareham Land Trust & Brendan Arnett, Buzzards Bay Coalition

Mr. Browning explained that they are seeking the Boards support for a conservation restriction being placed over the Mass Audubon property on the east side of Cromesett Neck.

MOTION: Selectman Whiteside moved that at a public meeting duly held on October 13, 2015, the Board voted to approve the foregoing Conservation Restriction to the Wareham Land Trust as being in the public interest pursuant to M.G.L. ch. 184, sections 31-33. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

f. Discussion of pending issues.

Chairman Tropeano asked that the board look over the list of pending issues and report to the Selectmen's office which two that they would like to work on. He stated that these items will be discussed at the 1st meeting after Town Meeting.

g. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that free cash should be certified by the end of the week. The classification hearing will be scheduled for November 10th.

Selectman Holmes asked Mr. Sullivan if he would provide him with a breakdown of how much it would cost for each street light and feels that he could get him some money.

10. LIAISON REPORTS/INITIATIVE REPORTS

Selectman Slavin attended the A.D. Makepeace October Festival this past weekend and would like to have the Beach & Tourism committee to work with them for future events.

Chairman Tropeano along with Selectman Whiteside met with the School Department and they discussed the budget process for next year.

SELECTMEN MEETING MINUTES- 10-13-15 (CONT'D)

11. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of meeting minutes of September 29, 2015.

MOTION: Selectman Whiteside moved to approve the meeting minutes of September 29, 2015 with the correction to add a student's name on page 1. Selectman Slavin seconded.

VOTE: 4-0-1 (Selectman Holmes abstained)

12. ADJOURNMENT

MOTION: Selectman Slavin moved to adjourn. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (UNANIMOUS)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted

Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen on:

Attest: 
Judith Whiteside, Clerk

Date Signed: 11-3-15

Date sent to the Town Clerk: 11-5-15

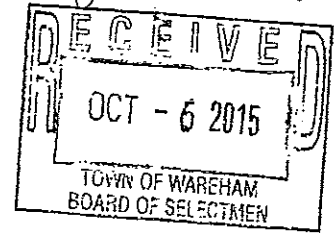


Garry Buckminster
Harbormaster
Shellfish Constable

TOWN OF WAREHAM

Office of the Harbormaster
54 Marion Road, Wareham, Massachusetts 02571
Telephone 508.291.3100 extension 3186

*Attachment to 10/13/15
Meeting minutes*



To: Board of Selectmen
Derek Sullivan, Town Administrator

From: Garry Buckminster, Harbormaster/Shellfish Constable

Date: October 6, 2015

Re: 2015 Commercial Oyster Harvesting

To the members of the Board of Selectmen, I propose to you this year's recommendation for the commercial harvesting of natural stock oysters within the Town of Wareham waterways.

On December 1st 2014 after a two year closure the harvesting of oysters was reopened to both recreational and commercial shellfishermen. While oysters were present in the areas primarily used for oyster harvesting, the stock was far from abundant. Very strict fishing restrictions were put into place to control the amount harvested. Even with these restrictions as well as a very difficult winter with ice cover for almost two months, 68,633 oysters were commercially harvested with a market value of approximately \$30000.00. It is of my opinion that if we had a much milder winter this number would exceeded 100,000 pieces harvested. Currently we are growing 250,000 oysters per year to try and rebuild stock but we have to factor in mortality that could substantially reduce our efforts. With these harvesting numbers, were taking as fast as we are planting and it's counterproductive.

We are at a point where the town has to make some difficult decisions to either preserve our existing natural brut stock and build from what is left or allow the commercial harvesting to continue at a rate that we will not be able to keep up with. It is not my intention to hurt our commercial fishermen by any means but if we don't do more to preserve this fishery practice it will go extinct on its own and we will not have anything to work with. Our neighbors in the Town of Bourne were faced with the same concerns and they were met with resistances from the commercial harvesters as expected. After lengthy debates on this topic, the shellfish constable proposed to the fishermen to identify a natural oyster stock that could sustain a five year fishery, if they could do that the town would consider

keeping it open. The result, they could not and we will see the same outcome. The Town of Bourne no longer has a commercial oyster fishery for natural set oysters.

The issue is very real and we have to face it, the commercial harvest of natural oysters is depleting our stock. Further, these oysters are not being consumed by residents of the town, they are being distributed throughout the state and beyond by wholesalers. But with a negative can come some positive, through aquaculture. A private management of fisheries that we currently have in town which is known as oyster farming and shellfish grants. Shellfish grants in our town are producing 30-50 times the amount of marketable oysters compared to the natural harvest of oysters. This farming practice is our #1 fishery and triples even our biggest natural fishery which is quahogs. These sites can be applied for by residents as well as our commercial shellfishermen. The Town of Wareham does have guidelines in place that grantholders have to meet to obtain a shellfish grant as well as regulations set by the Division of Marine Fisheries, it is an option for fishermen serious about oystering. We are seeing a growing interest in people wanting to start oyster farming in our town and some that have obtained applications. This is a proactive practice that has become the future of oystering on a commercial level in this area and it's not a new practice, shellfish grants have been a method used dating back to our first settlers and some of our existing shellfish grants are the oldest in the Commonwealth of Massachusetts.

Currently the Town of Wareham has sixteen commercial shellfishermen-

5 Master shellfishing licenses

11 Quahog shellfishing licenses

Harvesting Statistics from June 1, 2014 – June 30, 2015

- Quahogs Top and Count Harvested – 423,872 pieces
- Quahog Chowders (measured in lbs.) - 21,656 lbs.
Or 310 bushel
Or 38,750 pieces
- Soft Shell Clams (measured in lbs.) – 1,262 lbs
- Eels – no eel harvest reported
- Oyster – 68,633 pieces

As the Shellfish Constable for the Town of Wareham I am empowered by the Towns shellfish regulations to regulate the commercial harvest of oysters when fishery depletion is a concern as well as provide to the Board of Selectmen recommendations to establish commercial oyster regulations each October. With this, I propose the following action:

1. Suspend the practice of Commercial Oyster Harvesting of natural set oysters, (this does not affect the shellfish aquaculture grants)
2. Permit the recreational harvest of oysters on Friday and/or Saturday only, one peck per shellfish permit per week
3. Close Onset Island Management area #5 to the harvesting oysters. NOTE: This area will be used as the primary oyster restoration site and funding that we are receiving from the Bouchard Oil Spill settlement will be used towards this effort. In addition to our efforts the Natures Conservancy has selected this site to create a one acre oyster reef using shell, remote set oysters as well as seed from our oyster aquaculture program.
4. Close oystering for the maximum of three years allowed by the Commonwealth of Massachusetts Division of Marine Fisheries within Management area #5 to the recreational harvest of oysters. This will protect all of the efforts that are being made in addition to what we have invested so far with our aquaculture program.
5. Update the commercial shellfish permit fees as follows:
 - Quahog Currently \$300.00 No change recommended
 - Scallop Currently \$200.00 Reduce to \$150.00
 - Clam Currently \$200.00 Reduce to \$150.00
 - Eel Currently \$100.00 No change recommended
 - Master Currently \$550.00 Reduce to \$450.00, Must have a minimum of one year fishing experience in the Town of Wareham and excludes the Eel permit.