



## **MEETING MINUTES**

### **Scituate Shellfish Advisory Committee**

**Thursday November 18, 2020 7:00 pm**

#### **Audio Conference**

Meeting called to order at 7:04 pm

**Committee Members in Attendance:** Susan Harrison, Mike DiMeo, Jeff Palmer, Scott Connolly, Paula Lind, David Friedman, Adam Bisol

Susan Harrison opened the meeting with the Governor's order: "In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020, the Town of Scituate's public meetings shall meet remotely until further notice.

#### **Agenda Item #1**

##### **Discussion and Approval of the April 28, 2020 Meeting Minutes**

No discussion David Friedman made a motion to approve the minutes, Jeff Palmer seconded  
Roll call – Motion approved 6-0

##### **Discussion and Approval of June 4, 2020 Meeting Minutes**

No discussion Jeff Palmer made a motion to approve the minutes, David Friedman seconded  
Roll call – Motion approved 6-0

#### **Agenda Item #2**

##### **Proposed Recreational Shellfish Regulation Change – MA Veteran Fee Reduction**

The committee was advised via a letter from the State that our regulations were not accurate and failed to recognize that MA Veterans should have a reduced rate and pay the same fee as a resident. The Commonwealth of Massachusetts Veterans are entitled to resident permit rates for recreational shellfish permits upon showing their Veteran's ID card.

Mike DiMeo clarified that anyone coming to the Town Hall to obtain a shellfish license by and shows DD-214 or a CAC Card more than satisfies the requirements and they will receive a reduced (resident) rate. Susan Harrison did comment that our fees are low compared to other cities and towns in the state.  
No questions from the committee

\*Adam Bisol, committee member joined the meeting at 7:10

Susan asked if any people outside of the committee had any questions regarding the Veterans fee reduction.

Craig Rosenquist of 17 Acorn Street Scituate, MA

Craig asked about the authority the committee has regarding the Commercial Regulations as opposed to Recreation Regulations. He questioned whether the committee would control the Regulations for Commercial and Recreational. Susan clarified this is for both Commercial and Recreational

Scituate Shellfish Rules and Regulations, section 20 of the definitions amendment: The Commonwealth of Massachusetts Veterans are entitled to resident permit rates for recreational shellfish permits upon showing their Veteran's ID card.

Motion: Jeff Palmer made a motion to amend Section 20 of the definitions adding the amendment of the permit rate

David Friedman Seconded

Roll call: 6-0 Motion approved

The approval from the committee will be sent to the Board of Selectman for approval.

Per Susan Harrison: We are an advisory committee – The BOS must approve the amendment

### **Agenda Item #3**

#### **Discussion of North and South River Recreational Shellfish Closure Notice (Mike DiMeo)**

Susan Harrison stated that the Meeting on August 13, 2020 was just for the Shellfish constables. The shellfish committee was not part of the meeting. What can be done about this closure?

Mike DiMeo stepped out of the meeting due to a conflicting meeting at the same time. The committee agreed to open the meeting to Walk-on's until Mike returned.

David Friedman asked when the next meeting will be scheduled. Nothing is scheduled will meet as needed per Susan but may be more frequent due to the closure.

Jamie Davenport: 16 Booth Hill Road Scituate MA

Jamie asked about the meeting minutes. Susan Harrison stated they were approved and were posted. He also stated that he read in paper that the minutes were incomplete. Questioned are we being recorded because of that and Susan stated it has nothing to do with it. We are just improving the remote meeting procedures by adding zoom.

Jamie commented on going to Executive Session, incorrect? Susan: Cannot comment and that the minutes will be posted.

Susan Harrison: Any other questions?

Seth from Scituate TV clarified how to raise your hand during the zoom meeting if anyone has questions or comments.

David Friedman asked about the different slides that were part of the presentation and commented regarding the closure that Scituate's North and South River are the first that have been closed.

Craig Rosenquist asked Susan Harrison what is the background on how this started? David Friedman questioned why we were first? Susan felt it was better that Mike DiMeo address these questions as he was at the meeting.

Brad White: 149 Old Main St Marshfield Hills

He is a recreational clammer in both Scituate and Marshfield. Frustrated that there was no public comment or preparation for this closure. We need to unite, be pragmatic and strong – This is an exceedingly difficult time for recreational diggers to shut everything down. He stated that we need to go to the FDA to re-open until there are more answers. Positive testing of Fecal Coliform counts in his opinion is low and should validate re-opening until the FDA can figure out a plan.

Mike DiMeo began his presentation:

Power Point Slides of different sections of Mass Bay were explained with the different areas of closure.

Mike stated that this closure of the North and South River Shellfish beds on an August 13, 2020 meeting was a surprise with no agenda. Other areas such as Plymouth and Mass Maritime have been closed. It should have been coordinated better.

Closure was made by the FDA for commercial shell fishing and enforced by the DMF

Water testing has been done for decades in 9 sections of the river resulting in excellent water quality

These closures are for commercial entities- there is no commercial shell fishing in the rivers.

The reason for the closure is lack of dye and dilution tests that have not been done and are difficult to do and have tested in a lab at this time.

Mike clarified this is not due to Fecal Coliform numbers but Viral testing. Water quality is good based on the FC, in fact it is well above par. Why and when was all of this done? We need to work with the DMF to re-open the flats.

Narrowing in on the Sewer Treatment Plant - The plant is constantly updated with ultra-violet testing. There is excellent water flow in the North, South and Herring Rivers. These dye studies need to be completed sooner rather than later.

There was a suggestion to move the out-flow pipe to the ocean which could be very involved (specifically with permitting). We have not had any closures for years. There is a lot of acreage. With no harvesting, they could choke themselves out and not be able to re-produce.

The rivers are temporarily closed. If the FDA were to “prohibit” shellfish harvesting, it will be much more difficult to re-open.

Mike states that State Rep Patrick Kearney, State Rep Patrick O’Connor and Congressman Stephen Lynch are actively working to re-open the rivers.

Very little notice was given to Mike prior to them closing. Lack of communication and poor coordination are making this much more difficult to accept.

Town Administrators James Boudreau, Scituate and Michael Maresco, Marshfield sent a letter on September 14, 2020 to Jeff Kennedy from the Division of Marine Fisheries stating their concern over this unexpected closure.

There was little notice which prevented time for parties to prepare. Further documentation has been requested of the DMF to justify the closure. A second meeting has been requested as well.

Craig Rosenquist 17 Acorn St Scituate questioned: Who does the dye test? Mike DiMeo: They are completed by DMF. He is waiting for an answer on the cost and who does the test? We must work with the DMF. We do have their support.

Craig stated, when the Sewer Treatment Plant was put in over 30 years ago, were dye tests done? There's testing done all the time for FC. He also asked why the Commercial Shellfishing could not be opened year-round. Mike stated that has been a battle all along. He stated that we need to get back to what we had first before we can make additional changes.

We plan to fight hard but be smart about it.

David Friedman – Thanked Mike for the report. Mentioned the letter from the Scituate and Marshfield Town Administrators. Can we reach out directly to the FDA? A lot of these closures have been caused by the commercial shell fishing, but the rivers have no commercial entities. Mike recommended that it is best we stay working with the DMF.

Susan Harrison stated, we are pushing for the viral testing. Mike said there are only a few labs in the state that do the testing and are accepted by the DMF. We tested 14 different sites and recently, started testing Scituate harbor which looks good and could provide future clamming and aquaculture.

This closure does not impact the beaches, they are still open.

Meeting was reopened to walk on's

Jamie Davenport: 16 Booth Hill Road Scituate MA A

Comments: According to the DMF this closure could affect North and South Rivers but also Briggs Harbor further away from the mouth of the channel the potential Oyster farms on the Western side could be affected based on the out fall from the Cohasset Treatment plant. The eastern potential 4 farms would not be affected. They stated that the FDA was in charge of the dye testing? Mike DiMeo, according to Greg Sawyer it is the DMF Jamie would like to keep an "eye out on Briggs Harbor" conflicting information.... for the potential Aquaculture development. Jamie stated this could affect the project.

Brad White: 149 Old Main St Marshfield Hills again stated this was short notice, no agenda, no plan. How and when can these tests be done? Should we contact the FDA directly to try to open the flats? He suggested we get as many people to write letters to our reps to fight this. It will take hard work. There's been so much great work done to keep a great harvest. Who can we write to at the FDA - do we have a name?

Mike DiMeo It is going to take time. We cannot blame DMF we need to find the correct and best pathway to come up with a quick resolution.

Brad questioned the closure in Duxbury - Oyster farms? Mike does not know. Brad offered to help be involved.

Craig Rosenquist 17 Acorn Street Scituate: Who does the testing? Volunteers? Mike does have volunteers that bring the DMV staff out on the River to complete the testing. Craig offered to volunteer with the testing, which Mike stated was best done in the channel of the rivers.

Brad White: Who from the FDA wrote to DMF to enforce this? Why not have as many people send letters to the FDA? Mike agreed to get that information. Is the press involved? Yes, they were on the zoom conference. Need to create awareness to this large problem.

Adam Bisol- Did Marshfield or Scituate BOS consider filing an injunction? This is not something Mike DiMeo would be able to do. We are in a holding pattern. Mike has presented all questions and needs to narrow it down to the write people.

Adam Bisol- Could the town do something in court based on how appropriately we manage the rivers. There have been no outbreaks of disease, and no wastewater treatment plant issues? How can the FDA close this without the proper data? Previous history dictates that we are not in unsafe conditions or there would have been outbreaks of illness etc. Reiterating the town should push harder for an injunction. Mike is still waiting for letters that have been sent to the DMV and FDA. This meeting has definitely opened the eyes of many people.

Mike again stated that this is Viral Testing, not FC testing. The Sewer Treatment plant is treated better than it needs to be in Mike's opinion.

David Dauphinee: Walk On

Mike DiMeo stated that David Dauphinee is a very good steward of the River and has reached out to as many people as he can.

David thanked everyone for their efforts, stating that he has worked with Greg Sawyer, and been on conference calls with the DMF and Federal government regarding Whale issues so he has been through the process.

Some points David Dauphinee made:

There has been zero testing at the plant for any kind of traces of this MSC virus. The dye test is merely for dilution. The Dye study may not occur before next summer. He stated his frustration based on the 25 years of hard work he and many people have performed on the rivers to keep them clean.

The only acceptable lab is in Gloucester. There are no other labs in the state. If MA were formerly sited, they would prohibit shellfishing. 99% of this closure is based on commercial shell fishing. Recreational is little to none. We are the "sacrificial lamb" and this not sitting well with the town.

They negotiated to a closure instead of prohibiting which Mike had mentioned prohibiting shellfishing will make the rivers much harder to open.

Mike Noted follow up items including:

- Look at FDA and DMF regarding Briggs harbor
- Brad White letter campaigns
- Adam Bisol Address his question on a possible injunction
- Dave Dauphinee Reach out to the DMF regarding the MSC Dye testing cost? Who does it? What is current dilution?
- Craig Rosenquist has volunteered to help with testing and Mike has offered to make him a Junior Shellfish Constable.

Mike was praised by the committee for his hard work.

Mike would be prepared to meet again in mid- December. He is eager to get things done.

Craig's final comment He's been clamming for 15 years on the river and last summer was the best clamming we've had in a long time. It's sad we were shut down.

Brad White met with Conservation Dept. in Scituate to discuss with Frank Snow. He would like to be involved along with Neil Duggan. They could be helpful as well.

Motion to Adjourn Dave motion to adjourn Jeff seconded

Roll Call Vote 6-0

Adjourn