

**TOWN OF SCITUATE, MASSACHUSETTS
SHELLFISH ADVISORY COMMISSION**



**MEETING MINUTES
Shellfish Advisory Committee
Tuesday, August 24, 2021
7:00 pm
Scituate Town Library
Community Room
85 Branch Street
Scituate, MA 02066**

Committee Members In Attendance: Chairperson; Susan Harrison, Shellfish Constable; Mike Dimeo, Vice Chairperson; Jeff Palmer, Adam Bisol, Scott Connelly

Chairperson Harrison called the meeting to order at 7:05 p.m.

Chairperson Harrison made a motion to approve the May 4, 2021 meeting minutes which was seconded by Adam Bisol and voted unanimously (5-0).

Chairperson Harrison made a motion to approve the June 16th, 2021 meeting minutes which was seconded by Adam Bisol and voted unanimously (5-0).

Chairperson Harrison brought up that there has been requests for information on the Shellfish Advisory Commission's website. She explained that there are a couple of folders on the page; Recreational Shellfish Documents, Water Quality Documents, and Aquaculture Documents which are all kept up to date.

Chairperson Harrison then mentioned that the commission has scheduled meetings throughout the year which will be held in The Community Room of The Scituate Town Library on the first Thursday of each month.

Update and Discussion of North and South River Recreational Shellfish Closure:

Mr. Dimeo spoke on the update of The North and South River Recreational Shellfish Closure. He stated that quality samples have been posted online and that both Cohasset and Grays Harbor were tested today. Mr. Dimeo shared the good news of Cohasset now going to have a Shellfish Constable, saying that this will help out with the sampling.

Mr. Dimeo then stated that he has been in contact with Jeff Kennedy and Greg Sawyer and on August 3rd they discussed more of what has been going on. The FY22 budget is being rotated adding an extra \$1,000 to do the dilution studies from UMASS Boston.

He then addressed that there have been questions. Going on to say that the filter is now seamless with the committee and state agencies, such as Fish and Game.

Mr. Dimeo informed everyone that updates are being posted online at a much quicker rate now for residents to get information as quick as possible.

He then opened the floor for discussion.

Craig Rosenquist asked if Marshfield received the same letter from the board, to which Chairperson Harrison responded that they were copied on it along with the Town Administrator. She then said that she would like to figure out a way to coordinate with Marshfield to make sure that the letters go out at the same time.

Waterways Liaison, David Friedman asked a question. Mr. Dimeo responded that Scituate Harbor was a little higher. Mr. Friedman then asked if the chance that they'd be opening up in the meantime would be happening. Mr. Dimeo replied stating that it does not appear that it will be. He then said that the last time he spoke with Mr. Kennedy he was told that he was waiting for the FY22 to come out to do the contract with UMASS Boston. Mr. Dimeo said that being almost September is why he believes they won't be opening in the meantime.

Norwell Resident, Jeff Gordon then spoke saying that administrative law always works to the benefit of the state with a very high bar, to force them to do things that citizens want them to do. He went on to say that it would have to be demonstrated that their determination to shut down the shellfish beds were arbitrary. Mr. Gordon shared that this is a very high bar that can't even begin until a series of administrative steps have been gone through. This becomes very expensive and has a small chance of even happening. He then informed the board that a meeting has been agreed on but not yet scheduled. The purpose of the meeting is to find out if there is a path to opening the shellfish beds up this year. Mr. Gordon asked if The Scituate Shellfish Advisory Commission would go in to the meeting saying that they would take responsibility for keeping residents informed of shellfish risks and warnings of best safety precautions.

Chairperson Harrison responded to Mr. Gordon's request stating that she doesn't think this is something that the Commission can do. She went on to explain that they are an advisory board with the purpose of advising and giving advice to The Selectboard, who appointed all commission members, on aquaculture and recreational shellfishing. Mr. Gordon then asked if the commission would be willing to make a recommendation to the Selectboard asking them to grant authority for the Warden to close the beds if the water isn't conditionally approved. Mr. Dimeo said that the samples collected have to be tested within 24 hours of collection and the town does not have a lab to do this in. Mr. Gordon responded to this saying that he is also on the Board of North and South Rivers Watershed Association and they have a PHD on staff qualified to do this stuff.

Scituate Resident David Dauphinee of 356 Clapp Road stated that he has been continuously been emailing Jeff Kennedy. He also mentioned a conversation he had with Samantha Woods, where he was told that it's not USDA putting things down. He said he answered the letter that was sent to the town as it was written as well as with what he had found facts on. Saying that he then reached out to Jeff Kennedy informing him that upon discussion with Ms. Woods, she

indicated that wasn't going to be a dye study, and a hydro model was to be used. Also asking Mr. Kennedy to explain this. Mr. Kennedy responded via email saying that the USFDA isn't doing anymore field work for the remainder of 2021.

Question from a resident that did not identify himself – asked if the concern of this toxin on the west coast razor clams being a federal issue is affecting the local government regulations. Mr. Dauphinee replied to the resident stating that a Marshfield Selectperson closed things here to protect against the virus that has been an issue on the other side of the country that have been going on for years. He went on to say that its understandable that they don't want that stuff shipped over here but none of what the FDA has mentioned was designed to be applied to recreational activity and harvest. The resident responded saying this is exactly his point – why are we being subjective to unreasonable standard that doesn't apply here?

Mr. Gordon spoke up saying that he is not aware of the west coast razor clam issue having an effect on us here. Going on to say that he knows that there was a lot of work being done on the north shore that the south shore was left out of for a couple of years. Mr. Gordon then said that there has been some pressure from the Feds to show some results here after not appearing to have been doing enough for some time. He went on to agree with the “resident” saying that there should be a distinction between commercial and recreational shellfishing but the regs say they want the same standards for both. Mr. Gordon stated to the board that he would like to have a back up plan going in to the meeting on the first for negotiation if he's asked if the dye study or the hydro study is preferred. All in attendance agreed hydro study is the way to go.

Ms. Harrison stated that they say that there is more leigh way in the hydro study. A UMASS Dartmouth professor developed this model and said an update on the contract and money should be looked in to. Ms. Harrison said that the board agreed that they would like to invite the DMF back. She also suggested asking them where things are going with the study at the next meeting. After discussion on the nearby plant, Mr. Dauphine stated that he knows that the plant is up to standards of where it needs to be. He informed the board of a time study he has been working on that includes; when the flats are open, daylight hours, temperature hours, and tide hours. Mr. Dauphinee stated that he'd be surprised if he could come up with 45 days in a year that people are legally allowed to shellfish.

The board then discussed and agreed that the priority was the request to the Selectboard.

Ms. Harrison made a motion to request that the Selectboard write a letter similar to the one that Marshfield wrote or a letter of support of the Marshfield letter, Mr. Bisol seconded the motion and voted unanimously (5-0).

Mr. Gordon asked if it would be possible to have this letter available for next Tuesday for the meeting he'll be attending. Ms. Harrison said that the board would try to expedite this request for him.

It was then discussed that some research would need to be done on putting the management of the shellfish beds on the towns prior to the next meeting. Mr. Dimeo took the responsibility of this action item. The idea would be that the shellfishers would know the risks of any decisions made to consume what they catch and the towns would manage the beds as they see fit.

Mr. Dauphine suggested inviting Amy Fitzpatrick from the USFDA NorthEast Regional Sanitation Department to the next meeting. The next meeting is scheduled for next Thursday and will be a good opportunity to connect as it's the day after the meeting that Mr. Gordon is attending. Mr. Gordon will update the board if that meeting date changes

Ms. Harrison made a motion to adjourn the meeting at 8:07 p.m. which was seconded by Mr. Palmer and voted unanimously (5-0).

Respectfully Submitted
Alicia Anthony