

TOWN OF IPSWICH  
Shellfish Advisory Sub-Committee to the Board of Selectman

Meeting Minutes  
October 28, 2008

Pursuant to written notice posted by the Town Clerk and delivered to all members, a meeting of the Town of Ipswich Shellfish Advisory Sub-Committee to the Board of Selectman was held on Tuesday, October 28, 2008 at 7:00 pm in room C of the Town Hall. Members present were Gary Collum, Michael Lambros, Elizabeth Kilcoyne, Charles Supitski, Anthony Murawski, Wayne Castonguay, and Bradford McGowan. Also, Town Manager Robert Markel and Recording Secretary Marie Rodgers. Arnold Thistlewood arrived at 7:25 p.m.

**Call to order:** Mr. Supitski called the meeting to order at 7:00 pm.

**Citizens Queries:** Linda Alexson 19 Juniper Street requested a copy of the letter from Scott Weston. Mr. Surpitski read the letter addressing clam seed pathology dated 9/25/08 (hereby incorporated by reference). A copy of the letter will be provided to Ms. Alexson.

Bob Markel reviewed Town Counsel opinions; holders of private clam licenses are allowed to participate as members of the Shellfish Advisory Sub-Committee. However, they are not allowed to partake in discussions or vote on any matters that would result in direct financial gain. Rule of Necessity: any member of a municipal board who has a conflict, can evoke "rule of necessity" and cast a vote if there are not enough members present for a required vote; member(s) with the most seniority are selected to vote.

Anthony Murawski submitted five pages reporting on activities and expenses, titled Evan Parker and Anthony Murawski Town lease 2001-2009. (hereby incorporated by reference and attached to these minutes)

Mr. Murawski then recused himself and sat with Evan Parker and those assembled.

Mr. Parker read the five page report on activities and expenses.

Mr. Murawski reported on his grant for oysters and quahogs.

Discussion took place regarding additional conditions addressing fairness to the committee's recommendation to terminate the two private grants.

Three additional documents were submitted to the committee; an invoice for clams from Salem State College signed by Scott Weston dated 8/30/08; letter of recognition for research grant from South Eastern Massachusetts Aquaculture Center, signed by Bill Burt Administrative Coordinator dated February 20, 2008; and permission to lease the land parcel 2A, map 2, from Eleanor Bowker, not signed, dated 10/5/08 (hereby incorporated by reference and attached to these minutes). In response to Mr. Supitski, Mr. Murawski said he did not have a signed copy, but submitted an email to verify the legitimacy of the letter. Mr. Supitski has that email.

In response to Mr. Parker, Arnold Thistlewood confirmed that the purging station was built and exists. Mr. Thistlewood related his conversation with Conservation Agent David Pancoast regarding lack of documentation for cages. Mr. Parker said he submitted a letter of intent to the conservation office, in mid-August and it should be on file.

Discussion ensued regarding the rate of clam maturity. Mr. Parker provided two samples of clam shells showing the size after five years of growth. Due to the seed density it takes up to five years before the clams are harvestable. Mr. Surpitski suggested that the committee might like to seek an objective third party opinion perhaps someone from Marine Fisheries. Shellfish Constable Thistlewood agreed that the maturity of the clams in the grant area to harvestable size would take longer due to seed density perhaps 4-5 years.

Mr. Parker initiated discussion regarding past actions by the BOS granting the extension in 2007 for one year instead of three. Mr. Parker cited section 13B of the regulations.

Ms. Kilcoyne pointed to the key word “may” - ‘Leases may be renewed for...’

Mr. Supitski noted that when the grant was awarded there was a sunset to it whatever terms of the grant was awarded; there was no guarantee that it would be renewed and they went into with their eyes wide open to this possibility and suggested to move forward.

Shawn Parker, 213 High Street and Margaret MacKenney, 293 Linebrook Road spoke in support as concerned citizens and relatives, citing the hard work, time and efforts involved by the grantees to create a productive flat, suggesting the committee focus on limits and revising the regulations. Shawn Parker said the grantees have found a way to increase production and sell shellfish; the issue of digging a legal amount on their flat is irrelevant, and that terms of the grant should be longer-mentioning 30 years.

Andy and Linda Alexson 19 Juniper Street, Robert Marcarelle 333 Linebrook Road, Joanne Gilbert, 14 Seaview Road, John Pelletier, 59 Topsfield Road all spoke in opposition, citing violations of rules and regulations, conditions and productivity of town flats, expiration of terms for the private grant, fairness of allowing grantees to dig over the limit when all other clambers are held to a limit, accusations of verbal hostility, the lack of opportunity for additional private grants, state grants to reclaim unproductive flats, grants should not be intended as a thirty year gift of public land.

Mr. Supitski read an e-mail from Shirley Berry (hereby incorporated by reference)  
[Charlie has e-mail]

Mr. Murawski adamantly denied accusations of verbal hostility.

Mr. Parker said he would like clear interpretation of the rules and regulations.

Town Manager Mr. Markel acknowledged that the clamming industry is a highly regulated business; apart from the case of the two individuals who have had a grant since 2001 which since has now expired; we need to look forward to a balanced approach for the future growth of the industry. In other parts of Massachusetts private grants are a common practice, particular the Cape which has a thriving industry, when Mr. Sommerville was here his advice was to strive for balance, the best way for the industry in the future is to have a mix.

On the issue of fairness he said that he can see the arguments, giving exclusive control over an acre of land to an individual clammer, may be considered unfair.

He then expounded on the issue of fairness versus unfairness and noted another element of unfairness in our system is the cap which is a benefit for 125 individuals in town and denial of opportunity for others who would like to become commercial clammers. In order to be consistent we should lift the cap of 125 and let anyone who has ambition and interest to go out and make a living on the clam flats; it is a distinct benefit to those who have a license and denial of opportunity for those who don't.

Mr. Supitski suggested the committee solicit the opinion of Aquatic Biologist Mr. Sommerville who can provide the committee with his knowledge and professional experience, so the decisions made are the best for Ipswich.

Mr. Thistwood disagreed saying he doesn't care what he says, opining Mr. Sommerville doesn't live in Ipswich and you have to live in Ipswich, to be an Ipswich clammer.

Ms. Kilcoyne related her conversations with Mr. Sommerville and his boss Jeff Kennedy from Division of Marine Fisheries they said that the grantees have exclusive rights during the period of the grant, which includes anything occurring naturally in the granted flat, belongs to the grantees.

He discussed 3 options:

- 1) Terminate the grant and everything on the flat immediately
- 2) Allow harvesting until December, 2010--No farming.
- 3) Allow harvesting until December, 2009 and allow the sale of whatever seed the grantees can harvest- (This is not generally allowed but the Division would grant them a special permit to sell the seed.)

Discussion took place regarding impartial fairness for the length of harvest, the practicality of marketing seed, and reasonable length of time in order to recoup investment. In response to Mr. Surpitski's question if the grantees want to sell the seed, Mr. Parker said he just wanted to get his lease renewed, be allowed to clam and left alone.

Mr. Murawski said speaking for himself, he would be happy if the town would allow him to harvest all the calms on his flat; when Ms. Kilcoyne asked how long that would take, he said he couldn't give a finite number how many clams he could dig; based on how many clams he's dug in the past few years, he could say in a three year period could harvest a large percentage of that seed, going longer he could dig more; he felt there was potential for five years, without putting any more seed down.

Mr. Supitski indicated the committee's goal is to find resolution for this issue of fairness to the grant holder's in the grants termination conditions and move forward under the these guidelines. That doesn't preclude an opportunity, in the future, for the committee to determine if it will be all public or a combination of private and public, grantees are certainly welcome to participate. The committee will address the issue of public versus private grants, dig limits and awards filed and reports tracked.

Mr. Castonguay pre-empted his motion with a brief review, one year back, when the BOS granting an extension and it all came to a head. That is when the grantees were put on notice that something was going to happen, and everything from 2007 was risky.

In 2007 a few dates were heard, three years to get to legal size, five years to get to legal size, split the difference is four years, so add four year to last year is 2011 and then made his motion.

**MOTION:**

**Castonguay moved to recommend that the leases be renewed until 12/31/2011 allowing the harvest of all size clams, with sub-legal clams subject to a special permit from the Mass Division Marine Fisheries. Lambros seconded. Discussion took place defining sub-legal calms are less than two inches; it's a questionable market for selling seed; no farming would be allowed. Castonguay amended the motion to harvest legal size only. Lambros second. Discussion clarifying 'shellfish' any legal shellfish that is on the flat can be harvested until 2011. The motion passed unanimously.**

The Shellfish Advisory Sub-Committee will make its recommendation to the BOS at its November 3, 2008 meeting. Then, the public hearing will be scheduled pursuant to a meeting notice; until then grantees can continue to farm and harvest the flat.

**MOTION:**

**Minutes: Collum approved the minutes from September 30, 2008. Castonguay seconded, the motion passed unanimously.**

**Next Sub-Committee meeting will be December 2, 2008 same place, same time.**

Ms. Kilcoyne moved to adjourn at 8:52 p.m. Mr. Castonguay seconded, the motion passed unanimously.

Respectfully submitted,  
Marie Rodgers

These minutes were approved by the Board on April 7, 2009.