

TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009, amending MGL Chapter 30A

SHELLFISH SUB-COMMITTEE :

DATE OF MEETING: July 21, 2016
TIME: 4:00pm - 6:00pm
PLACE: Town Hall Selectman's Conference Room, 367 Main Street, Hyannis

TOPICS FOR DISCUSSION:

1. Chairman's comments.
2. Discussion of the proposed changes to the Shellfish Regulations per Natural Resources which include the following:

Proposal: Section 407-50; Amend the regulation by adding the wording highlighted in **bold**.

§ 407-50. Filing and posting of applicants.

A list of applicants for licenses in order of date and application shall be kept on file by the Town Manager, and an up-to-date copy shall be permanently posted on an official bulletin board in the Town Hall. **It shall be the responsibility of the applicant to notify the Town Manager's office, in writing, between January 1 and February 15 of each year of his/her desire to remain on the list. The Town Manager's officer must receive said notice on forms supplied by the Town Manager's office by 4:15PM on the deadline date (February 15) along with a \$10.00 fee.**

Rationale

Annual notice of desire to remain on the list along with a wait list fee will ensure the wait list stays current.

Proposal: Section 407-58; Amend the regulation by deleting the crossed out wording and adding the wording highlighted in **bold**.

§ 407-58. License fee.

An annual license fee of ~~\$25~~ **\$200** per acre or any part thereof shall be paid to the Town by the licensee upon the issuance of the license and thereafter on or before December 31 of each year. If the fee is not paid within the 30 days after it becomes due, the license shall be forfeited.

Rationale

This cost increase is needed to meet the demands of growing aquaculture with appropriate staffing at Natural Resources.

Proposal: Section 407-59; Amend the regulation by deleting the crossed out wording and adding the wording highlighted in **bold**.

§ 407-59. Reasonable production value.

An annual review of each license will be conducted by NR in order to determine reasonable production value. If, after the third year of a new license, any licensee cannot show that a reasonable amount of shellfish product has been produced on the license during the preceding year the license may be forfeited. For purposes stated herein reasonable amount of shellfish product shall mean not less than ~~\$2,000~~ **\$4,000** per acre per year based upon market value. Failure of the licensed shellfish product to meet such a value shall result in a forfeit of the shellfish aquaculture license and licensed area. If, for any year, the licensee does not meet the reasonable production value then upon written request to the Town Manager said reasonable production value may be waived at the discretion of the Town Manager for that particular year, provided that the licensee can demonstrate to the Town Manager that the cause of the lower amount produced is the direct result of a natural disaster or other unforeseen personal misfortune.

Rationale

\$4,000 per acre is a more accurate reflection of today's reasonable production value based on current inflation rates.

Proposal: Section 407-60; Amend the regulation by adding the wording highlighted in **bold**.

§ 407-60. Filing of annual reports.

Licensees shall file annual reports with NR in accordance with the form provided by NR on or before February 28 of each year and shall produce documents upon the request of NR showing purchase and sale slips stating the total amount of each kind of shellfish planted, produced or marketed during the preceding year (January 1 through December 31) upon or from the licensed area, and an estimate of the total number of each kind remaining. The report shall disclose all necessary information as required by these regulations and NR which establishes that the licensee reached the reasonable production value. **A new licensee is required to submit purchase and sale slips for source(s) of seed planted on his/her licensed site for the first three years of his/her original license.**

Rationale

Requiring new licensees to show documentation of seed planted on his/her licensed site for the first three years ensures new licensees are actively using their licensed area for aquaculture.

Proposal: Section 407-64; Amend the regulation by deleting the crossed out wording and adding the wording highlighted in **bold**.

§ 407-64. Removal of gear upon termination of license.

When a license is discontinued or terminated for any reason, the license holder shall be required to remove all gear from the waters and substrate within 60 days of the license termination date. Any and all equipment not removed within 60 days ~~may~~ **shall be removed by a third party, contracted** by the Town, at the expense of the licensee.

Rationale

When a license is discontinued or terminated and the licensee abandons the site without removing gear, a third party would need to be hired to remove all remaining gear in order for the next licensee to take over the license.

3. **New Business**

None.

4. **Matters not reasonably anticipated by the Chair**

The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the sub-committee may go into executive session.

PERSONS INTERESTED ARE ADVISED THAT IN THE EVENT THAT ANY MATTER TAKEN UP AT THE MEETING THAT REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING WITH PROPER POSTING.

For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. Meetings of a local public body, notice shall be filed with the municipal clerk, and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.