



Waterford/East Lyme Shellfish Commission
Special Meeting Minutes
Thursday, March 27, 2014
East Lyme Middle School Auditorium, 7:30 pm



Members present: J. Patrick Kelly, Peter Harris, Paul Spakowski, Tom Bowlen, Fred Grimsey, Eric Kanter and Rich Miller

Absent/excused: Larry Tytla

Guests: Chief Warden Richard Chmiel WELSCO, Steve Dinsmore EL Shellfish/Harbor Mgmt., Don Murphy Stonington Shellfish Commission, Ed Martin Groton Shellfish Commission, James Markow and Steve Plant Noank Co-op, Tiger LeBelle and Jeff Thompson Waterford Shellfish Commission, George Calkins Ledge Light Health District, Kristin DeRosa-Barick, David Carey and David Lamoureux Jr. CT DA/BA, George Krivda CT Dept of Agriculture, Betsy Ritter State Rep 38th district and Ed Jutila State Rep 37th district.

- 1) The Special meeting was called to order at 7:35 pm.
- 2) Chairman P. Harris welcomed representatives and guests. He explained the meeting purpose was to discuss a resolution to the process of delivering water and meat samples to the lab. In the past the DA/BA had a staff member willing to transport the samples to the lab on WELSCO and other shellfishing commissions behalf as she lives locally. Effective January 1, 2014 we were informed this would no longer be an option, thereby adding additional costs to each individual commission for time and transportation of sample will be incurred. As each commission gets most of their funding based on permit sales this additional cost would be an increased burden financially.
- 3) Chairman P. Harris introduced members of the WELSCO commission and asked all guests and representatives to introduce themselves.
- 4) Representatives were asked for their opinion of the issue of discussion. Representative E. Jutila requested further explanation of the details and ideas of possible resolution to the issue.
- 5) Vice Chairman J. Kelly reviewed the historical problem with the lab's availability. This was resolved as additional staff was hired. He then addressed the current problem; no longer having the local DA/BA analyst courier samples for the commission. The procedure has worked well for quite some time for all parties, the additional cost of transporting to the Milford lab with limited funding to the commissions would be a hardship.

A suggestion of coordinating the transportation with other commissions would not work because tidal schedules and rainfall will be different within each town; therefore the chances of actually coordinating transportation of samples to save costs would be unlikely.

Representative E. Jutila stated that the previous lab issue was resolved and agreed that the commissions would face additional hardship with the courier costs.

George Krivda of DA voiced his and the Commissioner's extreme displeasure towards the commissions as to the implications in the meeting minutes at last month's WELSCO meeting.

He was there also on behalf of the Department to address the high cost associated with the analysts' time. Her time was evaluated and found to be costly to the taxpayers, stating the cost of the courier service was not justified. The mission of the department is to serve the industry. They now have a second biologist on staff and deliver better service. He noted there are models in existence around the state that pay for the samples retrieved and delivered with no charge from the lab to process them.

E. Kanter asked how the cost of their analyst transporting the samples was so high as it was very little time. He requested payroll records to ascertain the high cost. He noted that the commercial shellfishing industry were not receiving good service from the state lab. S. Dinsmore asked if the analysts time, on her way to work, was considered part of the workday.

G. Krivda stated there were limited resources in the past, and only one staff biologist, noting that there are two sides to every story. He did not have payroll records with him and was not certain he would be able to divulge that information. The analyst who was transporting sample is a union employee, her time starts immediately upon receipt of the samples delivered to her. S. Dinsmore inquired about obtaining the records as per the Freedom of Information Act.

E. Kanter stated the department seemed to have a defensive position; he suggested we smooth out the system and find a solution. G. Krivda noted the department's desire for a harmonious relationship. He stated his displeasure regarding the WELSCO minutes saying they were borderline slander. S. Dinsmore suggested we find a solution. Representatives E. Jutila and B. Ritter agreed.

J. Kelly noted past communication with DA/BA is very rare. The commission was unaware of the change in courier service beforehand with no suggestions or resolutions provided. He asked for open communication as the commission was feeling second class to the State. S. Dinsmore requested prior notification of change of policy from DA/BA to avoid heated discussions.

The letter of notice from DA/BA stated they will be available only one day a week, not canceling courier service all together as stated by D. Carey. E. Kanter requested we coordinate and comingle the time and day with the courier when the DA/BA sampling is being done. He also requested samples be brought to the analyst earlier before she begins work. S. Dinsmore noted with the rains this may not be possible. He asked that the Union rules be reviewed. D. Carey asked commissions to work together coordinating transportation and share the cost. There are many samples collected by the lab most of them are commercial but there is an overlap.

P. Kelly noted that recreational shellfishing taxpayers are not being supported. The cost to pay wardens to patrol is constant whether areas are open or closed. They have no insurance, no benefits and are part time employees. He is concerned with the additional cost.

F. Grimsey asked whether the State Statute or MOU was clear in whose responsible for the transportation of samples to the DA/BA. D. Carey discussed coordinating the weekday the DA/BA samples with our pickup. He stated there are a significant number of samples, additional lab time and increased responsibility of the DA/BA. The FDA governs the Shellfish Program, it is not a federal mandate.

G. Calkins suggested a phone tree or email tree to communicate with DA/BA and sampling weekly schedule. We are required to comply with the rules by FDA in order to have recreational shellfishing. There may be a change with the bathing water sampling which may help in coordinating samples transport with LLHD. This would not include meat samples as the State health lab processes those water samples and are unable to process meat samples. The MOU places the responsibility of collection and transporting samples on the commission.

D. Lamoureaux stated the meat samples are required more often and monitored more frequently. K. Darosa-Barick stated the Annual and Tri-Annual report of data collected by DA/BA is sent to the Town's and the commissions. D. Carey stated he will have a better idea of a sampling template/schedule by the end of April, rains may prohibit the collections.

D. Carey noted the DA/BA is permitted to ride with a commission member and gather samples together. With many crews sampling daily it is important to collect all stations in a run to prevent any deficiency. D. Lamoureaux stated the water samples are good for 30 hours and the meat samples for 24 hours. D. Carey reviewed the vibrio concerns and additional monitoring. He has 7 staff members handling various collections for many reasons and the data reported must be processed in order to keep shellfishing areas open. He requested the cooperation of the commissions. S. Dinsmore agreed the commissions will work to be flexible in collecting samples to assist the DA/BA with compliance.

R. Miller asked if there was a courier service in eastern areas to pickup and coordinate travel in our area. It was agreed this idea be pursued.

Representative B. Ritter offered assistance to gather information on the federal rules of the FDA and research Union work rules. Members agreed only the work rules needed to be reviewed.

6) P. Harris adjourned the meeting at 9:05 pm, thanking attendees for their time.

Respectfully submitted,

Amy L. Tinker
Secretary
Waterford/East Lyme Shellfish Commission