

Town of Waldoboro, Maine
Board of Selectmen Meeting Minutes
Municipal Building -1600 Atlantic Highway
Tuesday, October 13, 2009 – 6:00 p.m.

1. **Call to Order** -This meeting was called to order by Co-chair Rebecca Maxwell with a quorum present. Present were Ted Wooster, Vice-chair Rebecca Maxwell, and Robert Butler.
 - **Staff:** Town Manager William S. Post and Planning & Development Director Patrick Wright.
 - **Public:** Mike Brown of DMR, Jeffrey Pierce of Alewife Harvesters of Maine, Ted Mohlie, Sam Chapman, Jennifer Merritt, George Seaver, Stacy Benjamin, Matt Calder, Glen Brown, Norman Golden, and others.
 - **Media:** John Maguire representing the Lincoln County News and Mary Ellern Crowley representing Lincoln County Television.

2. **Workshop Items:**
 - 2.1 **Meet with Mike Brown, Department of Marine Resources and Jeff Pierce of the Alewife Harvesters of Maine to discuss alewives harvesting and regulations** - Members of the Lloyd Davis Anadromous Fish Trust have submitted the following questions in regards to this workshop and Mike Brown of DMR, Jeffrey Pierce of Alewife Harvesters of Maine presented the answers:
 - **Do State and Federal regulations make a distinction between alewives and blue back herring? Why or why not?** The State does not distinguish between the two since very few people can tell them apart and they run together in the water column. They are both grouped under the Shad and River Herring Management Plan (Shad is Amendment One and River Herring and Blue Back are Amendment Two). About 20% of the commercial run are Blue Back Herring (at the end of the run).

 - **Can you comment of the relative importance of each species to the health of the watershed?** The Alewives and the Blue Back Herring are the base of the pyramid to the food chain. They bring in nutrients and remove phosphorus from our lakes and ponds.

 - **Do current State and Federal regulations allow the tidewater netting of river herring if the river itself is closed to harvesting? Currently, if the Town closes the waters to the harvesting of River Herring, netting is also not allowed. Is this expected to change in upcoming years?** Yes, this is expected to change. They are trying to determine the quantity of fish caught by both fixed gill-net gear and mobile gear. If netting is allowed in closed waters, there will still be a 72 hour closed period per State Law (from 6:00 a.m. Thursday to 6:00 a.m. Sunday).

- **What is known about river herring use of the tidewater Medomak or similar estuaries as a nursery?** The lower estuary is a nursery for both species.
- **How do State and Federal regulations define a sustainable harvest?** The State has been asked to define 'sustainable harvest', but there is really no good way to define it that encompasses all the things that need to be. We do, however, want to sustain them ecologically. The United States Marine Fisheries Association defines a sustainable harvest as a population of fish that can be fished upon as long as that harvest does not impact the future potential for that population. The Alewife Harvesters of Maine have discussed taking 25% of the run as the maximum. Between that, natural selection, and predators it reaches about 45% exploitation.
- **How would netting in tidal waters effect our participation in future Maine DMR stocking programs?** DMR would be more than happy to get a run started at a place that historically had a run. They would stock it for a number of years, until the run could sustain itself. They would not stock if there was commercial fishing there.
- **How do current and proposed State regulations apply to Waldoboro, where we lack documentation of a population of river herring sufficient to sustain a harvest of any kind?** There isn't enough data to make an accurate call by the State to recommend a harvest.
- **If netting were to be allowed in tidal waters, how can local communities manage the harvest in a way that it generates adequate data to determine if this is a sustainable practice? To allow continued restoration of the river herring population? Is it possible to design tidewater harvesting methodology to exclude the taking of sub adult river herring?** If you are gill netting the mesh size could control the harvesting of sub adult river herring. Purse seining would also control the size of the fish caught. Either method would, however, harvest some sub adult river herring, but much less than other methods of harvest.
- **How many rivers in Maine are harvesting in tidal waters and maintain sustainable runs of river herring?** Possibly one. Most are harvested by stream.
- **How vulnerable is our run, should unintended by-catch of river herring occur?** It is estimated to be extremely vulnerable. The number of fish that

have been landed in this area exceeds the number of fish we would expect to come back.

- **Do you have any suggestions to improve our restoration efforts?** We need good data above the falls, and know the composition of those fish. There needs to be improvement in the passages above the falls. If there is a harvest, it should be done by one conscientious harvester, above the falls, with involvement by the Town, get a permit to clear any beaver dams that may be in the way, monitor the run and release fish if the run is light. Of the 42 runs in Maine, only 13 currently harvest and the rest are closed. Fish will need to be trucked to the spawning grounds either before the harvest occurs or on the closed days.

Alewife season ends on June 5th, unless there is an extension granted. It is recommended that if there is a harvest, there is only one harvester. If we just open up the waters, anyone in the State can harvest in our estuary.

One of the reasons Atlantic States Marine Fisheries Commissions is involved in the management of River Herring is the population is in pretty bad shape (their landings are down about 90% along the East Coast. As a state, Maine is holding on, harvesting fish at a diminished rate. The problem is that the Herring are migratory, and are coming from states where all of the fisheries are closed (especially with the Blue Back Herring). In Massachusetts, it is illegal to possess a River Herring, even if it is from another state. Massachusetts, Connecticut, Rhode Island, North Carolina, New Jersey, and more states have closed all fishing for River Herring. In order for Maine to be able to continue to harvest these fish, we need to do it in a responsible way. Maine and New Hampshire are the only 2 states in the North East that currently allow some River Herring harvesting (and pretty much the whole East Coast).

Glen Brown asked if the State could take over the management -have one person run the program and another to do the count like they did in Vassalboro and Benton and remove the control from the Davis Trust. Mike Brown responded the State wouldn't have the money to just come to Waldoboro and do that project. Vassalboro and Benton were part of a 10 year restoration project on the Kennebec River which created a lot of attention and drew in extra money.

3. Public Hearing - Vice-chair Rebecca Maxwell officially opened the public hearing at 6:10 p.m.

3.1 November 3, 2009 Special Town Meeting Referendum Questions

3.1.1. Article 2. Shall Article 5 "Specific Performance Standards" of the Town

of Waldoboro Land Use Ordinance dated April 2005 be amended to add Small Wind Energy Regulations? -Patrick Wright explained this amendment will not address 'wind farms' or large windmills, but will allow smaller wind systems to breach the Town's height limitation of 42'. Total system height 80' on a 1 acre or less lot and 90' on lots larger than 2 acres.

- 3.1.2. Article 3. Shall and ordinance entitled "An Ordinance Amending the Shellfish Conservation Ordinance" be enacted?** -The Town Manager noted there are essentially two changes with this amendment. The first would allow, in the event of an occurrence of an unusual amount of river closures to shellfish harvesting during the months of June and July, the Shellfish Conservation Committee, in conjunction with the DMR, to request that the Board of Selectmen determine that an emergency situation exists for the purchasing of licenses. If an emergency situation is determined, the Board of Selectmen, with guidance from the Shellfish Committee, may adjust the issuance dates and/or payment dates for licenses. The second change would state that applicants who have reached 60 years of age at the time of application are not required to perform conservation work in order to be eligible to purchase a license. There were no citizen comments.

Vice-chair Rebecca Maxwell officially closed the public hearing at 6:20 p.m.

- 4. Citizens Comments** (For items not on the agenda) -Norman Golden feels there is a stalling to act on the A. D. Gray School building. He recommends putting the building on the market. He also feels the town should install fish ladders to attract tourism by watching the migration of the river herring.
- 5. Approve Consent Calendar** -On the motion of Wooster / Butler, the Board voted 3-0 to approve the consent calendar as follows:
- 6.1. Meeting Minutes:**
 - 6.1.1.** Regular Meeting Minutes – September 22, 2009
 - 6.2. Warrants & Financial Reports:**
 - 6.2.1.** General Fund Warrants 13, 14 & 15.
 - 6.2.2.** Payroll Warrants 13, 14 & 15.
 - 6.2.3.** Water Department Operating Warrant 09-09.
 - 6.2.4.** Financial Reports for August & September 2009.
- 6. Action Items:**
- 6.1. Act on Start-Up Agreement for the Implementation of the Gateway 1 Corridor**

Action Plan (Stacey Benjamin) -The Gateway 1 Corridor Action Plan has been printed and sent to all participating communities. The Plan is available online at <http://www.gateway1.org/>. The first step is to have at least 12 communities sign the Start-up Agreement (included in the Plan) by October 31, 2009 which will allow for first phase funding of \$500,000 from the Maine DOT. This agreement is essentially a hand-shake, and asks communities to appoint an Implementation Steering Committee member and an alternate to help shape the Corridor Coalition and to work over the next year toward adopting the Gateway 1 Action Plan as part of their local comprehensive plan. Seven communities of the twenty have already signed on. Each participating community will have one equal vote on the Steering Committee.

Butler asked if a municipality could 'opt out' of a part of the plan which may not be appropriate for the town without losing membership on the Corridor Coalition. Benjamin noted the request of the town would go before a sub-committee to make sure of Plan compliance.

This project will easily integrate with the Town's economic development visioning.

On the motion of Wooster / Butler, the Board voted 3-0 to approve the Start-Up Agreement for the Implementation of the Gateway 1 Corridor Action Plan.

- 7.2. Act on Police Cruiser Bid Award** -The unmarked cruiser is scheduled to be replaced this year. The low bid was for a 2009 Chevy Impala from Quirk Chevrolet in Augusta at a net cost of \$20,000 including a trade in of the Town's 2006 Chevy Impala.

On the motion of Wooster / Butler, the Board voted 3-0 to award the Police Cruiser Bid to Quirk Chevrolet for a 2009 Chevy Impala with a trade of a 2006 Impala for a net cost to the Town of \$20,000.

- 7.3. Act on Resolution in Opposition to the Initiated Bill LD974 "An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency"** -Butler thought it would be a good idea to invite a proponent of LD974 in order to hear their point of view. Wooster agreed.

On the motion of Butler / Wooster, the Board voted 2-1 (Maxwell opposed) to invite a proponent of LD974 to the next regularly scheduled Board meeting in order to hear their point of view. Motion failed to pass since a majority of the full Board must vote in the affirmative to pass a motion.

8. Discussion Items:

- 8.1. Discuss Waiver of Site Plan Review Fees to Encourage Business Growth** -This

concept originated with a local business owner in town and has been discussed by the Economic Development Committee. The proposal is that the Board waives the site plan review fees and subdivision fees for commercial development in town for a period of one year. The economic impact on the Town would be minimal and it would hopefully send a positive message to the business community and general public that we are 'business friendly'. To help offset the economic impact to revenues, it is proposed that a new fee of \$25 be adopted for shoreland zoning permits.

On the motion of Wooster / Butler, the Board voted 3-0 to hold a public hearing to hear comment on waiving the site plan review fees and subdivision fees for commercial development in town for a specific period of time and to help offset the economic impact to revenues, it is proposed that a new fee of \$25 be adopted for shoreland zoning permits.

8.2. Discuss Superior Award in the 2009 Maine Municipal Association Town Report Competition -The town staff takes a lot of pride in putting together a town report that is easy to read and informative. Of the three population categories, Waldoboro in entered into the largest, competing with cities like Bangor and Portland. This year, Waldoboro received an award of 'Superior', or second place.

9. Adjourn -On the motion of Wooster / Butler, the Board voted 3-0 to adjourn at 7:05 p.m.

Board of Selectmen:
Waldoboro, Maine

Absent _____
Clinton E. Collamore, Sr., Chair

Rebecca B. Maxwell, Co-chair

Theodore M. Wooster

Excused Absence _____
John T. Blamey

Respectfully submitted,

Michael C. Ducharme
Administrative Assistant

Robert L. Butler