

**TOWN OF MOUNT DESERT
SHELLFISH COMMITTEE
MINUTES**

Thursday, April 21, 2022

5:00 PM

**Town Hall Meeting Room
21 Sea Street
Northeast Harbor
And ZOOM**

Members Present: David Dunton, Earl Moore, Brian Silverman, Rustin Taylor, Town Treasurer Jacob Wright, and Town Clerk Claire Woolfolk. Also present were Commercial License holder Victor Chris Moore, DMR Biologist Heidi Leighton and Warden Leigh Guildford

I. Call to order 5:00 p.m.

The meeting was called to order by Chair Rustin Taylor at 5:03pm.

II. Approval of 3/3/2022 Minutes

Committee member, David Dunton asked the Clerk to explain the Sunset Clause amendment to the ordinance. The clerk explained that the clause is in reference to the Town Charter and that the proposed amendment eliminates the fifteen-year sunset provision required by the charter for many of the Town's ordinances. This type of sunset provision is uncommon for Maine municipalities and has created complications for the Town regarding ordinance enactments and amendments. The charter is up for an amendment to removed this requirement in the May Town Meeting, but the charter will still require the Select Board to review all town ordinances every five years in order to determine whether they remain necessary or helpful to the Town.

Mr. Dunton just wanted to clarify that it isn't in reference to a restriction on the time that shellfish may be harvested. Clerk Woolfolk said no, it is just to remove the sunset clause provision within the ordinance which would end the ordinance after fifteen years if it wasn't re-enacted at Town Meeting (every fifteen years).

The minutes were approved with a motion by Earl Moore and seconded by Rustin Taylor. (3-0)

III. Warden Update

Warden Leigh Guildford reported that he has not attended Warden Training but remains the liaison between the committee and the wardens. He confirmed that the other wardens are Kevin Edgecomb, Shawn Murphy, and deputy harbormaster, Adam Thurston. Additionally, all other officers/patrolmen have authority to respond to complaints regarding the shellfish flats. It was further confirmed that the harbormasters do use the boat to patrol areas not accessible by foot/vehicle.

Mr. Silverman asked if the town would have access to the Bar Harbor boat patrol and officers if needed, since we have combined police forces; officers are not cross sworn as wardens between the two towns, however they are all able to respond to complaints. Warden Guildford said it is possible but wouldn't be routine.

As to the wardens patrolling the flats, they have continued to monitor the flats at least once per month on a 4-to-5-hour period; however, they rely primarily on complaints. They have received no recent complaints to respond to.

Mr. Dunton reported that the flats in the state are closed for the next few days (except for a small area between Indian Point and Tremont) and that there could be potential for possible poaching on those days so that the wardens should be aware. Warden Guildford thanked Mr. Dunton and said he would pass along the information.

IV. State Update

DMR Biologist Heidi Leighton, reported on upcoming meetings in May that The Shellfish Advisory Council, in coordination with DMR, and with the assistance of Laura Singer of SAMBAS Consulting, is hosting a series of meetings to hear from shellfish harvesters, dealers, municipal shellfish program participants, town clerks and other municipal leaders. Interested parties are encouraged to come share their ideas for potential improvements to the current co-management system and how to implement an effective municipal shellfish program. The agenda will include a panel discussion where municipal shellfish program participants will discuss what they believe works well and identify areas of possible improvement. There is no fee to participate, and RSVPs are not required.

- Mon, May 2 at 12:00 PM - 03:00 PM - Curtis Memorial Library, Brunswick
- Wed, May 4 at 01:00 PM - 04:00 PM - Pellon Center, Machias
- Thu, May 5 at 01:00 PM - 04:00 PM - Ellsworth Library, Ellsworth
- Mon, May 9 at 04:00 PM - 07:00 PM - Zoom Registration

V. Treasurer Report

Town Treasurer Jacob Wright reported that there is a balance of \$15,920.00 in the 2021 historical revenues audit (exceeding expenditures); the current unaudited balance is \$15,682.05 to be used for shellfish management, conservation, and enforcement.

Mr. Wright explained that the monies are under the Police Chief Willis' authority to disburse. Any requests for funds should be directed to Chief Willis with approval from the Board of Selectmen. Once directed by Chief Willis, the Finance Department would release the funds.

VI. Allocation Plan Approval for 2022-2023

Town Clerk Woolfolk turned the attention to the Allocation Plan for 2022-2023. She reported that per the request of the committee she had researched the history of the last increase of license fees. Her research indicated that since the inception of the four categories (Resident Commercial Resident, Non-resident Commercial, Resident Recreational, and Non-resident Recreational) in 2012, the fees have not changed. She also commented that she had confirmed with Chief Willis that Warden duties are considered part of the officers' regular duties and that they are not paid out of the Shellfish Revenue funds, as well as any necessary equipment. Warden Guildford concurred.

Clerk Woolfolk suggested that since there is a healthy balance in the funds, that the current price of the licenses remain as is but would defer to the committee for their discussion and recommendations.

The committee members agreed.

The allocations were approved as presented with a motion by David Dunton, seconded Earl Moore. (4-0)

Clerk Woolfolk stated that she would submit the allocations to DMR and place an ad in the paper for the July sale of licenses.

VII. Such other business as may be legally conducted

Chris Petersen, Chair of the Bar Harbor Marine Resources Committee, asked to speak on two items:

1. Mr. Petersen reported that the committee had received a shellfish resilience grant for microbial source tracking in the Bar Harbor flats. Funding allowed them to include an additional area within Mount Desert (Bartlett's Landing/Pirates' Cove). They have an intern that will

be taking samples during the flat closure and submitting them to a lab for testing to determine what is causing the contamination (DNA testing to determine the source of the bacteria). There will be no cost to Mount Desert. Chair Taylor thanked Mr. Petersen for including the Mount Desert areas in the sampling and working hard to get the grant.

2. Mr. Petersen reported on an environmental degradation survey in Otter Creek (i.e., lack of fishing, increased sedimentation, causeway, outflow from sewage treatment plant). Otter Creek is comprised of both Bar Harbor (west) and Mount Desert (east). There was a recent meeting between Acadia National Park, Town Manager Durlin Lunt, Public Works Director, Tony Smith, Sustainability Chair Phil Lichtenstein, Chris Petersen and Hannah Weber as scientific advisor and interested parties from the area. Chris had done a survey in Otter Cove that indicated that there are adult clams, but virtually no young ones in the area. He is going to work with people to get the science done to see what is causing the problems. He invited Mount Desert to share any information or talk to him about any issues we are aware of.

The clerk asked if the committee wanted to schedule their next meeting. No-one had any need of another meeting prior to the sale of licenses in July. It was agreed that she would touch base with Chair Taylor after July to see when/if he would like to schedule another meeting.

VIII. Adjournment

Motion to adjourn by David Dunton, seconded Earl Moore. (4-0)

The meeting adjourned at 5:30pm.