

November 12, 2015

**Minutes of the Washington County Commissioners'
Unorganized Territories Regular Meeting
held November 12, 2015
in the Commissioners' Conference Room
Machias, Maine**

**Attending the meeting were:
Commissioner Christopher Gardner
Commissioner John Crowley, Sr.
Commissioner Vinton Cassidy
Betsy Fitzgerald, County Manager
Carla Manchester, Administration
John Sutherland, Lubec
Lora Whelan, Quoddy Tides / Eastport
Lewis Pinkham, Milbridge
Michael Kilby, Edmunds
Lorraine Robbins, Trescott
Howard Robbins, Trescott
Mike Hinerman, EMA
Heather Lee, Lubec
Sharon D. Strout, Deeds
Barry Curtis, Sheriff
Susan Spencer, D.A.'s Office
Wanda Cox, Baileyville
Jill Holmes, Treasurer
Josh Rolfe, RCC
Richard Rolfe, Jail Administrator**

The meeting for Unorganized Territories business was called to order at 4:10 p.m.

**Approval of the October U.T. meeting minutes of October 8, 2015
(Crowley / Cassidy, 3-0)**

AGENDA ITEM: Monthly Report

Unorganized Territories Supervisor Heron Weston provided his monthly written report. (See attached)

Heron reported that Big Lake Road and Gould Road in Greenlaw Chopping Twp. have been paved. He noted that Dean Preston had planned ahead by placing funds in the reserve account for this project.

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The reconstruction and paving of the Edmunds School parking lot and adjoining roadway has been completed. The project was a joint effort between the U.T. and Maine Department of Education.

Road repair has begun on the 19 Road in Berry Twp. and T19 ED. The whole length of the road will be graded after the repair work is done.

The U.T. budget is being prepared. The draft will be submitted to the state for review. Heron is anticipating that the budget will be present to the Commissioners for their approval at the December Commissioners' meeting.

Commissioner Gardner encouraged Heron to strongly consider the needs of the Edmunds tennis court as he builds the U.T. budget. Commissioner Gardner reported that the tennis courts need to be repaved and the fencing replaced. Surrounded by three unorganized territories, the tennis court is a resource that would be a shame to lose because of deterioration.

The first payment to U.T. snow plowing contractors has been made.

Heron anticipates that he will be recommending a new hire for the Animal Control Officer position at the December meeting. Ben Robinson has completed the Animal Control certification program in Augusta and is filling in for the ACO services in the U.T.

Heron stated that he would like to begin a discussion around implementing a harbor ordinance for the Edmunds Boat Landing. He presented a draft using Lamoine's Harbor Ordinance as a template. Commissioner Gardner explained that the Eastport harbor was out of commission due to the collapse of the breakwater. Lubec and Pembroke have placed moratoriums for no more moorings to be set in their harbors. With these areas unavailable to the local and mobile fishing vessels, the possibility of over-crowding in the Edmunds Bay is now of great concern. Michael Kilby of Edmunds expressed his concerns that Edmunds Bay already has 26 moorings and there is great potential for boats being damaged when more boats begin to arrive for the scalloping season. Commissioner Gardner stated that creating a harbor advisory committee and appointing a harbor master is a good start. Those who use the Edmunds boat landing and bay should have a say. Commissioner Gardner also expressed concern that a response plan cannot be established quickly enough with only two weeks before

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Scalloping season opens. He clarified that this is not a territorial issue but a safety issue. Michael Kilby and other members of the public asked for the Commissioners to approve an immediate moratorium for no more moorings to be set. There was a lengthy discussion on the possibility of enacting a moratorium immediately in Edmunds Bay in hopes of providing time to implement a harbor ordinance. Commissioner Crowley inquired what the plan would be if there were many violators to a moratorium and said that there needs to be boundaries established. Heron Weston agreed, adding that a mooring field would also need to be established. Lorraine Robbins of Trescott inquired about how a moratorium would be publicized and how to determine what moorings are already there at the time the moratorium takes effect. The observation was made that the need for a safe harbor goes both ways. Commissioner Gardner moved to establish and approve the Harbor Ordinance as a starting point. Commissioner Cassidy suggested that the Commissioners adopt the concept to establish a Harbor Ordinance in Edmunds Bay making a plan to meet soon to establish guidelines. Commissioner Crowley and Heron Weston stated that there were too many details to rush into adopting a harbor ordinance. Commissioner Gardner conceded that Eastport has an ordinance that has taken years of experience to develop. Part of Heron's concern was enforcement. He inquired about jurisdiction, law enforcement, qualifications of a harbor master, and the authority a harbor master has to enforce a moratorium or ordinance. Heron stated that he believes a Harbor Master needs to be certified. Commissioner Gardner asked Sheriff Curtis if his department would respond to complaints stemming from offenses against a harbor ordinance. Sheriff Curtis stated that his department would give coverage as needed. Commissioner Gardner suggested checking with the District Attorney to affirm that there would be an enforceable action within the law for violators. Another concern about adopting a harbor ordinance immediately would be the need for input directly from people involved. The town and fishermen should be represented.

MOTION Commissioner Cassidy moved to ask the District Attorney for legal advice to set a moratorium on any new moorings due to safety issues. If a moratorium is legally binding, authorization is granted to County Manager Betsy Fitzgerald to see that such a moratorium is implemented for 180 days and posted. Commissioner Crowley seconded the motion which passed 3-0.

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Concerns were discussed regarding the identification of moorings, how many moorings would be a safe amount to have in the harbor and the process to register a mooring.

By consensus Heron Weston was tasked with plotting all moorings set at this point and time. Moorings that are not present but known to be set in Edmunds Bay will not be grandfathered or recorded. Moorings must be present to be recorded. This mooring field record will be the beginning point should a moratorium be implemented.

Heron was also directed to start the process of forming a harbor advisory committee.

***MOTION* Commissioner Crowley moved appoint U.T. Supervisor Heron Weston as interim Harbor Master. Commissioner Cassidy seconded the motion which passed 3-0.**

The Edmunds harbor will not be policed. The situation will be monitored and dealt with accordingly. The intent is not to pursue with aggressiveness but to be a starting point in which to build a working Harbor Ordinance.

Heron Weston presented a Memorandum of Agreement between Maine Department of Inland Fisheries & Wildlife and Washington County Unorganized Territories to construct a dry hydrant at the Cathance Lake boat landing. Heron reported that CES's recommendation is to put a bid out for the job this winter then be prepared to begin construction in the spring of 2016. Heron noted that there may be a better price on the project if a bid is requested during the winter months. Commissioner Gardner strongly opposed delaying the project and recommended that the project be put out to bid immediately. He noted that the hydrant is not for convenience but a public safety matter. EMA Director Michael Hinerman agreed. Commissioner Gardner remarked that he appreciates Heron showing fiscal responsibility but there is a greater concern for loss of property or life. It is the Commissioners responsibility to show that reasonable and best efforts are made to have the hydrant installed as expeditiously as possible. The Memorandum of Agreement was signed by the Commissioners.

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Heron Weston presented a Solid Waste Disposal Agreement with Machias Bay Area Solid Waste Facility to cover the U.T. areas of Devereaux Twp., T30 MD, T24 MD and Day Block Twp. The agreement is for the period of September 1, 2015 through August 31, 2016 for a cost of \$1,540.00.

MOTION Commissioner Cassidy moved to approve the Solid Waste Agreement with Machias Bay Area Solid Waste Facility to cover Devereaux Twp., T30 MD, T24 MD and Day Block Twp. for a one year period for \$1,540.00. Commissioner Crowley seconded the motion which passed 3-0.

AGENDA ITEM: TIF Grant Committee Update

A report was submitted and is attached.

AGENDA ITEM: Public Comment

None.

ADJOURNMENT

5:10 p.m.

ATTEST:

Carla J.R. Manchester, Admin. Asst.