

**ST. GEORGE SELECT BOARD & ASSESSORS**  
**St. George Town Office**  
**MEETING MINUTES**  
**June 4, 2018**

The Select Board meeting was called to order at 7 p.m. Members present were: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Jim Balano, Bob Cremonni, Nick Lapham, Kristin Falla, Dan Falla, Ruth Sadie, Mike Smith and Elizabeth May.

**PUBLIC COMMENTS:** Chair Bates opened the meeting to public comments. He said this was an opportunity for citizens to be heard, "but not for the Select Board to resolve issues at this time or take immediate action," and that comments may be limited to 30 minutes.

(Nonverbatim and edited)

Nick Lapham: I have two items. One that just came up and I do not know whether now is the time to talk about it, but in reading through the minutes, my understanding was that at the last Select Board meeting, I spoke out in the public comment section about my position on 10 Cold Storage and made a request that the vote be put back in November. I may have totally missed it, but I don't see any reference to that in the minutes. I just happened to notice that this afternoon, nor do I see anything where the Select Board voted 4-1 to issue the warrant to put the Cold Storage bond measure on the ballot. I may have misread it.

Chairperson Bates: I know I just said we are not going to answer questions, but as a point of information, it was April 2 (2018) when you came and talked to us and that is in the subsequent meeting minutes. As to the discussion, the decision to get the warrant had already been settled by then. The warrant went to press the end of March. So, that issue had already been settled. That is why it is not there. It was in the minutes at the meeting that you came to talk to us about that point. The issue of 4-1. I am not sure where you are coming from.

Lapham: I thought it was at the last meeting.

Chairperson Bates: No, we meet more frequently. We met on April 2<sup>nd</sup> and that is when you spoke to us and that is in those meeting minutes. We've had several meetings since then.

Lapham: Okay, I stand corrected. The second thing that I would like to ask the Select Board is the timing and the process for filing a petition. I have gathered 100 signatures. I have two pieces to it. One is to request that the Select Board not expend any money on the project until November which at the time there could be a revote. My understanding is there is 60 days to file that. I don't know how to confirm that or not. The second part of it is, a petition that would ask the Select Board to do whatever is necessary to ensure that all future bond measures are put on a November ballot, in an even numbered year. I quickly drafted something and went out and just in two days, have 100 signatures, already.

I don't want to take unnecessary time, but I did learn some things in the process, and I think there are a lot of people out there that feel like they did not get enough time, who weren't even aware of it, and felt that the town hadn't done sufficient in terms of notifying them on this issue. Most people didn't hesitate to sign. Again, I just went to the transfer station and a few other places. I feel just on that surface level, there are a lot of people in the community who feel like they didn't get the opportunity to vote. One of the arguments made at the time of the meeting was, 'well this is when we have our town meeting.' I understand that. I also feel that may suit the convenience of the town and the staff that you have a vote then; but I think a bond measure is a very significant commitment on behalf of the town, and it should be put before the voters at the convenience of the voters and taxpayers when they are most likely to vote and that is in November. This measure just passed by four votes; less than 9% of the registered voters, and I don't see how that really expresses the will of the whole community. I think there is a very deep desire

out there. These are random people who showed up the transfer station or wherever I was, who want an opportunity to be heard on this. My question (Tim, we talked briefly) and my understanding of that meeting was, 'we will talk to the Select Board and find out what the process is for submitting a formal petition.' This is something that I drafted. I don't know what standards it's supposed to meet, what the timing requirements are, and I would like to move that forward. I understand, not at tonight's meeting, I totally understand that. I just would like to know what that process entails, and what I need to do (with these signatures). I assume they have to be gone over by Cherie or someone in the town office to confirm them that they are valid signatures.

Chairperson Bates: I think it would be most constructive if we have, on our next agenda meeting, a discussion of the issues that I have seen on the Facebook posting. The two issues that you put out there this weekend. I think it would be useful to have a discussion about it on the Select Board level. That is my suggestion. What does the Board feel?

Selectperson Hall: If you want to know what the procedure is for filing the petition, can you get that information at the town office?

Mr. Polky: Absolutely. Come in (to Lapham) and we will sit down and talk about it.

Chairperson Bates: It is state law and so it is a matter of adhering to state law. It is all written down. I personally feel the most constructive thing, is to talk about it. I think it tends to lead to better outcomes having a discussion.

Lapham: I totally agree.

Chairperson Bates: I think the Board tries to be attentive to everyone's feelings in the town and to be responsive to what the will of the town is. Our next meeting is June 25, and I would propose having this issue on the agenda to discuss the two articles I have seen in the Facebook posting, if those are the issues that you feel are the ones we ought to talk about.

Lapham: Okay. Thank you.

Chairperson Bates: Is the Board okay on that. (Board acknowledged they were.)

Mr. Polky: But in the meantime, come in and we will talk about how to do the petition correctly.

Cremonni: If I may say something just to (unintelligible) any support. I think that an issue as large as the one we are talking about at Cold Storage really should have more than just 9% of the voters weighing in on it. I would support that very much.

Chairperson Bates: I think it is also important to point out, that in fact, largely to a lot of work that you did Nick earlier on, the turnout for that May vote was over 50% more than it has been for the last couple of years. So, in that respect, it is a lot higher than it has normally been.

Lapham: My understanding is that over the vote to acquire the Cold Storage property went through by a vote of 245 to 105, so that was 350. There are 372 votes this time. There were 188 to 184, so there were 23% fewer votes in favor of the bond measure than there were in favor of acquiring the property. I think that is a statement, too. In total, the 350 compares to generally a minimum of 1,400 voters that turn out for a gubernatorial and about 1,800 that turn out for a presidential election. You are talking about one-quarter to one-fifth of voters.

Chairperson Bates: I think you are comparing apples and oranges. Any other comments?

Lapham: We can have that discussion at the next meeting?

Chairperson Bates: Right. Hearing no further comments, Chairperson Bates closed the public comment section of the meeting.

#### REGULAR SESSION:

- Adjustments to Agenda: Jim Balano – Aquaculture Experiments was moved from New Business to Regular Session and to be taken up as the first item on the agenda.

- Aquaculture Experiments: The Select Board invited Jim Balano to the Select Board meeting to discuss his new aquaculture oyster business located at Wheeler's Bay. Chairperson Bates introduced Mr. Balano who gave a 35-minute presentation on the process of growing his oysters.

The following are a few of the highlights from his talk. Mr. Balano started with a brief history of himself and how he and his wife, Robin McCoy, came to own the property on Wheeler's Bay.

Mr. Balano said regardless of where you come down on the debate about climate, the fact is that the fisheries have been changing over the years, and they go through periodic cycles. He said there has been tremendous changes since he was young and felt a lot of these younger people were going to need something to fall back on, and they were already out there looking.

Mr. Balano distributed handouts on all aspects of aquaculture. He displayed the type of equipment and explained how it was used in his oyster business. Mr. Balano showed the type of bags used to grow oysters in, the tethers, water view pictures, the experimental lease, a general lease and a standard lease. He noted that the application process was quite involved, and that he was applying for an experimental lease. He brought information from DMR for the town to copy and circulate. Mr. Balano said he found Dana Morse from the University Extension Service to be very helpful. He said Morse is very knowledgeable about aquaculture and advises people on how they can do different operations.

Mr. Balano said the reason they grow oysters up in the cove is:

1. Oysters like warmer water to grow in. It is an intertidal flat, so it is almost empty except for the little stream that goes through it at low water and then at high water, the water comes in over acres of hot mud flats. Sometimes the water temperature in there gets up to 70-75 degrees which is high for Maine. The oysters feed at an exponential rate and they grow very quickly in two years. He said he was selling oysters to 18 Central and Fogg and a couple of other places.

2. There is the problem of what to do in the winter when there is thick ice in the cove. He said that is when they move them offshore.

The Select Board thanked Mr. Balano for his very informative and educational presentation. The information Mr. Balano supplied to the Select Board will be copied and filed with the town records.

- Minutes: On a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to approve the May 17, 2018 Select Board minutes, as amended.

Page 1, under Communications, line 4, change to read: Bates **had called Mr. Wilson with this suggestion.**

- Communications: The following communications were received:

1. A thank you note from the Maine Community Foundation regarding the transfer of the Thomas B. Armitage Scholarship Fund from the town of St. George to their foundation.
2. Attorney Bill Kelley's response regarding projects similar to Aqua Ventus. One suggestion he had was that the town may want to have an economic analysis done. Chair Bates received correspondence from Rachael Bouvier who has a name of someone that may be suitable to do this type of analysis, if the town wanted to have it done and pay for it. Chair Bates would like to discuss this at the next meeting to see whether the town should pursue this.
3. Josiah Wilson wrote to the Select Board regarding the MRSA 4361 law and would like to have it discussed.
4. Josiah Wilson sent an email communication to the Board at 6:36 p.m. on June 4, 2018 regarding MRSA 4361 law.

- Warrant: The warrant for the week of June 4, 2018 was reviewed and signed. The total expenses were \$512,100.21 and included three weeks of payroll, Parker Appraisal \$11,000, a June school payment, and a bill for legal fees for \$1,844.00. Chairperson Bates asked about the \$1,995 paid to Knox County Registry of Deeds. Ms. Curtis said liens were placed on 105 properties, Friday, June 1, 2018 for non-payment of 2017 taxes, at \$19 per lien. In past years, she said lien numbers ran from 70 to 80. Ms. Willey asked what Tooney Looney Rentals was. Ms. Curtis said that was for the purchase of a dunk tank. Mr. Polky said the town usually rented a tank but purchased one this year (did not pay a lot for it). He said Mr. Vail already had a number of people who wanted to rent it. Mr. Polky said town insurance covers the rental.

#### TOWN MANAGER'S REPORT:

- National Fire Academy: Mr. Polky attended training with Dan Paulsen and John Falla this past week.
- Jersey Road: Mr. Polky said all of the deeds regarding the Jersey Road were signed.
- Superior Court Appeal on the Wyeth Reading Room: CEO Brackett received information this past week on the continuation of the appeal to Superior Court. Mr. Polky said he anticipated more legal fees surrounding this appeal. Mr. Polky said the appeal is to have a Trial of the Facts. The Plaintiff is claiming the town did not have all the facts and that some documents were missing from the town's file. But, Mr. Polky stated the town had all the documents.
- Steve Jarrett: Mr. Polky reported that town employee, Steve Jarrett, is on medical leave and expects he will be out of work for at least six to eight weeks, or longer.
- Eastern Egg Rock: Mr. Polky said he had a conversation with an officer in the Bristol Fire Department while attending training. He told him that the Town of St. George had a structure on Eastern Egg Rock (which is part of the town of St. George) which is closer to the Bristol Fire Station than it was to the St. George Fire Station. Polky said the Bristol officer was quite surprised to hear that.
- Transfer Station Hours: The transfer station will be open until 7 p.m. on Wednesdays, starting June 6, 2018. Mr. Polky said this information will be posted on Constant Contact and the website. Ms. Curtis and Eben Polky also wrote up a notice regarding the Wednesday evening hours.

#### COMMITTEE REPORTS:

- Update on Generator: Selectperson Elwell said the diesel run generator has been ordered.
- Planning Board: Chairperson Bates said the Planning Board met on May 22. A Public Hearing was held on three ordinances – The Shoreland Zoning Ordinance, The Site Plan Review Ordinance and The Flood Plain Management Ordinance. He said the Planning Board reviewed the changes. There were no public comments on any of the three ordinances. The proposed ordinance changes will be on the June ballot.

There were two construction applications: One was for U.S. Cellular to upgrade the antennas on the cell phone tower. U.S. Cellular customers would see better service in the next several months. More capacity for data and voice is expected.

The second application was at 110 States Point Road to demolish an existing structure and build a new one. The application was accepted as completed. It satisfied the Shoreland Zoning Ordinance and the Planning Board approved the application.

- Cemetery Committee: Selectperson Hall said he missed the committee meeting but did have the meeting minutes, which he handed out to the Select Board. He said John Falla had circulated cemetery policies for several towns which amounted to approximately 500 pages of written material. Mr. Falla proposed that he draft a Table of Contents of the policy the cemetery committee would produce. The committee could then look at the Table of Contents, see whether people thought that was the right number of things to address, and then systematically review those. The committee meets at 7 p.m. on the 4<sup>th</sup> Wednesday of the month at the town office.

#### OLD BUSINESS:

- Treasurer's Disbursement Warrants:

The Select Board acted upon the following three warrants:

1. Warrants for Employee Wages and Benefits, effective date 6/4/18; expires 5/14/19

2. Warrants for Municipal Education Costs, effective date 6/4/18; expires 5/14/19
3. Warrants for Payment of State Fees, effective date 6/4/18; expires 5/14/19

Chairperson Bates explained that the warrants remained unchanged from last year.

On a motion by Selectperson Elwell, seconded by Willey, it was voted 5-0 to approve the Treasurer Disbursement Warrants for Employee Wages and Benefits, Municipal Education Costs and Payment of State Fees.

- Select Board Meeting Calendar: The Select Board reviewed the revised calendar of meeting dates. Selectperson Hall said he tried to stay with the two-week schedule and recognized that more meetings may be necessary during the budget review period. Selectperson Sawyer said he would rather stay longer, if necessary, than schedule an extra meeting. He asked Selectperson Hall what the criteria was for adding a meeting. Selectperson Hall said if the Select Board was not able to keep up with the town's business, he felt it would be wise to schedule an additional meeting to get caught up.

Ms. Curtis said there were contractors who had to get paid weekly. Mr. Polky said in the past, the problem of not meeting for three weeks was having three warrants to deal with on the meeting night. He said a lot of the contractors are paid weekly and the town had been processing those bills weekly for the last 20 years. He did not see how the Board could get around that. Mr. Polky said an issue could be held over for two weeks, but he would not want to see it held over any longer than that, if possible. Mr. Polky and Ms. Curtis noted that state law said the Select Board is supposed to sign the warrant before the town disburses any of the monies. Mr. Polky recommended, "Either you meet weekly, or you do it the way it is currently being done." He said he would rather have the Select Board meet and act as one unit, rather than come into the office to sign the warrant, individually. Ms. Willey said the town had a system that was currently working, with meetings every two weeks.

Chairperson Bates said this schedule was tentative and if the Board found they were staying very late and unable to process business, extra meetings would have to be scheduled.

On a motion by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 to accept the revised Select Board meeting schedule to the fiscal year 2018-2019, subject to review.

- Schedule Annual Meeting of Select Board and Board/Committee Chairs: At the last meeting, Chairperson Bates said the Select Board discussed having this item on the July 23 agenda. He asked the Board to let their respective committee chairs know there would be a meeting with the Board Chairs on Monday, July 23 at 6 p.m. The Select Board meeting would follow immediately, thereafter.

#### NEW BUSINESS:

- Appointments of Administrative Positions: The Select Board reviewed and voted on the list of Administrative Appointments. Added to the list was Marguerite Wilson as Select Board Recording Secretary, and Elizabeth Curtis said she would need to be added as Deputy Treasurer. After voting, the Select Board signed the appointment forms.

#### ADMINISTRATIVE APPOINTMENTS TO BE MADE 2018

The following appointments are recommended by the Town Manager to a term running from July 1, 2018, to June 30, 2019:

Fire Chief - Michael N. Smith, Sr  
Fire Chief - Deputy - Daniel Paulsen  
Fire Chief – Assistant - Christopher G. Leavitt  
Fire Chief – Assistant - Ryan Cline  
General Assistance Administrator - Beth A. Smith  
Local Health Officer - Timothy C. Polky  
Purchasing Agent - Timothy C. Polky  
Records Officer - Timothy C. Polky  
Road Commissioner - Timothy C. Polky

Tax Collector - Elizabeth Curtis  
 Town Clerk - Timothy C. Polky  
 Treasurer - Timothy C. Polky  
 Knox Dispatch Advisory Committee – Fire - Michael N. Smith, Sr.  
 Knox Dispatch Advisory Committee – EMS - Amy Dyer  
 Presented for confirmation by the Select Board a list of appointments made by the Town Manager with terms running from July 1, 2018, to June 30, 2019:  
 Animal Control Officer - William Demmons  
 Emergency Mgmt Director - Timothy C. Polky  
 Emergency Mgmt Director – Assistant - Michael N. Smith, Sr.  
 Clerk – Deputy - Cherie A. Yattaw  
 Clerk – Assistant - Patricia A. St. Clair  
 Clerk – Assistant - Beth A. Smith  
 Clerk – Assistant - Tara L. Elwell  
 Code Enforcement Officer - Terry Brackett  
 Code Enforcement Officer – Deputy - Timothy C. Polky  
 General Assistance Administrator – Deputy - Cherie A. Yattaw  
 Local Plumbing Inspector - Terry Brackett  
 Local Plumbing Inspector- alternate - Timothy C. Polky  
 Harbormaster - David Schmanska  
 Harbormaster – Deputy - Keith Miller  
 Harbormaster – Deputy - Gerald Cushman  
 Parks & Recreation Director - Benjamin Vail  
 Tax Collector – Deputy - Cherie A. Yattaw  
 Tax Collector – Deputy - Beth A. Smith  
 Tax Collector – Deputy - Patricia A. St. Clair  
 Tax Collector – Deputy - Tara L. Elwell  
 Treasurer – Deputy - Cherie A. Yattaw  
 Treasurer – Deputy - Beth A. Smith  
 Treasurer – Deputy - Patricia A. St. Clair  
 Treasurer – Deputy - Tara L. Elwell  
 Registrar of Voters - Cherie A. Yattaw  
 Registrar of Voters – Deputy - Beth A. Smith  
 Registrar of Voters – Deputy - Patricia A. St. Clair  
 Registrar of Voters – Deputy - Tara L. Elwell  
 Registrar of Voters – Deputy - Timothy C. Polky  
 Select Board Secretary - Marguerite R. Wilson

On a motion by Selectperson Sawyer, seconded by Hall, it was voted 5-0 to approve the list of Administrative Appointments with the addition of Elizabeth Curtis as Deputy Treasurer.

- Ratio Declaration and Reimbursement Application: Finance Director Curtis said the town's range could be between 95% and 117% and Assessing Agent Bob Gingras recommended 115%. Selectperson Hall noted that the Certified Ration was at 125% last year. Chairperson Bates explained the process. He said all the valid sales in the town over the last year are reviewed. The town excludes those that go to family members. The town then excludes the extremes, removing the bottom 20% and the top 20% and from those sales and looks at the ratio of the assessed value to the sale value. A representative from the Maine Bureau of Taxation meets with town administration and reviews the numbers. Chairperson Bates said this year rather than getting Homestead Exemptions of \$20,000, it would be 115% of \$20,000 or \$23,000.

Chair Bates said some people were concerned that the assessed values were getting out of line. He said the positive was, as the market had picked up, the sales values were coming closer to the assessed

values. He said now the town could go back to a ratio of 115%. He felt it was a good sign that prices were getting back into line.

Chair Bates said there is a statistical analysis formula which he had run in past years and will run again for this year. He said, for example, if prices were coming back in Port Clyde but not in Tenants Harbor that would be a cause of concern and that would be a reason why the town should have the re-evaluation done earlier rather than later.

A motion was made by Selectperson Hall, seconded by Sawyer, it was voted 5-0 to certify to the state that the Town of St. George will use the Certified Ratio amount of 115% for the Homestead Exemption.

The Ratio Declaration and Reimbursement Application was signed Chairperson Bates.

- Quitclaim Deed: Ms. Curtis presented a Quitclaim deed to the Select Board on property which had been tax acquired but had since been paid off. On a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to approve the Quitclaim deed.

- Bonding Options for 10 Cold Storage Road: Ms. Curtis said Attorney Lee Bragg of Bernstein Shur recommended that Mr. Polky and she talk with a financial consultant about the difference between getting bonds through the Maine Municipal Bond Bank and going with town issued bonds. Ms. Curtis said Richard Ranaghan of Northeast Municipal Advisors LLC worked with the town in 2002 when the town bonded the transfer station and fire station expansion. When they meet with Ranaghan, she said he wanted to explain the difference between the bond bank and town issued bonds, and what the benefits of each were.

Ms. Curtis said if they do town issued bonds, they would have more control over the process, the money would be available when the town needed it, they can select the payment dates based on the town's cash flow and they would have the ability to refinance any bonds in 10 years.

If the town went with the bond bank, the application process would be much easier, but the town could not pre-pay, the town would have very set payment dates, and you would be clustered with other municipalities.

Selectperson Hall said if the town received grants, they would want to be able to pre-pay. Polky thought it would be a good idea to have Ranaghan down to discuss this with the Select Board and Ms. Curtis will contact Mr. Ranaghan to see if he could meet with them on June 25.

- MRSA 30-A 4361 – Coordination of State and Municipal Decision Making; Renewable Ocean Energy Projects: Chairperson Bates explained that Josiah Wilson had asked on May 24 to have this item on the Board's agenda. Chair Bates felt this was an issue for the legislative House and Senate. Chairperson Bates said Mr. Wilson was concerned that the town should be trying to overturn this state law.

Chair Bates did not think this was something the Select Board should act on now. He said Senator Dow put a bill forth in the senate to overturn the law and it was referred to the joint Committee on Energy, Utilities and Technology. Selectperson Hall said the committee was unanimous in its rejection of the Dow bill on May 23, 2017. He had attended the hearing and said Dow, after introducing the bill, was asked if he was a supporter of it. Hall said Dow's constituents asked him to submit the bill, and so he did; but it was not clear whether Dow was 100% in support of it. Selectperson Hall said given the unanimous rejection of the bill, it was hard to image there was much support to repeal it.

Chair Bates said the 128th session of the Maine Legislature had adjourned and would resume work on December 5, 2018. Given the fate of the Dow bill, he felt it was extremely unlikely the Select Board would have much effect. He said if something was to be done, it might happen after a new representative was elected in our district. Chair Bates thought this type of bill was similar to the bill for cell phone towers. He said, "No one wants a cell phone tower in their back yard, but people accept it. There are things that benefit all of us and I think this is something we should be prepared, if necessary, to live with."

Selectperson Sawyer said this might be changed with a citizen's referendum, but he was not sure if there was much interest out there in doing this. Selectperson Willey suggested reviewing this again in December when the legislature reconvenes, as there will be new representatives and a new governor. The Select Board decided to postpone any action and revisit the issue in December.

- Website Signup for Agendas & Minutes: Chairperson Bates recommended the Select Board and town Boards and Committees sign up online to receive Board agendas and minutes. The public can also sign up to receive these.

Mr. Polky said he discussed with Ms. Curtis and Ms. Yattaw and spoke to Chair Bates that the Select Board draft minutes would no longer be posted online. Mr. Polky said since the draft minutes may need changes done, he felt only the final copy of the minutes should get posted online and felt this would provide better accuracy of information to the public. He said the draft copy of minutes would be available, by request.

Chairperson Bates said the approved Select Board minutes, not the draft minutes, would be available online and the same would apply for the Budget Committee and Planning Board. Mr. Polky and Ms. Curtis explained that the Select Board would still be emailed the draft agenda and draft minutes, but the Select Board would need to sign up to receive the final agenda. Chairperson Bates said if individual Board members wanted to receive paper copies of the draft minutes, contact Cherie Yattaw.

A motion was made by Selectperson Hall, seconded by Elwell, to continue the meeting beyond 9 p.m. The vote was 5-0; motion carried.

- Select Board Action Plan: Chairperson Bates suggested the Select Board come up with a list of action plan ideas and email them to him. He said he would compile the ideas into one list and the Board would review the list at the next meeting. Chairperson Bates recapped some of last year's list of action plan ideas. The town bought a sound system, and it appears to work quite well. Mr. Polky said the system had three microphones and a sound mixer, so the volume could be adjusted. Chairperson Bates would like the Board to think about options for 3 Juniper Street. Last year, the Board came up with an interim plan for the property, but not a final plan.

At 9:07 p.m., on a motion by Selectperson Hall, seconded by Sawyer, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary