

**ST. GEORGE SELECT BOARD & ASSESSORS
MEETING MINUTES
Monday, May 1, 2017**

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, Jean Hewitt, and Sara Rademaker.

PUBLIC COMMENTS: Jean Hewitt said she came to see the new Town Manager and introduced her friend, Sara Rademaker. The Select Board welcomed them.

REGULAR SESSION:

- Adjustments to Agenda: None.

- Minutes: The minutes of April 24, 2017 were amended as follows:

Page 2, under Solid Waste & Recycling Committee, paragraph 1, line 5, change to read said the **Town** was trying...

Page 3, under Update from Ad Hoc Solar Committee, paragraph 3, lines 3, 4, and 5, correct kw to k**W**

Page 3, paragraph 4, line 3, correct to Selectperson Hall said there **had been a** question

Page 5, second paragraph, after last sentence, add sentence **Tammy Willey and Diana Bolton also planned to meet to discuss the lease.**

On a motion by Selectperson Hall, seconded by Selectperson Elwell, it was voted 5-0 to approve the minutes of April 24, 2017, as amended.

- Communications: Selectperson Willey received a letter from Wendy Carr, regarding the Shredding Event which held on Saturday, April 29.

A letter from Jane Conrad who said the Community Education Program on Aging in Place held at the library on April 26 had over 30 people in attendance, and she was pleased the event was held.

A letter from the Area Interfaith Outreach with information and statistics about the aid given to the town last year. AIO noted that 351 St. George residents benefitted from food, emergency assistance, heat or electricity and 17 children at the school received backpacks of food.

Selectperson Elwell said there had been feedback on the St. George Message Board about how great a job Steve Jarrett did on the sidewalks. Elwell asked, "As Selectperson, if you see him, tell him that. Thank Jarrett about how good a job he has done."

Chair Bates said CEO Brackett went to a meeting on Thursday and brought back some information about Maine's Marijuana Legalization Act. The Select Board had a brief discussion on legalization and they expect to see more on the issue, in the future.

- Warrant: The warrant for the week of May 1 was reviewed and signed. The total expenses were \$64,366.43, and included the final payment on the winter's roads contract of \$14,850, the

winter salt final invoices of \$4,529.95, roads contracted services of \$4833.50, recreational ball field maintenance of \$1,610 and one week of payroll.

Selectperson Willey asked about the Brian Scott payment. Curtis said he paid for a mooring that was available at 10 Cold Storage Road last week but was refunded the money, because he could not use the mooring.

Selectperson Willey asked about Food Depot. Curtis and Polky said the expense was garbage bags for the Transfer Station. The bags were less expensive at Food Depot than at Staples.

TOWN MANAGER'S REPORT:

- The Ridge Road: Polky said there was a beaver problem on Ridge Road. The dam is in the field, and there is no way to get to it. He said the water was coming up to the edge of the road and because it was so wet, it had started to take out the pavement. They trenched along the side of the road and hit ledge. After using a hoe ram to remove the ledge, the culvert is working again.

- Paving Update: Polky received the bids for paving and they ranged from \$64 to \$97 a ton. In the bid specifications, Polky requested virgin asphalt, no recycled shingles or asphalt. Polky would like to get a price locked in as soon as possible. He would like to see paving start by July, and that way, the work could be completed by late August or the first part of September. Selectperson Elwell asked if Pike and Hager had fixed the roads, yet. Polky said the Kinney Woods Road had not been redone, but the company planned to work on it this spring.

- Committee Meetings:

Conservation Commission, Thursday, May 4 at 4 p.m.

Neighbor-to-Neighbor, Thursday, May 4 at 9 a.m.

Jean Hewitt, chairperson of the Neighbor-to-Neighbor program, spoke about their meetings. There is a Board of Directors and a group of volunteers meet regularly. There are six to nine people in the group and they are looking for a place to hold their bi-weekly meetings. The meetings are an hour long and are currently being held at the town office, every other Thursday. The program's one year anniversary will be June 15 and they will hold a board meeting at that time. Hewitt hoped their federal 501(c)(3) would be approved by then, so they could move forward as an official entity. She thanked the Select Board for the help, particularly this year.

Polky reminded the Select Board about the assessor's workshop on May 11th in Augusta from 4-7 p.m. Attending the workshop will be Selectpersons Hall and Willey, Town Manager Polky and Cherie Yattaw.

COMMITTEE REPORTS:

- Solid Waste & Recycling Committee: Selectperson Willey said she received a communication from Wendy Carr about the Shredding Event held in the lower lot of the school. There were 45 carloads in. Cars were charged \$5 and trucks were \$10. Selectperson Sawyer said the paper was weighed and each participant was told how many pounds they had. Records Management Center shredded 2,916 pounds of paper. The committee received \$135 from participants. Polky and Selectperson Willey thought the event worked out well.

- Shellfish Committee: Selectperson Sawyer said the committee will be meeting on Thursday, May 4. There was a question about the clam committee and Selectperson Sawyer explained that the clam committee is a self-regulating group, and the Shellfish Committee oversees the clam committee.

- Planning Board: Chair Bates said the Board met on April 25 and reviewed the following three applications.

- An application to construct a 44' x 80' storage building at 71 Seal Harbor Road was voted on as complete and was found to meet the performance standards.
- An application to repair the damaged cribbing/bulkhead at 3 Boatyard Rd. was reviewed and tabled, subject to CEO discussions with the DEP.
- A pre-application to reconstruct the storage barn at 178 Marshall Point Road was reviewed; the Board explained they needed a letter authorizing the Historical Society to act as an agent for the Town, as well as details of the building dimensions and site plan.

- Conservation Commission: Selectperson Hall said the Conservation Commission and Friends of St. George held a joint educational session, Life on the Edge: Shorebirds and Waders. Several of the presenters were experts from the Department of Inland Fisheries & Wildlife. Selectperson Hall said the session was quite fascinating and was very well attended.

- Harbor Committee: Selectperson Elwell said the group has not met since the last meeting on April 20.

- Comprehensive Planning Committee: Selectperson Elwell said the meeting on April 27 was cancelled due to lack of a quorum. Polky has sent the comprehensive plan to Noel Musson for review. Musson plans to meet with Phil Carey to go over his recommendations and Polky hoped that when the plan was returned, it would be ready to submit to the State for approval. There will be a table set up on voting day with information concerning the Comp Plan.

OLD BUSINESS:

- Revised Version of Select Board Policy Manual: Selectperson Hall asked the Board to take the next two weeks to review the updates, so at the next meeting, they can confirm whether or not it contains all the changes agreed to and discuss possible formatting changes to the manual. Selectperson Hall had several suggestions:

- Amendments. Eliminate all the amendments such as, one, two, three, four, five in the table of contents.
- Changes. Name of the policy, the date where it was adopted or if had been amended, the date of the last amendment (most recent), and the page number of the document where it could be found.
- Page numbering. Recommendation is not to use the automatic smart tool in Word.
- Revoked Policies. Put those at the end. The personnel policy has been revoked and should be deleted in this section.

- Reference to the Policy Manual. The personnel policy now is a separate section in the municipal employees' handbook. Chair Bates, Sawyer, Willey, Elwell agreed it should be removed.
- Items missed or footnotes. List the date of the latest amendment.
- Appendix A. It will be Board and Committee Charges (there are some items that did not get updated)
- Appendix B. It will be Revoked Policies.
- Municipal Employees Handbook. Leave it as a separate document. Polky, Sawyer and Chair Bates agreed it should be a separate document.
- Formats. Standardize formatting.

- Update on Aqua Ventus Project: Chair Bates and Selectperson Hall met with Andrea Cox, Chair of the Planning Board and Chair of the Wind Power Advisory Committee in Bristol on April 25. Cox recommended they speak with Jennifer Villeneuve, Attorney in Damariscotta who represented Bristol. Selectperson Hall said he and Bates learned that Bristol went through a process similar to the rather accelerated process St. George is feeling. The purpose of the meeting was for fact gathering of the project. Selectperson Hall said Bristol looked into the legal ramifications and found out, that on the local level, the public cannot legislate against it.

Selectperson Hall said when the state was involved in the original licensing of the site off Monhegan, there was a site selection process done. The state of Maine leased the site to the Aqua Ventus and the State passed a law that said municipalities could not pass ordinances which prohibited cables coming ashore and the associated equipment from being placed, etc. He said there are no means for a town to block a cable coming ashore. He said the lease and easements from Central Maine Power are all in place; the town does not have any say over what CMP does. If Aqua Ventus wants to come ashore down in Port Clyde or someplace, it can strike a deal with a private landowner. The town cannot stop it. Selectperson Hall said, "That being the case, it changes the nature of the discussion from how do you stop, if you want to stop it, to if it comes ashore on the town's property, can there be a community benefit derived? Apart from the lease payments, can the town ask Aqua Ventus to make some sort of contribution to the town? That might be the focus. There are a lot of people who are not happy about this, but it appears there is little the town can do. In fact, it is quite clear, some of the things you think the town can do, they can't."

Selectperson Hall and Chair Bates were told the vote taken by Bristol was illegal and went against state law. The attorney representing Bristol advised them not to let the warrant go to a vote, but the town went against the attorney's wishes.

Selectperson Hall and Chair Bates agreed that:

1. The Select Board should talk with people about the situation which the town is facing, so they realize it is a little different than the way some people think it is.
2. The Select Board should have a discussion with Aqua Ventus about community benefits. Since this is rather a specialized area, they felt the town needed to get some legal representation.

Chair Bates and Selectperson Hall also talked with Attorney Jennifer Villeneuve. Selectperson Hall said the town cannot use our regular attorney because he is representing Aqua Ventus. Attorney Villeneuve is totally up to speed on what occurred in Bristol and the laws surrounding the case. Villeneuve said, "You need to talk about a community benefit and then the community can decide whether the benefit is worth it to come across the property. Recognizing if the town says no, and they do not come across the town property, they can go someplace else and make a deal with a private land owner to come ashore."

Chair Bates said in talking with people, we should make it clear they understand how the state law is written and the issue of where it comes ashore. The question they need to ask is, "Do the benefits go to a private landowner or do the benefits go to the Town of St. George?" Chair Bates said he did not want to begrudge a private landowner, but if at the same time the town can get the benefits, he thought that would be better. Selectperson Sawyer said, "If it is coming in anyway, we might as well take advantage of it."

This is a summary of Selectperson Hall's suggestions to the Select Board:

1. We should get legal help. There are attorneys with a lot of expertise in the wind farm area who know what benefits a town could ask for. It is worth paying for that expertise. Chair Bates and Hall asked the Select Board for approval to spend up to \$5,000 in the next 30-60 days to gather more information on this to better understand what the options are.
2. To review early on and see if there are any benefits to the town. If so, the Board would explore further. If we are going to sign a 20-year contract with Aqua Ventus to come ashore at 10 Cold Storage Road, the town would need to vote on it.
3. Talk with people in the town about the newly gathered information; have informational sessions to explain the situation and see what people think. Selectperson Hall thought if people understood the choices, it might help them when it came up for a vote.
4. Talk again with Suzanne MacDonald from the Island Institute. She has done negotiations for other areas. Chair Bates said MacDonald would send copies of the agreements to him, but he had not received all of them.
5. Review the Engagement Agreement. Chair Bates said Attorney Villeneuve agreed to be our counsel and sent an Engagement Agreement. On a motion by Selectperson Elwell, seconded by Selectperson Willey, a motion was made to approve the Engagement Agreement, dated May 1, 2017 with Attorney Jennifer G. Villeneuve from the law office of Gallagher, Villeneuve and DeGeer. The vote was 5-0. The Select Board signed the agreement.

Chair Bates said Selectperson Hall summarized some of the key points and issues:

- The choice is whether it is the town who will benefit or a private landowner. We are going to move slowly, but it is good to hear Attorney Villeneuve thinks it can be done, incrementally.
- The Select Board, Polky and Curtis discussed potential costs to the town and the town's finances, should this case go forward. Chair Bates said we do need to move on this; it

cannot wait until July 1. Hall agreed. They will drive to the attorney's office in Damariscotta and try to limit their contact time. Selectperson Sawyer asked if we would eventually need her at one of our meetings. Polky said yes.

- Chair Bates said we do have to persuade the public this is real and get them to realize what we can do and recognize things we can change, and things that we cannot.

Issues to discuss:

- What is the value of leasing space at 10 Cold Storage Road, if that is what we do?
- What is the value of leasing space at the Port Clyde Fire House? Chair Bates is waiting to hear back from Maine Valuation Company, the company who did the appraisal on 10 Cold Storage Road.
- Get the message out. Polky, Schmanska, Hall, and Chair Bates met on Wednesday and realized they needed to get other conduits of information out to the town.
- Create an informational flyer with a description of the project and have it available at the town office. Nathan Johnson will provide help on this. Chair Bates hopes this will clarify what is going on and perhaps straighten out a few misunderstandings.
- Have a page on the town website that links to the various documents that are relevant. For example, some are on the DOE website, on Aqua Ventus, or on the Maine.gov legislative laws.

Selectperson Hall and Polky met with Jake Ward and Nathan Johnson on Wednesday morning and had a good discussion. They told Ward and Johnson there are a number of people in town who do not like the project. Selectperson Hall told Ward and Johnson if there is significant community benefit, he felt that is something the town should at least take a look at, and then ask themselves whether or not it is worth it. Hall explained we are in the process of trying to understand what we could consider as a significant community benefit. Selectperson Hall said the comment was, "If the town is never going to agree to let us come across that property, the sooner we know that, the better." Selectperson Hall interpreted that to mean, "don't string me along for three months, and then tell me no, you are not going to do it, because I want to be making alternative plans if you are not going to do this." Chair Bates said we need to work on this, get the facts out there, explain to people this is going to happen and let's try and get the benefit.

Selectperson Willey asked if they mentioned how this is going to affect the fishermen, their fishing areas, the cable coming into Port Clyde and areas that are going to be closed off? What happens if they get into those areas and the fines? "I mean this is a fishing village." Selectperson Elwell said the fishermen are not supposed to fish where that line is. He said, technically, they are breaking the law. Selectperson Willey said she is worried about what is going to happen to the fishermen, when this happens.

Selectperson Hall said the cable is to be buried 3-6 feet. He thought it would be identified as a cable route, but was not sure. Hall thought there was a power cable that went out from Port Clyde, now. Polky said a cable goes out from Horse Point to Teel's Island to Davis to Allen Island and was put in 10 years ago. Polky said there is not a lot of fishing in that area.

Selectperson Willey said she just wants to know how it is going to impact fishing, and if it is going to be a great impact. "If the town decides to support this anyway, how is that going to work the fishermen?" She said there are a number of people in town who do not like the project. "How is it going to look to the fishermen that the Select Board supported this, anyways, and now

it is hurting our fishermen?" Selectperson Elwell said they are not supposed to be in that designated area.

Selectperson Hall said if it is going to come ashore somewhere down there, on private or public land, then it moves from "can it happen to, can we get at least some benefit for the town when it does happen." Selectperson Willey said, "I know, but a private owner has to deal with the fishermen whereas, if the town does something; we are the town that these fishermen live in and here we have gone and done something that is impacting their livelihood." Selectperson Hall said, "But ultimately the town voters will decide." Selectperson Willey said, "And, what happens if the town votes to not approve this? Aqua Ventus will still come in, regardless, it will affect everything."

Chair Bates said he would like to think if the town is involved, we would do our best to look after the interests of the harbor and to see during the time the cable is being laid, the fishermen get compensated for not being able to work during those days. If the town ends up being the recipient of this cable, I would like to think we would have a little more influence to make sure we get the best deal we can for the fishermen. Selectperson Elwell thought the only thing the Board could do was "deal with the land part of it". Polky said the town only has say if it lands at 10 Cold Storage.

Selectperson Elwell said the first thing was to get the new information out to the public. Chair Bates said when talking with the public, explain to them what the Maine State law says – they (Aqua Ventus) can come ashore here. The question the public will have to answer is - will it be a public benefit or a private benefit?

- Ad Hoc Solar Committee: Chair Bates said they had a meeting on April 24. Selectperson Hall said he contacted Sun Dog Solar and requested a quote. He set up a meeting with Danny Piper on May 11 at the town office. A proposal had been done, but needed to be updated because there are cheaper, more efficient panels on the market today. He and Piper talked about the issue of potential demand charges, etc. Chair Bates said that would be the third bid. Selectperson Hall said Sun Dog does a five-year PPA, not a six-year. Chair Bates asked if he would do a six-year comparable PPA, so the Board could compare it to the other bids. Chair Bates said ideally, he would like to have three bids with the same size panels, then the Board could compare them. Selectpersons Sawyer and Willey agreed. Chair Bates asked if Piper would do that. Selectperson Hall said their model is a little different but he would do anything we wanted. Chair Bates said we have gotten three bids, see what Piper comes up with, and then take it from there.

Chair Bates spoke with Scott Vaitones about the town pairing with the school. The school and town office are on the same medium general service rate, so it would not help the town. Chair Bates said the issue of the power spikes in the town office need to get resolved. Polky spoke with the engineer at Otis who was familiar with elevator and thought he would need to put a soft start on it. Otis will write up a proposal for the town. Chair Bates said the Solar panel project continues to move ahead.

NEW BUSINESS:

- Preparation for Town Meeting: The Select Board and the Town Manager reviewed the process and procedures for Town Meeting. Chair Bates said the Board should be prepared to answer questions that may come up on the warrant. Chair Bates felt there may be a few items up for discussion such as the public works, aggregation of contracts, and formulizing maintenance.

Selectperson Sawyer asked if they should prepare to take questions about Aqua Ventus. Polky said that 10 Cold Storage is not on the warrant, but there could be some questions about it. Polky said we will plan to have a meeting about Aqua Ventus sometime after town meeting.

Selectperson Elwell thanked Selectperson Hall and Chair Bates for going to Bristol and gathering the information on Aqua Ventus.

At 8:42 p.m., on a motion by Selectperson Willey, seconded by Selectperson Sawyer, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary