

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office

MEETING MINUTES

December 14, 2020 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. via Zoom. Members present: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Terri-Lynn Baines, Tara Elwell, Loreen Meyer, John Falla, and Matthew Bowen, Esq.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda: The following adjustments were made.

- A Presentation of the Tilson Infrastructure Proposal by Attorney Matthew Bowen was taken up under Regular Session.
- A Discussion of the Next Select Board Meeting Date was added under New Business.
- Town Office Closure Request for December 24, 2020 was added and taken up under New Business, Discussion Items.

- Tilson Infrastructure Proposal:

Tilson Infrastructure is interested in leasing space at the Port Clyde Fire Station to install a cell tower. Chair Bates introduced Tilson's staff attorney, Matthew Bowen, and said Bowen had written to the town on November 9, 2020, regarding their proposal.

Attorney Bowen presented the proposed plan. Tilson is interested in leasing a section of the property behind the Port Clyde Fire Station building. He said Tilson is interested in leasing either a 50 foot by 50 foot or 100 foot by 100-foot compound to build a 150-foot tall, stand-alone cell tower wireless facility structure. Attorney Bowen noted that the most common designs for a cell tower of 150 feet and below are the lattice tower and the monopole tower.

Attorney Bowen explained the difference between the lattice tower and monopole. The lattice tower has steel beams that crisscross and are see-through. The monopole is a larger solid pole, goes straight up into the air, has a ladder attached to it, and this design cannot be built above 180 feet. Bowen added that since Tilson is proposing a 150-foot tower, the monopole is a viable option.

Tilson Infrastructure and Attorney Bowen contacted the town of St. George to see if the town is interested in being what they would categorize as a landowner. Attorney Bowen stated Tilson does not have any wireless carriers contracted to join them in this venture at this time, but they do keep the line of communication going about the status of the development, something they do at all their sites across the country. Bowen stated there could be multiple co-tenants on the structure once they have a landowner under lease.

Selectperson Elwell asked Attorney Bowen to explain the benefit of having this tower in the town of St. George. Bowen stated the town would receive a financial benefit as Tilson would

pay compensation to the town by leasing a portion of the property. Other benefits to the community would include better broadband cell coverage and the potential for wireless broadband coverage. Tilson works with all the major companies i.e., Verizon, AT&T, etc., and Bowen stated there is the possibility one of these companies might come in and offer a wireless broadband internet option to the community members, but he does not want to overpromise anything.

Attorney Bowen, "Tilson is traditionally a wireless and telecom services company but also provides infrastructure owning capabilities for our wireless carrier clients, but we do not provide the wireless service, itself."

Selectperson Willey, "Do you have a certain number of wireless carrier clients that have to sign on before you do any construction?"

Attorney Bowen, "Typically one. Jurisdictions typically do not allow us to construct without a carrier client. They won't even allow us to go for a Conditional Use Permit or a Planning Board permit without at least one client." "If your concern is all the stars have to line up and we have to get three carriers on board to make this happen, that is not the case. Tilson only needs one to move forward."

Selectperson Sawyer, "When do you anticipate building and how long would it take?"

Attorney Bowen did not have a predictable answer. He stated the two biggest delays in getting to the construction phase were the Conditional Use Permit or the Planning Board permit. The first major lag once they had a landlord under lease was how long was it going to take them to design the tower, get it before the Planning Board, and get the approval.

The second lag could be getting environmental permits. As part of Tilson's due diligence to comply with the National Environment Protection Act (NEPA) and the National Historic Preservation Act (NHPA), there may be some other issues arise that might prevent them from building during a certain time frame.

Selectperson Hall, "There is a potential benefit; there is potential opposition for aesthetics. I do not have a good feel for where the people in that area are on those two issues. I'd like to get a better understanding of what a broadband wireless approach might be able to provide where the tower is proposed to be. How do we do that?"

Attorney Bowen stated most of the proposals he works on are approaching an individual landowner, maybe a couple, maybe a farm but it is not usually a municipal entity. He recognizes the Select Board's position in wanting to understand the community's thoughts on the aesthetics and the impact it could have.

Attorney Bowen, "It is really hard to answer in the abstract as to what that impact at this time would look like because we do not have a tower designed because we do not have a landowner under lease." "If you were able to go under lease, Tilson would be working with the town as the landowner to design the aesthetics. We would still have to go to the community in a Planning Board setting where we might hear some feedback and make some aesthetic adjustments at that time."

Selectperson Hall, "If the town decided it was not interested, you certainly have the ability to go to another landowner in that general area and negotiate a lease. Correct?" Attorney Bowen stated that was correct.

Selectperson Hall, "If we wanted to get more information regarding broadband potential, what companies should we speak to about that." Bowen stated he'd hesitate to give Hall an answer because Tilson works with all the major carriers but would see if the business team could provide information to their carrier clients so they could all reach out to the town. Bowen noted that US Cellular is doing broadband as an internet service but he does not believe Verizon and AT&T are.

Chair Bates stated that one way to see how the town feels about the cell tower is to put it on the May ballot at next year's town meeting. He suggested that perhaps it should be the Select Board's responsibility to decide or take it to the public in May rather than putting that responsibility on the Planning Board.

Selectperson Elwell, "Can the Select Board have a Public Hearing before May to get a feel for what people are thinking?" Chair Bates thought they could hold a public hearing by late January or one in February and still have it as a ballot question.

Attorney Bowen, "I think if you wanted to pursue that avenue what I would want to do if you as the Select Board would feel comfortable with this, is to go ahead and negotiate a lease and to give the Select Board an ability to terminate the lease if the public does not ratify it in May. That would at least give us the ability to have the core business terms identified and to start working on potentially the design aspects. To wait until May (2021) to even ratify a lease, that is a delay I am not sure we would want to pursue. I point that out as an idea. I would need to confirm with the business team that they would accept my idea, but I think that might be more palatable than just waiting to see how the lease plays out in May."

Selectperson Elwell, "I think we should go ahead and negotiate the lease. I think people will accept this because of what it is."

Falla, "I like the idea of negotiating it and then taking it to town meeting. I am not sure, but doesn't the Board have to have permission from the town to negotiate a lease in the first place? I think what Bowen's suggestion was, you can negotiate everything, have it all out there, and there is always this out that if it is not approved by the voters at the town meeting that voids the negotiated lease." Chair Bates, "You said we can enter into negotiations but 'the out' is what allows us to back out of it if the town does not approve." Falla said correct.

Attorney Bowen, "I think the way that would be worded is you would have an execution date and a commencement date so we would execute the lease, but it would not commence until the town voters would ratify that at town meeting."

Selectperson Elwell, "I think this shows the people what it is going to be versus just saying you are going to put up a tower."

Selectperson Sawyer, “I am 100% and will go on record, in favor of this project. The townspeople will agree with me this time. I think we should move forward as quickly as we can.”

Selectperson Willey, “I think we need to get a lot of input from the people. After going to the Fort Point meeting on Saturday, I think we need to get a lot of input from the people in Port Clyde about this and what they think about having the tower there. I think some people feel like we are not being open and transparent about things going on in town. I think we need to be very open and transparent about this, too and if you put a few feelers out there and tell a few people about this, you are going to get a lot of feedback. That is just the way it works around here. You put it out there, people are going to give you their opinion.”

Selectperson Hall, “I don’t have a good sense. There is an obvious benefit to putting it in. I believe we will have better cell phone reception in parts of the town where it is terrible right now. You would think that would outweigh the other objections,” but Hall did not want to assume too much. “Then if there is a Planning Board Public Hearing, they may have a different level of confidence about what the town feels; but right now, I don’t want to try to guess what Port Clyde thinks.”

Chair Bates, “To go before the Planning Board would require some design, whether it is a monopole or a lattice tower and we can’t get a design, so we have to make some progress towards a negotiated lease. The lease would be the execution date.”

Attorney Bowen, “Obviously, as representatives of your community, you probably have a better idea and interest of what they would want to see. I think what we would want to see is the negotiated lease. We want to have some assurance, so we know what our rent is going to be before we put up the expense of designing the tower, designing the compound, and doing any sort of environmental reviews. We do not want to get into a situation where your town voters approve of the idea and then we can’t come to terms on the rent.

“What I would like to see, and would have to confirm with the business team, that they would adopt this model. What I would like to see is the beginning of negotiating that lease particularly the rent and the other core business terms with the intent of having those public hearings with the intent of having the townspeople adopt the negotiated lease in May. But in order to justify the cost of designing something we need to have some assurances of what our rent is going to be as well as other core business terms.” Selectpersons Hall and Willey said that sounded reasonable.

Chair Bates stated the Tilson proposal is for a 150-foot cell tower, maybe a monopole, maybe a lattice design. People can look at the tower on Wallston Road which is 180 feet tall. The Select Board can schedule a public hearing in January and the Board can have the town attorney look at the lease agreement and start discussions with Tilson about the rate.

Polky, “I think you are on the right track. I think the big thing is if you have a public hearing, people are going to want to know what it is going to be. What are you going to have for a tower?”

Attorney Bowen, “Therein lies the crux. Come January, we will not have a definitive design. I can provide comparable examples and provide some sort of demonstrative aids in the design but

would not be able to have anything designed for this site by January.” Bowen stated that a balloon test was a possibility, but costly. He said he wanted to give the town community members as much information as possible, but it would be hard to get into specifics when the project was still conceptual.

Selectperson Hall asked how the two towers differed. How objectionable would people regard one versus the other?

Bowen said the difference between the monopole and lattice is subjective. Some people prefer monopoles, and some people prefer lattice. He finds the lattice tower more aesthetically appealing. Certain aesthetics can be done such as adding vegetation around the tower base but in the Port Clyde location, it may not be necessary as it is a wooded area. As for the compound, there will be a fenced area for safety issues. There are chained linked fences, wood fences, or vegetation growing on the chain-link fences. It depends on the town ordinances.

Selectperson Elwell suggested that Tilson bring sample plans to the public hearing as well as visuals of past projects in rural areas and give a simple presentation. Attorney Bowen said he could provide samples but not anything designed or engineered for the specifics.

Selectperson Willey wondered how the tower will compare and be any different than the one on Wallston Road because she hardly notices it when she drives back and forth. “You drive by it and don’t even notice it.” Selectperson Elwell thought people noticed it at first, but people just got used to seeing it and they don’t pay attention to it, anymore.

Selectperson Willey noted there are a lot of dead spots in Port Clyde when trying to use a cell phone. Selectperson Elwell thought a public hearing might be better supported by people in Port Clyde because they want their cell phones to work. Attorney Bowen said he will contact Town Manager Polky to discuss what he needs for the public hearing presentation.

A motion was made by Selectperson Sawyer, seconded by Hall, to begin the process of negotiating a lease agreement with Tilson Infrastructure to build a stand-alone cell tower, wireless facility structure in Port Clyde, and for the Select Board to hold a public hearing on January 25, 2021. The vote was 5-0. The motion carried.

- Minutes: The minutes of November 30, 2020, were corrected as follows:

Page 4, paragraph 3, lines 3 & 4, change to read: ... Polky did has filled in several of the pieces...

Page 4, paragraph 7, line 1, correct word to holds

Page 6, paragraph 7, line 4, change to read: ... it was marked

A motion was made by Selectperson Hall, seconded by Elwell, to approve the November 30, 2020, Select Board minutes, as corrected. The vote was 5-0. Motion carried.

- Communications:

- A thank you letter addressed to the Select Board and Andre and Trussell Fund from Pauline Dennison for the Thanksgiving card and money.

- A notice from the Maine Department of Marine Resources addressed to the Select Board and the Harbormaster stating there are 22 listed purpose aquaculture licenses that have been renewed for the year 2021. This notice has been posted at the Town Office.

- Warrant: The warrant for the week of December 14, 2020, was reviewed. The total expenses were \$568,781.31 and included a December school payment of \$449,279.57, a payment of \$2,925.00 to Simpson Electric for installation of lights in the town office, a payment of \$2,281.97 to GC Minery Plumbing & Heating for installation of the new well pump, a payment of \$32,570 to J.K. Kalloch – most of the payment was for the winter contract and other regular expenses.

Chair Bates asked about the four membership/dues to the Maine Town & City Clerk's Association paid separately at \$30 each. Chair Bates, "Does that give everyone access to the educational materials and training, etc.?" Baines stated yes.

Select Board members will sign the warrant by scanning to email, faxing it in, or going to the town office to sign it.

TOWN MANAGER'S REPORT:

Town Manager Polky reported he had been working on Fort Point issues and had been dealing with a lot of issues surrounding 10 Cold Storage Road. Polky added that Steve Jarrett, maintenance employee, was taken off limited work duty and back to work full time.

COMMITTEE REPORTS:

- Fort Point Trail and Site Project Ad hoc Committee: Selectperson Hall reported on the status of the Fort Point Trail Project. There was a large turnout by the abutters for the on-site meeting and they were quite vocal about the project. There was a lot of talk about what was going on with the property they were unhappy about and anything that had the potential to expand these undesirable things was not wanted by them.

Selectperson Hall stated that the group in attendance gave constructive feedback with a civil discussion. The ad hoc committee had a number of items to take in and think about and a meeting was scheduled for Thursday, December 17th to do that. He said there were a lot of legitimate issues raised, some of which had to do with the trail, some did not. The general conclusion was it would be a mistake to charge ahead with the project as the ad hoc committee needed to walk through what was said and come up with a specific recommendation to the Select Board on what should be done about the issues that were raised and what the town should do in terms of maintenance on the trail.

Chair Bates said some of the neighbors had complaints about certain illegal activities taking place at Fort Point, at least in the summer, and thought the Sheriff knew about this. Selectperson Willey stated these activities occurred in the winter, too. Selectperson Elwell stated the other town trail was just as bad. Chair Bates stated this was something the Select Board needed to address whatever the ad hoc committee came up with. He asked Board members if they should ask Town Manager Polky to talk to the Sheriff's Department to make sure the Sheriff knows what the Select Board knows. Chair Bates asked Polky for his thoughts.

Polky stated he did not have a problem talking with the Sheriff's Department to let them know the Town was concerned and maybe they would step up patrols.

Chair Bates stated that was something the Select Board could do for the neighbors right away now that they had heard about this issue and asked Selectperson Elwell about the other town trail. Selectperson Elwell stated there were issues on the Kinney Woods Road trail and Selectperson Hall indicated that he had seen less than desirable objects on the edge of that parking lot. Chair Bates thought the Board could get back to the neighbors and let them know they had done something but if they (neighbors) continued to see this happening, they should call the Sheriff's Department.

Selectperson Hall stated the ad hoc committee would come back with a summary of comments received, some recommendations, and some questions. He stated there was a lot of information presented and the committee would like to share it in an organized, thoughtful manner.

- Shellfish Committee: Selectperson Sawyer reported the committee met but he did not attend. Terri-Lynn Baines reported the meeting was canceled for lack of a quorum and would meet on Thursday, December 17, 2020.

- Planning Board: Chair Bates reported the Planning Board met on December 8 at 7:00 p.m. via Zoom.

- The application to build a new concrete slab under the existing building and expand the slab and building at 159 Cline Road was accepted as complete; satisfying the demands of Shoreland Zoning Ordinance, Section 12.C.2, the application was approved, with conditions on the new slab location.
- The application to create a repair business for commercial vehicles and trailers at 26 Sawmill Road was accepted as complete. The Board determined that the project satisfied all the Performance Standards in the Site Plan Review, and thus it was approved.
- The application to install a 17'x 28' greenhouse at 71 Main Street (Jackson Memorial Library) was accepted as complete; satisfying all the Performance Standards in the Site Plan Review, it was approved.
- The application to create a marine aquaculture farm at 127 River Road was reviewed and an onsite visit was scheduled for 9:00 a.m. on January 2, 2021.

- Harbor Committee: Selectperson Elwell asked Town Manager Polky how the 10 CSR project was going. Polky reported that the Harbor Committee had solicited letters of support, and quite a few people agreed to write letters, though not a lot of letters had come in yet. Polky stated the Harbor Committee was doing a good job. They had been in contact with Chris Rector at Senator Angus King's office and talked with Alan Brigham. He stated the committee has a conference call scheduled for December 17th with Brigham and they hope to have representatives from Senator King and Senator Collins's office on that call.

OLD BUSINESS: Tilson Infrastructure Proposal was taken up under Regular Session.

NEW BUSINESS:

- Discussion of Town Office Closure for December 24, 2020: The Select Board discussed Office Manager Tara Elwell's proposal request to let office staff use a personal day of leave time on Thursday, December 24, 2020. She explained that usually on December 24, the office staff is granted a half-day off, but the town grants a full day of pay. The proposal is for the office staff to use a personal day and the office be closed on December 24.

Selectperson Elwell stated the school did something similar and asked why the staff could not use half a personal day. Tara Elwell stated they possibly could, but the town had been very generous with the staff's time and allowed them to work split shifts. Selectperson Elwell felt with everything going on in the community, and staff feeling stressed, he supported it.

Selectperson Sawyer felt the office staff should have the day off with pay. Selectperson Elwell stated if they allow it for the town office, do they do it for the Transfer Station? Tara Elwell noted the Transfer Station was closed to the public on Thursdays, so it would be up to the Town Manager about their work schedule.

Selectperson Willey said, "Do whatever they feel is appropriate." She said she could completely understand if they needed the day before Christmas off.

Selectperson Hall said he was in the "whatever" camp.

Chair Bates stated that it seemed very reasonable that the town staff proposed using a whole personal day for the 24th, but it had been a pretty tough year, especially the last few months with all the issues of planning and getting ready for the election and the compilation of all the other issues. A consensus of the Select Board was to allow the office staff to use 4 hours of personal leave time, and the office would be closed on December 24, 2020.

- Discussion of Next Select Board Meeting: Chair Bates explained that the Select Board Policy Manual stated the Board should hold two meetings a month. He said the Board met three times in November, on December 14, and would meet on January 4, 2021. Because they met on November 30, he felt they could cancel the December 28th meeting. The Board agreed and will meet again on Monday, January 4, 2021. They agreed if an issue arose before January 4th, they would reconvene for a Select Board meeting.

At 8:21 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