

## **ST. GEORGE SELECT BOARD & ASSESSORS**

### **St. George Town Office MEETING MINUTES**

January 25, 2021 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. via Zoom. Members present were: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Terri-Lynn Baines, Scott Vaitones, David Percival, Susan Ellis, Sandra Roak, Loreen Meyer, Peg Balano, W. Smith, John Falla, and Attorney Matthew Bowen.

#### **PUBLIC HEARING:**

Tilson Infrastructure Proposal for a wireless facility at 731 Port Clyde Road, Map 205, Lot 002 Chair Bates opened the Public Hearing at 7:01 p.m. Chair Bates stated Tilson Infrastructure made a proposal to the town, and the Select Board thought it would be useful for the public to hear the proposal. Matthew Bowen, attorney for Tilson Infrastructure was introduced.

Attorney Bowen: Tilson Infrastructure is based out of Portland, Maine, and is interested in building a cell tower in the Port Clyde area in the town of St. George. We approached the town to build on the fire department property, and at the last Select Board meeting, there were two homework questions asked of me.

First, conceptually what would the design be, and the second question was how this would compare to some of the surrounding cell towers in the area. The design is something that we typically work with our landowners on, but I wanted to come to this meeting with a couple of different design profiles that could be potentially used.

The second question is how does this compare to some of the neighboring cell towers? I will go through that. One of the things I want to talk about is the difference between a monopole and a lattice tower, and as far as Tilson is concerned, we don't care which we would build. There are pros and cons to both.

(Attorney Bowen provided photographs of the types of towers on different properties, and from different angles.) I tried to find monopoles and lattice towers of similar height and similar environmental surroundings as to the one that we would be proposing in the Port Clyde area. The one located in Brunswick is a 120' monopole. You can see a monopole is a single, steel pole. It is built in pieces and then assembled. It looks like a solid pole, very similar to what you would see with a utility pole, only metal and a little bit larger in scale.

The next picture is a lattice tower. A lattice tower has diagonal beams and bars that go up and you can see the open-air through it. Aesthetically some people like the monopole better because it is more solid. Some people feel like the lattice tower looks too industrial and they prefer the monopole. Some people think the monopole looks too industrial and like the fact that you can see the open-air through it. It is a personal preference matter.

The second question was how does this compare to some of the other towers in the area. On this map is the proposed Port Clyde tower and it is 2.7 miles to the one in Tenants Harbor which is 5.9 miles to the tower in Spruce Head.

This was the original proposed location that I presented to the Select Board last month. This was the spot that they saw in the letter when I reached out to them. We were originally proposing a 150-foot tower. That has been reduced to 140 feet because the Port Clyde Water District has an easement in that back area behind the fire department. So, the originally proposed location presented last time does not look like it would work because of the easement.

I have adjusted the proposed location to this area (shown in his photograph). That would be 160 feet to the western property line and 150 feet to this southern property line. That would reduce the tower height from our original proposal of 150 feet to 140 feet. The reason for the height reduction is because of the town's zoning ordinance which requires a 110% setback of the height from all rights of way, overhead utility lines, and all property lines.

We originally proposed to lease a 50 foot by 50-foot section from the town on the fire department property and would have placed the tower in the northeast corner of the 50' x 50' section. It would not be setback 140 feet from the buildings, although the zoning ordinance does not require the setback from the primary use property buildings, so this would be within compliance. But we are recognizing that it would be within 45 feet of the buildings and we would want to make sure we had solid, structural analysis that would appease the town to make them comfortable that this tower is not going to fall over on the building. Of course, we would have insurance and indemnification clauses provided in the lease that in a very rare and unfortunate situation, something did happen, the town property would be protected from any issue that might very unlikely happen.

I did want to be upfront about the distances. This compound and the location would be completely outside of the Port Clyde Water District easements. They have an access easement that comes in right here (shown on the map) and then they have the water easement in the back behind the fire department. One of the things I really liked about the original location was it had a lot of vegetated cover already in place. We could have just removed a few trees for the road and for the most part the trees would have acted as a visual shield. By relocating it here (shown on the map), it is going to be a little bit more directly in line visually from the road than our original location.

I was asked last time how this compares to the other towers in the area. If you look at the one in Spruce Head, it is a 160-foot lattice tower, so it would be 20 feet taller than what we are proposing. I tried to give you points (photos) that would give a horizontal view. This is a zoomed-in look at the lattice tower. You don't see the tower from the road or the north side or even with the horizon view.

The second tower (photograph) is the one in Tenants Harbor. I did three viewpoints. The tower is 190 feet so this would be about 50 feet taller than what we would propose in Port Clyde. On the first horizontal and second horizontal view, you are not able to see the tower and on the third horizontal view, it is hard to tell the tower in the photo.

I do want to note that on a 140-foot tower, there will be no lighting. The FAA requires lighting on anything above 200 feet, so no blinking red lights or white lights.

Selectperson Hall: How does the distance of the views shown compare to the distance from the road that this tower will be?

Attorney Bowen: The original location proposed would have been a little more comparable in terms of distance to the road and the tower. With the Port Clyde Water District easement, it does appear this tower would be closer to the road by approximately 257 feet. The Port Clyde Water District easement precluded a lot of that parcel. With that, we can still engage in some sort of design. There would be a fence to protect people from climbing it. We can replant some trees to help further obstruct the view from the main public right-of-way with the understanding that those trees would not be as mature as the neighboring trees.

Attorney Bowen: What I took away from the last meeting, correct me if it is not accurate, was that I can engage in the lease negotiations with the Select Board, but the town would have to vote at their town meeting whether to adopt that lease. Is that accurate and still the plan?

Chair Bates: That is the minimal requirement. The town would vote on this at our meeting in the middle of May.

There were no further questions or comments from the public. Chair Bates closed the public hearing at 7:23 p.m.

PUBLIC COMMENTS: None.

#### REGULAR SESSION:

##### - Adjustments to Agenda:

The following items were added to the agenda:

- A Quitclaim Deed
- Discuss the Tilson Infrastructure Proposal
- Comments on LD 32 Bill – Remote Meetings

The following adjustments were taken up under Regular Session:

- Tilson Infrastructure Proposal
- Town Manager's FY'22 Budget Presentation
- Transfer Station Fee Changes

- Tilson Infrastructure Proposal: Town Manager Polky said he talked with Attorney Mary Costigan at Bernstein, Shur about the proposal. She had some issues with the lease that needed to be discussed about how it was written as far as what they could do and what they could not do. He thought the issues could be worked out but Costigan said the lease to the Port Clyde Water District was a big issue, and she did not want to get into the other issues until that one was settled.

Selectperson Hall asked if the Water District had wells on the town property. Polky stated yes and he explained the location of the waterline. The water line or where the water line goes in is closer to the fire station. It goes right up the center. Hall asked about the location of Easements A and B. Polky said one lot would be off to the left if you are looking from Rt. 131 looking at the fire station, and the other lot would be off to the rear.

Attorney Bowen showed the plot plan from his presentation. He stated that he needed to review the easement more thoroughly but as he understood it, Easement A was for the distribution with the underground waterline. It also had some language that restricted the water district from digging up too much of the land, basically only digging up what they needed, and it was an ingress and egress easement. Easement B covered the back area where the wells would be and there was some language about the distance to the wells. Bowen stated the new proposal was completely outside of the easement area.

Chair Bates noted the town attorney had other concerns, but the Select Board was not yet aware of those. He told Attorney Bowen the Board could not come to any conclusion about the proposal at this stage but thought they would have an answer about Attorney Costigan's issues by the February 8<sup>th</sup> meeting. Attorney Bowen said he did not anticipate an answer at this meeting. He did hope they could continue their conversation and be able to find some language that sounded reasonable to all parties involved.

Selectperson Hall did not know if Attorney Costigan had raised this issue, but he noticed in reading the easement, the town purchased the land from the abutter, and it said the town would maintain a wall of trees between the fire station and his residence so he couldn't see the fire station. Polky stated yes. Hall asked what would the abutter think about a tower.

Bowen: "Our full title report is still being generated on the property. It takes a lot of time and resources to do the full abstracting involved with any parcel. It is being accomplished right now and we would have uncovered that easement and probably the same restrictive covenant you are referring to now. There is a restrictive covenant to maintain the trees. Without reading the restrictive covenant, I would assume that is only for the maintaining of the trees.

"One could presume that a tower might be imposing in a manner that would be undesirable to that particular landowner but my assumption unless I am corrected by the four corners of that restrictive covenant, the tower would not be something that would be legally restricted in that deed. With that, we would also plant our own screen and any other mitigating factors that we could do to make it more palatable. I look forward to looking over the full title report when it is ready and available to see if there are other covenants over our restrictions."

Selectperson Hall thought people in Port Clyde might like better cell phone coverage, and he was not anti-cell tower, but if there was some agreement with an abutter, he just wanted to make sure.

Chair Bates thought it was one of the issues they had to pursue before they talked again with Attorney Bowen and the Tilson organization. Select Board members agreed it made sense to continue investigating the issues.

- Town Manager's FY'22 Budget Presentation: Mr. Polky gave an overview of the budget and noted the budget was pretty much the same. The major changes were listed below:

Roads/Property Management. The winter road contract would have to increase. They negotiated with J.K. Kalloch and had a one-year extension but would have to increase his contract for this budget.

Solid Waste. The Transfer Station employees are running into some issues as a lot of people are not sorting and a lot more waste is going into the demo. The town's transportation costs are up a little and the tipping costs are up a little, so he (Polky) added a little more money for that account. Polky said he added more for licensing because if the town is going to continue to do composting, the town will need a larger compost license.

Chair Bates thought it was a wise move and prudent to try and keep the town's mill rate the same. He thought with the economy still so uncertain, everyone would be relieved to know that was the intent here, but they would not know that until August when they computed the mill rate. Polky said they had a few things to wait on such as the school budget and they needed to know where the state was on revenue sharing.

Polky thought the town was in fairly decent shape as the valuation of property had gone down a little which would reduce the county tax.

Selectperson Hall asked about the Select Board getting a revenue budget. Polky said they were working on that and thought most everything would be pretty much the same, or revenue sharing may be up a little according to state predictions.

Selectperson Hall thought they did not review the revenue budget last year until after the fact and that it would be good to have a "cut at that" as well as part of the review process before getting to the end. Polky said they would get one out to the Board before the next meeting.

Ellis: "When the revenue budget comes out, could you also make a sheet of your assumptions straight through the whole budget, i.e., wages and benefits all have percentage increases. They don't all seem to match up. When there is no change, I don't need to see anything."

Selectperson Hall: "It is interesting because in some places there are a 3% increase in benefits and another place it is 10%. If it is linked to a specific personnel issue, then we may not want to get into that too much but there is a question why from some of these." Polky said they would try to answer as much as they could without getting into particular personnel issues.

Chair Bates said they would continue the budget review on February 8th. He suggested they review Social & Community Services, Planning, Harbors, Parks & Rec, and Unclassified at the next meeting and asked Polky if the department heads could meet on the designated dates. Chair Bates said he would send Polky and all others a list so they would know ahead of time what sections the Board would be addressing on February 8th and February 22nd.

Selectperson Hall: “Why aren’t the accounts in the same order in the budget that they are in the expense summaries we receive?”

Baines: “It is the way I inherited it and have not changed anything. The order has been that way in the budgets she’s seen. I don’t know why it was set up that way.” Baines said she would pass the request along that Selectperson Hall would like to have the reports match.

- Transfer Station Fee Changes:

The Select Board received a list of proposed disposal fee increases in the Solid Waste Department. Town Manager Polky explained anything that had chemicals like freon or switches and had to be serviced before being shipped to the scrapyard was an added cost to the town. Items such as white goods, refrigerators, and freezers had a recommended increase.

He said the transfer station was still recycling asphalt shingles, though there was still a lot of items coming from out of town, and if the fee was increased, it might stop some of that. He said there was a lot of sheetrock coming into the transfer station, and he did not think there was that much construction going on in town. Polky said sheetrock was not being recycled at this point. It was just going into municipal waste in the southern part of the state. It was a little cheaper going that route but at some point, it would cost the town money.

Brush and demo now were costing the town a little bit more because it was harder to sell. As far as scrap wood, Polky said no one seems to want it and it took a while to get rid of it. He thought if that fee increased a little it would cause one or two things: People would either stop bringing in the scrap wood, or they would put it in with the regular demo.

Chair Bates asked what the transfer station had to take? Polky stated they do not have to take the brush. There are other ways to get rid of it. Chair Bates said it was important that the Transfer Station does not lose money on items like that. Polky agreed.

Selectperson Elwell asked how rates compared to the surrounding towns? Polky said if you take a load of shingles into Rockland, it will cost \$100 a ton because they are using scales that St. George does not have. “So, we are guessing what they are bringing in by volume. Most every town around us is charging a lot more.” Elwell asked if the proposed rates were high enough as he had seen a lot of vehicles coming in from out of town even with garbage. Polky said he would like to bring the fees up a little to stop some of that but did not want to penalize the residents of St. George by bringing them up too high.

Selectperson Hall noted that \$10 to \$20 or \$25 was a pretty good increase. Polky agreed. Selectperson Elwell stated that if Polky was comfortable with it going up only that much, he agreed with it. Elwell, “With fewer people recycling, we have to do something. It will eventually cost us more with shipping costs and trucking costs if the town does not try to compensate for that.” Polky said he thought if they started at the new proposed rates it may make a difference but if it didn’t, the issue would need to be revisited.

Ellis wondered why the recycling had decreased significantly to the point that it was being noted.

Polky said one of the reasons was contractors were no longer recycling. Polky, “It is cheaper for them to put it in the regular demo. They are not sorting. Recycling still needs to be pushed for the regular solid waste but the big thing is in the construction debris.”

Selectperson Willey: I think I agree with what is proposed. Unless we get a lot of push back from residents, I think Tim should raise the rates.

Chair Bates asked if there was a hardship provision with these rates. Polky stated the town did not have a hardship provision but a person could appeal it to the Select Board.

A motion was made by Selectperson Elwell, seconded by Sawyer to approve the staff’s proposed increases to the Solid Waste Department Disposal Fees, and Town Manager Polky’s recommendations for a higher fee as annotated in the notes. A roll call was vote was taken. The vote was 5-0 in favor.

Roll Call Vote: Hall, yes; Elwell, yes; Sawyer, yes; Willey, yes; Bates, yes.

- Minutes: The minutes of January 11, 2021 were corrected as follows:

Page 2, under Roads/Property, Cemetery, lines 1 & 2, delete 2<sup>nd</sup> sentence and replace with:

**Mowing is covered in a different line item.**

Page 2, under Harbors, line 1 change to read: ...because **of the scheduled timing** of the debt payment **which has been** made.

Page 6, bullet point Chare the CC with investigating, line 4 delete word **and** correct to: **may be**

Page 6, last paragraph, line 1, change to read: Oelberger **said** from the first...

Page 8, under Training Facility, line 1, correct the word to: **concrete**

Page 8, under Committee Reports, CC, lines 7 & 8, delete the last sentence in its entirety.

A motion was made by Selectperson Elwell, seconded by Hall, to approve the January 11, 2021, minutes, as corrected. A roll call vote was taken. The vote was 5 in favor and 0 against.

Roll call vote: Hall-Yes; Elwell-Yes; Sawyer-Yes; Willey-Yes; Bates-Yes.

- Executive Session Minutes - January 20, 2021

A motion was made by Selectperson Sawyer, seconded by Willey, to approve the January 20, 2021, executive session minutes, as written. A roll call vote was taken. The vote was 4 in favor and 1 abstention (Elwell abstained.)

Roll call vote: Hall-Yes; Sawyer-Yes; Willey-Yes; Bates-Yes. Elwell abstained as he was not at the meeting.

- Communications: None.

- Warrant: The warrant for the week of January 25, 2021, was reviewed. The total expenses were \$538,674.03 and included an MSU payment of \$449,279.56, a payment of \$7,095 to Kelly & Associates, a payment of \$17,164 to Maine Municipal Association for insurance, \$1,284.90 to Whitten’s 2-Way Service for FD Personnel Equipment, and other regular expenses.

TOWN MANAGER’S REPORT: Town Manager Polky reported the following.

Town Manager's FY'2022 Budget. The Administration had been working on the budget.

Tax Acquired Properties. The office had been working to try and reduce the number of the tax acquired properties.

Covid-19 Precaution Changes at the Town Office. Polky reported all the employees were now back working at the town office because Finance Director Terri Baines would be leaving on February 5th. Polky said they had purchased air purifiers for all the offices and the large meeting room, and the staff would continue to wear masks, wash hands, and physical distance as much as possible.

10 Cold Storage Road. Polky said he emailed Noel Musson today. Musson has a family situation, but he told him (Polky) he would give him an update within the next few days. Polky also has not heard back from Alan Brigham. He said most of the Harbor Committee members were trying to obtain letters of support, and indicated they were only getting about one-half of what they were promised. The committee was still pushing to get people to write letters and preferably they would like letters directly from Senators King and Collins.

#### COMMITTEE REPORTS:

- Fort Point Trail Ad Hoc Committee: Selectperson Hall reported the committee met last week and discussed what their next steps would be. They have scheduled a follow-up abutter's meeting on January 30<sup>th</sup>. He said they would talk with the abutters about signage and other items but most of the specifics would be discussed following the survey. Polky thought the survey could take place within the next few weeks, weather permitting, and he said Gartley & Dorsky had been told to go ahead and do the survey.

- Planning Board: Chair Bates reported the Planning Board met on January 12, 2021, at 7 p.m.

- The application to repair support piers and beams at 13 Cold Storage Road was accepted as complete and the project approved.
- The application to amend the Adric Drive subdivision was reviewed; the application was tabled, and the applicant asked to return with some additional documents.
- The application to replace the existing structure with a new one and repair the pound containment area at 127 River Road was reviewed and clarifications were requested from the applicant.

- Shellfish Committee: Selectperson Sawyer reported the committee was having difficulty gathering a quorum. Baines noted no meetings had been scheduled for this committee and that people did not seem to be able to get together on the same day. Chair Bates asked if there was business waiting to be conducted. Are there decisions that need to be made or is it a quiet time of the year? Baines said no, it was not really okay. Chair Bates asked what some of the issues were. Selectperson Sawyer did not know because they had not been able to get together. Chair Bates asked if it was necessary to talk to all the other town managers and explain that the committee was important for the functioning of the agreement. Chair Bates stated every town



had to participate. Polky said one of the problems was that a lot of people were losing interest and St. George could not even fill their committee spots.

OLD BUSINESS: Tilson Proposal was taken up under Public Hearing.

NEW BUSINESS:

- Victualers License - Tammy S. Taylor, dba Smalleytown Bakery  
Baines explained this is a new business located at 21 Smalleytown Road.

A motion was made by Selectperson Elwell, seconded by Sawyer, to approve Tammy S. Taylor's application. A roll call vote was taken. The vote was 5-0 in favor.

Roll Call: Hall, yes; Elwell, yes; Sawyer, yes; Willey, yes; Bates, yes.

- Quitclaim Deed: Baines presented a Quitclaim deed to the Select Board for review. She stated this was tax acquired property located at 17 Long Cove Road, and the owners came in and paid off all the taxes owed.

A motion was made by Selectperson Elwell, seconded by Hall, to approve the Quitclaim deed. A roll call vote was taken. The vote was 5-0 in favor.

Roll call: Hall, yes; Elwell, yes; Sawyer, yes; Willey, yes; Bates, yes.

- MMA: Zooming into the Future: Chair Bates discussed the MMA article in the January 22, 2021 bulletin regarding LD 32, "An Act Regarding Remote Participation in Public Proceedings," and that MMA was asking for comments on this bill. He stated the bill authorized the local government to adopt ordinances or policies allowing members of the public body to participate remotely in public proceedings. MMA stated, "We encourage municipal officials to share their remote meeting experiences by either participating in other areas or submitting written testimony."

Chair Bates explained that Select Board Zoom meetings were the result of the emergency order from Governor Mills due to the pandemic. He said there may come a time when the COVID restrictions are lifted and the Board will meet again in person. Chair Bates thought there were advantages in occasionally being able to join the meeting remotely. He thought perhaps the Board could have some policy that stated two to three times a year, Board members could join the meeting remotely under special circumstances. He asked for the Board's thoughts on this.

Selectperson Elwell said he had no problem either way but would rather the Select Board met in person. Chair Bates stated this would be in exceptional cases where for some reason or another, one of the members had to travel or any number of reasons.

Selectperson Hall thought having the option available would be a good thing. He said maybe they could do it on an exception basis from time to time. "Just because it is an option, doesn't mean you have to do it."

Chair Bates said the LD 32 bill would give Boards, local government, or the county the opportunity to have it as a policy, "But by writing a letter of support, we are not committing

ourselves to have that policy. We are just merely saying that we can understand the flexibility.” He said this last year, they learned there are alternatives; they may not always be as good, but there are alternatives.

Selectperson Sawyer said his whole world now is on Zoom and the more person to person meetings he can get back to, the happier he will be. Sawyer said, but there are some meetings that make sense to continue in Zoom because people have to travel great distances to get to them. “But for the Board, if they have the option available, and one of them happens to be on vacation but at home and didn’t want to come out, they could Zoom in. The option may not be necessary, but it is important.”

Selectperson Willey stated she agreed with Elwell and Sawyer that yes it would be good to meet in person, but they obviously can’t do that, so she thinks they do need to have another option.

Chair Bates suggested submitting written testimony on LD 32 about the Select Board’s experiences on seeing the value of having this as an option. The consensus of the Board was to have Chair Bates write the letter and submit it to the Maine legislature as noted in the MMA bulletin.

At 8:30 p.m., on a motion by Selectperson Sawyer, seconded by Hall, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary