

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office

MEETING MINUTES

July 12, 2021 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. Members present in person were: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Richard Erb, Irene Ames, Tara Elwell, Van Thompson, Larry Olivieri, and Ken Oelberger. Present via Zoom: Loreen Meyer, John Falla, and Terri Lynn Baines.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda: The following adjustments were made.

- Accounts Payable Discussion by Tara Elwell was added to New Business, Action Item
- Ben Vail Request for Collins Park was taken up after committee reports
- An Executive Session was added to the agenda

- Minutes: The minutes of June 21, 2021, were corrected as follows:

Page 1, last sentence, change the word I to **it**

Page 2 corrections: 3rd full paragraph, line 10, change may to **may be**

Page 2, 3rd full paragraph, line 4, delete the ' after the word for

Page 2, 2nd full paragraph, line 5, correct happen to **happened**

Page 3, last paragraph, line 2, change to read: ... assessed value **of** your properties.

Page 4, paragraph 2, line 9, change low to **lower**

Page 4, paragraph 3, line 3, change to read: ...a much **larger** town staff.

Page 8, paragraph 1, line 3, correct dam to **damn**

Page 10, paragraph 7, line 2, change to: ...audit **displays reviewed** by...

Page 10, paragraph 9, line 4, delete the word **got**

Page 10, paragraph 11, line 1, add **and Hall**

Page 11, 2nd full paragraph, line 4, change to read: ...about **activities** occurring...

Page 13, under Warrant, line 2, change to: ... members **physically** present...

Page 13, under Ridge Road Tax, line 2, correct word notice to **notify**.

Page 15, Sale of 0.1 acres, line 5, change the word larger to **different** piece of property...

Page 15, last paragraph, line 4, correct to: ... numbered that **way** originally

Page 15, last paragraph, line 6, correct off to **of**

Page 16, 3rd full paragraph, line 4, change to read: ...the grayed out **area** is...

Page 16, last paragraph, delete the , after the word abutters

Page 17, C-Rise Contract, line 1, correct forward to **forwarded**

Page 18, paragraph 4, line 1, correct date to **Friday, June 25**

A motion was made by Selectperson Elwell, seconded by Hall, to approve the June 21, 2021, Select Board minutes, as corrected. The roll call vote was 5-0, in favor. The motion carried.

- Communications: None.

- Warrant: The warrant for the week of July 12, 2021, was reviewed and signed. The total expenses were \$220,282.78 and included a payment of \$1,292.00 for liens, a payment of \$445.00 for Merry-go-round repair, a payment of \$787.00 for the Puffin Cruise, and other regular expenses.

TOWN MANAGER'S REPORT - Richard Erb reported the following:

He has spoken with former Town Manager, Tim Polky a few times and Former Town Manager, John Falla once. He had also met with others and noted there was a lot to learn about the town. On Tuesday, he will meet with Jim Kalloch and travel some of the roads. On Wednesday, he will meet with Michael Felton, school superintendent, and the following week, he will meet with Jake Miller of First National Bank and St. George Business Alliance.

Erb stated he had spent a lot of time looking at files, at financial statements, and the recent audit. He noted that even though he had been away from this line of work for a while, things had not changed as much as he would have thought. Municipal government was pretty much as he remembered it. Erb recognized that town staff had known and worked with Tim Polky and John Falla for many years. He said that was similar for him as most of his staff had been with him for 20 years, "so there is a bit of adjustment to new organizations," but he said so far so good and was enjoying it.

Erb said he had been leaning on the Board Chair so far but wanted to have other Board members stop by to talk with him. Selectperson Sawyer said he would try to get into to see Erb this week because he would not be around the following two weeks.

Erb thanked Tara Elwell, Irene Ames, and all the town staff for their help.

COMMITTEE REPORTS:

- Conservation Commission (CC): Selectperson Willey said she missed the last CC meeting due to her work, so Ken Oelberger gave a report. The CC voted to adopt the Remote Participation Policy. They will hold a public hearing on August 5, 2021, their next meeting date. Oelberger asked if that meeting could be via Zoom. Chair Bates explained the emergency order expires July 30, 2021, and a Public Hearing needs to be held. So, they should not do meetings remotely until after the policy is adopted.

Oelberger reported the CC had started drafting the grant application for the Fort Point Trail and were waiting for CEO Brackett to give them information about other required permits. The plan is to have the first draft done by the end of July then send it out for peer review to two of the Land Trusts. The CC would like the letters of support in by the end of the month, and by the end of August, submit the grant application to the Town Manager for his review and signature. Oelberger noted the grant application deadline was the last Friday in September, so they would like to submit it to the State by September 15, 2021.

The CC was waiting to hear about the quitclaim deed for Fort Point and what the lawyers needed to do to get those documents up to date. Chair Bates asked if the legal work had been done by Bernstein & Shur. Oelberger said he did not know as Polky initiated that. Selectperson Hall

thought a local real estate attorney would make more sense and asked, "Wasn't that the plan?" Oelberger stated the CC turned that over to Polky because the Conservation Commission could not do that.

Chair Bates asked Town Manager Erb if he would look into the status of the quitclaim deed.

Oelberger said the CC discussed a potential for increased traffic and the possibility of limiting the parking in that area. He said they thought about having signs similar to those at Drift Inn Beach that state people could be towed away if parked illegally. The CC put some parking signs on the Rt. 131 side of the area to hopefully restrict excessive parking as there only seven spots by the trail.

Chair Bates stated most people who go to Drift Inn Beach ignore the signs. Occasionally someone gets towed. Erb asked if the town had a contract with someone who tows. Chair Bates said the town did not. Selectperson Elwell said in the past the Sheriff's Department would be called and they dealt with having the vehicle towed.

Chair Bates asked if it was a serious problem right now. Oelberger stated the abutters' concern was that there would be too much usage of the area. Selectperson Elwell said some people were afraid the spring would get blocked. Selectperson Hall did not know how they could limit the parking. If all the spaces were full, people would park elsewhere. He thought perhaps signs could and should go up and some people would follow them, but some people would ignore them.

Chair Bates recommended dealing with the issue when it becomes a problem. Oelberger said the Conservation Commission had been continuing their discussions with Lori Grey, representative for the abutters. He said they had put up a sign on Starbird Lane and Gorrill put up a sign which stated Fort Point Trail and parking with an arrow on it which was placed right next to the Starbird Lane sign.

Selectperson Willey agreed with Chair Bates and suggested they observe the parking situation to see what might happen. Selectperson Hall thought Grey would raise the issue if it became a problem.

Oelberger stated the CC collaborated with the St. George MSU on their "Natural Resource Stories - People and Places." The students created a podcast on the history of Rainbow Smelting in St. George and Selectperson Elwell was a featured speaker.

To search for the podcast, go to the town website, under Conservation Commission, Meadowbrook Stories.

- Cemetery Committee: Selectperson Hall reported the Cemetery Committee met and he would talk about their discussion and recommendations under Old Business.

- Planning Board: Chair Bates reported the Planning Board met on June 22, 2021, at 7 p.m.

- The application to install 3 seasonal luxury tents at 162 Drift Inn Road was considered; based on the Minimum Lot Size Ordinance, the Board concluded that the available acreage (excluding the wetlands) would only permit one tent. The Board asked the applicants to return with more details of the project, including parking details, the septic details, site measurements, etc.
- The application to demolish and rebuild a structure at 3 Riverview Lane, Otis Point, and also to add a ramp and float was reviewed and a public on-site visit arranged for 5:00 p.m., Monday, July 12, 2021.

- Ben Vail: Permission to put up "Dawn to Dusk" Signs at Collins Park: Vail updated the Select Board on issues occurring at Collins Park. He said issues had been occurring at Collins Park in Port Clyde for approximately a year and one-half. Issues ranged from broken apparatus to copious amounts of trash, to bullying, and most recently ATVs going through the park. Vail said when he discussed with a parent what he thought were some expectations, the response was, "There are no signs. How is anybody supposed to know?"

Vail proposed having some standardized expectations at all the town parks. Currently, the standardized expectation at every park is "No smoking." He said, "There is some signage about picking up after your dog, but what I would propose is to replace the No Smoking with a park rule sign with four key parts:

- No Smoking, No Drugs, No Alcohol. He would defer to the Select Board on this one.
- Open Sunrise to Sunset. One of the issues at the Collins Park was being there long after dark and the neighbors were not happy about that.
- No Motorized Vehicles.
- Pick Up After Yourselves. The trash issue has been ongoing.

Vail said they anchored the picnic table at Collins Park because it kept getting moved to where the group of teenagers wanted it. It is now anchored nearer the playground hopefully for equal use to parents, children, and so forth. Vail stated if the Select Board approved this request, he would get the same signs for the Landing field, the St. George ball field (the big ball field), and the Collins Park.

A motion was made by Selectperson Elwell, seconded by Hall to approve what Parks & Recreation Director Ben Vail feels is necessary to control issues occurring at the Collin's Park and at other town recreational parks in St. George. The roll call vote was 5-0, in favor.

OLD BUSINESS:

- Resolution on Fort Point Improvement Project: Chair Bates explained that the Select Board had voted in the affirmative on this item at their June 22, 2021, but the State required specific wording in the town minutes for the Conservation Commission to apply for the RTD grant. The Select Board voted on the following resolution:

On a motion by Selectperson Elwell, seconded by Sawyer, the Select Board of the Town of St. George voted on July 12, 2021, in favor of applying for the Recreational Trail

Development Grant from the Bureau of Parks and Lands for the construction of the Fort Point trail project. The roll call vote was 5-0 in favor of applying for the grant.

- Cemetery Committee Recommendations Regarding the Clark Hill Cemetery: Selectperson Hall updated the Board on Clark Hill Cemetery. "At the last meeting, Tim Polky reported that we got feedback from the attorney. The attorney basically said we should decide what land we would like to carve out around that cemetery for the town to own. Then negotiate with the owner regarding their back taxes and have it surveyed so we can wall it off. And we had to report back to the cemetery committee and get their input on this since they have the familiarity with the layout."

Selectperson Hall referred to a map of the cemetery. He pointed out the area of where the tax acquired property was and where the cemetery was located.

Hall: The recommendation by John (Falla) and Patty (St. Clair) who have the most familiarity with this is that we set a line on this side of the cemetery that includes the road that goes into it. So that everybody has a right of way to the cemetery and, that on the back, there is actually quite a drop off here, and a gravel pit here and that there is a desire to protect that so that nobody goes digging into this bank.

Hall: The recommendation is that we put the back of the cemetery line along the back line of the property, and that John and perhaps Patty go there when the surveyor comes down and establish where the sidelines should be. It would be a trapezoid going across here, parallel with where the cemetery is but including the entrance all the way back to this back line. The issue perhaps that it creates is it takes this lot and turns it into two. But that would be the recommendation. Following up on the recommendation made by the town's attorney, the cemetery committee agrees that that makes sense and would suggest that we engage a surveyor to survey this and establish the lot. Then once we have what we feel would be the appropriate boundaries for the property, see what deal might be struck with the previous owner.

Town Manager Erb asked if there was still an access to that lot. Hall: Through this road. Erb: It's a cemetery road. Hall: Yes. Selectperson Elwell: But you could access that upper lot by Scott Makinen's house, too.

Hall: (Referring to the map) This is a more detailed map of the actual cemetery. One thing I should mention. Some of these lots unlike a typical cemetery where you sell a right to bury someone, but you don't sell the property, in this cemetery, they actually sold the physical property. Many of the people did not have the deeds to those lots registered but some of them did. So, the acquisition would include the area that we have surveyed excepting those burial plots that have been conveyed to someone else.

Sawyer: Even though someone else may be three generations dead and didn't bother to pass that lot on to the heirs?

Hall: This seems like a nice clean way to have the town acquire this cemetery.

A motion was made by Selectperson Sawyer, seconded by Elwell, to engage a surveyor to survey a certain area of property at Clark Hill Cemetery and to establish the boundaries of the property. The Cemetery Committee agreed with this recommendation made by the town attorney. The roll call vote was 5-0, in favor.

NEW BUSINESS:

- 30 Year Lease Agreement for 274 Seal Harbor Road: Chair Bates explained the issue. On October 10, 2017, the Select Board signed a 30-year lease agreement to transfer 274 Seal Harbor Road for live fire training to the Volunteer Fireman's Association. The Association made a request that the 30-year lease be extended to cover an overlapping 30 years, starting on 7/21/2021. The new agreement is required in order to satisfy the 30-year loan to the Association from the USDA which is partially funding the new building.

A motion was made by Selectperson Hall, seconded by Sawyer to approve the Volunteer Fireman's Association's request that the 30-year lease from the USDA be extended to cover an overlapping 30 years, starting on 7/21/2021. The roll call vote was 5-0, in favor.

- Sign Auditor's Representation Letters: Finance Director Irene Ames explained the letter received from William H. Brewer, CPA. She said Brewer's representation letter noted confirmation that the audit for the Town of St. George had been done and represented the financial position, business-type activities and each major fund as of June 30, 2020, and 2019. Ames will distribute a copy of Brewer's representation letter to the Select Board for their review and this item will be taken up at the next Select Board meeting.

- Sign Appointments: The Select Board was presented with Certificates of Administrative Appointments and Certificates of Appointments for Boards and Committees to review and sign. The term for administrative appointments is July 1, 2021 to June 30, 2022.

A motion was made by Selectperson Elwell, seconded by Willey to approve the July 1, 2021, to June 30, 2022, Administrative appointments for the town of St. George and the appointments to Boards and Committees for the 2021 fiscal year. The roll call vote was 5-0, in favor.

- Budget Carry Forwards and Lapse to Fund Balance: Tara Elwell said she had received several requests for Budget Carry Forwards.

- Ryan Cline, Harbormaster, requested to carry forward the float and ramp line item because he was looking into rebuilding floats out of pressure treated wood. There are three that need to be replaced.
- Michael Smith, Chief, Fire Department, requested to carry forward equipment purchase, personnel equipment and training. Smith included training because they were not able to do much during the Covid-19 period.
- Ken Oelberger, Conservation Commission, requested to carry forward funds.

Selectperson Hall requested a copy of the final numbers for the year so the Board could review the line items before they made any decisions. Hall explained that he would like to review requests versus the budget and the amount Elwell wanted to carry forward. This issue would be discussed at the next Select Board meeting.

- Vendors/Accounts Payable Discussion by Tara Elwell: Office Manager Elwell would like to see less lag time between when the Select Board meets, and when town vendors and town utilities get paid. She noted it is two and sometimes three weeks between Select Board meetings and when the warrant is reviewed. Elwell said the mail had been causing some delays in receiving the town's utility bills. This has caused payments to be mailed out late, and late fee charges incurred. She stated she would like to avoid paying late payment fees/charges at all cost.

Elwell explained that Chair Bates had indicated one person from the Select Board could sign a warrant. She suggested that when she did the weekly accounts payable, a Select Board member come to the office, review the weekly warrant, sign it or request a bill not be paid, etc. She said they would not pay anything that was questionable but pay just the basics. Elwell said the full warrant would be reviewed at the Select Board's regular meetings.

Chair Bates referred to the Select Board Policy Manual and noted that warrants for disbursements, warrants for employee wages and benefits, municipal education costs, payment to state fees. He said the policy says that one Select Board member can sign, as all of the Board members are authorized to sign the above warrants.

Chair Bates suggested the Board consider creating a new policy that addresses local contractors and utilities and the policy include the same "renew every year" phrase and that a Select Board member comes in once a week and signs the warrant authorizing these disbursements. Bates said this would still maintain checks in the system.

Selectperson Hall noted it is particularly an issue when there are three weeks between meetings. He indicated that the former Finance Director Elizabeth Curtis had raised the same point a few years ago.

Chair Bates proposed the Board rework the policy statement to make it applicable to this case then bring it back to the Board to reconsider as a new Select Board policy.

Selectperson Willey thought the town should not have anything overdue or past due. Selectpersons Elwell and Sawyer agreed.

A motion was made by Selectperson Elwell, seconded by Hall to rework the wording of the policy to make it applicable to this case and then bring it back to the Board to reconsider as a new Select Board policy. The roll call vote was 5-0, in favor.

- Remote Participation Policy: Chair Bates explained that after July 30, 2021, the Emergency Order permitting remote participation would expire, and meetings would need to be held in person. But Chair Bates said he felt there were merits to meet by Zoom when necessary. He said the State had not given municipalities a lot of latitude, but it had given a little such as emergencies, medical, or travel. The town's policy was drafted from MMA policy with some changes made, Bill Kelly, Esq. reviewed the town's draft, and approved it. If the Board agreed to go forward on this draft policy, it would be noticed in the paper, a public hearing would be

held, and if approved, the Select Board could adopt a policy. Selectpersons Elwell, Sawyer and Willey felt this was a good idea.

Selectperson Hall said the advantage of taking the approach of what MMA proposed was that you do not have to deal with the Zoom's equipment, etc., most of the time. Hall: But I hear you on the issue of encouraging more public participation, so I am okay with it.

Hall said he saw correspondence that came out June 23. "But there must have been subsequent correspondence on this?" Chair Bates said there was correspondence on June 29. Hall asked if the June 29 correspondence had the new policy that was being proposed. Bates said it did.

A motion was made by Selectperson Hall, seconded by Sawyer, to approve a proposal to adopt a policy permitting members of the Select Board, under limited circumstances to participate in remote meetings of the Select Board and permit the public to attend meetings of the Select Board by remote access whether Select Board members attend in person or remotely. The roll call vote was 5-0, in favor.

Chair Bates thought they might be able to schedule a public hearing for this for August 9, 2021.

- Short Term Rentals: The Select Board discussed short term rentals. Chair Bates said he and CEO Brackett attended a Zoom webinar with Bruce McCaskill, of Granicus. It is a company that is trying to assist municipalities with short term rental compliance. This company has developed software that scans all the rental companies, including Verbo, Airbnb, HomeAway, newspapers and realtor sites and determines in every municipality (that signs up for their service) what properties, buildings, and what rooms are available for short term rentals. It also determines what the prices are, what the facilities are, and includes human verification to make sure it agrees with photographs that are being shown on the site.

Chair Bates reported a few statistics. On July 1, 2021, Granicus reported there were 181 properties in St. George. Some of them were listed on multiple sites so 285 rentals actually showed up. Ninety-five percent were single family homes. Eighty percent are entire houses. Airbnb seemed to have half the market for these. Granicus explained that typically a municipality would charge \$250-\$300 per rental a year to get a significant compliance from the town for a safety check. The fire officer or someone delegated would check these things out and give them a stamp of approval.

Chair Bates said it worked out that by the time this scanning service was paid for, there would be about \$20,000 a year left out of that fee that would have to cover all the costs that the town would incur. If people showed up on the list as a rental but refused to pay the money, the town would have to handle that.

Chair Bates suggested that St. George not pay for this compliance and monitoring software and put it off, hearing no complaints and no unhappiness about the current situation.

Selectperson Hall said some people have things they rent, and they do not have commercial insurance. So, if there is a fire or a problem, then the owner has the problem.

Chair Bates said when they looked at this a couple of years ago, there was not such a large number of rentals, but he was surprised at the number now. The consensus of the Board was to not pursue the use of this compliance and monitoring software.

EXECUTIVE SESSION: Present: Richard Bates, Wayne Sawyer, Jerry Hall, Tammy Willey, Randy Elwell and Rick Erb.

At 8:49 p.m., on a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 by a roll vote to go into executive session pursuant to Title 1 MRSA Sec. 405(6)(F), discussion of confidential records.

At 9:05 p.m., on a motion by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 by a roll call vote to adjourn the meeting at 9:06 p.m.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary