

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office

MEETING MINUTES

July 26, 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, and Tammy Willey. (Wayne Sawyer was absent.) Also present in person: Richard Erb, Irene Ames, Peter Dyer, Van Thompson, David Percival, Susy Ellis, Scott Vaitones. Present via Zoom: Robert Oliveri.

PUBLIC COMMENTS:

Peter Dyer of Watts Avenue, Tenants Harbor:

Sunday, when they had the band at the Happy Clam restaurant, it was a rainy and very windy day. Their place is downwind from where I am just shy of a half-mile. Sitting in my house with all the windows closed, the music was clear as a bell. I thought, "The poor people who live down that way are probably not too happy with that." And it was in my opinion, way, way too loud. I used to be in the music business believe it or not years ago in the 1970s and 1980s, and we all had the big amps and unless you tell someone to turn it down, they are going to just turn it up. I don't know if you have had any complaints about this and if I am the only one, it is no big deal because it does not bother me that much. But I just thought that the people who live down there are not really too happy about that. And I would hate to see it expand, (you know) the volume.

Selectperson Elwell asked if he had approached Howland about it. Dyer said he had not as he did not know him. Elwell explained that Howland lived across the road behind him. Dyer said he was surprised no one had said a word to the Select Board. Chair Bates said they had not yet heard anything.

Dyer: Like I said, it is no big deal as far as I am concerned. I just thought it was pretty excessive. I'm sitting inside yesterday with all the windows closed, and it is just clear as a bell. That is pretty much it. Thank you for listening.

Percival said he had heard a neighbor say something about the noise.

Dyer: I just don't know if people are too shy to come forward or whether they really just don't care? I would appreciate it being turned down a little bit. They have a really small place there. You don't need to have the volume turned up to fill the space. You know, a bell clock. That is what it sounded like to me. But I used to be in the business and unless somebody asks to turn it down, they are just going to turn it up. Thank you.

Bates asked the Town Manager to look into this issue. Erb said he was sure the town did not have a noise ordinance, but he could make some contacts. Chair Bates said the town does not have a noise ordinance. Elwell explained to Dyer that the noisy dog incident a few years ago fell under disturbing the peace.

Dyer: It's similar but in my opinion, anything like that, the music ought to be confirmed to the bounds of the property. I know that it is not really possible but as much as you can.

Selectperson Elwell said he was surprised the School House Bakery had not spoken up. Chair Bates thought some of the other neighbors had generally commented about that bar. He thought a discreet word would go a long way. Dyer stated that he liked the music, and he wanted to see all the businesses succeed. He had no issues with any of it except he thought the music was too loud.

Selectperson Elwell: I don't think any of us would want to sit in our house at 9 p.m. and listen to that. Dyer said it was on Sunday afternoon.

Chair Bates said they have live music on Sundays from 1 p.m. to 6 p.m. and, "Though it is probably just small children who might be sleeping at that time or older people, it still could be a disturbance."

REGULAR SESSION:

- Adjustments to Agenda: The following adjustments were made.

- FY'21 Year-End Financial Review by Budget Committee was moved from New Business and taken up under Regular Session.
- Budget Carry-forwards and Lapse to Fund Balance were moved from Old Business and discussed under Regular Session.
- Sale of 0.1 acres to Oliveri was moved from Old Business and taken up under Regular Session.

Sale of 0.1 Acre to Oliveri:

Chair Bates explained that when this item was discussed at the June 21, 2021, Select Board meeting, there was a deed search done by Attorney Paul Harrell of Rockland indicating the property was less than 0.1 acres; this arose from foreclosure in 1964, followed by a sale in 1968. The difference was the sale in 1968 was a slightly different property with a different legal description. As a consequence, there is this small piece of land between Donna Sterling and Lawrence Oliveri that is currently unclaimed.

Robert Oliveri was present via Zoom and mobile phone. Lawrence Oliveri is Robert Oliveri's brother. Chair Bates explained that the Oliveri family was offering \$2,000 to the town of St. George to purchase this small plot of land, and the town would give Lawrence Oliveri a municipal claim deed for the town parcel. Chair Bates said he wrote to Donna Sterling, and she has not replied. He thought the proposal from Oliver was to have Attorney Harrell write up a deed for the Board to sign and transfer the property to Lawrence Oliveri, combining it with his existing lot, Lot 99.

Selectperson Willey asked if anyone had approached the town about this piece of property. Chair Bates said no one had approached the Board, and Donna Sterling had not replied.

A motion was made by Selectperson Hall, seconded by Elwell, to instruct Attorney Harrell to write up a quitclaim deed for the Select Board to sign, combining the 0.1-acre property with

existing Lot 99, transferring the property to Lawrence Oliveri. The roll call vote was 4-0, in favor.

- FY'21 Year-End Financial Review: The Budget Committee did not comment on the quarterly trust reports or the town audit as they indicated they needed more time to review the information.

The Budget Committee reviewed the FY'21 Year-End Financials with the Finance Director and the Select Board and there were several areas in which the Budget Committee had questions. Chair Ellis led the Budget Review.

Revenue Summary:

Town Office:

Miscellaneous Income. The committee thought that income was Covid related money. Chair Bates thought the funds were likely grants associated with Covid-19 relief programs.

Solid Waste. Ellis asked how disposal is different from demo as the town does not charge for regular trash. Erb noted they were talking about revenues of the town as opposed to the cost of disposal. Ellis, "Correct. The town has revenue for disposal, and revenue for demo, and brush and white goods; but what can there be for disposal as the town does not charge for regular trash?"

Bates noted the town charged for demo and Erb said the town paid for the disposal. Ellis understood but said there was a separate line for disposal fees. Selectperson Willey did not realize there was revenue line for disposal fees. Erb asked if it could be considered special waste, such as light bulbs.

Selectperson Hall explained that disposal fees were the number one revenue source under Solid Waste. The line item showed approximately \$40,000 in revenue from disposal fees. Ellis said she would like an explanation of the disposal fees, line 4592. She thought it would be interesting to find that out what those were. Hall agreed.

10 Cold Storage Road Renovations. Rental income increased. The committee discussed what other businesses could go in at 10 CSR but because construction would be starting, there was some reluctance to go after more business right now. Chair Bates stated that was correct and the committee was optimistic that the construction could start before the next season.

Erb reported on the progress of 10 CSR. He said based on a meeting they had today, they hoped to hear within the next four to six weeks if the town was awarded a federal grant.

Expense Summary:

Town Office:

Professional Services. This line item was over. Ellis said professional services were addressed in previous quarters, those of the personnel issue and appeals in previous quarters.

Insurance. This line was over. The committee was concerned because it was over by quite a lot and the same amount was budgeted for the current fiscal year. Ellis noted it was due to the timing of when payments were made for the liability insurance and worker's compensation.

They may continue making the payments at the same time in the coming year or change it. The Finance Director will work on this issue.

Voting Booths. Ellis was told the amount budgeted was unspent as a grant paid for the new voting booths.

Fire Department:

Employee Benefits and Staffing. Both line items were low because of the low incidents of fires in the previous year.

Equipment Purchases. Air packs were not available for purchase; there was a request to roll over the unspent funds.

Generator. A request was made to roll over the unspent funds.

Property Maintenance. The Budget Committee asked about this line item expense. Chair Bates said the expense could be the roof repair that was done. Select Board members could not remember and would get back to the Budget Committee on this.

Roads/Property Management:

Contract Services. This line had an unexpended balance. The Finance Director explained the town had several smaller contractors in addition to the larger contractor, and the contract services came in under budget.

Resurfacing. The unexpended balance will carry forward.

Solid Waste:

Tipping Fees and Transportation. This line was over budget by 25%, but the budget was increased this coming year. Ellis: If the town spends the same amount this year, it will be about 5% over.

Compactor Building. The unexpended balance will carry forward.

Chair Bates thought some of the Solid Waste expense was due to more people than normal here this last year. Selectperson Hall noted that the town had been over budget in this category for the last three years. Chair Bates said but not by so much. Selectperson Hall said yes, it was over by a similar amount last year; and in his view, they had badly underbudgeted for three years in a row. They bumped up this coming year to try to correct that.

Ellis said there is \$260,000 budgeted now instead of \$220,000, but if the budget comes in at \$273,000, that will still be 5% over.

Erb asked if the town was impacted during Covid because the recycling was shut down for a period of time. Chair Bates thought there were a lot of contributing factors, and he thought a lot more material was being ordered online. Ellis said no one went back home. They came and didn't go back.

Selectperson Hall: "I listened to explanations like that this year and last year and we ran over both of these in both years. I am not buying it. We are just not budgeting enough in these categories."

Ellis: "So, we are going to see how we do this year and then we may budget more."

Chair Bates: "We did listen. Jerry was the lone voice, and we did listen."

Selectperson Hall: "Oh, yes. Absolutely, and that we did bump it up in the coming year because of the concerns raised. I am confident we will do better to budget in the coming year."

Harbors:

Floats-Landings and Channel Maintenance. The Harbor Master was able to do the channel maintenance at a much lower cost than anticipated. The unexpended funds in Floats and Landings will be carried forward.

Unclassified:

Overlay. Ellis stated this had not been funded, but it would be.

There were no other questions for the Budget Committee.

- Minutes: The minutes of July 12, 2021, were corrected as follows:

Page 3, paragraph 3, line 1, delete the word **in**

Page 5, paragraph 4, line 3, delete commas after the words So; cemetery; and insert a comma after and,

Page 5, paragraph 5, line 1 change to read: ...along the **back** line of the...

Page 5, paragraph 7, line 4, change to read: ...to those **lots** registered but...

Page 5, paragraph 7, line 5, delete words **part of**; change to read: So, the acquisition ... surveyed except**ing** those burial ...

Page 6, 1st paragraph, line 2, change to read: ... to establish the **boundaries of the property**.

Page 7, last paragraph, lines 1 & 2: change to read: ... the **Emergency Order permitting remote participation would expire**,...

Page 8, paragraph 9, line 2, insert a comma after off, then change to read: ...and no **unhappiness** about the **current** situation.

A motion was made by Selectperson Elwell, seconded by Hall, to approve the July 12, 2021, Select Board minutes, as corrected. The roll call vote was 4-0, in favor.

- Communications:

- Chair Bates forwarded an email regarding the American Rescue Plan Program funds to Michael Smith and Town Manager Erb.
- Peter Dyer had spoken to Chair Bates on the phone about the noise at the Happy Clam, but he also came to the Select Board meeting and made a public comment.

- Warrant: The warrant for the week of July 26, 2021, was reviewed and signed. Expenses included a school payment of \$467,397.32, a payment of \$10,141.00 (but this was covered by donations), a payment of \$1,719.20 for Fire Department maintenance for a vehicle, and other regular expenses.

Chair Bates asked if the town paid the Pope Memorial Humane Society (PMHS) annually for services. Selectperson Willey thought the bill was paid annually.

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

American Rescue Plan (ARP) Program. Erb received an email from Chair Bates regarding the ARP funds, and he would look further into that.

He had been busy meeting with people. He met Jake Miller, Rob Kelley, and spoke with Noel Musson and Alan Brighman. He met with Jim Dorsky of Gartley & Dorsky Engineering.

Erb stated he would like to meet with Fred Brewer, the accountant who did the town's audit. He said Brewer's office would be scheduling a meeting with him.

When Erb met with Jake Miller, Miller suggested he attend a business association meeting which is planned for the second week in August.

Town Office Roof. Erb had been working with Mike Smith on the town roof. He said, "It sounds like you had an emergency leak over this section here (large meeting room), but really I think the priority has been the older portion of the roof. Correct? I doubt if we have enough money to do both. We might. But I am going to focus on the oldest section if that is what people are looking for."

Chair Bates: We have \$25,000 in the budget which is meant to cover that roof. It will be interesting when you get quotes to see how much extra it will take to do the whole thing at the same time.

Erb: I am thinking it might be ripe for an alternative bid so that we make sure we have something we can afford. Then maybe it will be in our best interest to do it all if we can find a way.

Selectperson Elwell thought it would be good if both roofs were done at the same time as they would wear out at the same time.

COMMITTEE REPORTS:

- Solid Waste and Recycling Committee: Selectperson Willey reported the SW&RC would meet on Wednesday at 7:30 a.m.

- Planning Board: Chair Bates reported the Planning Board met on July 13, 2021, at 7 p.m.

- The application to place stone below the high tide level at 93 Barter's Point Road, to stabilize the existing stone retaining wall, was accepted as complete. Meeting the stabilization standards of the Shoreland Zoning ordinance and having already been approved by the DEP and the Army Corps of Engineers, the application was approved.
- The application to demolish and rebuild a structure at 3 Riverview Lane, Otis Point, was accepted as complete. It was determined that the proposal complies with Section 12.C.4 of the Shoreland Zoning Ordinance, in not increasing the overall non-conformity of the structure. The application was approved, with the requirement the construction adheres to a State-approved blasting plan and minimizes disturbance to the neighbors.

- Fort Point Trail: Erb said he checked into the status of the quitclaim deed and said nothing had happened on that yet. He went to Crystal Tarjick who was interested in doing the work. Tarjick has a copy of the survey that was done by Gartley & Dorsky, and she will proceed with that. He thought there was some reference to using a local attorney, and he was not sure if that was who the Board meant, but when he asked around, she was suggested. Erb also mentioned he walked the trail with Ken Oelberger and Tom Gorrill.

Selectperson Hall said the view was, "Let's get a local real estate attorney rather than try to go through Maine Municipal Association. It would make more sense and be less expensive." Erb said that process was moving head.

Erb stated that CEO Brackett believed the Fort Point Trail application for the work under the grant would need to go through the Planning Board, and it should be on their August agenda.

Chair Bates noted that the Ad hoc Committee for Fort Point Trail had been disbanded and was now handled by the Conservation Commission. Selectperson Hall, "Yes, there is a working subcommittee and Lori is participating in that. The importance of abutter feedback or feedback to the abutters was judged as critical, and Lori has been a very constructive member of the group."

OLD BUSINESS:

- Appointments:

A motion was made by Selectperson Elwell, seconded by Hall to appoint Timothy Polky as the St. George EMA Director and the Knox County EMA representative for St. George. A roll call vote was taken. The vote was 3-1 (Willey against). The motion carried.

Selectperson Willey requested that it is noted, she did not support this, at all. She stated, "I am sorry. We had an agreement, and I don't support what's happened."

Chair Bates reported that Chris Williamson volunteered to be on the Budget Committee. He has had experience in the education field and was recently Headmaster for a school in the Boston area. He has been coming to St. George for the last 40 years and recently retired here. He is on the JML Board and Mrs. Williamson is chair of the Neighbor-to-Neighbor board.

A motion was made by Selectperson Elwell, seconded by Hall, to appoint Christopher Williamson as an alternate to the Budget Committee for the year 2021-2022. A roll call vote was taken. The vote was 4-0, in favor.

- Audit for Year Ending June 30, 2020: The Select Board discussed Brewer's audit for year ending 2020, and Chair Bates reported that Brewer had no recommendations for the town.

Selectperson Hall explained that he would like more time to review the audit. He thought there should be a specific conversation on what the town does versus being consolidated with the school. He said the school gets a separate audit (for them alone). He felt the town government should get a separate audit, one that does not include school. Selectperson Elwell said Hall brought this up last year, too. Selectperson Hall said he was shocked that they had lost the

municipal government audit that they had had. Erb said he had never had to "pull an audit apart" before.

Selectperson Hall: This is the third year that it has been done this way. The first year the audit was circulated, I went off on a 2 week vacation and never looked at it; it got approved in my absence, and that was fine, that was the way it worked. But the next year I looked at it and thought, "What? We've lost the audit of the municipal government and with the financials for the municipal government alone." I still think we should have that. I had kind of understood from "fussing" about this last year that it would be done this year. I need to spend a little more time with it, but I do not think it's there.

Chair Bates suggested they have another meeting with Brewer and check to see if he would be available on August 9. Bates also suggested the Board have some questions ready Brewer and proposals about how they would like to see it done on the next audit.

Chair Bates: This is Brewer's audit, and I think we have to accept that this is the audit. "I would like to propose that we do accept it so we can go ahead and get the town report printed."

Selectperson Hall said he did not want to hold the audit up any further but did want to understand it and he did have questions. There were aspects of the audit that he liked better than the ones the Board used to get, and he said he might find that a lot of his questions get answered if he spent more time with it.

Selectperson Willey: After the Budget Committee takes a look at it, I would like to hear what they have to say.

Chair Bates asked Erb when he called Brewer if he could ask him if he would be available to answer questions at their August 9 Board meeting. Chair Bates asked Hall if he could coordinate with the Budget Committee and assemble any questions he had and they might have before August 2 and get those to Brewer, so if he can meet with the Board on August 9, he could answer those questions.

Selectperson Willey wondered if the School Board got their copy and got the copy the Select Board received; maybe that was causing the confusion.

Chair Bates said he would call Kilbride about this issue. Erb recommended having Brewer come down in person to talk with the Select Board.

- Sign the Representational Letter for Fred Brewer: Selectperson Hall had numerous questions about the Representational Letter. He felt some of the information was cryptic. He noted that some items had no supporting documentation to back up the auditor's statements. Hall, "Financial instruments with a concentration of credit risk. What are we saying there? I don't really understand what we are saying with those bullets under other items and other sections." Hall felt the Select Board should know what these meant.

Chair Bates, "So, we will not sign the Representation Letter," but asked if the Board wanted to approve the printing of the town report with this audit or wait.

Selectperson Hall was okay with having Tara Elwell go forward with the printing. Elwell was fine with it. Willey said there were a lot of unanswered questions but if nothing in the report was changing, she was okay with going forward and having the town report printed. Hall said he was not going to ask for material formatting changes of the report.

Selectperson Willey wanted to talk with Brewer before signing anything. Chair Bates said the representational letter would get postponed until August 9, 2021, but they will give Tara Elwell instructions to go ahead and get the report printed.

- Carry-forwards & Lapse to Fund Balance: The Select Board received a list of carry-forwards from the Finance Director.

A motion was made by Selectperson Hall, seconded by Elwell to approve the list of carry-forwards received from Finance Director Ames. A roll call vote was 4-0, in favor.

NEW BUSINESS:

- The First National Bank Accounts: Chair Bates reported that Town Manager Erb needed to be added to all the town's bank accounts at the First National. Finance Director Ames noted that Timothy Polky and Terri-Lynn Baines had been removed from all the town's bank accounts.

A motion was made by Selectperson Elwell, seconded by Hall, to approve adding St. George Town Manager Richard Erb to all the town's bank account at the First National. The roll call vote was 4-0, in favor.

At 8:29 p.m., on a motion by Selectperson Hall, seconded by Elwell, it was voted 4-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary