

ST. GEORGE SELECT BOARD & ASSESSORS
St. George Town Office
MEETING MINUTES
September 13, 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 in person: Richard Erb, Irene Ames, and Van Thompson. Present via Zoom: Loreen Meyer and Ken Oelberger.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda - The following adjustments were made:

- Fort Point Quitclaim Deed was moved from Old Business and taken up under Regular Session
- Conservation Commission Associate Members was moved from New Business and taken up under Regular Session
- An Appointment to Maine Municipal Association (MMA) was added under New Business.

- Fort Point Quitclaim Deed: Town Manager Erb said they were working with Crystal Tarjick, Esq. to get the deeds drawn up with the abutting property owners, Richard Paulsen, Sr. and Carol Paulsen, and Richard Paulsen, Jr., and the Town of St. George. Attorney Tarjick prepared one deed for the town to sign, and that would be used as the model for the Paulsens' deeds.

Erb said Oelberger had reviewed the deed and made a suggestion which Tarjick agreed made sense. She had tried to maintain descriptions that were identical to what was already included in the deeds. Oelberger pointed out where it talked about James Skoglund as the owner "now," Tarjick agreed for clarity's sake to use, "now or once was" the owner. Erb, "Just to clarify this, Skoglund does not own the land at this point."

Erb thought they had made the progress. "I suspect we should make sure the Paulsens are onboard with that as well, and perhaps at your next meeting do the actual signing. That will also give Tarjick the opportunity to make that one-word change, but I think we are all on the same page now."

Oelberger said the only other comment he had at this point was, "Were you able to clarify with Tarjick whether we needed two separate deeds because there are two pieces of Paulsen property there that are of interest." Erb stated he did not have a response on that but when they received the Paulsen deed, he would make certain that it was done correctly.

Selectperson Hall: It is Paulsens' deeds, isn't it? Because there is Richard Paulsen, Jr. and there is the Richard Paulsen, Sr. and Carol Paulsen property, right? They are two separate parcels just to the south of the property the town owns.

Oelberger: That is correct. There are two separate parcels. If you look at the tax map, it is fairly clear there is Richard Paulsen, Jr.'s property and Richard Paulsen, Sr. and Carol Paulsen's property. I think the latter is now Richard, Sr.'s property.

Chair Bates asked: That it is all Richard, Sr.'s property?

Oelberger: I think the piece of property closest to the water is Richard, Sr., and the piece of property closest to Rt. 131 is Richard, Jr.

Chair Bates asked: And they are both involved in this clarification of the boundaries?

Selectperson Hall: So, there need to be agreements from both of those property owners and the town.

Chair Bates: Okay, so this one deed that we have from the town releasing and agreeing to things, is effectively a quarter of the paperwork that we are looking for from Tarjick. Is that right?

Selectperson Hall: I believe so.

Chair Bates: This item will be continued, and perhaps we will have something more at the September 27, 2021, meeting.

Selectperson Hall: Then separate from signing the deeds, they wanted to see where the boundaries were before they signed the deeds. So, a meeting with them to go through that needs to occur before the signing.

Chair Bates said it was mentioned in their last meeting that Gartley & Dorsky may put in some wooden stakes. Oelberger said that was still the plan, but he had been unsuccessful in arranging a meeting with the landowners. Selectperson Hall asked if the stakes were there. Oelberger said the stakes were in when he was there around August 27, 2021.

Selectperson Hall and Ken Oelberger are working on the deed issue. Oelberger will arrange a meeting with the Paulsens to review the deeds and go through the signing process.

- Conservation Commission Associate Members: Chair Bates explained that the Conservation Commission had been pursuing this issue for a while as State law allowed the category of Associate Member. The St. George Town Charter specifically uses the word alternate, and under the town charter, alternates have the right to vote. Town Manager Erb said he checked with Maine Municipal Association and MMA felt because the town had explicitly used the term alternates, the town had precluded in its charter, having associates. Erb stated that the law allowed you to make that type of change without creating a new Charter.

Chair Bates explained the difference between an Associate Member and an Alternate. If there is not a quorum of regular members on a committee, the alternate can be raised to voting status and can then vote. State law explicitly said Associates cannot vote. Associates can contribute in other ways and assist in all the duties. It is only the Conservation Commission that has this clause.

Chair Bates noted that Election Day was November 2, 2021, and three articles are on the ballot. He thought the town could have a question about Associate members placed on the ballot, but time was a factor because of the absentee ballot deadline. Selectperson Elwell asked why the rush; could it wait until spring? Erb said it was only because there was an election coming up. Selectperson Hall, "The question is, is it okay to do it?" And if we agree, then what needs to be done to make it happen? Chair Bates thought if the Board agreed on this, a Public Hearing could be held on September 27, 2021, and the absentee ballots could be ready by October 4, 2021, and it could be placed on the November 2, 2021, ballot.

Oelberger asked if it could be called an amendment as opposed to a revision, and said he had more details on this since he and Chair Bates talked in the afternoon.

Chair Bates said he and Erb had talked about what was the appropriate notice and concluded that in the 21st century there were other methods of getting notices out. Erb, "What the courts have said over and over again is that notice requirements can follow the modern practice of posting online because that is available now. At the time, the Constitutions and Charters were written, it was not available."

Selectperson Elwell: I guess I don't understand because if it is not a voting member, why do we need to have an Associate member?

Selectperson Hall explained that the Conservation Commission was one of the more active committees in town and for the projects they address, they often need to form a subgroup.

Oelberger: I think the Associate member provides a pool of people to take over the full positions at the appropriate time. We also encourage members of the community that are not able to commit to a full-time membership position, to participate. For example, help with trails, help with education events, help with the Sea Level Rise activities, and get more involved in what we have done on solar activities. It is just a great way to bring in more expertise to help the CC, especially if we go ahead with the Fort Point Project this next year. That will take a fair amount of the current members' time. We have a lot going on and we are looking at this as a way to expand the membership and also recruit people who do not necessarily want to come to a meeting every month but are willing to participate in other meetings.

Selectperson Hall: This would allow the appointment of up to five Associate members?

Oelberger: It does not say how many you can appoint. It didn't give a limit in the statutes.

Selectperson Willey: Are they the same thing? How are Associate members different from volunteers?

Oelberger: I think it is to help us recruit more people if there is a position that we can offer. I think once a person is an Associate member and they are assigned for a term of time, they are likely to continue to commit to it rather than just be a volunteer that decides they are not interested in committing for a year. The statute allows 1, 2, or 3-year terms. I would propose and had drafted an amendment to the Charter.

Oelberger read into the record, his proposed amendment for the St. George Town Charter: Section 202.3 Committees and Commissions

4. Conservation Commission

- c. The Conservation Commission may recommend to the Select Board that Associate Members be appointed to assist the Commission as the Commission requires. The Associate Members are nonvoting. Their term of office shall be for one year.

Chair Bates: Are you thinking in terms of an unlimited number of members but a time limit?

Oelberger: Yes. People would commit to one year and then they could re-up.

Selectperson Hall: I feel this is a Commission that does a lot of good things, and if the Chair of the Commission and a number of its members feel this would be beneficial to their committee, and we see no reason not to, then we should support them.

A motion was made by Selectperson Hall, seconded by Sawyer, to accept the proposed amendment submitted by Ken Oelberger of the Conservation Commission that will make a change to the St. George Town Charter under Section 202.3 that the Conservation Commission may recommend to the Select Board that Associate Members be appointed to assist the Commission as the Commission requires. The roll call vote was 5-0, in favor. The motion carried.

A motion was made by Selectperson Elwell, seconded by Hall, for the Town of St. George to proceed with the ballot process of the Conservation Commission's drafted amendment to Section 202.3 of the Town Charter to be placed on the November 2, 2021 town ballot. The roll call vote was 5-0, in favor. The motion carried.

Oelberger noted for the record if the Select Board votes to approve the amendment, the September 13, 2021, Select Board meeting could be considered the petition date, under the State Statute.

- Minutes: The minutes of August 23, 2021, were corrected as follows:

Page 2, paragraph 4, lines 2 & 3, change to read: ... St. George would receive **one-half of** \$273,000, probably in September under the American Rescue... and that amount was about one-half of the **total** funding anticipated...

Page 2, under Burn Building: use **Knox County**

Page 2, paragraph 6, line 1, "I think they already have in hand **one-half of the** 7.7 million dollars.

Page 2, paragraph 8, line 4, use **Knox County**

Page 6, paragraph 5, lines 3 & 4, use: ...hiring another part-time employee. Then strike the remainder of sentence.

Page 7, paragraph, under 10 CSR, line 6, use wording **the town**

A motion was made by Selectperson Elwell, seconded by Sawyer, to approve the August 23, 2021 minutes, as corrected. The roll call vote was 5-0, in favor.

- Communications: There were two communications.

- 1) Selectperson Hall reported, "I was approached by a resident who thought the town should be doing more to promote Tenants Harbor as a destination to boaters. That it is a gorgeous harbor. Boaters along the coast of Maine all know Tenants Harbor because it is a wonderful anchorage and picturesque. But when boaters get into the harbor, the suggestion was to

perhaps have pamphlets or something telling them where the store is, or the restaurants are, or where they might go or visit.

"This came in part because someone was wandering around Barter's Point asking where they could find a store or restaurant or go eat. It occurred to this person that it is just not obvious and that there is a question of is this something the Select Board wants to get involved in or should the St. George Business Alliance think more about this? I told the person that I would bring this to the attention of the Board because it is something to think about, and that I would talk with a couple of people at the St. George Business Alliance if that was agreed on by the Select Board.

"I did point out what we were doing in Port Clyde with 10 Cold Storage Road and the person thought that was great, but Tenants Harbor is the large Harbor with a lot of room and has the potential to provide more business to residents. The person acknowledged and I agreed that this was not a simple issue but perhaps there were some steps that the St. George Business Alliance might think about taking to promote the restaurants, etc., that we have."

Selectperson Willey: I think people seem to find the restaurants and stores pretty well. And how are we going to help somebody that is roaming around on Barter's Point trying to find something? Are we chasing them with a pamphlet and maps? How are we going to know?

Selectperson Hall: I went into Bucks Harbor for the first time last month and I was welcomed at the dock and was given a spiel on where the stores, restaurants are, this and that, etc. It made me feel like, I have to come back here. There are benefits to be gained from some relatively simple and easy-to-do things.

Selectperson Sawyer: Maybe this is something the Business Alliance had not thought of.

Selectperson Elwell: I think the best thing is to talk with the Business Alliance first. To me, it is up to them to promote their businesses, and if we can help them in certain ways, yes. But they need to promote it. It would be good if the Business Alliance got connected with Cabot Lyman to promote the harbor.

Selectperson Hall: I see the Business Alliance more likely to be the driver of this and perhaps something that we can assist with.

2) Selectperson Elwell reported that MSU Superintendent Michael Felton is out on medical leave and Jessica Berry, is the interim superintendent at this time.

- Warrant: The warrant for the week of September 12, 2021, was reviewed and signed. The total expenses were \$2,678,678.69 and included a payment of \$3,200 to Danny Simmons for cemetery mowing, a payment of \$15, 975 to Maguire Equipment for two open-top containers for the Solid Waste Department, and other regular expenses.

Selectperson Hall asked when the town would be making disbursements to the cemeteries. Finance Director Ames said they were paid annually but she did not know the specific time. Hall thought the disbursements were usually made in September.

Chair Bates noted that the St. George Volunteer Firefighters and Ambulance Service had received their disbursement of \$50,000.

Ames had inquired about the number of Quill orders on the last warrant. Quill changed the way they did their billing. They no longer mail the bills; they email them, and Tara Elwell was not getting the emails. It was discovered when the ink was ordered for the printer, and the town was behind on payments to Quill. Tara Elwell inquired about it and that was why there were so many payments all at once.

TOWN MANAGER'S REPORT:

10 Cold Storage Road. Erb has been working with Noel Musson on the pier project and preparing to resubmit the grant application. Last Thursday, Alan Brigham, from the Economic Development Administration (EDA) had a phone conference with him and Musson. The idea was Brigham would take one last look at the grant application and give them some pointers on things they might want to change or add. Brigham gave them a few things they might want to tweak but he also made another recommendation. Brigham proposed they resubmit under a new category under the American Rescue Plan Act (ARPA) that is targeted for travel tourism-outdoor recreation, and it has a specific category for pier construction and improvement.

Erb said a couple of things appealed to Brigham. One that it is an 80-20 match instead of a 50-50 match. The concern was how long this had gone on and that construction costs had risen during that time. Erb, "These are new monies. There is \$750,000,000 available in matching funds under this program and for the northeast region, there is 95,000,000." He added EDA had to push this through quickly because they had a little over a year to allocate all of this money but that did not mean it would be a year until they made a decision.

Erb explained Brigham had said that as he managed the application if it later seemed in the town's best interest to go back to the Public Works grant instead of the ARPA, the town would still have that opportunity. Erb explained that this had taken just a slightly different turn but not one that the town would be forced to stay with. Erb, "I personally, after listening to Brigham and knowing that he is the absolute key person in this whole project, I would go with what he says, and I just wanted to share that with you tonight."

Selectperson Elwell: If Brigham is suggesting that, that is the way we should go because he knows about grant money.

Selectperson Hall: We still have the option to do what we were planning to do if this looks like it is going south. I have been concerned recently thinking about the cost of construction materials and what should happen with it. We were short about one-half a million dollars, but it could be a lot more than that now. I am a little hesitant because he was wrong before, but it is an approach that makes sense to me.

Selectperson Willey: Do we have an updated price on what this is going to cost?

Chair Bates: After Prock had finished the design, it turned out there was a shortfall in what we thought it was going to cost and the money we had raised from the bond was insufficient. Once you **go to those** federal funds, you are obliged to pay a different labor rate (Davis Bacon Act). That bumps the price up quite a lot and then there is the increase in construction costs.

Erb: It was bumped by 15% once and because it has dragged on so many months, the most recent number bumped it by another 10% (on top of that). Brigham's concern was that you are getting over the 50% match area which is going to be a real problem, so this is an issue we are wrestling with. (Erb said Musson had contacted Harbor Committee Chair Dan Morris about this.)

Chair Bates thought if the town were to get the 80-20 match, the town would then be in a position to pay off some of the bond early which would be a positive for the town.

On a motion by Selectperson Hall, seconded by Sawyer, the Select Board decided, after talking with Town Manager Erb, to go with the revised approach suggested by Alan Brigham in resubmitting the application for 10 Cold Storage Road. The roll call vote was 5-0, in favor.

Sexton for Seaside Cemetery. Dawn Gauthier has been hired as the new sexton and will start at the end of September 2021.

Maine Municipal Association Convention. The MMA convention will be held in October. The town can designate a voting delegate. Erb stated he may be the only one attending this year from St. George. To his knowledge, there are no by-laws amendments and there is only one election and the candidate is uncontested.

A motion was made by Selectperson Elwell, seconded by Hall, to have the St. George Town Manager, Richard Erb serve as a voting delegate at the Maine Municipal Association convention in Augusta, Maine, and to approve Select Board Chair Richard Bates sign the delegate verification form. The roll call vote was 5-0, in favor.

Update on Fred Brewer and Reworking the Municipal Audit. Chair Bates said that Brewer was going to rework some of the numbers for a municipal-only audit. The subgroup was Jerry Hall, Richard Bates, Richard Erb, Chris Williamson, and Susy Ellis, and they would meet with Brewer about this. Erb said he spoke to Brewer who said he could meet with the group by the end of this week or early next week.

COMMITTEE REPORTS:

- Conservation Commission: Selectperson Willey reported the CC met on Thursday, September 2, 2021, but she was unable to attend. Oelberger summarized their last meeting.

Footpaths. They did not get much work done on maintenance this month. They had trouble getting volunteers on the same days to work.

Fort Point Project Grant Proposal. They should have the grant proposal prepared to submit to Rick Erb for his signature this week and then send it to the committee for consideration. They will know by the end of the year if the CC is awarded the grant. At this point, it looks like they will have more than the required 20% match with the in-kind labor.

Educational Program. They had planned an Invasive Plant tour at Clark Island for September 9, but it was rained out. It will be rescheduled.

Georges River Land Trust at Fort Point. The August 27th event went quite well. Conservation Commissions from five different towns were there. They all heard Jimmy Skoglund talk about the history of the Point which went over quite well.

Sea Level Rise (SLR). Dan Verrillo talked about SLR a little and they are trying to get the subcommittee moving along again.

MSU and Solar. The CC had been talking with the school about the potential for subscribing to a solar farm, but that has been put on the back burner for a while. I am not sure where that stands. The original plan from ReVision was going to allow a 2-month cancellation and ReVision said the school would have to sign a 20-year agreement. So, the school is back to square one. The CC said they would support the school in what they wanted to do on that.

Associate Members. They discussed Associate Members and going to the Select Board with that request.

- Shellfish Committee: Selectperson Sawyer reported the Shellfish Committee met Thursday, September 9, 2021, and they are still without a Shellfish Warden. The committee is again discussing options. They met with Tim Hoppe, Thomaston P.D., Reggie Walker, Sheriff's Department, and Mark from the Maine Dept. of Marine Patrol.

Sawyer explained that because there is no warden, there is over clamming and other violations occurring and no one is being arrested. So, there is a loss in fine money which helps pay for a warden.

Chair Bates asked if the problems on the flats were minor infractions or more major issues. Selectperson Elwell thought over clamming was a big issue. Selectperson Sawyer said clamming in closed areas and buyers not asking where the clams come from. Sawyer said there should be a warden, but the budget did not support the kind of income to make it worthwhile to a person. The warden is considered an employee of the host town, which is St. George for the next three years, but funding does come from all five towns.

Chair Bates said it was a few years ago when it seemed that we were that close to appointing a part-time deputy sheriff to take care of it and St. George was happy to put the money up, but the other towns were not. Bates, "Isn't it time to make a statement that if you want the citizens in your town to be able to legally clam and without molestation, we all pay more?"

Selectperson Sawyer thought the problem was that the committee members did not want to go or think they should go to their Boards and ask for more money.

Selectperson Hall asked if the Town of St. George needed to be part of this group. Sawyer did not know. Hall said his point was this seemed like an ineffective and inefficient organization and was there an alternative?

Chair Bates: So, if we need somebody to patrol the clam flats in St. George, and we were alone and not part of the five towns, then we would end up having to pay all.

Selectperson Hall: It would be even harder to raise the money to support it. Do you think there is a solution in the near term in sight? If there isn't, and we are without a warden, then we could be without a warden by ourselves without all this aggravation.

Selectperson Sawyer: Hoppe, Walker, and Mark are going to try and think of something. It is a question of not being able to find somebody willing to work under the circumstances. And the circumstances are difficult because if you are not a cop, you cannot carry a gun. You don't have any enforcement.

Selectperson Elwell: Another issue is the warden has to go to court and some have not had that training. Would it be worth reaching out to Dan Staples and have him meet with the Select Board? Or reach out to the other Town Managers to discuss supporting this group? I agree that if they are not going to share the burden, why should St. George participate, but it is a resource we should protect.

Selectperson Hall: I am having trouble seeing the path to success and this isn't new. This has been going on for some time. If somebody can't give me some hope here, then it is time to rethink this.

Chair Bates: We are the town in charge of managing the multi-town agreement for the next three years, so let's fix it one way or another.

Selectperson Sawyer noted the Shellfish Warden could be a part-time job and the pay was a little under \$30,000. He thought the best solution was to have a part-time sheriff, but they did not have any half-time employees. Sawyer thought the Select Board's first step is to have Dan Staples come to talk with the Board.

Chair Bates noted that Town Manager Erb would also be working on this issue.

- Planning Board: Chair Bates reported the Planning Board met on August 24, 2021, at 7:00 p.m.

- An after-the-fact application to add a walk-in cooler at 5 Third Street (Craignair Inn) was accepted as complete. The Board determined that it failed to meet the right-of-way setback requirement in the Performance Standards of the Site Plan Review, and so the application was not approved.
- The application to install a 170' pier, a seasonal 60' ramp, and a 12'x 24' float at 19 Hupper Island was accepted as complete. With the Army Corps and DEP permits in hand and satisfying the standards of Section 15(C) and 16 (D) in the Shoreland Zoning Ordinance, the application was approved.

- Sea Level Rise (SLR): Chair Bates reported the ad hoc Sea Level Rise committee was trying to get re-established. The Gulf of Maine Research Institute (GMRI) had included St. George in a project where the town would help work with the community on resilience to sea-level rise. A Zoom meeting is scheduled for September 22, 2021, at 5:00 p.m.

Chair Bates said the joint project with GMRI would be netting the town \$500 a month for the next few months, so St. George is committed to working with them.

- Cemetery: Selectperson Hall asked about the deeds for Clark Hill Cemetery, and Erb stated he had not heard anything.

OLD BUSINESS: There was no other old business to discuss.

NEW BUSINESS:

- Engage Auditor for FY'21: Chair Bates stated they received an engagement letter from Fred Brewer, to audit the town for the financial year ending June 30, 2021.

A motion was made by Selectperson Sawyer, seconded by Willey, for the Select Board to authorize Town Manager Richard Erb to engage Frederick Brewer to audit the town of St. George for the financial year ending June 30, 2021, and to authorize Richard Erb to sign the engagement letter. The roll call vote was 5-0, in favor.

- Abatement on Property Map 239, Lot 014: Chair Bates explained that the tax bill on this property had been sent to the wrong owner for the last few years. The property owner is deceased, and the son's name is not on the property. Ames stated the abatement is for \$150.00.

On a motion by Selectperson Hall, seconded by Sawyer, the Select Board approved an abatement in the amount of \$150.00. The roll call vote was 5-0, in favor.

At 8:23 p.m., on a motion by Selectperson Sawyer, seconded by Hall, the Select Board adjourned the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary