

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office

MEETING MINUTES

September 27, 2021 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. via Zoom. 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, Ken Oelberger, Van Thompson, Crystal Tarjick, and Dan Staples (8 p.m.) Present via Zoom: Judy Smith, Beckie Delaney, Sharon Moskowitz, Lynna Henderson, Betsy Henderson, Loreen Meyer, and Virginia Vaitones.

PUBLIC HEARING:

Town Charter Referendum Question – Chair Bates opened the Public Hearing at 7:00 p.m. "The Public Hearing is to consider a referendum question on the ballot for November 2, 2021, regarding the proposed amendments of the Town Charter. The amendment would allow the appointment of Associate Members to the Conservation Commission by adding language to Section 202.3. of the Charter. The Conservation Commission may recommend to the Select Board that Associate Members be appointed to assist the Commission as the Commission requires. Associate Members are non-voting members. Their term of office shall be for one year and the ballot will ask voters to check yes or no."

Chair Bates opened the floor for public comment. There being no comments, Chair Bates declared the Public Hearing closed at 7:02 p.m.

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PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda - The following adjustments were made.

- Report from Jackson Memorial Library was moved from New Business and taken up under Regular Session.
- Dan Staples to Report on the Georges River Regional Shellfish Management Ordinance (GRRSMO) was moved from Old Business to Regular Session.
- The Fort Point Deeds was added to the agenda.
- Conservation Commission Associate Members, action item, was moved from Old Business to Regular Session.

- Report from Jackson Memorial Library (JML): Beckie Delaney and Sharon Moskowitz did a slide show presentation adapted from JML's annual meeting in August 2021. The presentation included activities that had been added, restarted, or continued since August 2020.

Delaney and Moskowitz's presentation: They have worked to improve the trail access to the marsh, improved the trail between the school and the library, and have improved their outdoor areas. They also changed some of their hours to better reflect what the community needs.

The library offers many, many activities and programs and several of those include Tech Time, Curbside pickup and mobile office, DIY programs, Saltwater Harvesting, the Tool Library, the

Free Library, Art Story Time and Story Walks, Art Enrichment for all students, and the Pre-K program which is paid for primarily through grants and donations.

The library's general budget is approximately \$200,000. Their general operating budget is from grants and fundraising. JML is very much appreciative of the \$50,000 allocated to them by the town, and the library could not do a lot without the town's financial help, fundraising, and community support. One of this year's fundraisers included three successful book fairs. The library has over 50 volunteers and gives over 1,100 hours working on over 15 tasks. The library staff welcomes more volunteers and invites the Select Board to "come to take a tour" of the library.

Some of JML's planned needs and expenses include a split cooling system for the Community Room and Children's Room, expand their outdoor storage to accommodate the Tool Library, and some of the library's outdoor programs and Pre-K materials, to improve their audio-video systems, and technology.

Selectperson Elwell asked what JML would do if the school offered/mandated Pre-K. Delaney said the library was investigating a program and curriculum for three-year-olds. She said the two preschool teachers were on board with offering a program for that age group. Delaney noted it appeared the state was moving toward offering more early access of services to schools, so having a 3-year-old program might help make speech, language, OT, etc., available to those children in town.

Chair Bates asked where the Free Libraries books come from. Moskowitz explained that those books are donated and go either to the bookstore or are sorted for the book fairs.

Selectperson Hall stated that the array of programs the library has is wonderful. Chair Bates stated JML has an amazing list of programs for adults and youth, as well as new programs/activities they are trying out.

- Dan Staples on GRRSMO: The St. George Select Board discussed GRRSMO at their last meeting. Chair Bates stated there was a sense at that meeting things were not working quite as they should be, and he hoped Staples could tell the Board how things were working.

Selectperson Hall added he recognized the importance of what was trying to be done with the program, but it appeared to be struggling. The point he raised at the last meeting was "Give me some hope. Show me that there is a path forward where we could be successful because right now, I am not seeing it and am concerned about that."

GRRSMO Committee Chair Dan Staples, "We have had a struggle and I can probably blame some of it on the pandemic. We have had a warden that resigned in March when clamming was going to get really busy when we were getting ready to do our drawing to sell licenses, and more diggers were getting out, and the whole gamut. I have had some coverage on the flats, but I am trying to get some people who are misusing the closed areas, etc., accountable. A couple has been and a couple more are going to be." Staples said he was cynical but thought since the government's "free money has kind of gone away" all of a sudden they have received applications for the warden's position.

Staples stated that at the last GRRSMO meeting, Dennis McNault, a biologist from the Dept. of Marine Resources and Tim Hoppe, Thomaston Police, attended in person, and a representative from the Sheriff's Dept. attended via telephone. Staples said the committee was working on a plan and they did have a couple of warden applications he needed to follow up on.

Staples stated he was not a clam digger but had fought hard for his constituents and other towns for the last 13 years, though it had been discouraging at times. David Taylor, a volunteer on the committee had given copious amounts of hours into research on the salinity of the water, how the currents flow, testing waters, trying to counter whatever the state was saying, and he had done a fabulous job.

Staples explained that GRRSMO put an abatement on the Upper Bay by So. Thomaston and Thomaston. He said that was the largest area of clam flats, over 800-1,000 acres, and were in the process of either opening it or abating it so it would also be a producer of seed for the estuary. They have enough data to believe that feeds the rest of the estuary which has taken three grants and hours of Taylor's time.

Staples said he thought things were "starting to look up." "It is a little daunting when you are doing most of the work. I don't even tell Sawyer or a couple of the other Board members because it is just turning around and explaining everything for them, so I wait for the meetings and tell them what we have done."

Staples: "The worm diggers came in about five years ago and have turned the flats over time and time again and we got zero help from DMR." Staples, "It is good to turn the flats over once or twice because it aerates the flats for the ecosystem, but when it is turned over four times a week, four to six weeks in a row, the area becomes mush. Some entities have contributed to the demise of the river, but we are trying to bring the ecosystem back and we think we have turned a corner in doing that."

Sawyer asked Staples if it was time to ask other towns for an increase in the amount, they contribute to hiring a warden? He explained that in the past, St. George had been willing to increase its contribution.

Staples said he did not know. He explained that clamming licenses were down (from 107 to 77). They had sold 64 licenses to five-town residents, some to non-residents, and a couple to students. Staples, "We have been in that rut for the last couple of years." Staples said he did the budget and the committee more or less agreed with him. He felt they needed to do a better job getting the youth into the clamming program.

Staples said that because licenses were down, his yearly budget was cut by one-third, so his was budget was \$56,000. "If a part-time warden is paid \$42,000, (includes the wages and health insurance), there is \$14,000 left to run the program which includes the cost of gas, court time, etc. It is not easy to run a program."

Staples said some towns were willing to contribute more money but some residents in other towns complained saying they could use the extra money, why weren't they being helped. He thought as the river started to come back, the program would come back.

Erb asked if they would sell licenses if they did not have enforcement. Staples said they had some part-time enforcement. The problem was the person had a full-time job in the Sheriff's Department.

Selectperson Hall, as well as Chair Bates, remarked that Staples had given them some hope with the direction the Five Town Regional Shellfish program was moving.

- Fort Point Deeds: Crystal Tarjick, Esq. explained the Fort Point deeds and what needed to be done. Tarjick handed out copies of the boundary survey done on the Town of St. George Fort Point by Gartley & Dorsky Engineering and Surveying on April 2, 2021.

Tarjick explained what a release deed was, the point of it, and why a release deed was being done. "The signer (the Board) releases to the other party and the interest if any that they had in the property." She drafted release deeds from the Town of St. George to the Paulsens, and the Paulsens back to the town.

Tarjick stated what she believed to be the situation. "Gartley & Dorsky did the plan to draw more distinct lines on what the town owns, what the Paulsens own, where the trail is. What these release deeds will do is point out that this plan was done and say the Town of St. George releases any interest that they have or may have in the Paulsen property."

Tarjick stated that attorney and title-wise, they are owned by two separate entities. One is owned by them personally; one is owned by them in trust. She stated an issue brought up was that four deeds may need to be done. Two deeds from the town to the Paulsens in the two lots, and two deeds from the Paulsens, in each lot, back to the town. The deeds release each party and their interest in the other's property and acknowledge the Gartley & Dorsky plan.

Drafted by Tarjick to this point is: The town releasing their interest in the more northwestern lot and then the Paulsens releasing their interest in that line where the town owns. Tarjick stated she could quickly draft the other two deeds. She said it is not the town giving up anything that it thought it had. "It is a recording in the Registry of Deeds that the town acknowledges these are where the lines are and all parties agreeing and putting it on record."

Tarjick explained that in the Paulsens' deed, it referenced Mr. Skoglund's property. "At the time the deed was written, Mr. Skoglund owned what I now believe the town owns, so that is why the deed references that line. When the deed was written it was owned by Mr. Skoglund, so I wrote it as, 'at the land now or formerly of James Skoglund.' "

Oelberger asked why one of the deeds said, "A Municipal Release Deed" and the other two stated, "Quitclaim Deed without Covenant or Release Deed." Tarjick explained the Paulsens are not a municipal government, and she wants it on record that the municipality (St. George) is releasing their interest in the property. She said the "Quitclaim Deed without Covenant or Release Deed" meant that Carol and Richard are giving up their interest without any promises.

Selectperson Hall stated the Paulsens did not want to sign the deeds until they walked the property and saw where the boundary stakes were. Oelberger stated the Paulsens had viewed the deed and agreed in principle, it was okay.

Tarjick said she would have the two other deeds ready for the October 4, 2021, Select Board meeting.

- Conservation Commission Associate Members: A public hearing was held earlier to take comments regarding the Town Charter Referendum Question, Article 1. No comments were made at the hearing.

A motion was made by Selectperson Elwell, seconded by Hall, to place Article 1 on the St. George Town ballot for the November 2, 2021, election. The roll call vote was 5-0, in favor.

Chair Bates explained that Town Manager Erb was investigating whether the Select Board could legally place a written recommendation on the November ballot stating its support of Article 1.

A motion was made by Selectperson Elwell, seconded by Hall to approve having a written recommendation of support on Article 1 of the referendum if the Town Manager finds it to be legal. The roll call vote was 5-0, in favor.

- Minutes: The minutes of September 13, 2021, were corrected as follows:

Page 2, paragraph 10, line 3, change to read: ...a meeting with **the landowners**.

Page 2, paragraph 1, line 2, change to: ... clear **there is** Richard...

Page 2, paragraph 1, line 4, ...think **the latter** is now...

Page 3, paragraph 6, line 1, change to: ... I think **having** Associate Members provides a pool..

Page 3, paragraph 7, line 2, change to: ...you can **appoint**. (Delete, **you** and change) It didn't give a limit...

Page 4, paragraph 6, correct word to votes

Page 6, paragraph 2, line 4, insert name of **Tara** Elwell

Page 6, paragraph 4, line 4, change ARPA to **EDA**

Page 6, paragraph 3, line 7, change to (ARPA) **that is** targeted...

Page 6, paragraph 5, line 1, change to ...if it **later** seemed in the...

Page 9, paragraph 1, line 2, correct to **in sight**

Page 10, paragraph 1, line 1, correct to Selectperson **Hall**

A motion was made by Selectperson Sawyer, seconded by Hall, to approve the September 13, 2021, Select Board minutes, as corrected. A roll call vote was taken. The vote was 5-0 in favor.

- Communications: School Board member, Jennifer Garrett, sent a letter to the Select Board and requested it be read into the record. The letter was signed by all members of the MSU School Board.

St. George MSU
September 26, 2021
Board Update:

The St. George School Board has appointed Dr. Jessica Berry, Director of Special Education to serve as the temporary interim superintendent of the St. George Municipal School Unit. Dr. Berry will also continue to serve as the Director of Special Education and has the support of the school administration during this time of transition.

The Board has retained the services of the Maine School Management Association to search for an interim superintendent to serve while the Superintendent of record, Mike Felton, is on a leave of absence.

Any questions should be sent to the St. George School Board at the emails listed.

School Board members, Emily Chadwick, Kristen Falla, Jennifer Garrett, Alane Kennedy, and Shasta Minery.

- Warrant: The warrant for the week of September 13, 2021, was reviewed and signed. The total expenses were \$1,478,839.87 and included a school payment of \$462,695.62, a payment of \$941,739.47 to Knox County for County Tax, a payment of \$4,611.00 to Lincoln County Publishing Co for the town reports, and other regular expenses.

TOWN MANAGER'S REPORT - Richard Erb reported the following:
MMA 2021 Conference. The in-person convention had been changed to a virtual convention.

Paving. It was completed last week by Hagar Enterprise, Inc. They paved Mosquito Head Road and Dennison Road and J.K. Kalloch had some shoulder work to complete.

ARPA Funding. The town's application for its share of ARPA funds, just under \$272,000, was confirmed and accepted. The State of Maine would be forwarding the town \$272,000 possibly within the next month. The MMA advised communities to accept the money now. However, if a town holds a town meeting type form of government, it will need town meeting approval before the funds could be spent. The town has until 2024 to have the funds entirely committed and the MMA's advice was to not make rapid decisions on this because the Feds do sometimes change their guidelines.

Chair Bates noted that a committee had been established to include the school superintendent, a School Board member, a member of the Select Board, and a member of the Budget Committee. Bates anticipated there would be public meetings to arrive at a consensus for items to be placed on the May ballot.

10 Cold Storage Road. Noel Musson spoke with Erb last week. Musson told Erb he was ready to resubmit the grant application. The Harbor Committee Chair, Dan Morris, contacted Erb and told him the Harbor Committee planned to meet on October 7, 2021.

COMMITTEE REPORTS:

- Solid Waste and Recycling Committee: Selectperson Willey reported the SW&RC met on September 22, 2021, and she was not able to attend the meeting but had notes from Chairperson Wendy Carr. The committee mostly discussed Transfer Station issues. The rigid plastic was an ongoing issue. They have sold some of it but are not sure when it would be shipped.

They discussed the bottle room and how not to put returnables in the glass container. Signs have been put up. Around the bottle room entrance, there are a lot of items from the Resale Shop and it has been hard to get into the bottle room. The committee will try to clean that area up and put some cones around the bottle room, so people can access it.

Willey reported the town was looking for a part-time person to work at the Transfer Station, and Erb said he believed they had found that person. Erb said another employee at the Transfer

Station was having some family health issues he was dealing with and hopefully he could work most of the day but did have some conflicts he was working through.

The committee has had two complaints about the Transfer Station being closed on Thursdays. Chair Bates said he also had received a question about Thursday closings. Chair Bates suggested this issue be revisited, and Erb said he would look into it.

Board of Appeals (BOA): Selectperson Willey reported the BOA met on Thursday, September 23, 2021, at 7 p.m. to hear testimony on an application for a setback variance of the Craignair Inn which had partially installed a new cooler. Greg Soutiea gave testimony to why he needed the additional cooler at his business. The cooler addition was started before he received a variance from the Planning Board. The variance was needed because the new structure was too close to a nonconforming right-of-way. The BOA listened to Soutiea's testimony, asked questions, then discussed all the issues related to the case applying state guidelines. It was decided that Soutiea's points did not meet all of the criteria for granting a variance and denied his request. The BOA sympathized with Soutiea but explained their "hands were tied" as they had to follow state law. Willey stated that Soutiea left before the meeting ended; the BOA had wanted to suggest to him that he go back to the Planning Board and try to work something out because he had already started the structure and invested quite a bit of money in it.

Selectperson Elwell asked if he had a permit to do the project? Chair Bates said that was fundamentally the problem; he started building it without a permit. Van Thompson of the Planning Board added that he reviewed past BOA minutes and found a 2018 case regarding the East Wind Inn and Ty Babb where the Board of Appeals worked something out with the plaintiff. Thompson thought this appeared to be very similar in terms of distances and where you are relative to easements, and shoreland property type of things.

Chair Bates said a meeting with the town's attorney, Mary Costigan, the Planning Board, and the Board of Appeals has been scheduled for October 12, 2021, to review revised state statutes.

Selectperson Willey added that the Board of Appeals needs one more alternate.

- Planning Board: Chair Bates reported the Planning Board met on September 14, 2021, at 7 p.m.

- An application to raise the cottage and install a new foundation at 13 Donut Point Lane was considered. It was determined that a site visit was necessary; this was scheduled for 4:00 p.m. Friday, October 1.
- A fresh application to demolish the cottage and rebuild at 3 Riverview Drive, off Otis Point Road was accepted as complete; this application proposed a less non-compliant building than was proposed earlier this year. Satisfying the requirements of 12.C.4 and 16.D in the Shoreland Zoning Ordinance, and with the conditions that the blasting plan was available at the Town Office, and that methods would be used to minimize blasting, the application was approved.

Town Manager Erb presented updated information: CEO Brackett will be working with both the blasting contractor and the owners to try to measure the current status of the properties around, mostly for everyone's protection as there is much concern regarding the neighbors' wells. The concern is that if any problems show up at a later date if they have not

measured what the current status is, how would you ever know? So, this should help protect everyone. They have had discussions with Attorney Mary Costigan about whether those types of conditions can be put on. Costigan believes they can be, and both the contractor and the property should welcome them.

- The application to add a seasonal 8'x10' float to an existing float at 15 Earthly Heaven Lane, off Otis Point Road was accepted as complete. Satisfying the requirements of 15.C and 16.D in the Shoreland Zoning Ordinance, the application was approved.
- There was a pre-application discussion about the glamping project at 162 Drift Inn Road that had been proposed earlier this year. It was agreed that the project would be subject to a site plan review.

Chair Bates reported the Sea Level Rise Committee met at 5:00 p.m. on September 22, 2021. The committee met via Zoom to discuss answers to the questions addressed to C-RISE Advisory Board Members & Community Leaders; these included issues such as:

In your opinion, to what extent should this project support adaptation (adapting to climate change) and to what extent should it support mitigation (reducing climate change), and why?

Our answers will be combined with those of the other project participants, to shape the two events that St. George will host this fall, where we help GMRI develop a Coastal Rural Resilience Training curriculum.

OLD BUSINESS:

- Report on Municipal-only Audit: Chair Bates reported that he, Jerry Hall, Susy Ellis, and the town manager had an interesting discussion with Fred Brewer, the town's auditor. Selectperson Hall explained that Brewer sent a municipal-only audit, and he (Hall) initially had a great deal of trouble reviewing it because the categories of expenses and revenue did not match up with the way they normally look at it. Hall said he had a lot of questions for Brewer. He did think Brewer did a really good job of answering the questions and explaining the basis on which it had been done. They did uncover a couple of things that needed to be corrected.

One correction was where Brewer showed the town had overspent the budget in a number of areas, but carry-forwards had not been considered.

The second correction was Brewer had the display which showed in the fiscal year 2020 (FY'20), that the town's budget of revenues and expenses would have caused a decrease in the town's general fund of \$300,000. Hall wondered how could they have done a budget that would create such a result? The answer: it was never presented in a way that they could see it. Hall thought the most recent budget was put together using a process that would have resulted in the same blindness, and this was something that should be looked at going forward in the budget process.

Selectperson Hall felt they needed to look at revenues, have some estimates included on the school, tax revenues, and they should be roughing out budgets with all of these in mind. "We are not going to have final numbers on the school until later and the tax commitment until later but at the very least we should put an estimate in so we can understand where we expect to finish the year."

Erb said \$125,000 of that was an appropriation from the general fund so that everyone should have been aware of that. The remaining \$175,000; Erb was still a little unclear what Brewer was referring to. Hall said in the last few years, the actual spending had been significantly less than what was budgeted, so the common practice was to transfer \$125,000 from the general fund towards the next year as a way to reduce the amount of taxes needed to be raised.

Erb: "There certainly are places where they would look at that and say, appropriation from the General Fund should go to one-time expenses because otherwise, you get in a situation where you get to a year where it is not available, you are going to have a tax increase that you didn't anticipate. Maybe there are not enough one-time expenses to do it but that is one way to protect yourself."

Selectperson Elwell asked Selectperson Hall if Brewer saw the benefit of having a municipal-only budget presented to the Select Board. Hall thought Brewer's view was, "If you as a municipality want to see your numbers broken out separately then I can do that." Hall said but Brewer still had the monies for education in that audit; he treated it like the town was contracting education out. Overall, Selectperson Hall thought that the municipal-only budget was helpful and the meeting with Brewer was useful.

Chair Bates thought that going forward a municipal-only budget should be included as part of the town's audit.

NEW BUSINESS:

- Representation Letter from Auditor Frederick Brewer: Chair Bates stated they received a Representation Letter from the auditor in July 2021, that stated the Select Board agreed with all the financial statements that had been made to the auditor. Chair Bates said the Board had to sign something but there were many items in the list that were not in the Board's purview that they do not know about. Chair Bates proposed a clause be added to the list of 45 representations of what is claimed the Board has done. The Board reviewed and discussed the wording of the clause and adding it to the Representational Letter.

A motion was made by Selectperson Hall, seconded by Elwell, to approve the Representation Letter from Frederick Brewer, CPA, with the following clause, "Notwithstanding the 45 representations above, this document is signed by the Select Board based on our understanding of the financial operations and affairs of the town, excluding the Municipal School Unit. Similarly, the School Board Committee of the MSU is responsible for the representation associated with its financial operations, e.g., the pensions and the Other Post-Employment Benefits (OPEB)," and authorize Chair Bates to sign the letter on behalf of the Select Board. The roll call vote was 5-0, in favor. The motion carried.

At 8:55 p.m., on a motion by Selectperson Sawyer, seconded by Elwell, it was voted to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary

