

ST. GEORGE SELECT BOARD & ASSESSORS

**St. George Town Office**  
**MEETING MINUTES**  
December 6, 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 and Irene Ames.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda: None.

- Minutes: The minutes of November 15, 2021, were reviewed.

A motion was made by Selectperson Sawyer, seconded by Hall to approve the November 15, 2021, minutes as corrected. The vote was 5-0 in favor. Motion carried.

- Communications: None.

- Warrant: Warrants were presented for the week of November 17, November 23, and December 2, 2021. They were reviewed and signed. The warrants included a school payment of \$462,695.62 and the purchase of safety equipment for the Fire Department.

Selectperson Hall asked about the payment to Bernstein, Shur, Sawyer & Nelson. Chair Bates explained that on October 12, Mary Costigan, Esq., held a joint workshop with the Planning Board and Board of Appeals regarding the Freedom of Information Act, and Town Manager Erb noted he had consulted with Attorney Costigan on several town issues.

TOWN MANAGER'S REPORT - Richard Erb reported on the following.

10 Cold Storage Road. He had written to Alan Brigham last week and got an auto-response that Brigham would be out until Monday, December 6th. Erb did not think a decision had yet been made by the Economic Development Administration (EDA) committee for the grant, or he would have heard from them.

Appeal by the Board of Appeals. An appeal will be heard on Thursday, December 9, 2021. Bernstein, Shur discovered they had a conflict of interest so the town will be using James Katsiaficas, Esq. from Perkins Thompson Attorneys.

Drift Inn Road. Seaweed and debris covered the Drift Inn Road due to the recent storm and heavy surf. The plan is to get that cleared off. Erb stated that about ten days ago he submitted a grant application that would pay for an engineering assessment and design to replace the culvert at Drift Inn and raise the road.

Port Clyde Damage. There was some damage near the Port Clyde town landing ramp.

Streetlights. At the last Select Board meeting, Erb said he was asked how much the town saved monetarily using LED bulbs in the streetlights. He said he compared the September 2021 bill to

September 2020 bill, and the September 2021 bill was reduced by \$330.00 (about a 24% reduction). Erb thought the town would reach the anticipated annual savings because the darker months were yet to come, so the savings would be greater.

Town Office Closure. In observance of the Christmas holiday, the town office will be closed on Friday, December 24th. Town office staff employees asked if the office could be closed on December 27, 2021, and that each employee would use their (contracted) personal day.

A motion was made by Selectperson Elwell, seconded by Sawyer, to approve the closure of the town office on Monday, December 27, 2021, by allowing each employee to use a personal day. The office will re-open on December 28, 2021.

Knox County Budget. Erb contacted Nick Lapham regarding the status of the Knox County budget. Lapham's email stated that he was not able to attend the last meeting but did watch the video. Lapham said he was able to discern that the jail budget was reduced by almost \$600,000, and other department budgets were approved as originally submitted or with minimal change making the total budget around \$8,570,000 or a 2.7% increase over last year's budget of \$8,443,900. Erb said he would be interested in finding out what happened that could have changed the budget by \$600,000.

Chair Bates asked Erb if anyone from the public had talked with him about getting a petition together for an Amusement Ordinance. Bates asked, "Had anything happened on that?" Erb stated no, he did not think the person was coming in right away but thought the person would be in at some point.

#### COMMITTEE REPORTS:

The Board of Appeals (BOA): Selectperson Willey reported the BOA met on November 18, 2021. The Board heard testimony from H. Prescott Smith regarding an extension of an appeal deadline. The paperwork needed for the appeal was sent to the town office by Mr. Smith's lawyer, Attorney Stephen Hanscom, but the paperwork arrived one day late. Attorney Hanscom gave the mailing three days to get from Rockland to St. George. He checked with town office staff the next day late in the afternoon, and the paperwork was not in; it arrived the next morning.

The Board listened to testimony from the appellant, the plaintiff, and both party's lawyers. The Board then asked questions and ended the testimony. The BOA discussed all the facts and felt H. Prescott Smith's lawyer had done due diligence in filing the appeal, and everyone suggested the mail with its recent issues was slower than usual.

They went through the facts related to the issue. The Findings of Fact and the decision was to grant the appeal extension. There will be an appeal hearing on December 9, 2021, at 7 p.m.

- Clark Hill Cemetery: Selectperson Elwell asked Selectperson Hall if the Clark Hill Cemetery deeds had been settled. Selectperson Hall said that matter was still ongoing. Hall said there was an issue of understanding whether it needed to be surveyed or whether there was sufficient information already. This will be discussed further later in the meeting.

- Sea Level Rise: Chair Bates reported that it was King Tide on December 5, 2021, and noted that although it was a 12' tide, it was not as high as the tide on December 6, 2021. Bates thought

it might be because the barometric pressure from Sunday to Monday dropped by about 20 millibars. He did not know whether all the seaweed on Drift Inn Road resulted from Sunday's tide or Monday's tide. He suspected it might have been Monday's tide, as it not only was the lower barometric pressure but also the strongest onshore wind.

Over the weekend, members of the Sea Level Rise Committee and some of Alison England's students started photographing and documenting the vulnerable areas in St. George for rising sea levels.

OLD BUSINESS: None.

#### NEW BUSINESS:

- Knox County Community Justice Hub: The Select Board received an email from the Director of Restorative Justice Project (RJP) of the Midcoast. Chair Bates asked Selectperson Sawyer if he would contact the director to discuss the email. Selectperson Sawyer noted he had been involved in Restorative Justice in the past and explained that Restorative Justice was a philosophy that guided communities in their response to wrongdoing and crime. He also gave an example of the RJP process when he worked with a young offender in the program. Sawyer said he was not sure if the RJP was looking for funding or wanted to expand the program in Knox County.

Bruce Hodsdon, a volunteer with the Restorative Justice Project, said he would do a brief presentation on the program at the next Select Board meeting.

- Action on Tax Acquired Property: The Select Board reviewed the list of town tax acquired properties prepared by Finance Director Ames and Town Manager Erb, and Chair Bates read the following town policy, "No public auction or bid process shall be held, nor court action commenced, until after one (1) year from the tax lien foreclosure date, although such action may be taken at any time thereafter."

The Select Board reviewed page 6 of the Select Board Policy Manual, Administration, Tax Acquired Property; amended by the Select Board on October 21, 2019. Chair Bates noted that the Board would not be considering the last two tax acquired properties on the list at this meeting because of their recent dates.

Chair Bates: "The question is, what do we do with those on the list that became tax acquired 11 years ago?"

Selectperson Elwell: Some on the list have had plenty of time to work this out; the amount they owe.

Chair Bates: This is important for general equity in town. People pay their taxes. That is what everyone is expected to do. I think that it is not fair for everyone who does pay.

Selectperson Elwell: What action would we take?

Chair Bates: There are those that involve only land and if we act on them, they do not displace anybody. If they cannot afford the land, it should be sold. Those who have land and a building

that is occupied gets more complicated. I must admit I was rather disappointed to see what a large list we have (14 properties).

Selectperson Elwell: Has anybody checked (recently) into some of the properties? Some properties may have lawyers involved.

Chair Bates: Some of these may need to be researched further to understand what is going on. There is an issue that involves a property as to how the land and access to the cemetery relates.

Selectperson Hall explained how that property was related to the cemetery: It is called out as a separate lot on the tax map. There is a right of way that runs to it. Whatever is done with the bulk of the property, the cemetery should be (clearly) delineated as excluded from the rest. A surveyor should likely be involved to do that and given the situation, to do that as soon as possible.

Town Manager Erb: "Weren't we talking about expanding the cemetery's property to the backline?"

Selectperson Hall: "Yes. The cemetery committee felt it would be prudent to take the existing sidelines of the cemetery and carry them back, 40' or 50' to the gravel pit, so that it is all enclosed. A surveyor needs to determine where the sidelines are and it is necessary to confirm that the right-of-way that goes in there, reaches the cemetery."

#### A Course of Action Plan:

Chair Bates suggested the following.

- For the land issues, I would like to propose that the owners receive a letter saying that they have 60 days to contact the Town Manager to discuss this. The options could be that they work out a payment plan to pay off their taxes within 18 months or alternatively at the end of 60 days, those that owe money on land, the town sells the land that those who haven't responded.
- For land with a building, I would suggest that the owners receive a letter saying that the town needs to act on this and to contact the Town Manager immediately to discuss a payment plan. If at the end of 60 days, there has been no response from the owner, those that owe money on land and building, the town will start the process of putting it up for auction.
- For land with buildings on it and not occupied by the owner, treat those properties as land.

Erb: As far as parcels that have a house on them, there is one state law that took effect at the end of 2018 and it said, "If it is a property that belongs to someone age 65 or older and they receive the Homestead exemption, then basically it is their virtual home, and the process is the same except the difference between the amount of taxes owed and whatever is paid, the town keeps the taxes, and the money goes to the former owner." I am not sure anyone fits that category.

Erb: The other piece is that they have to be relatively low income, approximately \$40,000 per an individual or possibly \$70,000 for a couple. It doesn't change what we do, but it would change what the final action is because they would receive part of the proceeds.

Chair Bates asked the Board how they felt about the idea of having one plan for the land, one plan for land and building, and one plan for land and building not occupied.

The consensus of the Select Board was that people should be put on notice. In the case of tax acquired land, it would be okay to move on those more expeditiously; but if the land and building owners did not respond, the town needed to move on those.

On a motion by Selectperson Sawyer, seconded by Elwell, it was voted 5-0 to have Town Manager Erb write a letter to landowners and write a letter to land and building owners requesting they contact him within 60 days to discuss their delinquent tax bill as outlined in the above "Course of Action Plan." If at the end of the 60 days, the taxpayer does not respond, action will be taken to sell the property.

Erb asked if the Select Board wanted him to make contact as soon as possible or wait until after the holidays. The Board felt contacts could be made after the first of the year.

#### EXECUTIVE SESSION:

Present for the executive session was Select Board members Richard Bates, Wayne Sawyer, Randall Elwell, Jerry Hall, Tammy Willey, and Town Manager Rick Erb.

At 8:03 p.m., on a motion by Selectperson Hall, seconded by Willey, it was voted 5-0 to go into executive session pursuant to Title 1 M.R.S.A. § 405(6)(C) – acquisition of real property. The SB came out of the executive session at 8:40 p.m.

At 8:41 p.m., on a motion by Selectperson Hall, seconded by Sawyer, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary















