

## **ST. GEORGE SELECT BOARD & ASSESSORS**

### **St. George Town Office**

### **MEETING MINUTES**

March 28, 2022 – 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 were: Richard Erb, Irene Ames, and Van Thompson. Present by Zoom were: James McNichol, Becky Delaney, Cynthia Sarady, Ken Oelberger, Alison Briggs, and Loreen Meyer.

#### **PUBLIC COMMENTS:**

Ken Oelberger: With the upcoming town election in May and with there being contested elections this time, I thought it might be a good idea to have a Candidates' Night for voters to get to know the various people running for the positions.

Chair Bates stated that Becky Delaney would be talking about holding a Candidates' Night at the library and it would include the candidates running for Select Board and School Board.

#### **REGULAR SESSION:**

- Adjustments to Agenda - The following items were added to the agenda:

- Candidates' Night at the Library
- Town Meeting Arrangements were taken up under Old Business
- Sign Harbor Committee & Conservation Commission Associate Forms were placed under New Business
- Overview Report on Proposed Expenses and Revenue was placed under New Business
- Write Rep. Ann Matlack about Housing Bill LD 2003 was taken up under New Business
- Additional Warrant Items for Town Meeting were added under New Business

Adjustments to the Order of Business:

- Candidates Night at Jackson Memorial Library was taken up under Regular Session
- Proposal for Cell Phone Tower at Transfer Station was taken up under Regular Session

- Candidates' Night at Jackson Memorial Library:

Becky Delaney said many years ago the library held a Candidates' Night for candidates running for office, and this year there were a number of candidates running for vacant positions on the Select Board and the School Board.

Delaney: We are proposing to have a meet and greet night on April 28, 2022, at 7 p.m. The format will allow each candidate two minutes to introduce themselves and four to five minutes to explain why they are running for office then a two-minute closing statement. This event will not be an open question night. After the candidates' presentations, people can mill about and ask questions on an individual basis. The historical record indicates that this was the type of format used.

Delaney said the library was trying to collect write-ups from each candidate so the write-ups could be published on Facebook. These were needed by April 5th. She said they also planned to

have pamphlets printed up with one side highlighting the School Board candidates and the other side highlighting the Select Board candidates.

Chair Bates suggested the names of the candidates and the pamphlet information be put on the Town website.

Oelberger suggested putting the candidates' write-ups in the May newsletter. He asked if the turnout was large, would the event be held at the library or the town office. Delaney said the library's community room holds approximately 45 people, and the public could Zoom in for the meet and greet event. Chair Bates thanked the library in advance for holding a candidates' night.

- Proposal from B + T Group for a Cell Phone Tower at the Transfer Station:

Chair Bates introduced James McNichols of the B + T Group to talk about their interest in placing a wireless cell phone tower at the St. George Transfer Station.

McNichols: We are an Engineering and Services firm. We are representing a client who has an interest in building a cell phone tower and in working out a lease with the town of St. George. We looked at a number of properties in the town. We talked to some of your citizens, and we thought the town property was a good candidate for us. We put together a preliminary proposal and sent it to you last month. We talked about the size of the property that we needed and what we thought was an ideal place for the tower. We talked a little about what a proposed rent would be and a little about some of the benefits of having an additional cell phone tower to serve your citizens.

With all that being said, the proposal we put out for the town is generally where we want to be to do things. It is a negotiation like anything else. I am a little concerned about some of the setbacks that were discussed. When you look at the property overall there are some flat areas where the town has a lot of activity going on. There are a few flat areas where you don't have a lot of activity going on and then there is a whole lot of space where it drops off down the hill to elevations that would probably not be usable or even accessible for us to get in and use. Bear in mind that what we are building is going to have to be on the relatively flat area. Exactly what we would build, where we would build it is not all set in stone.

Is there anybody that has any general questions after reading over our initial proposal?

Chair Bates: It looks like in your diagram; the tower is not guyed. It is a self-supporting tower? And with that, you can get away with 100 x 100 s.f.?

McNichols: Yes, that is correct. This tower would be self-supporting. There are a couple of different ways we can do that, but it does not have guy wires on it. We typically get into guy wire towers when we get over 250' tall and this tower would be lower than that. Guy wire towers are very good towers, but they take up more property.

Chair Bates: So, we already have a tower that has some 5G equipment on it and the question then is why do we need another tower? There must be some potential otherwise you wouldn't be talking to us. Is the other tower full?

McNichols: I don't know the overall status of that tower. I do believe there are a couple of carriers on that tower who currently serve the town. As far as the actual structural strength of that tower, I have no idea. What we are trying to accomplish here, is to put a competitive tower in the marketplace. So, think of it in terms of having two gas stations in town instead of one.

Your town is very peculiar, geographically, because you are so far removed from Route 1. This is common up and down the coast of Maine. This tower will not reach back to Route 1. This tower is purely serving the citizens of St. George, any tourists, etc.; it is just for the town.

You might not be getting all of the cell carriers in your town because the existing tower is very expensive for them to rent. So, if the carriers all have enough customers in St. George to justify the high rent being paid then ultimately, they will spend their money to serve customers elsewhere. That is why you or your part-time visitors come with phones they used in Massachusetts or New York and find their phones don't work at all in St. George. If we were able to put another tower in St. George and get some competitive rates, we could get it down to where all the carriers would come to the area and be served.

Erb: When you and I were talking, it sounded like Port Clyde is a particularly difficult area to serve? Do you recall that?

McNichols: I did get an opportunity to talk with some of the RF engineers we are working with on the Tenants Harbor site. They told me the problem is that Port Clyde is pretty far removed from that site. It is possible if we built this tower in the spot we want to put it, and if we could build it a little taller, we might make the coverage better in Port Clyde. That being said, you are always limited by the phone's ability to get a signal back to the tower more so than you are limited by the ability to get a signal to the phone.

The guys did assure me that if they could get a decent height that they could improve coverage in Port Clyde, but it is a question of what they end up with as their ultimate height. I could not offer you guarantees that that would happen, but at some point, there may be a need for another tower further south.

Selectperson Hall: How tall would this tower be?

McNichols: Somewhere around 190 feet. The current tower is around 180' or 190 feet. This tower would be similar in height to the existing tower.

McNichols: As we move around on the property, the elevation changes drastically so there is an overall height that they are trying to achieve. If we built it in a lower spot, we would have to make it taller, so keep that in mind and don't hold me to the numbers.

Selectperson Willey: What type of study did they do that made them decide to come to St. George with a proposal?

McNichols: We are in contact with all of the cell phone carriers currently operating there. One of those carriers reached out to us and said they could do this better if we had a better platform.

We didn't do any studies. We had a client that came to us and said we would like to build another tower here.

Selectperson Willey: How tall could this end up being?

McNichols: It would probably not go above 200' but we have to look at the area. I proposed the tower in one place and was later told by town staff that it would have to move to another place. We've looked at a couple of areas; on the backside of the Transfer Station and down the hill, we would have to get a good bit taller. But if we could stay up on the flat areas where your workspace is, we can keep it shorter.

Selectperson Elwell: Do you have to have a fall distance? (Bates: Yes.) What is the radius for the fall distance?

McNichols: Municipal codes are written differently, but sometimes we do an "engineer fall zone." That means we design the tower in the very unlikely event that it should fail. We can dictate where that failure would take place. I could talk to you more in detail about that if it is something you are interested in, but I think your height code is 110 percent. Also, if you wanted to have the tower in a different spot and it was too close to a property line, we could provide you with an engineering design that would certify there would be no risk of it ever falling across that property line.

Erb: Are most of the towers on leased land with the option to renew?

McNichols: The vast majority of tower sites are on leased property, and they always have a built-in automatic renewal so there is not an option to renew, and this would be the same way. The carrier wants to protect its investment long-term. It would be a five-year lease agreement, automatically renewed. The tower company would have the option to not move forward with the renewal if they didn't want to, but the town would have to allow it to be renewed. If the tower company decided that they didn't want to be there anymore, it would be their responsibility to take the tower down and put the land as close as they could back to the way they found it. Ultimately, the town would not have an option to bow out of that lease agreement.

Briggs: If this project goes forward, would the contract have a definite tower height to which B + T Group would be held? And I understand you can't be held to your answer at this point.

McNichols: First, so I am being clear, the contract won't be with B + T Group, it would be with our client and the town. We would have a survey done and the tower height would be fixed in the contract. There are a few Federal codes that allow a tower to be made a little taller. For instance, if another carrier wants to come on and needs space.

Briggs: Would your client be willing to enter into a contract that says, "notwithstanding federal regulations that permit but don't require additional height at the election of the tower owner," so it protects the town against a change in federal regulation that would permit add-on's that were not contemplated by the town?

McNichol: I believe this client would agree to a specific height and then be willing to do whatever the town wanted because they are not concerned if another carrier comes on; that carrier can go below them. I have never seen that kind of language in a contract, but this particular client might be okay with guaranteeing they would never raise the height of that tower. Not every client we work with would but this one would.

Chair Bates: Once you hit 200', don't the various FAA regulations kick in?

McNichols: That is correct. There are some circumstances where the FAA affects towers less than 200 feet, but 200 feet is the generally recognized point at which you would have to put a light on the tower whether you were near an airport or not. We would be making every effort to keep this below 200 feet. The owners do not want to light it either. They don't want to incur light bills and maintenance costs, etc.

Selectperson Elwell Is everything self-contained? Is there a control room or building?

McNichols: Yes. Around the tower there would be a fenced area and all of the equipment would go in there. If we had to bring power in overhead, there might be a power pole outside the compound within the square footage.

Chair Bates: Your engineers have said, "presently the Transfer Station is just single phase." Three-phase comes down the road, but it stops about one-quarter a mile short of the Transfer Station, so we only have single phase into that site at the moment. Would you want three-phase power into the site?

McNichols: No. The cell sites operate on single phase, so we have no issue with that. We would talk to Central Maine Power about whatever upgrades were needed. As far as the tower power consumption, it is very small.

Selectperson Willey: Are there going to be any health issues related to the cell phone towers? I hear a lot of health information about the towers giving off emissions. A lot of town residents come and go in that area all the time, and we have town employees that work there every day.

McNichols: This is a good question and one we get all the time. The FCC regulates the power output of every tower in the country, and they maintain levels of power output that are safe for people in proximity. If you are spending a huge amount of time within 2' to 3' at the front of the antenna, you have to be careful how you do that. The antennas are 100 plus feet up in the air, so we keep them away from everybody and there is no legitimate concern for that.

When it comes down to a Municipal Board voting on a tower site that meets all the codes and ordinances, the Board is forbidden by the Federal government to use health concerns as an issue to deny it. That is important to keep in mind.

Erb: Has your client requested an answer by a certain date?

McNichols: Not really. They know you do not meet every day, so they will give you time to consider this. But obviously, we want to move through the process or move to Plan B whatever that happens to be.

Selectperson Elwell: Wouldn't this have to go to Town Meeting?

Erb: You do. It is property rights, and the long-term lease does require a Town meeting vote.

Chair Bates: The annual Town meeting is in mid-May. With the way things are coming together, I don't think that we can get this on the agenda for our Town meeting. However, we could have a Special Town Meeting anytime.

McNichols: Whatever your process is, we will be prepared to work through it, work with you, and work with whatever you need, if you decide to move forward with it.

Erb: I am not sure it applies here, but I have understood in the past that towers do serve public safety.

McNichols: Yes. I am working with a town closer to Portland on one where their police department wants some whip antennas on a tower. So, we are going to build a larger facility for them to accommodate our client but accommodate their police department needs. We talk with you about this if you have a need in public safety or public works.

Selectperson Elwell suggested Erb might discuss this issue and the "dead spots" in town with Fire Chief Mike Smith.

Chair Bates suggested the Select Board ask Town Manager Erb to continue to investigate this issue, i.e., possible sites, height, the issue of the lease, and the terms.

A motion was made by Selectperson Elwell, seconded by Willey to authorize Town Manager Erb to investigate and research the details of the proposal for a cell phone tower. The roll call vote was 5-0, in favor.

- Minutes: The minutes of March 14, 2022, were reviewed and corrected. The Board discussed two issues.

Revenues. On page 15 of the 3/14/22 minutes, Selectperson Hall noted that \$1,398,575.00 was written but it was not the correct number. Chair Bates noted that was the number voted on and approved at the 3/14/22 meeting, but that amount has since been adjusted, and that the Board would be voting on the adjusted amount later in this meeting.

The Warrant. The total expenses listed were \$1,072.35 which was incorrect. Finance Manager Ames rechecked the figures and found an accounting glitch that caused an incorrect total on the spreadsheet. The correct total of expenses for the week of March 14, 2002, should be \$11,532.15. Ames will correct the spreadsheet.

A motion was made by Selectperson Elwell, seconded by Sawyer, to approve the March 14, 2022, minutes, as corrected. The roll call vote was 5-0, in favor. Motion carried.

- Communications: None.

- Warrant: The warrant for the week of March 28, 2022, was reviewed and signed. The total expenses were \$579,670.56 and included a school payment of \$462,695.62, a payment of \$303.11 for Fire Dept. training, a payment of \$299.39 for CEO books, and other regular expenses.

Selectperson Hall asked if the payment to Waste Management was for chipping brush. He also thought the cost was a lot less than in past years. Chair Bates thought the quantity of brush had decreased and was due to the town increasing prices and charging more. Erb said the company comes once a year to chip. He also said the contractor recently called and said they would be working in the area, could the town schedule them in, so the town got a discount.

Chair Bates asked about the Perkins Thompson payment. Ames stated that payment was for the town's legal fees for the H. Prescott Smith Appeal.

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

10 Cold Storage Road. The Select Board received an email regarding 10 Cold Storage Road (CSR). The email appeared to contain good news, but no announcements had been made about the project. The Economic Development Administration (EDA) asked Erb to run an ad saying they were considering the application and the public would have 30 days to comment on the project. Erb said the ad was put in the Bangor Daily News for three days, and that the EDA needed an affidavit verifying the ad ran. Erb said there were also several other items that needed to be taken care of.

Town Meeting. Erb spoke with Michael Mayo of Thomaston who said he did plan to attend the St. George Town Meeting in May. Erb said he spoke to Mike Felton about holding Town meeting at the school and the day was open.

Audit Report for the Town. Erb said the town has not received the audit report from Fred Brewer yet and the St. George MSU has not received theirs either. The school filed for an extension with the State of Maine until the end of March and then filed another extension for April. Erb stated it is far from certain that the town would have the audit report in time to put in the town report. Erb stated he found it embarrassing and hated to see this happen but said he was not having a lot of success in moving the auditor along any faster. Erb said if they did not have the audit report, the procedure last year was to print the town meeting warrant, have it ready for Town meeting, and distribute the town report after the fact.

Selectperson Hall thought last year there were extenuating circumstances. Chair Bates agreed and said, "But there is none this time." Hall thought last year they decided to print the town report without the audit report. Chair Bates stated those were the two options, but for the historical record, the town would have a town report without an audit in it and that was thought to be unsatisfactory.

Maine Lobsterman's Association (MLA). The town was contacted by MLA asking if the town would like to contribute to their legal defense fund for threat due to the regulations on the right whales. A specific amount was not given but they asked for a generous contribution. Chair Bates noted it appeared to be a form letter. The request was taken up by the Select Board.

Marshall Point Lighthouse (MLP) Parking Lot. Erb said he met with Mark Bartholomew last September and Bartholomew talked about a Marshall Point Lighthouse parking lot expansion and that MLP might be approaching the town to participate in that. Erb said he had not heard anything from Bartholomew until he received a letter recently. An estimate from George C. Hall & Sons was enclosed and provided for an 80' x 81' parking lot expansion, 18 parking spaces, estimated price was \$21,000. Erb said it was too late for the budget, but he wanted to let the Board know.

Selectperson Elwell: My problem, as a Selectperson, is the Historical Society has money, and to me, that is something they should handle.

Selectperson Hall: The lighthouse is a subgroup that has more money than the Historical Society. (Willey: Yes.)

Selectperson Elwell: To me, I realize they lease it from the town, but they make money down there. I think it is fine down there. If they think they need it, they should be spending the money.

Selectperson Hall: I think it is pretty clear they need to expand the parking, but I think they have the means to raise the money to do it.

Selectperson Elwell: I agree they need to expand the parking, but I believe they have ample means to pay for it. But as a citizen of the town, I think it is fine down there.

Chair Bates said they would need to go before the Planning Board to discuss this, but the immediate question was, "Is this a reason to change our budget?" The consensus of the Select Board was no.

Selectperson Willey: As Hall said, they have a lot more money than the Historical Society. They do well down there. Where will they expand?

Erb said he thought straight back. Elwell stated back towards the old meadow that used to be behind there. Willey asked if they wrote their letter to let the Board know what was going on or were they specifically asking for funds to do this. Erb said he could not tell by the letter. Elwell said they got the George C. Hall quote but would like to see other quotes.

Chair Bates said it appears the Board does not want to entertain this item at present. He asked Town Manager Erb if he would reply to Mr. Bartholomew. Erb stated he would.



Floats. Ryan Cline and Steve Jarrett have been building floats in the side parking lot at the town office. The Board felt Cline (who initiated this project) and Jarrett had been doing a very impressive job and the Board felt they were saving the town money.

#### COMMITTEE REPORTS:

- Solid Waste and Recycling Committee (SW&RC): Selectperson Willey reported the SW&RC met on March 16, 2022, at 8 a.m. They discussed the Spring Roadside Clean-up Day. The clean-up day will be on Saturday, May 7, 2022, from 8 a.m. to 1 p.m., but the start time for the event may be a little later. Signs will be put up a week before the event. They will be asking the residents of the Bolduc Correctional Facility to participate in the clean-up day this year. They have participated in past years but not during the Covid-19 pandemic. The Bolduc residents start at the town line and go down Rt. 73. Trash bags and buckets for returnable bottles will be at the Town Office. The SW&RC will be serving Willow Street doughnuts and coffee at the Town Office before the event.

- Planning Board: Chair Bates reported the Planning Board met on March 22, 2022, at 7 p.m.

- The application to install an exhaust hood, ductwork & exhaust fan, and a fire suppression system at 16 Main Street (Tenants Harbor General Store) was accepted as complete. The Board determined that it satisfied all the Performance Standards in the Site Plan Review, and the application was approved.

#### OLD BUSINESS:

- Town Meeting Arrangements: Town Manager Erb researched the possibility of holding the annual Town Meeting in the gym at the St. George Municipal School on Tuesday, May 10, 2022, at 7 p.m. Superintendent Michael Felton said the facility would be available and that by May, it should be okay for the public to meet in the gym.

On a motion by Selectperson Elwell, seconded by Sawyer, by a roll call vote of 5-0, the Select Board approved holding the annual Town Meeting at the St. George Municipal School Unit in Tenants Harbor.

#### NEW BUSINESS:

- Additional Warrant Articles for Town Meeting: The Select Board reviewed Articles 2, 3, 17, 18, and 19. Town Manager Erb asked about Article 17, Tax Abatements. Was the amount of the overlay to pay for tax abatements going to be \$10,000 or less? The Select Board determined that \$10,000 was a fair number to appropriate. This amount was the same amount as last year.

Selectperson Hall asked about Article 3. The Select Board discussed Article 3 which talks about prepayment of taxes. Erb said he had learned in the last few years that it was a state law that required municipalities to set a rate for overdue taxes and overpaid taxes. The Board and Town Manager discussed the amount of interest rate on taxes as stated in Article 3.

Selectperson Willey located the Maine State Statute regarding overpayment of taxes under [Maine.gov/statutes](http://Maine.gov/statutes), § 506-A Overpayment of Taxes, and the Board reviewed this statute.

The Select Board Revised Article 3: "To see if the Town will vote to authorize the acceptance of prepayment of taxes not yet committed and pay no interest thereon, and to pay *no* interest on all overpaid taxes. Any overpayment of taxes from one year applied to the next year at the request of the taxpayer will be treated as prepayment of taxes not yet committed."

A motion was made by Selectperson Elwell, seconded by Sawyer to approve Warrant Articles 2, 3, 17, 18, and 19. The roll call vote was 5-0 in favor. Motion carried.

- Sign Harbor Committee & Conservation Commission (CC) Associate Forms: Finance Director Ames presented CC Associate Member Appointment forms on Ingrid Mroz and Dick Pelletier and a Harbor Committee Appointment form on David Schmanska.

A motion was made by Selectperson Elwell, seconded by Hall to accept the appointments of Ingrid Mroz and Dick Pelletier as Associate members of the Conservation Committee and David Schmanska as a member of the Harbor Committee. The roll call vote was 5-0, in favor.

The Select Board signed the Appointment forms.

The Select Board signed the Election Warrant and the Town Meeting Warrant.

- Revenue Projections: The Board received a handout on Revenue projections for the town, and Chair Bates noted the State of Maine had increased its projection of revenue for St. George.

A motion was made by Sawyer, seconded by Hall to accept the State of Maine revenue projections of \$1,429,388.00 for the budget year 2022-2023. The roll call vote was 5-0, in favor.

- Maine Municipal Association (MMA) Nominations for Executive Committee: Chair Bates reported that the MMA was looking for nominations for their Executive Committee. The person nominated could be a Select Board person or a Town Manager. There were no nominations for this position.

- Expenses and Revenue for the Town Report: Selectperson Hall created a report on the "Overview of Proposed Municipal Expenses and Revenues for FY23," and the Select Board agreed it should be included in the Town Report.

- Affordable Housing Bill LD 2003: Chair Bates stated there had been a lot of bills in Augusta recently about housing and a note had been received from MMA today talking about some of the bills. He said there was a lot of pressure to address the issue of affordable housing, but his impression and the sense he got from MMA was that LD 2003 was being pushed through and that the bill would fall on municipalities as a significantly underfunded state mandate. The bill states, "Under the terms, in the event it passes, even municipalities that have not got zoning would be required to implement provisions. For example, allowing up to three housing units and in some cases, four units on lots zoned as a single-family."

Chair Bates volunteered to write to Representative Ann Matlack on behalf of the Select Board and recommend that this bill not be rushed through. He thought the bill seemed to apply to the

whole state and was not very well targeted. He felt affordable housing was important but not to rush it through for a number of reasons.

Selectperson Elwell: I can see places that have a public sewer, but it is not feasible for St. George.

Selectperson Hall: It depended on how the bill was worded but you would have to change lot size and have something specific to high-density housing and have room for a larger septic system. If they are saying just change your requirements for a single-family residential to allow four families, it does not make sense for St. George.

Select Board consensus was to have Chair Bates write Rep. Ann Matlack regarding bill LD 2003. Selectperson Willey suggested that individual members of the Select Board and the public could write Rep. Matlack with their comments regarding LD 2003.

On a motion by Selectperson Elwell, seconded by Sawyer, at 8:50 p.m. by a roll call vote of 5-0 in favor, the meeting was adjourned.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary