

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

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

### **MEETING MINUTES**

January 24, 2022 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. Members present via Zoom were: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present by Zoom: Richard Erb, Irene Ames, Loreen Meyer, Scott Vaitones, Dave Percival, Chris Williamson, Elizabeth May, Susy Ellis, Ben Vail, Van Thompson, Ken Oelberger, and James Balano.

PUBLIC COMMENTS: None.

#### **REGULAR SESSION:**

- Adjustments to Agenda - The following items were moved from New Business and taken up under Regular Session:

- Aquaculture Lease Application for McCoy & Balano
- Second Quarter Finance Review
- Town Manager's FY'23 Budget Presentation
- Possibilities for Developing a Skateboard Park
- Status of FY'22 Audit and Beyond

- Standard Aquaculture Lease Application for Robin McCoy and James Balano:

Four years ago, the Select Board approved Balano and McCoy for an experimental aquaculture lease, Chair Bates explained. They now would like to apply for a standard lease. Bates added state law required a vote be taken, and the application document notarized.

#### **Discussion:**

Selectperson Hall asked that if the Select Board approved the application, did the application get submitted to the State, and was the scoping session part of the state's approval process?

Balano: The draft lease application is a part of the process. I also drafted a letter and I have it partially finished now. I am just waiting for a few other things. The draft lease application will be submitted with the letter. Once the state approves that part, they will send it back to me with whatever amendments or changes are necessary. I'll revise it and before it goes in for final consideration, a scoping session will be scheduled between now and March.

Selectperson Hall: I wondered if the scoping session had to be held before the Select Board approved it or whether that came later in the process, and that answered the question.

Selectperson Elwell: You didn't run into any problems with locals doing what you are doing?

Balano: No. Larry Baum, Ryan Miller, Sam and Brian Tarbox are on one side and fish out of that side, Keith Miller's got his skiff over there. On the other side are Mark Miller, Bob Pettee, Jared Chase, and others. I know them all and they are always helping out or talking with me, so everybody knows what I am doing, and half of them are customers. When I am working in the

cove, Maria, Ryker, and Larry Baum are on the other side, and they are always watching what I am doing. People have kayaked over from Scraggle Point. Most of them are customers at the Rockland Farmer's Market. I haven't heard any negative comments or pushback from anybody.

Balano: The standard lease application is the exact same footprint. Nothing has changed from the experimental lease. It is exactly what we have had there since 2018. It is just that the experimental lease expires after three years and is not renewable, so you have to apply for a standard lease if you want to keep doing what you are doing.

A motion was made by Selectperson Hall, seconded by Elwell, to approve James Balano and Robin McCoy for a Standard Aquaculture Lease from the Town of St. George. The roll call vote was 5-0, in favor. Motion passed.

- Second Quarter Finance Review: Chair Bates stated the Budget Committee had met and reviewed the second quarter budget. Susy Ellis, Chair of the Budget Committee led the review and gave a summary. Ellis highlighted areas where the Budget Committee had questions and comments or had concerns.

Town Office:

Training. This item was under budget because employee trainings were being done remotely.

Insurance. Finance Director Ames thought this line item would eventually come in around budget even though it was showing an increase in the 2nd quarter. Ellis said this was a timing issue (when expenses got paid).

Select Board & Assessors.

Abatement. The abatement expense would likely stay lower than the number projected.

Planning Department, Fire & Ambulance, and Animal Control. The Budget Committee had no questions or areas of concern.

Roads & Property Management.

Road Contracts. The committee had questions about the contracts for the summer and the winter roads. Those contracts looked low as of the second quarter, but Ames thought the amounts would level off by the end of the year and come more in line with what had been budgeted.

Fuel. This line item was over budget because gasoline prices had increased, and the town had not anticipated that increased expense.

Equipment Maintenance. This line was high, but Town Manager Erb noted that number was a rather small line item, and it would not take much to throw it off. Erb could not recall any particular piece of equipment that had needed repair.

Solid Waste.

Transfer Station Attendees. This line was below budget for half the year because the Transfer Station had been down a full-time employee for several months.

Benefits. This line item was low as the Transfer Station was down a full-time employee for several months.

Selectperson Hall noted that Tipping Fees & Transport were below the prior year which he did not understand but said, "We will see."

General Assistance. The Budget Committee had no areas of concern.

Social & Community Services.

Veteran's Graves. Ellis was told the only expense left under this line was for the town to buy the flags that the American Legion places on veterans' graves for Memorial Day. She noted that this area may need a small amount of additional funding.

Recreation.

Ballfield. This line item is getting close to the budgeted amount. Ballfield maintenance will need to be done in the spring, but the budgeted amount should be okay as long as there is little building or construction done. Recreation Director Vail added that as far as the field maintenance line goes, a large chunk of money comes out in the fall when the maintenance is done, so they aren't working with frost and soft ground conditions.

Tennis Courts. Some work will be done in the spring of 2022, and the work will be covered by the Lipson Fund and some by the Town of St. George.

Harbors. The Budget Committee had no questions or areas of concern in this department.

Unclassified.

Family Health. This line had an increase because the administration had to change over some employees' health insurance coverage.

Revenue Report. Ellis stated that the Budget Committee was satisfied with the revenue figures in the report.

-Town Manager's FY'23 Budget Presentation: Chair Bates stated that Town Manager Erb and Finance Director Ames worked on and put together the FY'23 Town Manager's Budget.

Chair Bates reviewed the process for the Town Manager's Budget Presentation. Rick Erb would give a brief review of his philosophy for this budget and some of the key issues that were embedded in the numbers. The Select Board then had two weeks to think about the town manager's proposed budget, and at the next Select Board meeting, they would review approximately one-half of the departments. Then in the subsequent meeting, the Board would review the other half of the departments.

The Town Manager thanked Finance Director Ames for all her help in preparing the budget. Erb said he thought it was important to be accurate with projections and be realistic. He said he particularly does not like to see budgets that go up and down in any kind of an erratic manner

and does not think that serves towns well when that happens. He tries to make a very steady approach to budgeting.

#### Town Manager Erb's Presentation of the Proposed Budget:

Erb: When you look at the proposal, you will see the total budget up this year by 4.8 percent. This is more than I would like to see but some of the more positive aspects are the increases in projected revenue. Those are up 9% over last year. When you take the two, the net would be a 2.4% increase in the amount to be raised by taxes.

One big factor is a significant increase in the ambulance service which should not come as a surprise based on what we all know is happening with health care workers such as shortages and the increased wages happening everywhere. That is the single largest increase, and I am sure the ambulance will do an excellent job presenting the issues they are dealing with.

Another factor is salaries, in general. The town's personnel policy addresses salary increases. It states that the Town Manager's recommendation to the Select Board shall be based on the COLA (National CPI-W) and other factors such as exemplary performance, improved productivity, or labor market realities.

The CPI-W has been hovering around 2% for the last several years. It has been a rude awakening for a lot of people this year. The National CPI-W for the last year was 7%. It does not mean that every individual employee would receive 7%. There are some adjustments that I would like to make but it is more than you have seen before. I think that in many ways it is justified. Not only is the CPI-W up but the labor shortage is troubling employers everywhere.

The ambulance service and salaries are the two biggest factors that you see budget increases in this year. Most of the outside agencies that put in a request are flat-funded. There are certain areas where we estimate costs. Solid Waste Transportation is one. The hauler has agreed to extend his contract for another year at the current rate. The tipping fee is another. The landfill in Norridgewock is subject to a CPI increase. It must be a different CPI because it is only going to be 3.6% which kicks in in October. So, three quarters of the year, we will have the increase.

Other things. We have a contract with the MDOT where they reimburse the town for the winter maintenance on Rt. 131. That figure is set for next year. It is more than the town received last year. Jim Kalloch does winter road maintenance for the town. His contract was bid out a couple of years ago and there is no increase for that line item.

The State of Maine puts out an estimated state revenue sharing figure, so that is what I used. I would like to think that state revenue sharing will go up. The legislature still has to deal with that. In the newspaper, there is an \$800,000,000 state surplus this year. I think that MMA will be lobbying for more money for revenue sharing but we will have to see. I have put in the figure as projected.

ARPA Funds are the Covid-19 related funding directly to towns. We have around \$272,000 still to be appropriated. We received guidance from the federal government, and it is providing more

flexibility in how those funds can be used. They may be able to be used to replace lost revenue whether you can demonstrate that revenue was lost or not. If that's the case, that will allow you to treat it essentially as general fund money.

The County tax has been completed. The increase for St. George is roughly 3% which is better than where we thought it was going to be at the start.

Revenues. You will see a fairly substantial increase in revenues. I looked at the past two year's final results on revenues. Looked at the most recent six months and in some cases was able to adjust projected revenues upward. The two sizeable ones would be Solid Waste and Recycling fees and the other would be Automobile Excise tax, along with various other ones that will increase less significantly.

I will answer any questions you have.

### **Questions and Comments:**

Williamson: I am curious whether ARPA funds could be used for salaries for ambulance volunteers and staff as we get into the details later on. Is that a possibility?

Erb: I think many more things are possible than I had originally thought and that could certainly be one. Several towns have used it as bonus money for people who work in that particular area. We haven't talked about that yet, but it is possible. I may be suggesting later on that ARPA funds not be put into operating expenses because it creates a problem down the road.

Ellis: I have a question about upping the excise tax income because it seems like there were a lot of cars purchased during Covid and there seems to be a lack of cars at this point. Are you fairly confident that that number will not be overstated?

Erb: If I look at the first six months, excise tax revenue is \$372,500. Selectperson Hall and I had a brief discussion about this. I had estimated higher than that, and I backed off in part because of the reason that you (Ellis) stated.

- Possibilities for Developing a Skateboard Park. Chair Bates stated that Ben Vail and Rick Erb had been discussing the idea of a skateboard park for the town.

Vail: A lot of you are probably aware that we have quite an avid biking and skateboarding group in town and in several ways tried to make their own skate park. It seems like it has become something that the community could use, and a lot of people are interested in it. One of the Rec Committee goals for the year is to push this forward, see if they can identify a site, and go from there if the town approves this.

We are looking for a site that is easily viewable, is not in anyone else's way, and will be big enough so some kind of apparatus can be installed that they can use. Vail said the town of So. Thomaston has one adjacent to the Guilford Butler School, and is quite substantial in size, but is not suggesting anything that big.

Vail said he had been inquiring about an area at the Port Clyde Fire Station. He noted that to the left of the fire station, there was a decent size piece of grass around the flagpole that he thought might be possible. He discussed this with his office mate, the town Fire Chief and the Town Manager who all thought it had merit. Vail said his next step was to bring it before the Select Board for discussion with the hope that the Rec Committee could move forward with this project. He added that he still needed to connect with the Port Clyde Water District about this.

Vail stated he made the commitment that Parks and Recreation would pay for security cameras mounted on the buildings, so if there was an issue, they could get to the bottom of it.

Selectperson Elwell: Did the deed for the fire station property have restrictions on it?

Erb: I had heard from Richard Bates that was an issue that came up before about a cell tower. I don't know the specifics yet.

Chair Bates: I think the neighbor did not want his view obstructed, and another (general) reason was the tranquility of the spot.

Selectperson Hall: I recollect that the neighbor was specific that he did not want to have to look at the buildings, but this is not going to be as tall as the fire station. It needs to be checked but I would be surprised if it is an obstacle.

Selectperson Willey: When we discussed this previously about the cell phone tower, wasn't there an issue with Lifeflight coming in there?

Selectperson Elwell: The fire station in Port Clyde is one of our Lifeflight spots. (Willey: Right. Bates: Yes.) It is something to investigate.

Vail: Okay. Absolutely. You certainly don't want to infringe on that.

Chair Bates: Or make sure there is another site we can guarantee for that end of town. As we know, Lifeflight in the past few years has only come down to the town about once every 18 months on average. There are a number of sites around town. It shouldn't be a showstopper.

Selectperson Willey: Vail had mentioned cameras and the Parks & Rec would finance those, but who is going to finance the building of this park?

Vail: It would not be taxpayer funds. It would be either donations or money raised by the Rec Boosters.

Chair Bates: There are a couple of questions that relate to a skateboard park. There is the cost which you have answered, and the liability to the town that might precipitate in a lawsuit if someone gets hurt or for some other issue. I don't know how that would work out. Other towns have these, so they must have figured out that it is doable.

Vail: I will defer to Erb on that as he has had experience working in towns where they have developed these, but I think it is like any other facility where you post rules, the appropriate hours, and make clear what the use is for.

Erb: There is a couple of dozen in municipalities around Maine, and we did build one in Kennebunk a long time ago. I learned a fair amount particularly about siting them and what is and isn't a good idea. The only thing I would like to say is not every kid is going to be attracted by the traditional recreation programs. What we found in Kennebunk was the skate park gave kids that weren't going to go to other programs, a place for them to work off energy and socialize. It served a real purpose, so I am glad we are looking at it.

A motion was made by Selectperson Elwell, seconded by Hall to have Recreation Director Ben Vail explore the aspects of a town skateboard park. The roll call vote was 5-0 in favor. Motion carried.

- Status of FY'2022 Audit and Beyond: Town Manager Erb, Cassie Kilbride, and Michael Felton have been investigating this issue. Erb stated that towards the end of 2021, Fred Brewer, the town auditor, took a lot of materials with him to work on but he has not been able to come back to finish up. Erb said the school was in the same situation. The school has a lot of pressure to file mandated state reports, and the town administration has the town report coming up and they want the audit inserted. The good news is that Fred Brewer will be in St. George from February 9-11, splitting his time between the town office and the school department.

Erb said the concern now is next year's audit. Three years ago, Fred Brewer's CPA firm was awarded the bid based on the proposal they submitted. That process started in November of the year before, and the town did not have a proposal out at this time. He stated that there is a real concern, and the school perhaps has even more concern, whether there is time to go through the bidding process.

Erb: We met with Mike Felton and Cassie Kilbride to talk about this and the proposal we came up with was to extend Fred Brewer's contract by one year, as we do not think that there is enough time to hire someone. We made progress with Brewer on what type of presentation we want to see after going through all of that. I would like to negotiate with Brewer to do one more year's audit and then go to the RFP the following year. That recommendation went to the School Board's Finance Committee, and last week they recommended that that was what they would like to see done as well.

A motion was made by Selectperson Hall, seconded by Sawyer, to authorize Town Manager Erb to negotiate a one-year contract with Auditor Frederick W. Brewer, CPA, Bath, Maine. The roll call vote was 5-0, in favor. The motion carried.

- Minutes: The minutes of January 10, 2022, were reviewed. Selectperson Hall did not vote as he had been absent for that meeting.)

A motion was made by Selectperson Willey, seconded by Sawyer, to approve the January 10, 2022, minutes, as written. The roll call vote was 4-0 in favor. Motion carried.

- Communications - A communication was received from the following:

- A letter from the Georges River Land Trust (GRLT).

Chair Bates explained that the Board received a letter from the Georges River Land Trust Stewardship Coordinator, containing Mandy Funkhouser's Monitoring Report on the Meadow Brook easement. Funkhouser reported that all was well at this property, i.e., the land use is consistent with the terms of the easement, there is no evidence of over-use or misappropriate use and the property is unchanged since last year.

- Warrant: The warrant for the week of January 24, 2022, was reviewed and will be signed by the Select Board electronically.

Chair Bates asked about the \$2,500 aerial survey and photo expense. "What did they do for the \$2,500?" Erb stated that every year there are transactions and splits where parcels are divided, and every year tax maps need to be updated. He thought that was the fee to do the updating.

TOWN MANAGER'S REPORT: Most of the Town Manager's items had been discussed during his budget presentation.

- Transfer Station. Selectperson Elwell said he had an issue with the strewn garbage around the transfer station property. He asked if the transfer station attendants could pick up the garbage that is in the bushes, along the edge of the transfer station, and alongside the road. Erb stated they could work on that.

#### COMMITTEE REPORTS:

- Planning Board Committee: Chair Bates reported the Planning Board met on January 11, 2022, at 7:00 p.m.

- The Planning Board reviewed the minutes but there were no items or projects to discuss at the meeting. After convening their meeting, the Planning Board went into a workshop to discuss the revised Land Use Ordinance they have been working on.

- Harbor Committee: Selectperson Elwell asked Erb if he had any further information on the 10 Cold Storage Road grant. Erb said the committee was scheduled to meet on February 3, 2022, and he was told the grant would likely be reviewed then.

- Board of Appeals (BOA): Selectperson Willey reported the BOA met on January 20, 2022, at 7 p.m. regarding the H. Prescott Smith appeal. H. Prescott Smith's attorney filed another appeal, it was against the Code Enforcement Officer. The Board decided to hear both hearings on February 24, 2022. The first appeal is "Improper Issuance of a Building Permit," and the second appeal is "Failure to Enforce a Stop Work Order."

The Board of Appeals will hold a Public Hearing on Remote Participation Policy, on February 3, 2022, at 6 p.m. and their regular meeting will directly follow the public hearing.



OLD BUSINESS: None.

NEW BUSINESS:

- Adding Meeting Audio to Online Record: Stephen Betts who works at the Courier-Gazette, emailed Rick Erb asking about access to the meetings. Betts stated, "The new staff is stretched thin, and we are trying to figure out how to better cover St. George. If the meetings were taped, we could watch and follow up with any questions." Chair Bates noted that anyone can join the meetings by Zoom.

Discussion by the Select Board:

Chair Bates suggested three options. Agree to post the video and audio. Agree to post the audio-only or agree to leave things as they are. Chair Bates also explained the Board will need to look for a new secretary after the town meeting in May, as Marguerite Wilson will be ending her term. He suggested perhaps having a shortened version of the Select Board minutes to include attendees, the motions and the votes, and annotations such as timestamping.

Selectperson Sawyer: We have incredible freedom now, to be frank, and I think if we go to recording that might change. We would lose that ability, to be frank with one another and to say what we need to say. I would miss that ability.

Selectperson Elwell: I thought the audio recordings were on file. I feel Mr. Betts or whoever could be here on Zoom or here at a meeting when the Board returns in person. I feel we are frank and honest with each other. It is the momentum of Select Board; the meetings have a more casual feeling.

Selectperson Willey: Mr. Betts is reporter. Isn't it up to him to investigate and get news? It is not up to the Select Board to provide him with what he needs to know. Come to our meetings, zoom in, call and ask questions.

Selectperson Willey: I think as a Board we can require that the new secretary needs to record things. I think legally that we need to make sure everything is in order and done right. A lot of people depend on these thorough minutes when they get onto the website and read them. They like to know what is going on.

Chair Bates: The public has a right to know, and we need to be open.

Chair Bates said the agenda get posted on a Friday and it would be a simple matter to include him on the distribution list, and then he could determine whether he wanted to attend.

Selectperson Hall: I can see that at times the video would be inhibiting to a free and frank discussion. I agree with what Tammy said. Let's send him the agenda, send him the meeting minutes. If he wants to follow up with questions, he can. You can read the meeting minutes quicker than you can watch a video of a Select Board meeting.

Selectperson Hall: I think we should have meeting minutes that are more than minimally required. I think we should have meeting minutes that do a reasonable job of informing the public of what we discussed. What points were made and our decisions. I don't think our town is as well served if we just do the minimum.

Meyer: We get the announcement as to what is on the agenda. Tara Elwell is immediate in response to sending out the Zoom request when you ask her for it. The minutes get put up on the website relatively quickly once they have been approved. I just don't think it is a necessity.

Thompson: That was basically what I was going to say so I agree with Loreen.

Chair Bates: My concern is that I wouldn't want people to think that we are trying to cover up and try to be secretive.

Selectperson Elwell: They can Zoom in or come in when we are again in person and find out what is going on.

Meyer: I just don't think that sending the recording is going to give any additional information beyond getting on your cell or getting the minutes. That isn't making any sense to me. If this was a townsperson who was having an issue with access for some reason, I might have different thoughts, but this is a reporter who is asking the town for the recordings. The agenda's out there, you stick to it, and the minutes are published.

Erb: The only experience I had with live broadcasting was in New York. They did run the County Board's meetings every time they met. One thing I have heard, and I have seen it firsthand is that when the cameras are on, you have elected officials who "clam up" and you have some that do more "soapbox oration."

Erb: There is something to be said for people being able to view Board meetings at their convenience. To me, that is not a bad thing, but you do not have to do it. Even under the Freedom of Access request, you are not required to prepare those. You are not required to share them, but you have to allow people to attend the portions of the meeting that the public can. I am comfortable with whatever you want to do. It is your meeting.

Chair Bates: My suggestion is to offer to include Mr. Betts on the distribution list for the agenda and the minutes after they are approved.

Selectperson Elwell and Willey recommended they send Betts the approved minutes or for him to go on the website and read them. They suggesting not sending draft minutes out until they were approved because they often needed amending or correcting.

Meyer: I would caution against sending him your unapproved notes because if there was an error, transposition of numbers, or something like that, and he published something before you had a chance to correct and amend those, it could cause issues for the Board.

Chair Bates summarized: The website publishes the agenda on a Friday and the town website publishes the minutes after the Select Board approves them. Betts or anyone can go to the website, and/or request a Zoom.

- Juneteenth – Federal and State Holiday: Chair Bates reported that Juneteenth was a federal holiday and that the State of Maine approved Juneteenth as a state holiday last year. He explained that the town's personnel policy says the town would observe the same holiday schedule as the State, and the State designed June 19th as the holiday. Bates added that as the calendar changed, some years the town would observe the Juneteenth holiday on a Friday or a Monday.

Erb: Town and City Managers Association did a survey and a little over 50 towns and cities responded. Of those, two-thirds had already decided they would grant it as a holiday for their town or city.

The remaining one-third were evenly split that about half of those said that they intended to bring it up but had not yet and the remaining half of that one-third said they really hadn't thought about it yet.

It looked like people are headed in that direction of approving it. Quite a few of them in the notes they provided with their answer, said their policy was to honor all holidays that the State designated.

The only places I saw that were having an issue (and it may be a temporary one) were those that have firefighters and ambulance attendants that would have to work that day. It becomes a financial issue because the employee would receive overtime pay. I think there was some concern that managers hadn't budgeted for that holiday, so it might be that they would put it off for a year.

Selectperson Elwell asked if the extra eight hours of holiday pay for Transfer Station employees would affect the budget. Erb said the only Department impacted would be the Transfer Station but the wages line in that budget was very strong.

Chair Bates noted that in 2011 former Governor LePage signed legislation making Maine one of the states that recognized Juneteenth.

A motion was made by Selectperson Elwell, seconded by Hall to approve the Juneteenth holiday for employees of the Town of St. George. The roll call vote was 5-0 in favor.

#### EXECUTIVE SESSION:

Present for the Executive Session were Richard Bates, Wayne Sawyer, Randall Elwell, Jerry Hall, Tammy Willey, and Rick Erb.

At 8:25 p.m., on a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to go into executive session pursuant to Title 1 M.R.S.A. § 405(6)(A) – Personnel Matters.

At 8:54 p.m., the Select Board came out of executive session.

On a motion by Selectperson Elwell, seconded by Hall, it was voted 4 in favor, and 1 opposed (Willey) (4-1) to increase the Town Manager's salary by \$9,000 for the financial year beginning July 2022.

At 8:56 p.m., on a motion by Selectperson Sawyer, seconded by Hall, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary