

ST. GEORGE SELECT BOARD & ASSESSORS
MEETING MINUTES
Monday, July 24, 2017

The Select Board meeting was called to order at 7 p.m. Members present were: Richard Bates, Chairman; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Evy Blum, Wendy Carr, Gerry Cushman, Scott Sullivan, Steve Thomas, and Donald Wilson, III.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda: The following items were placed on the agenda:

Under New Business

- The Boston Post Cane
- The Thomas B. Armitage Scholarship Fund
- The Certificate of Appointments

- Minutes: The minutes of July 10, 2017 were amended as follows:

Page 2, Public Comments, paragraph 3, delete sentence: **To prohibit them from coming ashore.**

Page 5, Committee Reports: CC: line 3, correct to read and possibly **a** State biologist.

Page 5, paragraph 1, line 4 change to read ...reviewed and signed the **warrant**.

On a motion by Selectperson Sawyer, seconded by Elwell, it was voted 5-0 to approve the July 10, 2017 Select Board minutes, as amended.

- Communications: Chairperson Bates received an email and several texts from Scott regarding an amendment to Bristol's shoreland zoning ordinance. Sullivan wrote:

"Here is the article that refers to Bristol's new utility permitting process approved at the same time as the town's non-binding vote rejecting the cable landing. It is one sentence near the end of the article. The new permitting process had to be a factor in MAV's decision to look elsewhere.

I know folks in St. George generally don't like zoning, ordinances and the like, but I'm hearing that people could agree to something like this because they think the town should have basic authority over how cables could be brought ashore. People find it hard to believe that cables could come ashore on private property and there is nothing the Town could do."

Sullivan provided Chair Bates with Bristol's ordinance section, page numbers and a Lincoln County newspaper article.

- Warrant: The warrant for the week of July 24, 2017 was reviewed and signed. The total expenses were \$81,653.00 and included one week of payroll, August health insurance, a FY'18 insurance payment of \$13,700, a payment of \$1,573.43 for roadside mowing, cemetery payments of \$10,855.00 for Veteran's and cemeteries, and a payment of \$10,141 for fireworks.

TOWN MANAGER'S REPORT:

- Committee Meetings:

Public Hearings to be held at the town office on July 25:

The Happy Clam at 6 p.m.

Marshall Point Lighthouse at 6:45 p.m.

Collin Moller, of 32 Shumaker Lane at 7 p.m.

The Community Development Committee (CDC) on Thursday, July 27, at 7 p.m.

COMMITTEE REPORTS:

- Shellfish Committee: Selectperson Sawyer said the committee met the new replacement, Justin Hills. He said there were two Shellfish Management representatives from Augusta, who attended the meeting. Sawyer said they were there to observe and were cordial to the group. Sawyer said was nothing significant going on at the state level. The clam organization is working to combine the committees from the areas of Brunswick to Downeast. Selectperson Hall said Hills had been in town, was introducing himself to St. George residents and informing them of their rights, should clambers and wormers cross their property.

- Historical Society: Selectperson Willey reported that the Historical Society, the town and representatives from Marshall Point Lighthouse met and the lease agreement was signed.

- Sound System: Selectperson Willey reported she had been in touch with three different companies about a sound system for the Fire House meeting room. The companies are scheduled to come down this week to see what it would entail to install a sound system and to get quotes from them.

- Planning Board: Chair Bates said the Planning Board met on Tuesday, July 11th.

- The building permit application to add a seasonal ramp and float at 32 Shumaker Lane was considered and an onsite visit scheduled for 5:00 p.m., July 24.
- The site plan for a Tiki Hut/Barbeque Pit at 13 River Road was reviewed; the application was voted complete, contingent on receiving a Natural Resources Protection Act Tier 1 permit from Maine's DEP for filling in a wetland. To satisfy some concerns about adequate notice of the past public hearing, an additional public hearing on this project was scheduled for 6:00 p.m., July 25.
- The site plan to reconstruct a barn at 178 Marshall Point Road was considered and an onsite visit scheduled for 5:45 p.m., July 24.
- The Board voted to recommend the Town adopt the sample MMA ordinance revision 12/1/16, prohibiting all types of retail marijuana establishments and retail marijuana social clubs.

OLD BUSINESS:

- Revised Version of the Select Board Policy Manual: Selectperson Hall circulated the policy manual with all the changes made at the last meeting. He said there were a couple of policies and committee charges that have yet to be reviewed. Chairperson Bates said the Board could vote on the updated policy manual with all the changes made, previously.

A motion was made by Selectperson Hall, seconded by Elwell, to accept all the changes to the Select Board Policy Manual as agreed upon two weeks ago, at the July 10, 2017 Select Board Meeting. The vote was 5-0.

- Update from the ad hoc solar committee: Selectperson Hall received a draft PPA from Revision. It was sent to William Kelly, Esq. for assistance with the contract negotiation. Kelly has had experience working with other municipalities on solar contracts. Polky, Bates, and Hall met with Attorney Kelly to review the contract and get his suggestions. They agreed with the combined input, and Mr. Kelly sent a follow up email to Revision which requested that a number of changes be made to the contract. Selectperson Hall was optimistic they would work through the PPA and get the few, new issues resolved in a short period of time, so the project could go into the 10-week queue and the work get done this year.

Selectperson Hall was concerned about the spike that puts the town over the demand charge. Polky said he currently did not have anything to report to the Board, but they were looking at options and would give the Board updates. Chairperson Bates and Polky said the town did some on the job training on how to operate the dishwasher, Polky thought that made a difference in the spikes. Polky said they are still considering replacing the dishwasher, but the first option would be to install a booster to see if that made a difference. Selectperson Willey asked if there was anything else causing spikes. Polky said they were pretty sure the dishwasher was biggest problem. He said the elevator was targeted earlier but after studying it, it just did not fit the pattern. But they might try to put a slow start on the elevator and on the breathing air compressor in fire station. Polky told Willey there were no peaks occurring at the transfer

station, just the town office. Selectperson Hall said the other five town facilities were all on small general service rates and the town office needs to get on that rate.

- Aqua Ventus and Bristol Shoreland Zoning Ordinance: Chairperson Bates spoke with Andrea Cox of the Bristol Planning Board. She said their zoning ordinance was modified, and they added a lot of details about permit requirements. Cox said it was drafted by the Planning Board and the attorney in 2014. Chair Bates said no new information was required of the applicant that they had not already had to gather for the Army Corps of Engineers or the DEP. So, in itself, it did not represent any obstacle to the overall permitting process. Cox said the purpose of that extra information in the application was just to make sure the town remained in the loop and had the same information as the other agencies.

Chairperson Bates said there was one significant item in the ordinance which Polky had pointed out: "The applicant or subsequent owner shall post and maintain decommissioning funds in an amount equal to 100% of the Estimated Decommission Costs as described in Section 3(b) above." Chairperson Bates said, for example, had Aqua Ventus gone into Bristol, they would have had to put a bond up for the cost of dismantling it. That was a pretty significant item that was added to the ordinance. Chairperson Bates felt they should consider Polky's recommendation that it was not the job of the Select Board to decide on what or what not an ordinance should contain, but to have the Planning Board look at it, as there were a lot of issues that needed careful consideration. Selectperson Hall agreed that it fell under the Planning Board purview. Selectperson Willey asked if the Decommissioning Fund was enough to deter private landowners (from exploring or looking into this). Chairperson Bates thought that was an interesting question. If there was a private owner who wanted to put something up, it might be a deterrent to someone who had an island that wanted electricity and independent of anything else.

Selectperson Hall thought at the end of Bristol's Ordinance under Section 16-C-9, the reference to Section 15.U.3 was a typo/mistake, in the actual ordinance. Chairperson Bates would let Andrea Cox know.

Sullivan said his take on the seven-page ordinance requirements in Bristol's permit was that it was actually prohibitively difficult to get a permit, given the requirements of risk assessments, assessments of impact on fisheries and maritime businesses, the impact on scenic nature of the town, etc., all of that was now required. Sullivan said his read of it was: A. It was the thickest section in their ordinance, so if you wanted to anything in Bristol, this was the hardest thing to do. What he suggested or asked was all the members of the Select Board dig through it and make an assessment about whether they believed it was an impediment to the kind of landing of cables and additional infrastructure that Port Clyde residents were concerned about. Chairperson Bates said he wanted to push back on that point, as he had asked the Chair of the Bristol Planning Board that question very explicitly, and she pointed out that all this information would be required by other agencies, so it was no more an impediment than these other (unintelligible). Sullivan said he thought it put the town planning board in a position to be able to approve or not approve a permit, independent of whether the Army Corp of Engineers approved or did not approve.

Sullivan cited the Wyeth Center in Port Clyde as an example and said his understanding was if there were no ordinances specifically that you could point to in town documents, then there was no purview of the Planning Board to review and take exception with it. Sullivan felt making it as rigorous as possible was in Bristol's interest, and it would be in St. George's interest, as well.

"The other thing I would say, Richard, is we feel quite exposed down there now, based upon the narrative that Aqua Ventus has put forward which is – 'Town you need to negotiate with us, otherwise we are going to go to private, and we are just going to make it happen.' Again, my understanding is, right now, there is nothing in the town documents that would give the Planning Board or the Select Board or anyone, any oversight into what they would actually have happen. We are currently in this window where if we take a lot of time to implement any kind of ordinances, you know a permit could be put forth and potentially be put before the planning board, and I guess approved because there is no basis for disproving it.

We did a little bit of investigation around, so how do you actually get ordinances passed in the town. I think Richard is right, the normal course of business is to turn it back over to the committee and allow them to deliberate on it and then make a recommendation to the Select Board, following a public

meeting for approval. There is also a provision in there for the Select Board to take action with an emergency ordinance, so where you can make a determination that it is in the town's best interest based upon various factors, to put in place ordinances with a simple majority vote of the Select Board, then it would at least put the Town in a position to be able to do a thorough review of anything that would be suggested on private property. What I would ask is that you, please consider doing an emergency ordinance that would adopt very similar requirements to what Bristol has done for permitting, so that is in place while the Planning Board goes through the process of determining what the permitted ordinances and the permitting requirements would be for the town."

Cushman, "One quick one. I am little confused. So, when you said you would go to the Planning Board with this recommendation of adopting." Chair Bates, "No, I know you came late, so you missed some of this, but I didn't say that we would make the recommendation." Cushman, "Or just give this to the Planning Board." Bates, "To consider." Cushman, "To consider, the Decommissioning of having the bond up for the decommissioning." Bates, "The whole issue." Cushman, "The whole issue. Okay. That was what I wanted to know. If it was the whole issue or just the decommissioning." Chair Bates, "It would be an appropriate thing to see and understand what Bristol did and why they did it and to consider whether it is applicable here."

Chair Bates and Polky said our town has the Shoreland Zoning Ordinance and the Site Plan Review which are, in some respect, applicable to these issues. Polky said the issue of essential services may allow them to bring a cable ashore, but just as soon as they went to set a transformer or any kind of a building, they would need a site plan review permit from the Planning Board. That would open up the review process. Polky said when you get permits, the town, and in this case, the DEP, and the Army Corps, would all have to agree. If one agency said no, then it is stopped. He said right now the town does not have ordinances that include this. One concern Polky had was the decommissioning part. He understood why it was there but felt that it could be a problem. If someone had an island and just wanted electricity he thought it would never be decommissioned. Polky felt, that by the Planning Board working on these issues, it might generate more public interest, may be have a public hearing and get a sense of what the public feels before they go too far.

Wendy Carr said the key part of the Bristol ordinance was the risk assessment. "The way it happens now, because it is a federal project, it goes through the NEPA process. In most cases, when Feds look at a federal project, they say, great, no significant impact. That would give us a layer of review and assessment to look at it ourselves. You are saying it is the same information that is already required. It gives a fresh set of eyes, it gives the public a chance to look at it and maybe come to a different conclusion that this particular project is too risky for many reasons. It could be scenic, historical, commercial, health, pollution, any of those reasons that we might, as a town, come to a separate conclusion than the Department of Energy or the Army Corps of Engineers."

Chairperson Bates said as he read through the Bristol ordinance, "They have a permit application which requires the information, but the application does not require the Board consider all these issues, so if I understand you, you are recommending the Planning Board add additional criteria over and above what Bristol has." Carr, "Right. Have a review process." Chair Bates, "You are looking to go beyond." Carr, "I may differ than your interpretation of what the language means in Bristol." Chairperson Bates, "As I see it, it looks that the information isn't required, which when I talked to the Planning Board, they said no, that was just that we want to make sure we are in the loop. Those were her words. So, they all know what is going on which I think again reflects on some of their frustration before." Carr, "I feel there needs to be another layer that gives the town an independent view of what this project means and a risk assessment encompasses all those issues."

Thomas, "Back to Tim's point about decommissioning. If you are running a cable out to one of the islands, an individual cable, the infrastructure is fairly modest. You are coming off the end of the CMP line and transitioning to a subsea cable, and there is a cable that runs out to Teel, Davis, Allen and Benner Island, and that infrastructure, sure, is modest. So, it is reasonable to ask the private owner of that to put up some guarantee that if they stop using it, then they will decommission it, so we don't have to do it, as a town. The Aqua Ventus project or any other project like that has a much bigger footprint in terms

of what happens when it comes ashore and all the infrastructure that is required to get it into the CMP grid and then CMP will have to upgrade the whole transmission corridor which has a big impact. I think it is reasonable. It is not an undue burden on a private land owner to take out the task that transitions the CMP power to the undersea cable, because it is modest."

Selectperson Willey asked if this was referred to the Planning Board, then the Select Board would not be doing any emergency ordinance to stop this issue? It would go to the Planning Board and eventually they would send something back to us? Chairperson Bates said the Select Board could stress this is something we would like the Planning Board to look at and work on, but currently, we would rely on the ordinances that Polky referred to. Chair Bates did not recommend the Board to do any emergency ordinances, but he hoped that they could discuss that further. Selectperson Willey asked if MAV was currently negotiating with a private landowner? Chair Bates did not know. If a private landowner was involved, they would need to apply to the town for permits.

Sullivan clarified what he asked. "Could we do both? If we send it to the Planning Board and I do not know how long that takes; 60, 90, 180 days? I don't know it takes to get an ordinance through." Selectperson Hall said he was not in favor of an emergency ordinance. Selectperson Elwell thought with an emergency ordinance, they should take time to review it, have public hearings, so it would take just as much time for the Board to do it properly. Selectperson Hall said there was a provision in the Town Charter if the town had an emergency. He said the Select Board could immediately enact an ordinance. Selectperson Elwell did not feel this was an emergency, and Selectperson Hall said it was not fitting with the intent of that provision in the Charter. Selectperson Sawyer did not think this was a crisis situation, and if an emergency ordinance was enacted on this, the Board would be perceived as reacting hastily. Secondly, they are following the Select Board's normal procedure by referring it to the Planning Board for their review. He said if there was a hurricane, no power in town and none expected for three months, and people were dying, then they would need to have an emergency ordinance.

On a motion by Selectperson Elwell, seconded by Sawyer, it was voted 4-1 (abstention), to ask the St. George Planning Board to review all the changes made to Bristol's Shoreland Zoning Ordinance, including Sections 15-X, 16-C and 16-D, to address Utility installations and that the review be done in a timely manner.

Chairperson Bates noted that the intent is to have the Planning Board review all of Bristol's changes in that Ordinance.

NEW BUSINESS:

- Application for Catered Function: The Town Manager said Harvest Moon Catering of Waldoboro requested a catering permit and liquor license for Harley Bartles Wedding Reception event to be held at the Ocean View Grange. On a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to approve the catering permit, and it was signed by the Select Board.

- Application for Catering Permit from Main Street Markets: A catering permit is being requested by Main Street Markets to benefit Life Flight Benefit. The event will be held on Seasmoke Rd, Port Clyde. On a motion by Selectperson Willey, seconded by Elwell it was voted 5-0 to approve the catering permit, and it was signed by the Select Board.

- Review of Assessment and Tax Commitment: Curtis spoke with former Town Manager Falla and he suggested she provide a spreadsheet detailing the differences between what she is recommending this year versus what it was last year. She showed figures using several different mil rates within the range the Town is allowed to charge. Curtis is recommending a tax rate of 8.70. This is an increase of 3.5714% over last year. The tax commitment shows a 4.6031% increase over last year. The overlay account would be \$32,092. Curtis expects at the end of June 30, 2017 audit, the town's fund balance will be two months' worth of bills, which is a requirement. The dollar increase is because the school budget went up by \$200,000 and less was taken out of the fund balance for this year's budget, than in the past.

Chairperson Bates said the mil rate in St. George was relatively low, but we are in a business dominated by labor costs. If there were ways of improving our productivity, that would be a way of reducing our costs. The school, the front office, transfer station, are all pretty labor-intensive things.

There are some mechanization in the transfer station which improves the productivity, but Chairperson Bates did not see a solution, other than improving productivity. The general trend is labor costs and health care costs. He said if we want to give the level of services in the school and the town, he did not see how it could be cut. He said it was a fundamental issue with an organization like a municipality. He suggested having the budget committee look for ways of improving the town's productivity. Bates said if we could get more out of the employees, the school and the town, that would be one way of constraining the town's costs, but if we want to give a certain level of service, this was it.

Selectperson Sawyer said he did not see anyone demanding we cut back on the school, or cut back on town office services, because we rely on them, and we like the services the way they are. To cut, at this point, would be a drastic measure that he did not think the taxpayers would approve of. We left the district because we wanted to have our own school system, and we wanted to have more control over it, and we have always fully supported our school system. Selectperson Hall said FY'18 was set, at this point? There is no debate about it. Selectperson Hall said he would like to have a better understanding of the financials.

Chairperson Bates said he reviewed the last few years and looked at the cost of salaries and benefits to town employees back to 2010; it averaged about 33% over those years. He said, we know the costs have gone up, and as Wayne said, people like the services they get. Chair Bates felt the only solution was either to cut back on such things as benefits, or improve the productivity. Selectperson Elwell felt by cutting back on benefits, you would lose good help. Selectperson Hall did not want to jump to any conclusions but would just like to have a better understanding of it. Chair Bates said when he was on the Budget Committee a couple of years ago, the Select Board charged them to look at the running of the transfer station. They looked into that in great detail and came away thinking the town had a pretty good transfer station. Selectperson Hall said it should be part of the Budget committee's charge - periodic analysis of the quarterly reports, etc., and reviewing productivity. He will talk with Suzie Ellis about this.

Curtis explained that Overlay was a way to give the town a good, even tax rate. This money cannot be spent unless there is a special town meeting, so she felt was no reason to have a large amount in that fund. Chairperson Bates said if taxpayers were wondering why the mil rate was going up by 30 cents, it was to get the town in compliance with the auditor's recommendation that the Town have two months' worth of savings in the event of an emergency. The Budget committee has, also, been pushing for quite some time, to get the two months savings.

On a motion by Selectperson Sawyer, seconded by Elwell, it was voted 5-0 to recommend setting the mil rate at 8.70 for fiscal year 2018.

- Authorization for 2017-2018 Budget Purchases: Finance Director Curtis said the Town voted on the budget and gave the Select Board, permission to make purchases that had been approved at the 2017 Town meeting.

On a motion by Selectperson Elwell, seconded by Willey, it was voted 5-0 to authorize the Town Manager to make the purchases approved at Town meeting within the budget.

- Thomas B. Armitage Scholarship Fund: Finance Director Curtis said Armitage's obituary read, in lieu of flowers, write checks to the Thomas B. Armitage Scholarship Fund. The intent of the family was to have it administered by the town, like the other scholarship funds. Curtis said, according to the auditors, the Town could not accept money without the Select Board approving it. Curtis said the fund would be administered by the town and the awards managed by the scholarship committee. Selectperson Sawyer asked if they had any requirements. Curtis said she and Laura would be meeting soon and Laura planned to follow the Colson and Wilson outline, with a few changes. The town auditor recommended there be a signed agreement between the Select Board and Laura Armitage. Selectperson Willey asked Polky if this would have to go to the attorney, first. He said once they had an agreement written, it would be sent to the lawyer, then come back to the Select Board.

A motion was made by Selectperson Elwell, seconded by Willey that the Town accept any contributions of money on behalf of the Thomas B. Armitage Scholarship Fund. The motion was approved, 5-0.

- Appointment of 2017 Boards & Committee Members: Appointment forms for appointments previously made were signed.

- Marijuana Ordinance: Chairperson Bates said the Planning Board had recommended the Town adopt the sample MMA ordinance prohibiting all types of retail marijuana activities, specifically:

- Stores.
- Cultivation
- Manufacturing
- Testing
- Social Clubs

Polky explained that the recreational marijuana law differed from the medicinal marijuana law. This Ordinance protects the Town until the State has done its rulemaking, e.g. enforcement, licensing, testing by Bureau of Alcoholic Beverages and Lottery Operations or the Department of Agriculture, etc. The Ordinance will remain in effect until it is amended or appealed. Town Manager Polky and CEO Brackett advised that the town wait until the State has done its rulemaking, etc. Chairperson Bates said the recommended advice is to take the sample Ordinance which had been drafted by attorneys from MMA, have it go before the voters. The proposed schedule for proceeding on this Ordinance would be:

- October 2: Public Hearing, before the regular Select Board meeting
- November 7: Vote (Election Day)

On a motion by Selectperson Elwell, seconded by Willey, it was voted 5-0 to adopt the MMA ordinance prohibiting all types of retail marijuana activities, specifically, stores, cultivation, manufacturing facilities, testing facilities and social clubs and adopt the proposed schedule as stated in the minutes, for proceeding on this Ordinance.

- The Boston Post Cane: The Town Manager said the Boston Post newspaper first awarded the cane in the 1800's to recognize the eldest member of each community. St. George is one of the few towns that still awards this cane to its eldest citizen. Selectperson Elwell reported Dorothy Jameson is eligible to receive the cane. Selectperson Hall suggested having news coverage when they did the presentation. There was discussion about having a wooden case made for the cane, along with an inscribed plaque which would be attached to the case. The inscription on the top of the cane reads: Presented by the Boston Post to the oldest citizen of St. George, Maine. To be transmitted.

Selectperson Elwell said there would come a time when this tradition would be lost, as younger citizens may not be as aware of the award and return process. To generate more interest and educate the public, he suggested someone do a story and a brief history on the cane and submit them to the Dragon. Polky told Selectperson Willey that Mr. Skoglund or Mr. Falla would know the historical information about the cane and who the recipients were. Polky and Chair Bates suggested talking with a local cabinet maker about the possibility of crafting a case and the Board agreed. Chair Bates will contact the cabinet maker. The consensus of the Select Board was the cane is presented to Mrs. Jameson. Chairperson Bates will contact Joanna Parker to set up a time to do the presentation.

On a motion by Selectperson Willey, seconded by Elwell, it was voted 5-0 for the town to continue the historical tradition of the Boston Post Cane and in that tradition, award it to Dorothy Jameson.

At 8:50 p.m., on a motion by Selectperson Elwell, seconded by Willey it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary