

**ST GEORGE SELECT BOARD & ASSESSORS
MEETING MINUTES
Monday, August 7, 2017**

The Select Board meeting was called to order at 7 p.m. Members present were: Richard Bates, Chair; Randy Elwell, Gerald Hall, and Tammy Willey. Also present: Tim Polky.

PUBLIC COMMENTS: None.

REGULAR SESSION:

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

Under New Business

- Intertidal Zone Aquaculture and the Public Trust Doctrine
- Sound System Update by Selectperson Willey
- Annual Appointment Updates of Boards and Committees

- Minutes: The minutes of July 24, 2017 were amended as follows:

Page 2, Update from ad hoc Solar changes - first sentence, correct spelling to ReV~~i~~sion;

Line 4, change to read review the **contract** and get his suggestions.

Page 3, Aqua Ventus and Bristol Shoreland Zoning Ordinance changes - paragraph 4, line 5, correct to read wanted to **do** anything in Bristol,...

Line 10, correct to read,...an impediment than these other **older requirements**.

Page 6, first paragraph, line 6, first word, change punctuation to a period, ... point.

Page 6, second paragraph, line 10, remove ... **and reviewing productivity**. Change to read ...analysis of the quarterly reports, etc, **and reviewing trends**.

On a motion by Selectperson Hall, seconded by Elwell, it was voted 4-0 to approve the July 24, 2017 Select Board minutes, as amended.

- Communications: Town Manager Polky received a letter from The Bureau of Census. Chair Bates said the 2020 census is gearing up. The next step is (LUCA) Local Update of Census Addresses and was asked if the town would agree to update the addresses, starting in the spring of 2018. He and Polky will be discussing how to approach this. Chair Bates said it is interesting because currently we have two representatives, but if you look at the list and how we stand compared to other states, it would not take much for us to be down to one representative. It is really important that we count everybody. He said a little change in our population, more growth in Texas, more growth in California, and things like that, we will be down to one representative. Selectperson Hall said, "and one less electoral vote." Polky said that we get more revenue sharing and have a better chance of receiving grants, if we have more people.

- Warrant: The warrant for the week of August 7, 2017 was reviewed and signed. The total expenses were \$97,647.28 and included two weeks of payroll and a check for \$7,287.29 to ICMA Retirement Trust, which will be voided due to an error. The correct amount is \$7,185.47.

Selectperson Willey asked about Boulder Hill Woodworking. Polky said that was for two picnic tables for 10 Cold Storage.

Chair Bates asked if the welding service at the Transfer Station was going okay and moving ahead. Polky said one thing they did when they looked at rebuilding the whole compartment up on top, they got the people from New England Recycling, who gave them an estimate of \$25,000 to replace it. Polky has Larry Wiles who said he could do it for \$10,000. Polky thought it would be heavier and stronger than the recycling company would have done.

Selectperson Elwell asked if the town still had an animal control officer. Polky said yes and he was doing a good job. He, also, works for three other towns. Polky said he had been to St. George quite a bit. He said the town pays him a monthly stipend and mileage.

TOWN MANAGER'S REPORT:

-Committee Meetings:

Planning Board, Tuesday, August 8th, 7 p.m. – Wyeth Reading Room Public Hearing and Planning Board meeting at 7:45 p.m.

Budget Committee, Monday, August 14th, 6 p.m.

- Update on Paving: Polky said paving has been completed and feels it will come in under the budgeted amount. The town office parking lot was budgeted at \$25,000 and that came in at \$12,500. He said the salt shed area still needed to be done. Polky said they have received a lot of compliments on the roadwork and Howards Head Road to the end of the town road section. They will be putting shoulders on the road, at a later date, when it hardens.

COMMITTEE REPORTS:

- Budget Committee: Selectperson Hall said the committee would be meeting prior to the Select Board meeting on August 14 at 6 p.m. to review the FY'17 numbers.

- Solid Waste Committee: Selectperson Willey said the committee did not meet in July and would not meet in August. They would meet, again, in September.

- Conservation Committee: Selectperson Willey said she missed the educational series event on August 3, titled Life on the Edge – Will Clamming Survive? Chair Bates said it was really interesting, very enlightening, and Suzanne Hall did a good job getting a mixture of speakers together.

Selectperson Willey received an update from Ken Oelberger about the High Island trip. Oelberger said the committee has had to cancel the trip, because they did not have a boat to shuttle people back and forth, and there were some other things going on. The committee decided that in the future, they would do the trip during St. George Days.

- Planning Board: Chairperson Bates said the Planning Board met on July 25th and Public Hearings were held for the three items on the main agenda:

- The building permit application to add a seasonal ramp and float at 32 Shumaker Lane was voted on as complete, and meeting the land use standards in Section 15(C) of the Shoreland Zoning Ordinance, the application was approved.
- The Happy Clam proposal for a Tiki Hut/Barbeque Pit at 13 River Road was accessed according to the Performance Standards, Section V of the Site Plan Review Ordinance, and found to be compliant, subject to planting additional trees to screen the new construction and adding an 8' stack to the smoker as to create less of a problem for the neighbors. The applicant has submitted, but had not yet been granted, a Natural Resources Protection Act Tier 1 after-the-fact permit from Maine's DEP for filling in

7,300 sq. ft. of wetland. The application was approved, contingent on receipt of the DEP permit.

- The Marshall Point Lighthouse Association proposal to reconstruct a barn at 178 Marshall Point Road was voted on as complete, and meeting the Performance Standards, the application was approved. The lease agreement was settled and was signed by the respective parties.

OLD BUSINESS:

- Update from the ad hoc solar committee: Selectperson Hall said the attorneys have been passing drafts back and forth. At the last meeting, Bill Kelly had sent a draft to Steve Hinchman, Esq. from ReVision and Steve had since responded with a red line draft. Bill Kelly had gone back to him with a couple of suggestions and there needed to be a conversation between them just to say yes this is okay, or that is not okay. Hall is waiting for Steve to get back to Bill Kelly with the final revision and anticipates there will be a draft that is acceptable to both attorneys by the end of this week. Selectperson Hall was hopeful the Select Board would have a discussion and vote next week to authorize the Town Manager to sign the agreement.

Polky said they have their application in to CMP and they have already started the review, so that is in the works, already.

- Update on the Sound System: Selectperson Willey said they have received two estimates, so far, and waiting on the third one. The first two received were quite different. She said it would be interesting once they receive the third estimate, to see the difference. Polky said they would have to compare the three bids and make sure each one was comparable to each other.

- Annual Appointments – Board/Committee Appointment Updates: The Town Manager submitted a list of board and committee members to be appointed or reappointed to their respective boards or committees.

On a motion by Selectperson Elwell, seconded by Willey, it was voted 4-0 to make the above appointments as presented.

NEW BUSINESS:

- Liquor License Application for Greg Howland d/b/a The Happy Clam: Polky said The Happy Clam had been in business for nine years and they asked to waive the public hearing. On a motion by Selectperson Elwell, seconded by Hall, it was voted 4-0 to approve the liquor license for The Happy Clam.

Selectperson Willey questioned how this liquor license would relate to the new Tiki Hut. Would there be two separate liquor licenses or one license, with some type of extension? Polky said, at the very least, they would need an amendment to their license. Polky said he did not think the Happy Clam and Tiki Hut would want to operate as two separate entities.

- FY18 Final Appropriations and Reductions Page: The Town Manager distributed the Final Appropriations and Reductions Budget sheet. Since the Finance Director was away this week, she had asked Polky if discussions could be held over until the next Select Board meeting. Chair Bates said, since tax bills had gone out and some residents may have questions, he thought the summary sheet would be useful. Consensus of the Select Board was to table discussion until the next Board meeting.

- Intertidal Zone Aquaculture and Public Trust Doctrine: At Thursday's educational series meeting "Will Clamming Survive," Chair Bates said something was brought up which seemed

like it might be the answer to the issue of the war between the wormers and the clammers. He said there had been a lot of hand-wringing over the issue that "we cannot stop the wormers from going into the clam flats and digging everything up." Chair Bates said a comment was made at the meeting that "you can." Chair Bates had a printout from the "Ocean and Coastal Law Journal" which included the leasing statutes under the "Intertidal Zone Aquaculture and Public Trust Doctrine".

The Board reviewed and discussed the information from the handout and what was discussed at the meeting. The members and Polky had many questions regarding the interpretation of the leasing statutes. Selectperson Hall thought the Board should get some legal guidance on this. Chair Bates suggested it be handed over to Selectperson Sawyer, ask him to go to his committee, and get them to look this up. Selectperson Hall said his take away from the meeting was this needed to be further researched. Chair Bates said he would leave a message for Selectperson Sawyer and ask him to talk to the Select Board about this issue. Polky thought the Shellfish Commission had a minimal budget, so they look for legal advice that they can afford, but thought they needed to get good legal advice on this, because it could make or break the organization. Selectperson Willey wondered if they were already aware of this for as long as this issue had been going on. Polky said possibly not. Selectperson Willey asked if the town would have to write an ordinance. Polky said what could happen is we have an interlocal agreement with the five towns and they would come up with an ordinance for the five-town region. Each municipality would have to ratify it. Selectperson Elwell said is the committee's job to look into this and come up with the results.

Chair Bates recommended that the Shellfish Committee look at this and get good legal advice on their possibilities. Selectperson Willey asked if the committee could get information and free legal advice from the MMA. Polky said MMA may act on that where it is an issue of regional concern. Polky, again said, this is important and they may not want to depend on free legal advice. Selectperson Willey said MMA could at least tell them whether or not they should go forward and pay for legal advice; it could be a starting point to see if they should invest more money into this.

On a motion by Selectperson Elwell, seconded by Hall it was voted 4-0 to have the Shellfish Committee review the Intertidal Zone Aquaculture and Public Trust Doctrine and Leasing Statutes and to seek good legal advice on the interpretation of the laws to which they may benefit.

Town Manager Polky informed the Board he had sent out letters to all the abutters of the Jersey Road - a piece of property that was a right of way off the Drift Inn Beach Road. Polky said this is a strip of land which goes from Drift Inn Road to Rt. 131. The town identified property as "unknown owner about two years ago." It is now tax acquired property and can be disposed of. In a letter from two years ago, former Town Manager Falla's proposal was to divide the property down the middle and divide it up between the four landowners. Polky said he is recommending the same. Abutters are: Mathiau, Conant, Harrison and Pratt. Polky invited the abutters to the next Select Board meeting for any input.

Polky said there are a number of unknown owner properties that the town has tax acquired. He will be working on those, as he can, and will bring them before the Board for review.

At 8:02 p.m., on a motion by Selectperson Elwell, seconded by Hall, it was voted 4-0 to adjourn the meeting.

Respectfully submitted,

Marguerite R. Wilson
Select Board Recording Secretary