

ST. GEORGE SELECT BOARD & ASSESSORS
St. George Town Office
MEETING MINUTES
October 16, 2023

The Select Board meeting was called to order at 7:00 p.m. Present were Steve Cartwright, Rick Erb, Wendy Carr, Randy Elwell, Irene Ames, Toni Small, Ken Oelberger and Ben Leppanen.

Via Zoom: Present were Betsy Welch, Loreen Meyer, and Adele Welch.

Quorum

A quorum was present.

Public Comments

There were no public comments.

Adjustments to the Agenda

There were no adjustments to the agenda.

Conflict of Interest

There were no conflicts of interest.

Minutes

A motion was made by Cartwright, seconded by Elwell, to approve the September 25, 2023 Select Board Meeting Minutes as amended, and by a unanimous vote, the motion carried.

Warrant

Thompson

I thought it was straightforward.

Communications

Erb

I sent one to you already. That was the offer from Karen Peterson for the osprey sculpture. People might want to think about that a little bit more. One of the other places I thought about, and we don't know exactly what's going to happen with the Port Clyde landing, but some of that is going to be public space. Could that be a potential location? That would be fitting.

MMA is looking for volunteers to serve on the Planning Commission for the 250th anniversary of the United States. They're looking specifically to see if there could be any municipal officials.

Other than that, I have had several letters and emails regarding the fire. One is from Pinny Beebe-Center, our State Senator, and I had several others similar to that, people expressing condolences and offering to help.

Town Manager Report

Erb

We were going to be meeting tomorrow with Sebago Technics, but that is no longer on the schedule and is rescheduled for November 2nd from 11:30am – 2:00pm. I'll send out reminders. It is to meet with them on the work they have done.

The RFPs are out on revaluation. I have them coming back on November 20th. I'll have something to show you at the Select Board meeting following that.

Just a couple other things. Patty is out of the front office. She's on medical leave for a few weeks but we're doing fine. I will say Bill Batty has really stepped up and has come a long way in a year. He has done a really great job for us. I want to thank him for that.

The other person I wanted to mention is Stevie Jarrett who has been steadily working at staining the Town Office and has worked his way around to the back. That saved us a lot of money. It's not a permanent solution. He doesn't think so and I don't think so but it's buying us a few years because it was peeling rather badly and sort of embarrassing the way it looked. We're going to get a few years out of this. I think with the condition of the siding, we really need to look for a more permanent solution but being able to do that in house has gotten us by.

Thompson

Should we think about planning to replace it and also put some more insulation in and so forth? I don't know what the situation is.

Erb

We need to find out more.

Thompson

That's a good point. At least some blue board and then some other types of siding.

Erb

Okay, I think that's what I had for my report. Are there any other questions?

Elwell

How are we coming along with finding a realtor for tax acquired properties?

Erb

We have good news and bad news. The good news is that several of them have been paid off. I think there was great motivation once word got around so that part is really good. Otherwise, I think we would have been moving ahead by now. I will say the state has thrown us some curveballs. Particularly, there is a piece that we're all familiar with where the town would be interested in retaining a portion of it because it abuts the cemetery. That gets really complicated when you figure that you have to give back to the prior owner the profit or the additional funds taken in above and beyond the taxes due, so we're sort of waiting for a little bit more guidance on them. But as I said, we're down to fewer ones.

Thompson

Why don't we just do an update at the next meeting.

Erb

I will, because I would love to clean this up.

Irene Ames

There are probably four of them that we could send letters out on. That's it.

Committee Reports

Planning Board - Carr

Carr

The Planning Board met on October 10th. They approved an application for a pier on Island Avenue. It is 5 feet by 50 feet. It was a short meeting, but it was followed with a workshop on their proposed Shoreland Zoning Ordinances which are being reviewed by DEP. There are four changes that are necessary to align our ordinances with the DEP's view. The only other thing we talked about is Port

Clyde and their looming issues about Shoreland Zoning and floodplain for rebuilding. Obviously, there is no pending application, but there are things to think about down there.

Board of Appeals – Conrad

Thompson

We don't have Jane here. I don't think the Board of Appeals has met. I don't think there's anything there.

Harbor Committee – Elwell

Elwell

We met last week, last Thursday night, to try to come up with permit fees and how that's going to work. It was actually a pretty good meeting and that's moving forward. They should have some recommendations for the Select Board.

Erb

They're going to meet again this Thursday.

Elwell

I don't think I can make it Thursday night.

Thompson

I'll stand in for you.

Erb

They've done well.

Budget Committee - Thompson

Thompson

The Budget Committee has not met yet but will sometime this month.

Resiliency Committee - Thompson

Thompson

As we know Sebago Technics wanted to do it via Zoom and we thought it would be best in person. That's why it has moved to November 2nd. It will probably be in the noon to one o'clock timeframe. We reserved a room from 11:30am to 2:00pm just in case. It will be upstairs.

Comprehensive Plan Committee – Conrad

Jane is not here. I know they have a meeting on November 7th.

Conservation Committee - Cartwright

Cartwright

I wasn't able to be there, but Ken is here. Is there any update?

Oelberger

The latest information on the Fort Point project is that they completed the work at the Point on the basic trail at this point and submitted an invoice for that work. We've just received additional funding from the state to make the three picnic table locations UA compliant as well and they started working on that today. We're hopeful things are going to progress along and finish sometime in November. That is what it looks like if we don't run into any snags. The other news is we're going to start next week to reroute the Jones Brook Trail that had to be closed, so we're going to do a piece on the Historical Society property at this point for starters. Then we received permission from Kitsy Benner. When you look at the trail, starting at the town forest end, it would just dead end at what would have been David Miller's property. Kitsy agreed that we could probably put a loop on her property to go back out, so we'll have a Jones Brook East and West or something like that. We don't know what we'll call them yet. That's where we stand now.

Shellfish Committee - Elwell

Elwell

They met Thursday night. It was just typical business. They did bring up the DA. Danny Staples and Jeff Schroeder did meet with the DA and one of the things that they are saying is lack of evidence. So that's where that stands. They're going to try to come up with a way to better gather that evidence to go to court. That is pretty much all they talked about.

Thompson

Would cellphone pictures help?

Elwell

Yes. I mentioned a body cam like the police wear, and they are going to look into it. You can turn it on when you get out your truck. It has sound and video.

Solid Waste - Erb

Erb

They have not met.

Cemetery Committee – Carr

Carr

They have not met.

Affordable Housing - Cartwright

Cartwright

I don't have anything new to report. It is kind of on hold with the Kinney Woods project.

New Proposed Fees for Demolition Waste Disposal at the Transfer Station

Thompson

Are these increases the first since 2010?

Erb

There have been increases more recently than that.

Carr

There have been a couple of increases over the years.

Cartwright

I was intrigued by your email that said their costs went up and then they barely back slid again.

Carr

Since there have been changes at the Transfer Station, I don't think the most recent fees have been applied. That's my explanation but I'm not sure.

Erb

Could be. When you look at the fee structure, the other thing to think at is we do have other fees for individual items such as tires, furniture, mattresses, white goods etc. I haven't touched those items yet for a couple of reasons. One is the amounts are \$2 and \$5 and am trying to keep things in round numbers. They didn't really want to double some of these prices. The other thing is, and I think we've talked about it, we don't really like to increase the rate for any of these items, however, if it's a contractor, they're in business and are passing the cost along and it is a legitimate cost of business, whereas when it comes to say upholstered furniture, that's more likely an individual and maybe we don't want to hit that person quite as hard. We also don't want to encourage illegal dumping. We could certainly go back and increase those as well. I just went with the items that are demolition (demo), tree and brush waste and increased those. Wendy or Ben, did you think that these may have increased

between 2021 and 2022? I had Tara give me the demolition income. In 2021, it was \$27,000, in 2022, it was just under \$40,000, in 2023 it was \$35,000, and we're on track right now to be in between the income levels in 2022 and 2023.

Carr

I think the fees changed in 2020, the ones that are reflected on this page.

Erb

Maybe there was just more volume.

Elwell

Have you seen a lot more coming in as far as demo, Ben?

Ben Leppanen

We slowed down a little bit. There are a lot more shingles but just the normal demo that we always run from year to year.

Cartwright

What do you think the reaction would be if we put these in place?

Ben Leppanen

With the demo part, it's mostly contractors, like Rick said, so I don't think it's going to be too big of a deal. You will obviously have some people complaining but it's just the daily part of it. For the shingles and sheet rock, we don't really charge separately for that. That all gets mixed in with the demo. You should really think about the price difference on those, especially the shingles, because if we get a can of board wood, it is a lot lighter and we're only charging \$30 a yard compared to shingles that are four times heavier, and we're still only charging \$30 a yard. When we used to send out a can that was just shingles, where we separated it, we were getting more money for that and I think we should really think about charging for a load of shingles separately, then just charging the same as actual demo, if that makes sense.

Carr

More than the regular demo?

Ben Leppanen

So, if we are charging \$30 for demo, it's \$30 a cubic yard and I believe we should be charging at least \$40 a cubic yard because it's so much heavier.

Erb

And we're paying for it by weight.

Cartwright

What about sheet rock?

Ben Leppanen

With sheetrock, if you fill a can up and it doesn't rain then it doesn't weigh anything.

Elwell

Do you ever have a trailer loaded only with sheetrock, or is it mixed in with the demo?

Ben Leppanen

It is mixed in with the demo. That's the hard part but shingle and roofing companies bring in a dump trailer of just shingles. We have one contractor that mixes it once in a while.

Cartwright

Does it make sense to have a separate sheet rock category?

Ben Leppanen

No.

Erb

I'm good with that.

Elwell

Do you feel did the shingles should be brought up another \$5?

Ben Leppanen

Yes, to \$40 a yard.

Erb

I put something on the website regarding this. I found out that we didn't do any public hearings on setting these prices before. I can't tell you how much publicity we put into it but I got no reaction from anybody.

Carr

When we did them before, nobody showed up.

A motion was made by Elwell, seconded by Cartwright, to accept the \$5 increase in asphalt shingles and elimination of sheetrock as a separate category, and by a unanimous vote, the motion carried.

Elwell

Are you going to post these until December 1?

Ben Leppanen

Yes, if this passes and Rick lets me know, we'll put up signs.

Update on the Port Clyde Landing Project

Erb

I've reached out to Linda Bean and Andy Barstow to check in with them and offer our support. I think that Linda is interested in hearing from Sebago Technics and Gartley and Dorsky will be shepherding whatever application is put together through the process here. I tried to reach out to Will Gartley and found out that he's out for at least a week, maybe a little bit more than that. One of the things we have to think about, and it sounds like it came up at the Planning Board, is what do we do with the elevation of the road and what's going to happen to the elevation of buildings there.

Thompson

The other part is just to make sure and part of the appeal with Sebago is that they say we own the data. All of the LIDAR data could fit into this proposal.

Erb

I don't have too much more to discuss. Does the Board think there is there anything more that we should be doing? The owners of the property are insured as indicated. They are firmly committed to rebuilding and if there is more that we can do, I'd like to. I'm just not sure what it is at this point.

Elwell

I think the only thing we can really do is have the Planning Board help Linda Bean through the process of what she needs to do.

Thompson

I think what we're doing with Sebago Technics and the data they could be using with projections helps in the planning. We could be helpful in any way we could along the way but until they come up with more firm plans, there is not much we can do.

Erb

I need to hear back from Andy Barstow over the weekend because I had sent him an email offering whatever help we could and the only comment that he had, after hearing I'd be talking to the Select Board, was that I should tell him Port Clyde is a non-conforming town. If we want the waterfront back, we need to think about that. I went back to him, and I think basically he's saying this is a village that's

over a hundred years old, and trying to apply present day ordinances, setbacks, density levels and things like that was his point.

Thompson

That's what we take up with the Planning Board.

Acquisition of Property at Old Woods Road

Thompson

I think we're ready to begin some general discussion about all Woods Rd. Betsy Welch, are you there?

Betsy Welch

I am. I have a statement I'd like to read if that's all right with you folks, unless there's any other discussion you want to have before my statement.

Thompson

No, I think we're waiting for yours.

Betsy Welch

Okay, I'm speaking on behalf of the Old Woods Farm Homeowners Association. We're calling on the Select Board to act expeditiously on the matter of the acquisition of Old Woods Farm Lot 11 from its current owner. It has been three years since this owner announced plans to develop the lot which we, the purchasers of house lots, understood was to have been placed in conservation as part of the Planning Board's approval of the subdivision project in 2006. We have repeatedly brought this to the attention of the Code Enforcement Officer, the Town Manager and the Chair of the Select Board. Nevertheless, permits began to be issued for site work, including the extension of the road owned by the HOA. Because the town did not enforce the finding of facts by the Planning Board in 2006, we have been forced to protect our rights by privately engaging our own attorney. We have asked the court for injunctive relief, a manner still ongoing, since we have had no assurances from the town that they will enforce the requirements of the Planning Board. We have paused any additional litigation at the request of the town so it can address the situation. The town has asked us for concessions which we have agreed to. Number one, to allow a small parking area for the public on HOA property, number two to pledge funds to the town to help buy the property and contribute to its upkeep, and number three, we were asked for time to allow the town to conduct its own appraisal on the lot. The appraisal is in. Communication to us from the town has been very poor and our legal bills are high. The town is clearly responsible for this situation. We therefore ask the town to come to some agreement to purchase the property from the landowner, or at the very least, give us written assurances that the town will take action to enforce the terms of the subdivision approval. Thank you.

Thompson

Thank you. Is there any general discussion? If not, we'll take this up in the Executive Session.

Liquor License Application for Corinna's Happy Clam LLC, d/b/a Happy Clam**Erb**

I have spoken with Greg, Bill and Terry. The issues that came from the Planning Board regarding the Happy Clam include the construction of the fence, which has been done, and planting of trees. We've done a recent reinspection and for the most part they have survived. The ones that have not will be replaced again. At this point those were two outstanding issues. There also have been questions about Greg Howland's property across the road. There are a couple of things. One is that there have been camper trailers there. I believe that based on the number of days that the trailers are there and what is proposed, he will be in compliance as far as it is less than ninety days. We believe it will be in compliance. There have been some questions about the septic system for the house and the number of units that are in the house. Greg Holland has proposed that he will remove a kitchen from that private residence which will reduce the number of people residing there.

Elwell

Is Terry Brackett going to follow up?

Erb

He will. I don't have any doubt about that at all. We had the meeting and that was what was agreed to. Then, you get into the issues there regarding parking. You have the so-called Field of Dreams parking lot, which was never required. Our parking requirements are like a lot of towns; it is based on the number of seats in the restaurant but that's not really the issue. The issue is on Sundays, the number of people who are there who are standing, bringing their own chairs, sitting at picnic tables and just generally the number of people the site is able to accommodate. If anyone looked at what was going on a week ago, we could see it coming. First, I thought the weather was going to be bad, but it turned out to be nice. There was a lot of promotion for it. It was going to be the last concert of the season. It also includes a fair amount of free food. That plus the fact that it was one of the more popular bands and because they were raising funds to assist Port Clyde. I think it was the largest turnout since I've been here and as you know I keep a fairly close eye on what's going on there. Of course, all of the parking lot at the Happy Clam was full on premises. There were dozens of cars up and down Route 131. They were doing a pretty good job of keeping them inside the white line. On top of that you have people parking at the Post Office, which probably doesn't really hurt anybody. It looked like there were quite a few cars also with the Odd Fellows. I don't really know if they had permission or not, but they were there. The site was certainly taxed to its extreme. That's what we're seeing. I guess the question is, what should be done. There was a proposal for the parking lot across the street and that application was eventually pulled. It was never required that they put it in. One could argue whether it should have been required or

not, but it never was a requirement. The fact is, if we are going to have a parking lot there, it needs to be approved and that's what I've told Greg. Personally, I think under the circumstances for that particular Sunday, they were better off parking there.

Elwell

I think we all could see it coming. He did what he did. I'm wondering if we can require he put boulders across the front of it to keep cars from going in there?

Erb

We can.

Thompson

In the past he has parked a vehicle there to prevent people from going in.

Elwell

But when it is convenient, that vehicle gets moved. I think it should be permanently made inaccessible until he's approved to use it.

Erb

Exactly. That is where I was going to go.

Thompson

There's no way it can be approved until the state changes something.

Erb

The consensus is if you're going to have a parking lot there, then you need to have a crosswalk. I don't disagree with that. I think one of the problems when you're driving through there is the number of people crossing everywhere and there's no organization.

Elwell

That's kind of a blind area, especially coming up from the store especially when there are delivery trucks along the road.

Erb

I don't think it's ever going to be a perfect situation. I think the best solution right now is the parking lot gets built the way that it was supposed to be and that there is a single crosswalk to get people back and forth between the two. I think that's better than what we have now. You do get into that whole speed limit issue and whether it's really 25 mph there or not. I guess technically it is not 25, it is still 45 mph.

Elwell

It is before the sign.

Erb

Greg Howland has made requests to the Department of Transportation (DOT) and Terry Brackett has as well, asking that they consider moving the speed limit further back, so that it truly is 25 mph. That's my view. I think it was through Greg's effort that the noise levels have not been the issue that they used to be. It's a fortunate thing. Many times, you have a band set up there with their own amplification, and now at the Outback Greg has used his own sound system. He controls the volume knob. He got so he would measure decibels and to me the sound levels don't rise with the way he's operating now and would not be considered a violation in most communities at that time of day. If this was 10 o'clock at night, I probably would feel differently. I do know and we've certainly heard from a number of people that believe Sunday afternoon should be quiet. I understand that. To me, it's a bigger problem at night because I think we all know how sound carries at night.

Elwell

Sound levels at night are one thing but during the day I think it's okay. My issue is not with the band but the idea that he uses the parking lot without approval. Why is it some people can do things like this, and others cannot. I say until he's approved, he should put boulders across the parking lot across the street to permanently keep people out. I can see Greg starting to use it slowly and then more and more.

Thompson

Would you like that relayed to the Planning Board?

Elwell

I think so. Can we do it under the liquor license, advising we'll grant the liquor license if this is done?

Carr

Unless there's an application in front of the Planning Board, there's nothing they would do, so you'd have to require him to do that first.

Cartwright

It's more of a code enforcement issue.

Erb

It's more of an issue of having a permit for this and if you don't have one then you can't operate a parking lot according to our ordinances.

Elwell

Would we enforce it? I'm looking back at some of the other issues we've had come up in a short period of time where it hasn't been enforced and moving forward, I want to see Terry Brackett enforce it. My opinion is we're already in kind of a mess because things haven't been enforced over a few years.

Carr

In general, when there's an enforcement issue in the absence of a permit, what does Terry do? Does he send somebody a letter?

Erb

He sends a Notice of Violation. The violation here would be not having a permit for that.

Carr

Is there any fine or any teeth to that or can it be ignored?

Erb

You can take them to court and there would be a fine, I can get more detail on what that would look like.

Elwell

I'm not just picking on Greg. There is a lot of stuff in town that hasn't been enforced.

Erb

As far as the liquor license goes, under state law, the liquor commission will listen to what the town has to say. If you voted not to renew the license, he would have an appeal procedure. I think he would have a reasonable case for the appeal. I think the problem that we have would be it is possible to turn down a liquor license at the local level if the applicant is not following the local ordinance. We would need to go through the process. He has had letters from Terry and myself. He knows.

Carr

Can we grant the license with a proviso that he goes through the Planning Board process for the parking lot?

Erb

Yes. I think he can do that.

Carr

I think that's what we should do. Otherwise, we don't get anywhere.

Erb

The most convenient time for the town to take action on an applicant's business is at renewal but you can do it anytime.

Elwell

If we grant a liquor license, do we have the right to pull it if let's say a lot of complaints come in?

Erb

I believe you can go to the state liquor commission. It's easiest to do it right now but that doesn't preclude you from doing it over the next year while this permit is in operation.

Cartwright

Who gets to decide where the crosswalk goes on a state road?

Elwell

I'm pretty sure it's the DOT.

Cartwright

Do we request it and they decide whether they want to allow it or not?

Erb

Yes.

Cartwright

Another thought I had which is not so related to the crosswalk but related to a sign like the one in Port Clyde. We could ask the town to put up a sign with "Slow Down Village Area", which is not a speed limit, but just a sign that advises drivers are entering the village area and requesting drivers slow down. That would be something that might help.

Erb

Yes. We can. I think what I'm hearing is that you want the message delivered to Greg that the town will take steps for any violation of local town ordinances including operation of a parking lot without site review.

Thompson

Yes. If you could take care of that.

Erb

I think that's the way we should go.

Thompson

And mentioning there was discussion about possibly requiring rocks across the front.

Erb

If the parking lot is blocked, then I think we have to sort of pivot to having more vehicles parked on the road.

Thompson

That is part of the problem.

Carr

It's a foregone conclusion. I'm sorry to interrupt. He forces us to accept the cars in an unapproved parking lot.

Elwell

We have to get them off of the road. There is also a lot of illegal parking on Route 131.

Carr

In people's driveway also.

Erb

The other thing that we could do would be to approach DOT to eliminate the parking entirely.

Elwell

It went down the sheriff's department, didn't it?

Erb

I'm not sure I know what you mean. We've had the sheriff's department come through. Typically, if they have done a decent job of getting people off the traveled way and outside the white line, then the sheriff's department has been satisfied.

Erb

To me the bigger problem is the pedestrians.

Elwell

It is. I've seen kids running around out there and that kind of scares me

Erb

I guess where I was going with it is if there is no parking lot and that has an impact on where cars are being left and how parking is working out, I think the town has to decide it isn't working either.

Carr

Why can't we tell him he has a whole season. He's not going to be operating until next Memorial Day. We could sign off on the liquor license with the proviso that he applies through the Planning Board and goes through a site review with the Planning Board for the parking lot, because maybe we do want the parking lot. It looks terrible right now.

Elwell

I'm not saying we don't want it but he's using it illegally. If he goes through the channels and gets it approved and does what he needs to do, that's great. I've had people approach me in town and ask why certain people get away with these things, but other people don't. That's a good example.

Carr

I think we should have that condition. I don't know if we formally can do it because the liquor license is just something we sign. Can we write a cover letter stating we've granted this with the understanding that he will take this time between now and your new hours of operation in 2024 to go through the Planning Board process?

Erb

Wendy, I want to make sure I understand. Are you saying that he would be required to have a parking lot?

Carr

If he's going to use it, it must be approved.

Erb

I agree with Randy. The town has to make certain that it is blocked.

Carr

If he goes through the process, before it opens up; it's offseason.

Cartwright

We can't pull the permit if he doesn't go through the process of a parking lot. I question whether we have that authority over the liquor license.

Carr

Well, it sounds like we have to go through the state.

Cartwright

You have to have some pretty clear violations to deny a liquor license. I'm not sure that parking is close enough related to serving liquor.

Erb

I don't know. I don't know the answer, but it's not on the same piece of property for one thing,

Elwell

As the Select Board, I don't feel we have any authority.

Carr

We could say in a cover letter that we will grant the liquor license for 2024 with a proviso that the parking lot is blocked off unless they go through a site plan review. If they choose not to do this and use the parking lot in 2024 with no site plan review, the liquor license will not be renewed the following year, and cite the statute that we're allowed to hold a liquor license in abeyance because of a land use regulation. We have to force him into something.

A motion was made by Carr, seconded by Elwell, to grant the liquor license to Corinna's Happy Clam LLC, d/b/a Happy Clam for 2024 with a cover letter accompany the liquor license stating it has been granted with the provision that the parking lot be blocked off and not used without going through the site review planning process, and if the parking lot is used without a site review process, subsequent liquor licenses will be denied.

Liquor License application for East Wind Hospitality d/b/a/East Wind Inn

Thompson

Are there any concerns. Hypothetically, one could say that the sign that they put out doesn't meet requirements.

Elwell

It doesn't actually. I'm less worried about the sign name than someone getting run over.

A motion was made by Cartwright, seconded by Carr to renew the liquor license for East Wind Hospitality d/b/a/East Wind Inn, and by a unanimous vote, the motion carried.

Request for Letter of Support for Proposed Experimental Aquaculture Lease from Toni Small and John Cotton

Toni Small

I'm Toni Small and my husband John Cotton and I have a very small oyster farm in Port Clyde. I don't know how much you know about the system and how much you want to know about the system. It's many, many layers but we have four LPAs each. LPA stands for limited purpose aquaculture. It's a 400

square foot footprint. We have, between the two of us, eight LPS at the moment. We have four out in Deep Cove, one on an intertidal section of the beach that we didn't actually use this year and then I have three inside the lobster pound at Beans Maine Lobster on Horse Point Road. I am here for your support because per the experimental lease process, the next step up from an LPA is what's called an experimental lease process which grants us a larger footprint for three years. It's a little bit ironic because with the experimental lease you actually have to know what you're going to do before you do it so it's a little bit challenging. We're seeking support to expand the farm to be able to fill the whole 2.18 acres. That said, the 2.18 acres would probably never be completely full. I'll pass around my map.

Elwell

Is this still in Deep Cove?

Toni Small

No, this is the lobster pound.

Elwell

Do you need a permit for that?

Toni Small

Yes, It's private property. We are leasing the space financially. From the DMR we also have to have a lease permitting use of the water because they don't really have jurisdiction over the property except, they do because they're looking out for public safety and we're growing live animals.

Elwell

(Inaudible)

Toni Small

Some days it feels that way, but I support them, making sure that everybody's safe. It's just a very laborious process. Basically, we need your support that we are in a town where this is pursuant to the 12 MRSA section that says, "In any municipality with a shellfish conservation program under Section 6671, the commissioner may not leave lease areas in the intertidal zone within the municipality without the consent of municipal officers if the municipality where the proposed lease site is located has a shellfish conservation program. It is your responsibility to obtain consent for the proposed lease site from the municipal officers. Consent means a majority vote of the municipal officers as recorded in a public meeting.

Carr

Considering the DMRs letter to the municipalities that say we really have zero control other than the Shellfish Commission, does it make any difference for you in this instance, whether it is The Pound versus Deep Cove?

Elwell

No.

Carr

You don't have any qualms at all about lobstering or the bottom being leased?

Elwell

No. I think it is silly that you have to lease the bottom from the state. When I first became a Select Man, one the first things that I signed was for the town to lease the bottom from the state for a float. That was the most ridiculous thing. I know the local businesses are trying to make a living. Inside the pound, I haven't heard anything. With the Clam Committee, I just disagree with some of the opinions. It is becoming the new normal as fishing gets tougher. They need a way to support their families and maybe this is a way that they can do it.

Carr

Okay. Do we have any concerns as a group with writing a letter of support for a small operation? Is it a slippery slope than if there's a corporate farm that comes in.

Elwell

According to what you emailed out last week, with the DMR, we can do mandatory after mandatory and they're not even going to... I would rather see a small town couple or group versus someone from Australia that's a \$3 billion company. They might get established and sell it but that is out of my control.

Erb

Wendy, are you wondering if we could decide each on its own merits?

Carr

I guess so. I don't have any problem with this operation, given its small size, but I just worry down the road that we're going to be facing these issues where there's going to be a giant farm that comes in, and then somebody can say on this day you granted this one and wrote a letter of support, and then you wrote another letter of support. I just worry about creating that trail. I don't know if there's anything we can do given what the DMR wrote in the letter.

Thompson

They get into size and environmental impact once the companies get very large and so I think we've got grounds there to oppose all kinds of things and so does the DMR.

Elwell

I agree with Wendy. Past practice can hurt when it comes up.

Thompson

It depends on how you phrase it.

Elwell

Right. But I think it's all new. Damariscotta has been doing it but around here it is new. I just think we have to support as best we can.

Toni Small

Is it your perception that a larger business is a threat for the area?

Carr

It could be, depending on how they're operating. It's not only oysters, but also other things. We see Belfast going through major issues with salmon and there are other places that have tried to put in salmon farms in the waterways. That really concerns me. I'm just saying it's something we need to think about. We keep granting and have no power to limit the size of the aquafarms. We're good with that.

Erb

Would you like me to reach out to Bill Kelly on this because he certainly has experience from when he was city attorney for Belfast?

Carr

I guess. I don't want to cause legal fees if we don't really need it. I'm going to vote for it, but I'm concerned about what this means down the road.

Toni Small

Generally speaking, with the DMR it'll end up being a fifty-page document. They're not willy nilly about what's happening and we're getting pressure because there is pressure from people being concerned about how the process goes. The pressure from the DMR on us is that they want to know what our shackle size is, what our line size is, how many bags we have, what size they are, how long they're going to be in the water and how many hours we're going to spend at the farm. It's very, very regulated. It doesn't matter what scale you're at. We, as a small farm, have to jump through the same hoops as a corporation if they were to come in. There would be just as much exacting emphasis put on them. There's a level of scrutiny. The media has gotten a little bit out of proportion about how easy it is to get a lease. It's not. It requires months.

Thompson

Wendy, would you feel better if we made a statement that we're limiting it to local ownership.

Carr

Well, I think that has constitutional claims. I think you are going to have problems with that. I'm ready to vote for it. I just need to say that I am worried.

Elwell

Would it be worth having the Planning Board look at some rules and whether it can be legal for us to limit it to less than three acres?

Toni Small

I think that is what the moratorium was about. I think it's a bit of a problem because the state, in some instances, has deferred to the local and then the local powers feel they have some say. This more recent letter states that we fundamentally get to say but there is a problem of scale and are concerned. We also are growing kelp and that's at a different site. It's out in Deep Cove. The problem is we have a demand now globally that's putting an incredible amount of pressure on farmers. You can't grow enough kelp in four acres to do what the world wants you to do with it. So, there's an interesting bind that we're all in right now. As farmers we're concerned about the idea of that moratorium because it makes it sound quickly that we're going to continue and it's going to be four acres or less and you cannot do what we all want for the world with something like aquaculture on that scale. It becomes a bit of a problem of how we get better at communicating between the DMR, the towns and farmers. It's not simple. I appreciate your concerns.

Cartwright

Are there any issues that you know of with oysters that involve pollution?

Toni Small

No. That's highly controlled as well. For example, just recently we had five inches of rain out on Vinalhaven. We had three inches here. That closed the whole coast I think from New Hampshire to Canada. That was one of those big rain events and so the DMR is doing the job of keeping the public safe in that sense. Then there's also periodic water quality testing. Blubber Island has a site for P90 levels, making sure that with E coli and such, by walking the shoreline and testing the water for the year to be sure that we're in good water. Obviously, it doesn't behoove us for anyone to get sick. So, the measures that we have to go through as farmers and harvesters and then how we sell them is pretty rigorous.

Thompson

What you're asking for is a letter of support.

Carr

It's a letter of support. It's not a license.

Cartwright

I share Wendy's concern and I followed the story in Belfast. The only reason that guy was turned down finally was because of private property, and they couldn't get access to put the waste into the bay.

Carr

That could still come back.

Elwell

The Clam Committee was talking about how there's more toxic waste with farming salmon than there is with oysters.

Toni Small

We're not putting anything into the water.

Carr

Are the spat the same species as what grows here naturally?

Toni Small

Yes. They are grown in a hatchery for the purposes of making sure you have a healthy stock. It's the Eastern oyster found up and down the Eastern Seaboard.

A motion was made by Elwell, seconded by Cartwright, to approve the letter of support for the proposed experimental aquaculture lease for Toni Small and John Cotton, and by a unanimous vote, the motion carried.

Thompson

It has been a good discussion.

Toni Small

We're always happy if people want to come to the farm and see it. Because we're at the pound, it's easier to do that. You don't have to get on a boat.

Elwell

Do you think you will get Wild Cat going with oysters in the pound?

Toni Small

We were kind of excited about that as a potential.

Elwell

Originally, they were going to lease the pound but also Long Cove and all the way to Mouse Island.

Carr

I don't know what's going to happen. That's kind of a sad stalled project.

Sign Forms Necessary for Medicare Billing for Ambulance Services

Thompson

How many are there?

Irene Ames

Essentially the billing company for the ambulance service submitted the application for the town to be able to bill Medicare. They advised we have to be a 501c3, so I submitted the 501c3 application. I have no idea how long that takes. They also require us to have a Domestic Nonprofit Corporation Certificate of Organization with the State of Maine which we have to send in with a \$5 fee and once they receive the original signatures, it takes five weeks for the state to review it. Then the billing company escalated it and a supervisor at Medicare said this application was sent to the wrong department and that we don't have to have the 501c3 after we paid the \$50 fee for it.

Thompson

Where do we stand?

Irene Ames

We need this Certificate of Organization with the state signed by the Select Board I need to mail it to them because they have to have the original signatures and then it takes them five weeks to approve it and then we can finally bill the ambulance services to Medicare.

Elwell

Will they retroact?

Irene Ames

Yes. With MaineCare I know you can go back to a service that was provided a year before. We've been providing services since July 1st. and we haven't been able to bill Medicare yet. There's \$48,000 waiting to be billed for just one month.

Next Steps Following the Port Clyde Fire

Thompson

I think we've talked about that already.

Fund Raising and Town Entities

Erb

That was Jane's question. I thought she might be with us via Zoom.

Thompson

I think it's a wonderful thing that we can collect monies and so forth, but I am concerned that we get a report in terms of how the money is to be spent, or as it's spent, just to let us know. It is a town department.

Carr

I think there's a lot of confusion about where the money is going. Is it going into the 501c3, the old firefighters burn building entity, or is it going into the town coffers, and if so, is it going into the general fund or is it going into some line-item budget? I think there's a lot of confusion. Every time I talk to somebody, they have a different idea of what it really means.

Erb

One thing I can tell you is that when we finally hashed out the asset transfer agreement when the ambulance became part of town government, there's a specific section that talks about post-closing activities, and it basically says that the donee shall clearly, consistently and conspicuously identify itself, as a legally distinct organization from and not an agent or representative of the donee or any department of the donee. So, it was clearly understood that the association would continue to fundraise. The emphasis was making certain that people understood it was them that was fundraising and not the town. And of course, much of this has to do with the continuing need to pay for the burn building. So of course, we want to encourage them to fundraise, and the agreement was they need to make it clear it's them doing it.

Elwell

That is what we have been doing.

Irene Ames

People are coming in to purchase the calendars. Bill and Tara have been making it very clear the money is going to the St. George Volunteer Fire Association. It's not going to the town.

Carr

Okay, because I've heard all kinds of wacky things like if you donate, you're going to give directly to the firefighters more than their per diem fee. People have a lot of wacky ideas about where the money is going.

Erb

I believe at our next meeting Mike Smith will be here specifically because they're getting ready to purchase at least one tank truck, possibly two, and he wants to talk to the Board about that.

Carr

Is it the 501c3 purchasing the tank truck or is it the town?

Irene Ames

The town.

Carr

Okay, because I think people might want to contribute to that. If people give money to the town for that, can they say it's for the purchase of a new tank truck? Can they specify?

Irene Ames

Absolutely.

2024 Proposed State Valuation for St. George

Thompson

You sent out news about the revaluation.

Erb

I put it on most it on mostly because you do have the right to appeal it but there's a deadline on that. It's interesting. They also say that in your application to appeal you would have to specifically state why you're appealing I don't see a chance in hell of overturning that. I was mostly happy to see that ours did not grow as fast as the other towns. That helped.

Thompson

It is still not good.

Acquisition of Property at Old Woods Road

A motion was made by Elwell to enter into Executive Session under Section 405 under Maine's Freedom of Access Law subsection 6C regarding the possible acquisition of the real property located at Old Woods Rd. and also subsection E regarding potential litigation, was seconded by Cartwright, and by a unanimous vote, the motion carried.

The board entered executive session at 8:20 pm.

The Executive Session ended, and the Board re-entered the regular session for the purpose of adjourning.

Adjournment

A motion was made by Elwell, seconded by Cartwright, to adjourn the Select Board meeting, and by a unanimous vote, the motion carried, and the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine