

ST. GEORGE SELECT BOARD & ASSESSORS
MEETING MINUTES
Monday, August 28, 2017

The Select Board meeting was called to order at 7 p.m by Chair Richard Bates. Members present were: Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Ken Oelberger, and Steve Walker.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda: The following agenda item was taken out of order:

- Land for Maine's Future Request

- Land for Maine's Future Request – Letter of Support for Purchase of Acreage on Clark Island. Chair Bates introduced Steve Walker who is the Project Manager for Maine Coast Heritage Trust. MCHT is asking the Select Board to write a letter of support to the Land for Maine's Future about the Clark Island property which MCHT is pursuing for land conservation and public access.

Walker said the MCHT has been working with the Nickerson family heirs for over three years to reach an agreement. The Nickerson family approached MCHT, originally, to see the land conserved, which was their father's vision. He said the reality is the family cannot donate the land, so MCHT reached an agreement to purchase about 120 acres, including the large quarry. Walker said the purchase price was 3.5 million (\$3,500,000) which is roughly a \$400,000 bargain sale.

MCHT's vision is to have it open to the public. The preserve will maintain the trails. Walker said they might retire some of the ones that are not in the greatest shape, and they might build some new ones. There will be public access to the sandy beach and public access to the quarry. It will be open for hunting during all state of Maine legal seasons, fishing, or cross country skiing in the winter. MCHT will not allow camping or fires unless there is a Maine Coast Heritage Trust approved activity there. The landowner has concerns about fire and folks being in there at night, since their residence will still be on the southern end of Clark Island.

The family asked MCHT not to build a parking lot on the island, at this point, which Walker thinks makes sense, given the narrowness of the causeway. Walker said you would not want to get a traffic situation, there. He said they have approached the Craginair Inn, and conversations will be starting, again, to see if MCHT can expand their parking lot and add a few spaces, which would be dedicated for public use of Clark Island.

Walker said MCHT needs to raise 3.5 million (\$3,500,000) for the fee acquisitions. They have approximately a \$600,000 stewardship budget. He said a portion of that goes to MCHT payment in lieu of taxes, which Maine Coast Heritage Trust prides itself on doing. Taxes on the 120 acres property are about \$28,000 a year. He said they would pay approximately 30% or \$8,000 to \$9,000 a year in taxes. Walker said they do not have to pay the taxes, but they want to be a good

partner to the communities they work in. The money would also go to upgrading the trails, invasive species, etc. To maintain and steward the 120 acres, MCHT estimates their annual costs to be approximately \$20,000 a year. Walker said in order to do that in perpetuity, the MCHT needs to raise enough funds to put in an endowment fund which earns 4.5% interest every year, and that figure was around \$450,000. With that, the parking lot and other costs, he said that is how the stewardship budget got up to about \$600,000.

Walker said they have a signed option with the family. They have a little over two years to raise the funds. The first large amount, they hope, will come from Land for Maine's Future. He said MCHT submitted a draft application, and the final application is due September 15. Then the Board reviews when all the projects are submitted, and Walker said, hopefully, this one rises to the top. He said, for this project, MCHT will be requesting \$750,000 in state funds, and, at the same time, MCHT will be out there "hitting the sidewalks," trying to get the fund-raising campaign off the ground.

Chair Bates said this land is not currently conserved, is land that is accessible to everyone in the town, you do not need to have a boat, everyone can get to it, and it is a beautiful spot. Chair Bates discussed with the Board about writing a letter of support to Land's for Maine Future, supporting Maine Coast Heritage Trust's grant application.

Selectperson Elwell asked what was happening in the area of the Nickerson's house. Walker said they are keeping the house, and a lot of the property in the southern end and Seavey Island is in a conservation easement. The part that is not, is the peninsula where the Nickerson house is on another small piece of land. Walker said in all, there are about 18-24 acres that are not going to be in some form of permanent conservation, and it is surrounding the Nickerson house, as well as the caretaker's.

Selectperson Elwell asked if 18-24 acres of land would eventually come up for sale? Walker said it was his impression, in working with the family over the last few years, they are committed to keeping the house; and the funds from the island, he felt the family wanted to endow that for their children and grandchildren and the future generations.

Walker said there would be signage by the large quarry, indicating private property. They will be working with the three sisters to put a gate at the end, so it would be obvious to the public not to go past the private property area.

Selectperson Willey asked about the taxes, and Walker said that MCHT would pay a percentage of the taxes. He said land trusts are exempt from taxes; but MCHT usually puts their properties in open space, so they are paying some tax, or they do a payment in lieu of taxes. Walker thought that was the approach they would use in this case. He said they have currently budgeted, \$8,100 or \$8,200 a year which is 30% the current taxes.

Chair Bates asked how many applications there were for Land's to Maine Future. Walker said there are 3.4 million (\$3,400,000) for conservation projects in the current round of funding and about 30 applications. He said the governor favors a northern Maine project, The Big Six Forest, which includes a sugar maple forest. Walker said they would have to see whether the LMF

Board spends most of the money towards the Big Six, or they bring it down to municipalities for local projects.

Selectperson Elwell said he hoped the project is granted, because he would rather see it undeveloped and for public use. Walker said there are no other islands of this size, joined by a causeway, along the Maine coast.

On a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 for the Select Board to write a letter to the Land for Maine's Future, supporting the purchase of acreage on Clark Island by the Maine Coast Heritage Trust.

- Minutes: The minutes of August 14, 2017 were amended as follows:

Page 1, under Adjustments to Agenda, correct to read, adjustments **were** made...

Page 1, under Insurance, move the following 2nd paragraph in its entirety and make it the 2nd paragraph under Town Manager's Salary. **Chair Bates thought about the issue of the Town Manager's salary going over, but realized it was the changeover and the transition between John Falla retiring and the benefits. Ellis said it was noticeable because the vacation and sick time payouts, budgeted for this year, all of a sudden got paid out last year.**

Page 3, under Jersey Road, paragraph 7, line 3, correct meeting date to September 11.

Page 5, paragraph 2, delete the first two sentences, starting with **Chair Bates said people...** and end with **only went up by 1.87%.**

Page 5, under New Business, second paragraph, line 2, delete words **the still** and change to read ...since the surges are still occurring?

On a motion by Selectperson Hall, seconded by Willey, it was voted 4-1 (abstention) to approve the August 14, 2017 Select Board minutes, as amended.

- Communications: A letter from Donald J. Mansius, Forest Policy and Management Director, Maine Forest Service regarding the Tree Growth Tax Law (TGTL), was received.

- Warrant: The warrant for the week of August 28, 2017 was reviewed and signed. The total expenses were \$178,131.00 and included three weeks of payroll, a one full year payment of \$70,284 to Knox County Dispatch, legal fees for the Planning Board, the Wyeth Reading Room, and the Lighthouse lease for \$3,427, a payment of \$11,036.96 out of the reserve account for the Transfer Station compactor rebuild. (The town had reserved \$24,000 for this project.)

Chair Bates asked if the three legal issues were put under E. Paylor Law, LLC and Curtis said there was also a payment to the law firm of Bernstein, Shur, Sawyer & Nelson.

Chair Bates asked if the welding job on the compactor at the Transfer Station was done. Polky said there was a problem with the design, and it was taking a bit more time; Larry's Portable Welding Service still had more work to do welding and repainting areas. Polky thought it may actually cost less, than originally estimated, to have the overall repair work done.

Selectperson Hall asked about the air fare to Nashville. Polky said seven people are being sent to the Fire House Expo which is a firefighter's training seminar.

TOWN MANAGER'S REPORT:

- Updates on Roads: Polky said most of the paving is done, but the area in front of the Salt Shed still needed to be done. They are trying to get George Hall to bring the sand down and put it into the building before paving that area. Polky said due to some issues on a few of the roads, shoulder repair needed to be done.

- Traffic Study: Because of the continuation of the Wyeth Reading Room proposed application, a traffic study is being done. The town hired a consultant from Portland who does not have a conflict with the parties. Polky thought a report might be back by the end of August or the first of September.

- Molloy Appeal: Polky said the Superior Court judge remanded the Molloy appeal case back to the Planning Board. Selectperson Willey asked if there was a hearing done on the case, and Polky said no. Chair Bates said there are a few areas the judge asked the Planning Board to reconsider. One concern was the length of the float which Mr. Molloy made concessions on, on his second application. The second issue was its affect on the neighboring properties and implicit is wildlife, fish. Polky said the Planning Board needs to answer the judge's questions. They can look at the two issues the judge specifically requested, and they could make a ruling. If one of the two parties are not satisfied with the decision, they can appeal. A compromise could be discussed at this point.

- Committee Meetings:

Conservation Commission meets September 7 at 4 p.m.

Comprehensive Planning Committee meets September 7 at 7 p.m.

(Noel Musson is reformatting the comprehensive plan. He has a few questions for the Board, and there may need to be another public hearing. Polky said they should know more by September 7.)

COMMITTEE REPORTS:

- Harbor Committee: Selectperson Elwell said the Harbor committee talked with Schmanska who ordered bases for the parking signs at 10 Cold Storage Road. Schmanska said things were going pretty well. Selectperson Elwell said there were three people using the wharf – Tibbetts, Hale Miller and the Reliance. Polky, Selectperson Elwell and Chair Bates said there had been no fishermen apply to use 10 Cold Storage Road.

- Planning Board: Chair Bates said the Planning Board met on August 22. There was a number of building permits issued.

- A land stabilization permit at 495 Island Avenue was voted on. The application was accepted as complete, and having met the standards in Section 15-B-B of the Shoreland Zoning ordinance, the application was approved, subject to being granted a DEP "permit by rule" and a few minor changes to the landscaping.
- The building permit application to rebuild part (33%) of the existing sea wall at 93 Barter's Point Road was voted as complete and then approved.
- The building permit application to add a garage dormer at 202 Atlantic Quarry Road was voted as complete and then approved.
- The site plan for replacing and enhancing Verizon antennas at 74 Wallston Road was reviewed, considered complete, assessed according to the Performance Standards, Section V of the Site Plan Review Ordinance, the application was approved.

- The proposal to combine lots 4 & 5, tax map 230, on Island Avenue was voted complete, and, meeting the Subdivision ordinance, the application was approved.
- A workshop was held after the meeting. Chair Bates updated the Planning Board regarding Maine Aqua Ventus and the Bristol ordinance. Responding to citizen requests made at the 7/24/17 Select Board meeting, Chair Bates and the Select Board representative, followed up on his 7/15/17 request to the Planning Board, and a 7/28/17 email request to Chair Cox and CEO Brackett. At the 8/22/17 Planning Board meeting, they discussed details of Bristol's Shoreland Zoning ordinance covering utility installations.

Chair Bates would like it noted that the town has acted on the requests that the Select Board had from the citizens in Port Clyde, and the Planning Board is reviewing this.

OLD BUSINESS:

- Update on Solar Contract: Curtis said before the lawyer could finish the contract, they needed the deed information, and the town sent that out last week. She said the town is waiting on ReVision.

- Retirement Benefits Issue: Chair Bates passed out copies of the Budget Committee's recommendation done in January 2017 regarding retirement benefits for town employees, and copies of Scott Vaitones' information on how much various towns contribute towards benefits. Chair Bates would like the Select Board to review the information, and have a discussion about this at the September 11th Select Board meeting. Curtis recommended the Board review the January 23rd minutes as the Select Board had discussed this at the meeting and it was a good discussion. Chair Bates said the town puts in 5% and the employee puts in 0%. The Budget Committee looked at other towns, and the benefits vary.

NEW BUSINESS:

- The Knox County Assessors Return: The Board of Assessors signed the return, accepting that the town owes the County \$814,772.40. Curtis said this was in the budget, and she will issue the check.

- Tree Growth Tax Law requirements: Chair Bates handed out the letter from Donald J. Mansius, Director of Forest Policy and Management. He said the Administration wants to make sure the Tree Growth program is being properly run. There are 25 claimants in St. George, which represents about 29 properties; it is a small amount of town valuation.

Selectperson Hall asked for a brief overview of the tree growth program is. Chair Bates said you need more than 10 acres of land, and then you enroll in the TGTL program. Then it gets deemed under tree growth. You have to have your own forester to draw up a plan of the things you will grow and how frequently it will be logged and what the sales are. The plan has to be kept up to date. It has to be renewed at least every 10 years and at any time, this plan can be reviewed and checked to see that you are compliant with your plan, you are doing the forestry, you are keeping it healthy, and you are taking out the trees that need to be done. It represents a tax break for those people who do that.

Selectperson Elwell asked if the town had to keep track of this. Polky said the assessor's agent or the assessor's clerk does. He said everyone who is in tree growth has a file which includes

applications from the original one, every time there is an inspection, and every time there is an update of the plan. The plan must be a forest management plan, and you have to stick to that. Polky said you get a 20% reduction in your taxes.

Chair Bates said the penalties, if you fail to complete the plan and effectively withdraw the property from the program, resets the owner to zero. If you had property in tree growth for 20 years, and you drop out of it, you have to pay 20 years worth of taxes. Selectperson Hall said from a practical point of view, if you decided to subdivide the property, you are on the hook for all the back taxes. Chair Bates said yes. Selectperson Elwell said, even if you bought it? Polky said yes, you would have to pay everything between then and now. The whole idea is to keep the property in tree growth, forever.

Chair Bates reviewed the letter from the Forest Policy & Management Office. He thought it would suffice, if the Board asked Polky to ask the assessor's office to write to the 25 claimants reminding them of their obligations under the Tree Growth Law.

On a motion by Selectperson Hall, seconded by Elwell, it was voted 5-0 to have the St. George Town Manager ask the assessor's office to write to the twenty-five claimants and remind them of their obligations under the Tree Growth Tax Law.

At 7:50 pm., on a motion by Selectperson Elwell, seconded by Willey, it was voted 4-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary