

ST. GEORGE SELECT BOARD & ASSESSORS
MEETING MINUTES
Monday, December 11, 2017

The Select Board meeting was called to order at 6 p.m. Members present were: Richard Bates, Chairman; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Joanna Calderwood, Robert Cremonni, Lauren Abbate, Richard Cohen, Randy Cushman, Ben Fernald, Scott Vaitones, David Fernald, Susy Ellis, and Michael Jordan.

PUBLIC COMMENTS: None.

REGULAR SESSION:

- Adjustments to Agenda:

- Budget Committee report by Chair Susan Ellis was added to the agenda under Regular Session
- Update of ad hoc committee report on Maine Aqua Ventus to be taken up under Regular Session
- Discussion of the Shellfish Warden's contract was added under New Business
- Committee Appointments by Timothy Polky was added under the Town Manager's Report

- Budget Committee Report: At the request of the Select Board, the Budget Committee explored town expenses and why the tax commitment was rising at a rate greater than the rate of inflation. The Budget Committee prepared a written report on November 24, 2017 which analyzed spending over the last four to five years. The Budget Committee Chair Susan Ellis presented the report at the December 11, 2017 Select Board meeting. Analysis of the request was with the help of Finance Director Curtis. The following factors were cited for increases to the mil rate:

1. An increase in town assets and services. The purchase and planning for 10 Cold Storage Road property, starting with \$0 in 2013 and increasing to \$152,759 by year 2017. Library services support increased from \$10,000 in 2013 to \$35,000 in 2017. Cemeteries' services and maintenance (one of which the town has full care of) was added, starting with \$0 in 2013 to \$21,474 in 2017. Ambulance services increased with the addition of a 24/7 paramedic service from \$0 in 2013 to \$100,000 in 2017.
2. An increase to wages and stipends that is slighter higher than inflation. The average wage increase is 2.4 percent per year, over last four years.
3. One-time unexpected expenses which included exhaust system repairs to the fire stations. A grant was applied for but was not received. A contribution was made by the town to the preservation of High Island and town boat repairs were needed.
4. One-time planned expenses which included the withdrawal from RSU13 and the formation of a town school district. Establishing a Family Health Reserve account to cover health insurance for families of employees, and increasing the Fund Balance to a two-month expense reserve, as recommended by Foster & Foster Auditors.

Chair Ellis concluded that expenses had gone up slightly more than inflation because of added asset and value to the town, and the mil rate reflected that. Budget member Vaitones explained that each member reviewed two departments and analyzed each line of the departments. This allowed the committee members to focus on areas which had significantly changed and to discuss with Curtis why the changes occurred.

Chair Ellis noted that in the town's most recent audit, it was recommended the town have a two-month reserve, and she said the town is just under that. The Budget committee's analysis study did not produce any new recommendations, and they recommended continuing on the current budget path. Chair Ellis said they did not see any areas which needed change.

- Ad hoc committee Update to Study Potential Impact of MAV Cable: Selectperson Hall clarified his statements from the previous Select Board meeting. He said: "1. It is clear that the placement of commercial wind farms in Federal waters in the Gulf of Maine represent a significant potential threat to the fishing industry, in town and on the coast of Maine. Many people see the Maine Aqua Ventus project as a stepping stone – you do that, then it just leads to more of these other things. What I said is, that is not as clear to me that there's a linkage, and it wasn't as clear to me that the Maine Aqua Ventus project impact wasn't as clear in some areas. There are a number of concerns, and I thought maybe these concerns can be addressed and maybe it would be satisfactory. One of the examples I listed was - if they could bury the cable and DMR ruled that you could fish over the cable then that concern might be removed. In the intervening week, we've learned that DMR is not going to rule that they can fish over the cable. There are other concerns that it is not clear whether they could be addressed or not. All you need really is one, and if you look at it and say okay here's a concern that it doesn't appear can be addressed, so this creates harm to people in the town. If that is going to be the case, then the town ought to be against it. The Task Force would recommend – we don't have jurisdiction here, but the Task Force would recommend that we have a vote regarding our sentiment that we are opposed to the project if the concerns haven't been addressed. To a large degree, I think, it is not for us to judge whether the concerns have been addressed; it is the fishing community that has to judge whether the concerns have been addressed. Part 1. We recommend that we have a sentiment vote on that.

Part 2. It had been requested that we consider changes to the Shoreland Zoning Ordinance to modify it along the lines that Bristol modified theirs with the view that this would make it more difficult for MAV to bring their cable ashore, in town. The next day this was referred to the Planning Board. The Planning Board has been heavily loaded with other matters in town, so there was a bit of a delay in getting to this. My understanding is that they recently addressed it. They have a proposal that will be forth coming shortly; it doesn't take exactly the approach that Bristol does, but it takes a more holistic approach. It looks at the issue of transmission cables landing and looks at how you modify, not only the Shoreland Zoning Ordinance, but the Site Plan Review Ordinance, as well. Again, this would be looked at in its entirety. A proposal hasn't been finalized, but I think it is close. It will be finalized soon, I think. It will come to the Select Board, and if we judge it adequate, we would recommend we move forward with this. Publish it for review, hold a public hearing on it, and have a vote on whether we want to make these modifications which would probably occur in February. It could occur by the end of January but given the timing of the various steps, it is more likely it would occur in February. That is the conclusion that the Task Force has drawn in the intervening week.

To the other point I made in the meeting last week was - whether the Maine Aqua Ventus project goes forward or not, I believe, it is likely that there will be commercial wind farms proposed for the Gulf of Maine. There are a lot of people in Maine that are pushing renewable energies. I think that with the warming of the Gulf of Maine and concerns in that area, the more we can step from fossil fuels to renewal energy, the better off the health of the Gulf of Maine would be. I think this is a good thing but, and I think that our Federal representatives - many of them are favorably inclined to renewable offshore wind - they need to understand. So, I would also advocate that we at least send letters, not just to our two Senators and our Representative Pingree but also Bruce Poliquin (from District 2 which covers the eastern part of the coast), laying out the concern that we have if these go forward without a proper process from the fishing association, fishing and lobstering associations and others to provide input into the process where such things should and should not be sited. That is our view."

Comments from the Select Board: Selectperson Elwell felt it was a good idea to sever ties with MAV and support the fishermen in any way they could, now and going forward. Chairperson Bates said the issue was between MAV and the fishing industry and when those groups had sorted out the issues, they could bring their findings back to the Select Board. The issue was not between MAV and the town since it was not the town's jurisdiction, but he hoped that MAV would work with the fishermen to resolve the issue.

Selectperson Sawyer said, "At the same time, though, as we support the fishermen with the sentiment, I think it's important we recognize that they are an important part of our community, and they are with us, now and Aqua Ventus is neither here nor there in terms of relationship. If we can, at some point, have fishermen who are satisfied with what's been negotiated between them and MAV, we could certainly revisit this, but at this stage, I think we need to stick with the sentiment and go from there."

Chairperson Bates said there were three points. The sentiment, the work the Planning Board was doing, and the importance of contacting the Senators and Representatives.

Chairperson Bates explained that the totality of the Maine Aqua Ventus project included its impact on the fishing near Monhegan as well as the impact of the cable, and the uncertainties which could result from disturbing the ocean bottom.

A motion was made by Selectperson Hall, seconded by Willey, that the Select Board take a sentiment vote on opposition, in totality, to the Maine Aqua Ventus project, unless the fishing community in St. George is satisfied that Maine Aqua Ventus has addressed their concerns. The vote was 5-0 in favor of the motion.

Selectperson Willey asked if the Select Board should write Aqua Ventus outlining why the Select Board did not support the project, including the impact on the community. Chairperson Bates said he would draft a letter and circulate it to the Board, for their approval. The letter would be sent to Senators Collins and King and Representatives Pingree and Poliquin. It would explain why the Select Board came to the conclusion it did, but also would encourage the people who were discussing work in Federal waters, to work with the fishing industry because they understood the impacts on their business.

Public Comments: Randy Cushman said he appreciated what the Select Board did regarding Aqua Ventus. He said it was huge, it was unbelievable, he had a deep satisfaction, and this was a start for the fishermen. He said the fishermen knew they had a long fight ahead of them, but the decision the Select Board made would go a long way. He said the fishermen had footing now

where they did not have it before. Chairperson Sawyer congratulated Cushman, thanked him for his time, and said it was their meeting a few weeks ago that helped him make his decision on the issue. Sawyer said he deeply appreciated the fact that Cushman had done the research, was passionate about it, tried the best he could to find the truth in the midst of all rumors, and had been able throughout the process to speak calmly and properly, even though it was an emotional topic.

Selectperson Elwell agreed with Sawyer and said he appreciated Glen and Gary Libby's input, as well as, other fishermen and non-fishermen.

Cushman said the fishermen were in favor of renewable energy, and if they had input from the beginning (7-8 years ago), the fishermen might have come up with a better design, but what MAV designed was – taking over the whole Gulf of Maine. Cushman believed there was a better way for renewable energy. He said the fishermen think about fossil fuels and the environment and the next generations, especially the next generation of fishermen in the community. He said he had changed over to a Tier 2 boat engine and the majority of fishermen had gone or were going to Tier 2 or Tier 3 engines. It saves about 5,000 gallons of fuel in one year. He said as fishermen, they were taking steps to try to make the environment better. He felt that MAV had gone behind the fishermen's backs, felt used and MAV did not take certain things into consideration. Cushman said the fishermen had been stakeholders of the Gulf of Maine for over 200 years.

Cushman disagreed that MAV had actually communicated with the fishermen. Cushman was hopeful that in the future, something would come out better than what MAV had designed. Chairperson Bates thanked Cushman and said, "The ball is in the fishermen's court," now. We will write to the representatives and senators and encourage them to communicate with the fishermen and the Bureau of Ocean Energy Management."

Steve Thomas thanked the Select Board for listening, changing their minds, having an open mind, and he said for being sensitive to the rift in the community, which was about to be created.

- Minutes: The minutes of December 4, 2017 were amended as follows:

Page 14, under Update of ad hoc committee, last paragraph, line 4, change to read ...Polky met with **Randy Cushman** a week ago...

Page 23, under County Budget, lines 8 and 9, correct name to Nick **Lapham**

On a motion by Selectperson Elwell, seconded by Hall, it was voted 4-1 (abstention) to approve the December 4, 2017 minutes, as amended.

- Communications:

- A thank you note from Penquis for the funds the town contributed.
- A thank you note from Maine Public Broadcasting for the \$200 donation.

- Warrant: The warrant for the week of December 11, 2017 was reviewed and signed. The total expenses were \$430,684 and included the school payment for December, Turkey Cove Road shim of \$3,840, the Salt and Sand Shed repaving of \$1,408.

TOWN MANAGER'S REPORT:

- Committee Appointment Updates: The Select Board signed the committee appointment forms on Brandon Chase and Penny Read. Chase was appointed to the Planning Board and Read

to the Comprehensive Planning Committee. These appointments had been voted on at the November 13, 2017 meeting.

- Committee Meetings:

- Planning Board meets December 12 at 7 p.m. Polky said they have a short agenda which would be followed by a workshop to review the Shoreland Zoning Ordinance changes; Michael Jordan and Anne Cox would be submitting a draft to the Planning Board. Polky thought it was good to be able to have time to review the changes, and there would be more information forthcoming. Selectperson Hall said the recommended changes appeared to be an excellent approach which substantially addressed what was asked. Chairperson Bates concurred. Polky said once the finalized draft was done, it would need to be sent to DEP for review and to the MMA for legal review.
- Harbor Committee meeting on December 18 at 5:30 p.m. Noel Musson would be at the meeting and the committee would be reviewing the plan.
- Comprehensive Planning Committee meeting on December 18 at 7 p.m. Musson would be at the meeting. Polky said the Comp Plan report would be reviewed and hopefully finalized so Public Hearings could begin. Polky wanted to see these items ready and on the warrant for town meeting.
- Waldon and Elaine Chandler retirement. Polky said they were retiring from the Wiley's Corner Baptist Church and a retirement party would be at the Wiley's Corner Grange Hall on December 31 at 3 p.m.

- Budget Development Process for fiscal year 2019: Copies of the FY'19 Budget Development Process were distributed to the Select Board for review. Town Manager Polky said due to the fact that there would be a 4-week lag before the next Select Board meeting and the work process needed to begin, the first deadline date for submissions of Department Budgets would be December 18, 2017. Curtis would forward a copy of the budget dates to the Budget Committee chair. Curtis said the Town Manager's Budget would be presented to the Budget Committee and Select Board on January 29, 2018.

- Update on CEO Brackett: Polky said due to Brackett's current medical restrictions, he was in the office about twice a week.

COMMITTEE REPORTS:

- Board of Appeals: Selectperson Willey said the Appeals Board met on December 5, 2017 to review the Wyeth Reading Room appeal. The Board did not take any further testimony. Horse Point Group lawyer discussed documents and questioned whether some of the Board members had received the information. The Board of Appeals upheld the Planning Board's decision and denied all six appeals. Polky reported that the Appeals Board met on December 11 at 5:30 p.m. and signed the Findings of Fact and accepted the minutes.

Polky said the Board of Appeals would meet on January 4 at 7 p.m. to hear an administrative appeal from John and Winifred Murdock, aka Sea Hag Holdings, 56 Mussel Farm Road, for a decision made by CEO Brackett.

- Conservation Committee: Selectperson Willey said the CC met December 7 and reported on the following:

- The CC scheduled an event with Professor Brian Beal. He will discuss the clamming survey report. It will be held at Watt's Hall on Tuesday, December 19.

- The CC worked on the Bamford property. A rough path was cut through the property, but they need a contractor with heavy equipment to do more extensive work. The plan is to have an open gala in the spring.
- The CC did an exploratory walk of the Meadow Brook property on November 28. More walks are being planned. The next step is to create a plan for paths and parking.
- The CC is planning a small pilot project about invasive plants. The plan is to pick out a small area on town property to look for, study and find a way to rid invasive plants.
- The CC and Comprehensive Planning Committee are scheduling a meeting to do a thorough review of the comprehensive plan.
- The CC started their budget discussions for FY 2019.

OLD BUSINESS:

- Select Board Policy Manual Approval pp 54 to end: Review of the Trust Fund policy will be taken up early next year (2018). Chairperson Bates said changes to policy manual pages 54 to 77 had been finalized on November 13, and a motion was needed to approve the changes.

On a motion by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 to accept the changes to the Select Board Policy Manual, pages 54 to 77, made on November 13, 2017.

Chairperson Bates will collate the revisions for Polky and the administration.

- Update on Transfer Station Solar Panels: Selectperson Hall reported that Nick Sampson from ReVision Energy informed Hall that the PUC had grandfathered customers until April 30, 2018. Hall said the Transfer Station installation was scheduled for the middle of January, and it should be completed before April 30.

NEW BUSINESS:

- DEP Ozone Monitoring at Marshall Point: Town Manager Polky summarized the issue of the DEP ozone monitoring as Nat Lyon was unable attend the meeting. In the early 1980's, EPA placed an ozone monitoring station at Marshall Point lighthouse, and have been testing ever since then. The installation unit resembles a metal truck body and is rather unsightly. The EPA has offered to construct and replace it with a wooden structure. The lighthouse committee would rather not have unit there, because it is not historically significant; but would like to incorporate the equipment into the new barn which will be built. The EPA does not think they can get the same reading from the second floor of the barn as compared to the present site and are concerned about losing some of the readings. (There are only two other sites in the state of Maine that gets better readings than at Marshall Point.) This issue is currently on hold since the EPA shuts the station down during the winter months. Talks will resume in the spring when the testing starts up again.

Polky said in talking with Lyon, the lighthouse committee would like to have the monitoring equipment in their building; they do not want to have an extra building onsite. They have not discussed this with the Maine Historic Preservation Society to see if they would permit another building on site. The EPA would like to keep the station where it is and is willing to construct whatever the committee wants.

Polky said the EPA pays for the monitoring equipment's electricity use to MPLH. He said the issue is before the Board because the property is owned by the town, and the town is leasing it to the Historical Society. MPLH committee is a subcommittee of the Historical Society. Polky

said Lyon would be coming before the Select Board to seek funding from the town through the budget process. Polky said he would be glad to talk with the EPA and the MHPS to help work out a solution, if the lighthouse committee wanted him to.

Chairperson Bates said this item would be taken up at another meeting. Selectperson Willey asked if the fee section of the EPA lease could be re-negotiated and if so, would that be negotiated with the town? Polky said EPA had a copy of the town minutes when the agreement was made in 1987, and it expired in 2010. Polky recommended re-negotiating with the EPA before proceeding, any further.

- Preliminary 2016-2017 Audit: Finance Director Curtis received the preliminary 2016-2017 audit. She reviewed it and there were no problems. The management discussion and analysis had been completed and returned to the auditors. Foster's CPA has the dates of the January Select Board meetings to present the audit. Chairperson Bates recommended Foster CPA come on January 22, 2018 when all Select Board members would be present.

- Town Office Closure Dates: On a motion by Selectperson Elwell, seconded by Willey, it was voted 5-0 to close the town office on December 22 at 2 p.m.

- Shellfish Warden Contract: Polky said he received a letter from Patrick Polky of the Sheriff's Department stating the committee was having issues with the shellfish warden's contract. Selectperson Sawyer said the contract was more money than the committee had. Sawyer said he and most of the committee were very happy with the relationship with the warden. The Shellfish Committee chairperson said they could no longer afford the agreement. Sawyer asked Chairperson Bates if he would check into what the town of St. George contributed. The committee asks each of the five towns, to each pay \$3,000 a year. Selectperson Sawyer said this was the first time the (individual) shellfish warden had been associated with an organization. The Sheriff's letter said they hired this individual full-time and received all the benefits, but the sheriff's department did not have the funds to keep him on, if he was not doing his SO (Sheriff's Office) job so they would have to lay him off.

Tim Polky said the benefits were having the person accountable to the committee and the person is a deputy, so there is the back up from the SO where in the past, there was not. Sawyer said there were numerous issues surrounding the previous situation.

Curtis said the town had always contributed \$3,000 a year. She said it did not increase with the new contract, and "it needs to increase if we are going to keep the new contract." The Shellfish committee gets its income from the five towns, fines and licenses. Sawyer said the committee went almost a full year without a warden and the money they had set aside for a warden wasn't spent. Polky reminded the Select Board that the Sheriff's Department belonged to a union who negotiated benefits.

Sawyer said St. George may want this person to stay on, "but we are only one town." Sawyer said other Select Boards had not been willing to fund any more money for this position. He said if the money could not be raised, they would return to a retired person who did light duty and collected a small stipend.

Chairperson Bates asked if there were alternatives. Curtis told Sawyer they would need to know how much the towns would raise. Sawyer did not have the information but felt the Sheriff's Department could provide the figures regarding the warden's salary. Curtis said the town (St. George) did not know how much the committee was collecting in license fees or fines. Chairperson Bates said the five towns will be given the information, and St. George will try to persuade the five towns of the value and benefits of this arrangement. Selectperson Sawyer

thought the Select Board should write to the other Select Boards as this was a Select Board run committee.

Polky said St. George has two representatives on the Board, and the board is supposed to be self-governing. The duties of the shellfish warden are to supervise the clam flats, attends the seeding programs and the conservation programs. Sawyer said that when the current shellfish warden files a report, it has to follow the department's protocol and is reviewed by his supervisor.

Polky said if the Committee returned to hiring a part time person, the administrating municipality would have to be the supervisor. He felt some municipalities were not set up to handle a 30-hour a week shellfish warden. Polky said the process now was more streamlined because of the Sheriff's Department involvement. Because the clam warden is a sheriff's deputy, he can write a summons and the SO duty officer can take it to court.

Selectperson Elwell and Chairperson Bates recommended drafting a letter to other Select Board members urging them to support this arrangement. Selectperson Hall requested the financial numbers. Chairperson Bates to contact Patrick Polky and Town Manager Polky to contact Thomaston Town Manager Blastow for financial figures.

Selectperson Hall asked if the work the clam warden performed was really a full-time job. Selectperson Sawyer said it was about 30 hours a week. Polky said one issue the Sheriff Department had in funding the position was it only benefited five out of the eighteen towns in Knox County.

EXECUTIVE SESSION: At 7:27p.m., on a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to go into executive session pursuant to Title 1 MRSA Sec. 405(6)(A) to discuss the Town Manager's performance review. The Select Board came out of Executive Session at 8:16 p.m.

At 8:17 p.m., on a motion by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary