

ST. GEORGE SELECT BOARD & ASSESSORS
St. George Town Office
MEETING MINUTES
July 9, 2018

The Select Board meeting was called to order at 7 p.m. Members present were: Richard Bates, Chairman; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Charlie and Otty Merrill, Paul Ackerman, John Falla, Carl Danielson, Elizabeth May, Nick Lapham, James Graf, Anita Siegenthaler, Bruce and Gayle Elfast, and Kerry Altiero

PUBLIC COMMENTS (nonverbatim and edited): James Graf read a prepared narrative into the record. Mr. Graf's narrative related to the Select Board's process which arose at the last meeting and will be added as an attachment to the minutes.

Chair Bates: In the interest of transparency, I would like to point out that the minutes record a different story than the one you are reporting, and the minutes are based on the transcription of the meeting. I asked, 'Do you want to present that to the Select Board, now?' Mr. Lapham: 'If now is the appropriate time to present, I have a group of signatures.' Bates: So, he agreed to do that. Later in the comments, I said, 'Is there anymore public comment?' I invited people to comment. I am sorry that you didn't realize that was an opportunity to speak, but it was.

Graf: I don't believe anyone heard that, Richard?

Chair Bates: I am sorry that they didn't, because after I said that, Mr. Coggeshall stood up and he had a comment. So, he certainly heard it.

Graf: I am sorry, who had a comment?

Chair Bates: Joss Coggeshall. In the minutes, it is a transcription of what happened. I said, 'Do we have any more public comments?' At that stage, Joss stood up and said, 'I would like to comment, and he went on to make some comments.' So, at least one person heard that I asked for any more comments.

Graf: Did that gentleman comment on the petitions?

Chair Bates: No. But, there was open comment.

Graf: Did you or did you not say to Mr. Lapham? Nick, we cannot talk about this now.

Chair Bates: Later on, yes. I did. That is how we had been advised by counsel that once the legal thing (petition) had been put forward, we should not get into discussions.

Graf: One last question, please. Counsel did not advise you that you should cut off all public comment related to the petitions?

Chair Bates: No. And there was an opportunity for public comment and I am sorry.

Lapham: That was not clear.

Chair Bates: I am sorry that was not clear, but my intent was if you had something to say... You did describe about the petitions and the signatures and you described about what the petitions were about.

Lapham: I had a lot to comment, and I intend to comment, tonight. I had a lot to say at that time and, but the...

Chair Bates: Please make your comments right now.

Lapham: But the feeling was, and I am not alone, I am quite certain that once you were in receipt of that, the (unintelligible) was made that you couldn't discuss that.

Chair Bates: We were not going to discuss it at the Board level. No. That's how we'd been advised. But, you have the opportunity and Nick, please. You have the opportunity right now to go ahead and please say what you wanted to say.

Chair Bates: Excuse me. Let's address everything to the Board, please.

O. Merrill: May I speak? Okay, thank you. I came in just a minute late, so I do want clarifications to where we are in the agenda. Is this open?

Chair Bates: This is open comment. Public comment.

O. Merrill: I will only take two minutes and I promise to be brief and relevant. First of all, I want to thank you Mr. Bates and all of you on the Board. I know these jobs are thankless and you put many extra hours in. We all do when we are on those committees. My name is Otty Merrill. I am on the Solid Waste & Recycling Committee and (unintelligible). I came to the meeting last week and I have been upset all week. So, I appreciate the moment to get a few things off my chest. I am standing up first because one thing we sort of agreed on was the communication was pretty lousy and this being a technological age where it is so quick and easy to send a text, it is very hard to stand up and look at a person face-to-face. And, that is what I am doing now. So, thank you for the time.

Actually, I don't have a big opinion on Mr. Lapham's case. I came to that meeting because I wanted to be with my fellow citizens and hear what they had to say. I did my civic duty and I voted but it was an interesting case. We are a small town. I guess what I really wanted to say, too, is I think we need to recalibrate here. I was and still am somewhat upset that the analogy of a gun to your head was used, particularly in these very violent times. These are my neighbors. I am quite sure nobody here is on (unintelligent).

I will take a little personal moment, though. As I said, I am on the recycling committee. I didn't know that the mention of our hours would come up which has been a bone of contention. I didn't know that when I joined the committee four years ago. It has been extremely handy to meet at 7:30 in the morning, considering that those of us that tend to join up on committees are overwhelmed, and I am sad to say I would not be able to keep my commitment at 6 p.m. at night. It is only because of my sweet husband that we get a meal on the table at 5 p.m. We are a community of volunteers; people in second careers who work very hard. Some of us don't have traditional jobs where we leave the house at 8 a.m. and come back at 5 p.m. I am burned out at 5:30 p.m. every single night, and I work, and I work out of the home. For me, it is not going to be a loss for the town. I am probably one of the newest on the recycling committee, but I have to tell you, I have learned a tremendous amount. I think people who don't know should know that people like Wendy Carr, our Chair, is an incredible source of knowledge having been an environmental lawyer in Chicago. She has brought such wisdom to the group, in the meantime, taking care, being the primary caretaker of her dad – commendable. Between Debbie Wheelock, Ray, Jane Bracy, these people have put in 30 years on this committee. I am just so impressed, and I hope we don't lose them. I am only speaking for myself.

Again, just thank you for the moment to stand up and speak. This is a democracy. This is a country of civic lessons. You pointed a few out and I just want to say that I feel so good to be able to speak. All week long, I really felt if I had an opportunity to grab a chest of tea, (I understood in 1775 the motivations from my fellow citizens) I would have thrown it in the harbor. But, thank you for the opportunity to speak.

Chair Bates: Thank you, Otty. Okay, it is public comment. Yes, sir.

Ackerman: Paul Ackerman, Martinsville. Jim Graf has taken away a great deal of what I would have said about the last meeting I attended. I listened to the interaction between you and Mr. Lapham and despite your reading of the minutes, I think that my interpretation, my understanding, my recollection of what you said, the context in which you said it, made it clear – you were truncating all conversation about that issue. The petition, as far as you were concerned, you did use the term, we are not going to discuss it, as long as you are holding a gun to our head. I

would point out, that in the process, you had already read into the record two communications. One of which was from an esteemed former town manager, John Falla, providing a quasi-legal opinion about the Cold Storage bonding and the effort via the petition to alter the Town Charter so that these bonding issues were not going to come up at a low attendance vote. I think that through that process, you had begun the discussion. You had already introduced a subject before you even had this interaction with Mr. Lapham, so I really find it very hard to understand how you could take that particular path, at that point. Mr. Graf's comments, really, I think, addressed the process. The overall point is, petition or not, there is no legal basis for denying somebody the right to speak about a particular issue that you had already invited him to be on the agenda for. I am sure that there are a lot of other people that attended that meeting, that feel the same way.

Chair Bates: Mr. Ackerman, I repeat that once we had the petition presented, our attorney had advised us not to engage in discussion. The time that you are talking about was actually outside of public comment. We had already left public comment when we got to the part of the meeting which is primary for the Select Board to discuss things. I believe I was in order there, in doing what I did. I am sorry that Mr. Lapham didn't have the opportunity during the Public Comment to say what he wanted to say, so I am glad that he is here tonight. And, Nick maybe there are other comments that relate to this issue or procedure but after words I hope that we will get to hearing what Nick has to say, that he wanted to have said two weeks ago. Okay?

Ackerman: Follow up question. Your communication with the town lawyer, is that in electronic form?

Chair Bates: It is subject to client-attorney privilege. That particular communication is in electronic form, but it is confidential under Maine State law. So, it is not part of the public record.

Ackerman: How convenient.

Chair Bates: No, no. It was respectful of Maine State law.

Ackerman: The town attorney?

Chair Bates: Attorney Kelly who we are working with on this issue. We were talking to him in client-attorney privilege and that is not public record. I refer to in the minutes, actually the section in which you can check this. It is Maine State MRSA Section 405(6)(E). It falls under that category. Do you have any other comments, Mr. Ackerman?

Ackerman: I am speechless (unintelligent).

Chair Bates: There is a gentleman and I am sorry, I don't know who you are?

Altiero: I am Kerry Altiero and I own Café Miranda in Rockland. I have a liquor license before you tonight. I just wanted to say, this is my first time in your town council. I don't know the procedure but if you have any questions, I am available for you.

Chair Bates: Thank you. Your item is on the agenda later on but if people have public comments about the permit you want, they can ask you.

Lapham: Not related specifically to Cold Storage or this issue in the minutes, it just occurred to me before I came over here. I had a question about the minutes because I was looking for the minutes for the last meeting, then I realized they were not on line because they haven't been voted on by the Select Board. So, what is the process or procedure if someone has a different view of the minutes? Because the public has no say in approving the minutes. Just a point of clarification. I am not trying to challenge anyone. It just occurred to me.

Chair Bates: You are correct. The minutes are approved by the Board. Had you wanted a copy of the draft minutes before they had been approved, then they are available at the town office. They don't go online.

Lapham: That answers the questions. Okay, I have a couple things. My understanding at the time was that once I presented the signatures, all of the discussion was cut off. I have a number of comments, but I will speak to that point, first. I have talked to other Select Board members from other communities, and they assured me that they would have provided ample time for conversation if necessary to say – we'll hold the minutes and we will hold the petition over here, pending open conversation of that. I felt, as others did, I left the meeting, at that moment, I felt like the rug was pulled out and end of the conversation. It is the old..., people don't remember necessarily what they heard but they remembered what they experienced; and that was the experience.

I also thought it was curious that within 24 hours or 36 hours that the decision had been made, the vote had been made, and maybe it was made in an executive decision on a 5-0 basis but that it came. And that the letter to me only referred to the ping-pong issue on a re-vote and it did not address the other portion of the petition. My understanding was that a petition is valid – can have two pieces of two items or multiple items on a petition - and that is a valid petition. So, it is not at all clear. I attempted. I wrote you via the town website. I did not receive a response. Maybe there was a response and I did not get it, but as far as I know, I have not received a response.

I want to ask about that, but first I want to say some things; I do want to respond to the memo that John Falla submitted stating that it was common practice in Maine not to have these kinds of town measures on a ballot in November saying that is when Federal elections were, and primaries were in June. I think I may have mentioned this before, but the town of Cushing specifically changed their rules so that all ordinances and all spending measures would be voted on in November precisely for the reason that this petition was about which was so more people could vote on it because they knew that when they were conducting their business at the town meeting they were getting 50 to 60 people to show up. We may get 60 to 80 people, maybe 100 people. We got 372 people to vote on this. We have 2100 registered voters. The reason that there were two parts to the petition was there was a sense that people wanted that vote in November. I can tell you, having collected approximately 100 of those signatures myself, the overwhelming majority of the people who signed that petition was because they wanted the vote in November. There were a number of people who signed that petition who had actually voted for Cold Storage but who still felt that the community at large should have opportunity to vote on it in November knowing that not everyone can make it on a Monday in May. It is not on their radar. As I said, I know that is when it's convenient for the town. That is when the town does their business, but it seems to me that this should be for the convenience of the voter and the convenience of the voter is they are more likely to show up in November. In particular in an even numbered year when it is a presidential or gubernatorial race. I don't know that anything that would be that time sensitive that would require a vote and if there were, there could be a special meeting. But on something at 2.6 million dollars which has taken four to five years that could have been on a ballot in November when you know that this year you are going to get at least 60% turnout as opposed to 15% that showed up in May.

Again, I am saying the overwhelming majority of those people who signed the petition, signed it precisely for that reason. There are a number of people who said if you simply had a petition just to put bond measures on the ballots in November, we would sign that. We don't want to sign this because it also has the other one. I would say there might have been another 20 or 30 people that may have signed that petition.

In terms of the rejection letter or your letter to me saying – I would say the operative word was the Select Board *chooses* to deny the petition. The Select Board could have chosen to not deny it absent that particular section that you claim the court case which I was aware of before I even put the petition out there. One of the reasons I did the petition was because I wanted people in this community to have an opportunity to express themselves which I felt cut off, last week at the last meeting.

Chair Bates: I apologize for that. Sorry that we had a misunderstanding, there.

Lapham: That was what was most disturbing. That, truly (unintelligent) that those people's voices were not heard. And again, you can say, and I understand 188 to 184; it passed. But, there is a very strong sense in the community there should have been more time for people to get familiar with it. Yes, it has gone on for four years and that there were still a lot of questions regarding the benefit to the overall community regarding – small questions like are you going to charge for parking. What are the projected costs and all of that to which the answer was we will deal with that after we pass the bond measure. The whole purpose behind the petition was to allow a bigger audience to have a say in this. There were in fact some people who said I am not going to sign this petition because I am afraid there

are going to be more people who will just vote for it without knowing what it's for which is one of the points that John Falla did make. There are a lot of blank ballots that are there. I would still take however many blank ballots there are in 1400 to 1500 votes on it.

I also think, and this leads into how to communicate this kind of issue with the people. Yes, we are technologically advanced, but I would submit that there are a lot of people in this community who look to their mail box for their communication. I don't know. I can't remember receiving a mailed piece from the town. It does look like the newsletter is designed to be mailed and maybe it is. Maybe I just have not received it. I don't remember receiving one. So, (unintelligent) can put that part in the communications.

Chair Bates: Just a point of information. On the agenda after we talked about it two weeks ago, is the discussion about communications and I hope at that stage we can talk about that sort of thing.

Lapham: Yes, so that's what (unintelligent). So, talk about that later. Okay? Again, having talked to other Select Board's in Knox County, the sense was they would have entertained a discussion at the time. I just want to relay that that was ample room and I think it may have had a better outcome and been better received had we had the opportunity to say, 'Yes we've received it.' Again, I didn't hear the call for additional discussion and as you have heard, I wasn't alone. All I can say is there was a strong sense in this community that more people should have been included on this vote, and that this vote does not represent the will of the whole community. And yes, it does in one sense. Fact 188 to 184, fact. But, I am telling you there are a lot of people that feel very disenfranchised by how this happened. There were a lot of people that attended that public meeting and we asked for it to be pushed back and the Select Board pushed forward to say let's get a warrant and let's put this on the ballot. I think that's what people felt - disenfranchised. That is all I have to say for now.

Chair Bates: Thank you, Nick. Do we have any other public comment?

A. Siegenthaler: I have three questions. Does Cushing operate on a fiscal year or a calendar year? Because one reason for the May meeting is that we operate on a fiscal year. Does Cushing operate on a fiscal year or calendar year?

Lapham: I don't know.

Siegenthaler: Oh, to the Chair. Sorry.

Chair Bates: We can find that out. I don't know. I thought we were one of the few towns around that did move to the fiscal year.

Siegenthaler: Which we did a couple of years ago after a lot of discussion. Second question, what was the turnout at the annual meeting in May this year? Because I have heard that it was more than usual, and I have been going to annual meetings for as long as you have, for 28 years or something. The room looked pretty full which is the way it always is. A bunch of guys standing the back and the seats are pretty filled. Do we have a number for that?

Chair Bates: That's another question I should endeavor to get you the answer.

Siegenthaler: I don't know if we ever do a head count as such, either. The room is filled with standing room or it isn't.

Chair Bates: I will do my best to see what the estimates appear to be. Okay?

Siegenthaler: The other question is a question maybe for Jerry or Elizabeth? If we were doing bond issues and voting on them only in even numbered years, every other year, what would that do to passing a bond issue and borrowing the money in the best market? Would that curtail the function that you need to have or flexibility to get the best interests rates at the best time? Because it seems very restrictive.

Chair Bates: Again, may I suggest that we can get an answer for Anita and let her know, since this is public comment time and not public answer time.

Siegenthaler: And not answer time, yes. Well, it just occurred to me that piece would be interesting questions. Interesting answers.

Chair Bates: I hope there will be. Nick?

Lapham: This is a question. What is the disposition of the second part of the petition? Is that also denied?

Chair Bates: The letter I sent you... Just for the public... The Select Board met on Monday night in Executive Session and when we came out, we voted on how to handle the petition. As a courtesy to Nick, I sent him the details of that, so he would know. What you got was a transcript of what we voted on. Later on, in the agenda in Communications, I have another letter in response to the letter you sent me on the website and I will read that during communications. I can give you a copy of that after I have done that. Okay?

Lapham: Okay. So, the response here says, 'Chooses to reject the petition because municipal officers permit, so they won't allow the ping-ponging.' That has to do with a re-vote.

Chair Bates: The Vassalboro case that you cited.

Lapham: The Vassalboro has to do with the re-vote. It has nothing to do with a warrant for putting future bond measures on ballots in November. My understanding is, and I am not a lawyer, and you all know the Maine Municipal rulings a lot better than I do, but my understanding is you are required to take that up. So, that is why I am asking, what is the disposition of that portion of the petition? It is not addressed specifically here other than the petition is denied and then it quotes the Vassalboro case that only deals with the re-vote.

Chair Bates: I will repeat, Nick, just in case not everyone heard. After Nick wrote using the website and I got your letter, I consulted with the attorney and got advice on that. In this case, Mr. Ackerman, you will be glad to know that it is a letter for the public and in Communications, I will read that letter and it addresses the question that you raise now. Shortly after we finish public comment, we will get into discussions of communications and I will read it then. I can give you a copy after, of this one. Do we have any other public comment?

Danielson: Carl Danielson, Port Clyde. I think the project – I am not talking about voting, not voting, but the project itself, is very important to the town and extremely important to Port Clyde. Maybe it is under Communications but to have some sort of a regular reporting of how is the town proceeding? Have the applications for grants been filed? Has the EIR been initiated? Are the engineers proceeding to finish their plans? What is the status of the project? All those things would be very helpful to know. People may not agree with it, or whatever, but have the information – would be very helpful. Some of the questions that were asked at the last Harbor Committee meeting, and there was a memo put out or something on the website I read about, these issues will be addressed. I haven't seen anything since then. It would be very helpful to have those issues addressed and the future issues. Again, it is a very important project. It is going to be visible and it should be information along the way. Thank you.

Chair Bates: Thank you, Carl. Do we have any other public comment? There were no other public comments.

REGULAR SESSION:

- Adjustments to Agenda: The following adjustments were made:

Café Miranda – Catering Function Permit was moved from New Business and placed after Communications under Regular Session

Economic Updates for an Economic Impact Analysis Study was added and placed under Old Business

Meadowbrook Property Update was added and placed under Old Business

Improve Communications was moved from New Business and taken up under Regular Session

- Minutes: The Select Board minutes were amended as follows:

Page 3, under Solid Waste, second set of bullets, 2nd bullet, line one, correct the word Four to **Fort** Point Trail

Page 6, under Economic Burden, paragraph 3, line 1, correct to read: ...there may **be** other towns...

Page 7, under Engagement Letter, paragraph 1, line 6, change to read: ...know **what** the school paid.
Under Declaration of Intent, paragraph 1, line 3, delete comma after word fifth and correct capitalization to:
...between the **fifth** **Whereas**...
Page 8, last paragraph, line 2, change to read: ...towns and may get **charged** a higher **interest rate**.
Page 9, under Executive Session, line 2, delete the **1** after... 405(6)(E) to discuss...

On a motion by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 to approve the Select Board minutes of June 25, 2018, as amended.

- **Communications:** The following communications were received.

1. An email from Nicholas Lapham to Select Board Chair Richard Bates was received on Friday, Jun 29, 2018 at 12:05 PM. This was read into the record and will be added as an attachment following minutes.
2. A letter was received On July 2, 2018 from William S. Kelly, Esq., Kelly & Associates LLC to the Town of St. George, Atten: Richard Bates, Chair of Select Board; RE: Request Regarding Modified Citizen's Petition. This was read into the record and will be added as an attachment following the minutes.
3. Selectperson Willey received documents for the Meadowbrook property.
4. Selectperson Hall received an inquiry regarding the status of the Internet Access Committee. He sent them a copy of the filed report and suggested they follow up with Jeff Boulet, Richard Bates or the CDC for updates.

- **Questions & Answers Re. Communication #2:**

Mr. Ackerman: For this lawyer to suggest that this was a suggested modification of a citizen's petition, I think is entirely misreading the document. I am wondering, since he titles this a Modified Citizen's Petition, why he believes it was modified? What was modified? There was nothing modified in this.

Chair Bates: Mr. Ackerman, this is what we are advised. I do not want to get into a legal discussion, now. If you want to come back with some legal counsel and discuss this -present something to the Board, I encourage you to do so.

Lapham: I think it is fair to ask, if I may? A real basic question. What is the status? What is the disposition of that portion of the petition, and is it correct to assume that has been denied?

Selectperson Hall: One petition was presented, and one petition was denied. It had two parts, but one petition was denied. (Lapham: Okay.)

- **Café Miranda– Catering Function Permit:** An application was received from Kerry Altiero, owner of Café Miranda, Rockland, requesting a catering permit at the home of Margot A. Kelley for a private summer party at 88 Marshall Point Road. The area to be licensed is the home and the surrounding gardens. Mr. Altiero said this was the first time he had catered a function in St. George and had no infractions in his 25 years of business.

On a motion by Selectperson Elwell, seconded by Hall, it was voted 5-0 to approve Café Miranda's request for a catering permit.

- **Improve Communications:** The Select Board lead a discussion on how to improve town communications. The public was invited to participate. Selectperson Sawyer noted there was always room for improved communications. He thought the town was very good at using all the forms of communication they were required by law to use. He defined the word communication pointing out it came from the same root word as community and communion which meant sharing.

He said, fundamentally, he firmly believed that while the leadership had a responsibility to share information with the community and citizenry, the citizenry also had a reciprocal responsibility to learn as much as possible by becoming informed, by attending meetings, by reading documents at whatever level they wanted to be informed. "How we communicate that to the community that this is something that is always shared responsibility, as much as we have a responsibility to share with the citizenry, the citizenry has an equal responsibility to be informed to what

we are doing in the community. Yes, we do our legal business. We are very good at that. Yes, we can improve the methods of our communication but so can the citizenry. We all have a responsibility to participate in that (sharing)."

Selectperson Elwell agreed with Sawyer, and Chair Bates said they had to try and get the citizens involved but felt it was part of the Select Board's responsibilities to keep people informed and encourage them to come to meetings. Sawyer said maybe they could make better use of the newsletter putting it out in several different formats.

Selectperson Hall noted in order to get an automatic copy of the online newsletter, people needed to sign up for the emailing list or contact the town office to sign up to receive a hard copy (by mail). Mr. Falla said the town used to send the newsletters out to every household, but it cost \$1,000 each issuance (a mass mailing). He said because of the cost, newsletters were then sent via email, but if people wanted a hard copy, they would let the office know. Mr. Polky said there were not many people who currently receive hard copies. Chair Bates stressed that information somehow needed to get out to people signing up.

Mr. Ackerman thought a pro-active way to improve the communication process was once a year when the tax bills were mailed out, do a separate mailing of the newsletter. At the top of the newsletter fold have the question - Do you want to continue to receive this? You must let us know; you must give us your address or if you want it electronically, your email address.

Selectperson Hall thought it was probably worth doing a separate mailing of the newsletter from the tax bills and to just focus the whole issue on communications. Selectperson Sawyer asked if the local tv access channel could roll information on screen every 20 minutes for those who do not like or use computers and what the cost might be. Selectperson Hall also thought television would be a good medium for communicating information, if there was an opportunity to do that. Mr. Polky said it was suggested the Select Board broadcast the Board meetings and thought people would be more apt to look at this meeting on television than other local things. He also thought people would remember where the channel was.

Mr. Lapham felt that more than once a year an all point mailing (to everybody) be done. He said that it may sound like a step backwards in terms of technology in communication, but he said he would assert there were a lot of people in this community that look to their mailbox as a source of information. He asked, "How do you create a relationship with the people here in the town? I think it is particularly important when it comes to matters of voting on certain issues that there is a little more information." He said in a few other states where he had lived, people received voter's pamphlets. "They do not do those in Maine which is unfortunate. They were received 60 days in advance of any date. I am not suggesting that, but it was one of the first things I noticed when moving to the area."

Mr. Lapham said the Community Development Corporation sent out on a one sheet, two-sided, informational sheet which was useful. He felt there was a lot of information that everyone took for granted that some people did not have access to and spending a couple of thousand dollars on improving the communications (was okay), considering some of the other things the town spent money on.

Chair Bates thought the logical way was to send a mailer to every household and tell people to let the office know if they did not want to receive the newsletter; but he was concerned about spending a lot of money on postage only to have them thrown away. Lapham did not think it should be an obstacle. He felt it was up to the people whether they wanted it by email or hard copy. He did not have a strong feeling one way about opting in or opting out.

Ms. Siegenthaler said, in past years, the town had a communications committee which she as on. The committee produced a newsletter for three years and it was a "pain in the neck." She said a lot of people did not want to receive it in the mail, so from month to month they did not know how many were actually being read and used and many turned up in recycling on a regular basis. Mr. Falla said there was a large per centage that ended up in the recycling and after a lot of discussion, they decided to go electronic. People could sign up or it would be on the town website and people could access it and also go into the archives to see back issues. She said they did a big campaign to get people to sign up and get email addresses.

Ms. Siegenthaler liked Mr. Ackerman's idea that when the tax bills are sent out, remind people they can sign up to receive the newsletter electronically or by mail, remind them of this on a regular basis, and maybe run something in the Dragon.

Mr. Ackerman suggested a mailer not larger than a post card which had interesting graphics to get people's attention, i.e., "You live here. We'd like to hear from you. We'd like you to know what we are doing. Reach out to the people. It may have to be on a more regular basis."

Selectperson Hall said good communication is tough and agreed with Ackerman that it was something you just had to go after and go after. "Even with the best of effort, there will be people saying you are not doing enough." He felt there would need to be some effort on the part of the citizenry to stay informed.

Selectperson Sawyer said the town website was a wealth of information. Ackerman asked when the website was last updated (in terms of technology). Chair Bates said the rebuild was done the beginning of May 2018, and it was a brand-new site.

Mr. Merrill said if the town planned to do an outreach for people's emails, he would utilize places like the library, or the school newsletter which had a sign-up kiosk. Chair Bates suggested that at the beginning of the school year when parents signed up for the school newsletter, they could sign up for the town newsletter, as well.

Chair Bates volunteered to contact other towns to find out how they dealt with communication problems and issues and how they made improvements.

Mr. Polky said he and CEO Brackett had been working on the sign issue. They located an area on the town office property for a sign (it was outside of Shoreland Land Zoning). The largest automatic sign Brackett found was 3' x 5' and the approximate purchase and installation cost would be \$5,000.

Mr. Falla said at Town meeting many years ago, the purchase of a sign was overwhelmingly voted down. It was presented as a separate item. Voters said it was too much money and they did not want the electronic sign there. Ackerman said some of the new electronic signs were ugly and wondered if the lights got turned off at night. He thought the multi-color blinking dots could be distracting to drivers. He said if the town went with a sign, he would advocate for soft yellow lettering. Ms. Siegenthaler thought the high school sign looked good. She said it would be nice to have an electronic sign to list the CC events and other meetings.

Selectperson Hall felt to have any kind of lasting effect, the topic of Communications should be a regular or semi-regular agenda discussion item and be reviewed periodically on what and how they are doing, whether its beneficial or not, or to try something else.

Chair Bates said a committee would be set up to look into the sign issue.

Selectperson Willey asked if the town had ever worked with the postal service to do an EDDM (Every Door Direct Mailing). She thought it cost about \$200, or so. Chair Bates suggested stopping by the CDC and ask what they paid to mail out their card. Ms. Willey said a sign board was listed under the 2017-18 Action Plan and her name was next to it. She would check with CEO Brackett since he had a lot of information on this. Chair Bates summarized the communication ideas and suggestions:

- A physical mailing more than once a year with a card, possibly using the EDDM.
- Using the St. George Dragon as an alternative means to reach out to people.
- Putting items in the Library newsletter, using the school newsletter.
- A sign.
- TV access channel.
- Sending the newsletter once or twice a year to everyone.
- Dedicate a portion in newsletters to communication.

- Warrant: The warrant for the week of July 9, 2018 was reviewed and signed. The total expenses were \$485,390.90 and included one week of payroll, \$413,092.67 for the July school payment, \$8,606 for the clean-up of the brush and demo debris at the transfer station and the payment to Marshall Point Lighthouse. Ms. Curtis said the Lighthouse would like to "break ground" this fall to start building the Keeper's Barn and Workshop replica.

Selectperson Willey asked if the fees at the transfer station for the brush were offsetting the cost of chipping? Mr. Polky said no. Money was being taken in, but it was not covering the cost of disposing it. A market was found; it was sent to a paper mill for their electrical generation, so the town got rid of it inexpensively but also got recyclable credits. He said the town ended up paying \$5 a ton to have all the brush hauled away. With the demo, the same people (Maine Custom Woodlands) ground it and hauled it to Rockland.

Selectperson Hall noted that while upping the fees for brush act to discourage, St. George was still low as compared to other communities. Mr. Hall asked the Town Manager if an adjustment to the fees would be appropriate? Mr. Polky said it may and it was discussed at a recent recycling committee meeting. He said at this point, the committee chose not to increase the fees. Polky said they may soon have to review all the transfer station fees and what they are doing.

TOWN MANAGER'S REPORT:

- Committee Meetings:

Planning Board will meet on Tuesday, July 10 at 7 p.m.

Mr. Polky will meet with MDOT, the towns of South Thomaston and Thomaston on July 25 or July 26, depending on schedules, to discuss winter maintenance of Rt. 131. MDOT wants the towns to take over the winter

maintenance of the roads. He said the biggest issue is the price – to make sure they cover what it costs the towns. Mr. Polky said if the towns take the maintenance back, they want to make sure MDOT is paying the towns what it is costing the towns to cover it. MDOT pays the town for plowing Rt. 73 but those prices are based on 1960 rates. Polky said part of the discussion would be "what they are willing to pay." He said they have come up with a per mile figure which would include plowing and materials. He said everyone is concerned and so is MDOT because it has to go out to bid, and they have to award it to the low bidder. He will let the Board know when the meeting schedule has been finalized.

COMMITTEE REPORTS:

- Conservation Committee: Selectperson Willey reported that the CC met on Thursday, July 5. Ms. England, the science teacher at St. George School, attended and updated the CC on what the junior high students had been doing throughout the year with invasives.

- The sixth grade worked on the invasive issue with plants and, in the future, they will start working on invasive insects.
- The seventh grade is working on salinity levels in the marsh and they are building a meter to test the levels.
- The eighth grade is focusing on the stream restoration and they will continue the work starting in September. The CC will be involved to help and support the students.
- A walk and talk is being planned in September along the Fort Point footpath. More information will be forthcoming.
- They are working on the footpath issue in several areas including the Fort Point and adding bog bridges.
- The MCHT has been working on the Bamford property, including trails, bridges and a parking lot plan. They are working with CEO Brackett on permitting.
- Educational programs: The very popular program on Clamming will be held again this year. Brian Beal will be guest speaker. More information to follow.

- Cemetery Committee: Selectperson Hall said John Falla had proposed a Table of Contents for a cemetery ordinance, so the focus of the meeting was to look at the proposed topics. The committee produced a revised outline for the Table of Contents. Mr. Falla was going to draft the first section of those and they would discuss the draft at their next meeting. Selectperson Hall said Chair Davies agreed to attend the July 23 Select Board meeting. The committee members divided up the board terms as follows: John Falla and Joyce Davies have three-year terms; Patti St. Clair and Randy Elwell for two-year terms; Dale Wiley for one-year term. They have no alternates at this time.

- Planning Board: Chair Bates said the Planning Board met on June 26, 2018 at 7 p.m. The meeting began with a public hearing on the two pier applications; there were no in-person comments, but three letters of concern by neighbors of the Island Avenue project.

The residential pier application at 357 Island Avenue, Rackliff Island was accepted as complete, and, after agreeing to restrict the pier width to 6', the standards of Section 15C in the Shoreland Zoning Ordinance were met and application was approved.

The residential supported pier application at 37 Southern Avenue, Rackliff Island was accepted as complete and, meeting the standards of Section 15C in the Shoreland Zoning Ordinance, the application was approved, subject to the applicant submitting a revegetation plan and an access plan to CEO Brackett.

After adjourning, the Board held a workshop to consider combining the Town's multiple planning ordinances into the form of a single Land Use ordinance.

OLD BUSINESS:

- Appointments to Boards, Committees and Commissions 2018-2019: Ms. Curtis presented the Select Board with Certificates of Appointment on the following: Jane Conrad, Susan Bates, and Raymond Emerson to serve as members on the Comprehensive Planning Board. William Reinhardt for a three-year term on the Board of Appeals, and Penny Read and Crystal Tarjick to serve one-year terms as alternates on the Board of Appeals.

A motion was made by Selectperson Hall, seconded by Willey, to approve the committee member appointments. The vote was 5-0, and the Title 30 MRSA 2253 Certificates of Appointments were signed by all Select Board members.

- FY'19 Budget Carry Forward: Ms. Curtis said these were line items in FY'18 budget that did not get expended and would like to carry those forward to the FY'19 budget. The following line item balances for 10 Cold Storage Road were:

- Planning of \$991.80.
- Renovations of \$2,461.54
- Design and Permitting of \$30,780.17

For a total of \$34,233.51. Ms. Curtis said these would be added to the amounts that were approved in the FY'19 budget for 10 Cold Storage Road.

A motion was made by Selectperson Sawyer, seconded by Elwell, to allow the unspent funds on 10 Cold Storage Road from Fiscal Year 2018 be carried forward to Fiscal Year 2019. The vote was 5-0; motion carried.

- FY18 Budget Reallocation: Ms. Curtis reported the Administration Department was over budget by \$16,855.68. She said this was discussed every time they reviewed the quarterly financials. Ms. Curtis said there is an employee who is budgeted 25% in Department 1 Admin; 25% in Department 2 Select Board, and 50% in Department 3. This is based on how the employees were allocated at the time of the budget for Fiscal Year 2018. At the beginning of FY'18 last July, Ms. Curtis and Mr. Polky made the decision that 50% of this employee's time would be spent in Administration with 25% in the other two departments. Ms. Curtis said, overall, the employee received the same salary that was budgeted. She said it would be more accurate to allocate in that way and at the end of the year when the audit was done, it would be more accurately reflected. Ms. Curtis noted **the Department** was underbudget by \$21,000.

A motion was made by Selectperson Elwell, seconded by Hall, to approve the reallocation of budgeted funds, moving funds from Department 3 to Department 1, making a more accurate reflection to the budget. The vote was 5-0; motion carried.

- Comprehensive Plan Committee Discussion: Chair Bates recommended postponing this discussion until Sandra Hall and/or Jane Conrad were able to attend the Select Board meeting. Chair Bates had talked with Jane and Sandra on how to review the plan and produce a summary for each committee. He suggested that the active members of the Comp Plan meet with each Board, Committee, and Commission in turn, and talk about it.

Selectperson Willey asked if this was part of their action plan and Bates said yes, it was what the public approved. Polky said the larger issue was if they were going to prioritize 10 of their goals. Chair Bates said, in the opinion of the Comp Plan members, all the issues needed to be looked at.

Selectperson Hall said the Select Board should have a summary at the next meeting and Chair Bates said he would look into getting one.

The Select Board will meet at 6 p.m. on July 23 with Boards, Committees, Commissions to review policies and discuss the implications for the approved Comprehensive Plan.

- Meadowbrook Agreement: Chair Bates circulated the CC agreement from MCHT for the Meadowbrook Agreement. He said this would be discussed at their next meeting. Mr. Polky agreed with Chair Bates that Attorney Lee Bragg should review the Meadowbrook Agreement and the agreement will be mailed to Attorney Bragg.

- Proposal from Dr. Rachel Bouvier: Chair Bates circulated a proposal from Dr. Bouvier on performing an Undue Economic Burden Analysis. The proposal will be discussed at the next meeting.

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

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary

Attachments to the SB Meeting Minutes of July 9, 2018

1. James Graf's comments
2. Email concerning petition denial
3. William Kelly's letter

COMMENT BEFORE SELECT BOARD, TOWN OF ST. GEORGE / 9 JULY 2018
James Graf, Treasure Point Road, St. George

Mr. Chairman and Members of the Select Board:

May I be allowed three minutes for a comment?

My comment is related to Cold Storage, but it is not about the substance or merits of any Cold Storage issue. My comment is about a matter of process that arose at your last meeting.

At your meeting on June 25th, at the opening of the opportunity for public comment, the Chair said to Nick Lapham, "Nick, I understand that you have a petition to present to the Select Board." Nick Lapham replied, "Yes, I do," and he asked, "Is this the proper time to present it?" The Chair responded, "Yes, it is." Nick handed his petitions to the Board whereupon the Chair immediately ordered that the agenda item related to the petitions be deleted because, in his determination, the petitions were now a "legal matter" that could not be discussed in public meeting without the Town attorney present. The Chair further admonished, "Nick, we can't talk about this now."

Nick Lapham was not allowed to speak about the petitions on his own behalf or on behalf of the 222 Town citizens who signed the petitions. Nor would the members of the Select Board and the members of the public attending the meeting be allowed to hear Nick Lapham speak about the concerns to which the petitions were addressed.

As your Policy Manual states, the opportunity for public comment is a longstanding "tradition" of the Select Board. The opportunity to be heard is an essential element of our democratic form of Town government which should not be denied or curtailed except for the most compelling of reasons.

There was no reason to deny Nick Lapham the opportunity for public comment at your last meeting.

If the petitions raised a "legal matter" requiring the Board to consult with its attorney regarding the Board's legal rights and duties concerning the petitions, then a limited exception to Maine's Open Meeting Law [1 M.S.R.A. Section 405.6.E] allowed the Board to vote to deliberate those legal matters with its attorney in executive session closed to the public. Invoking that exception for an executive session with the Town attorney provided no reason to deny Nick Lapham an opportunity to comment on the petitions that he had been invited by the Chair to present to the Board. Nor did that exception for executive session provide any basis for denying the Board and the public the opportunity to hear Nick speak to the concerns the petitions addressed. In short, any need to deliberate with counsel in executive session was no reason to silence Nick in public session. And, while the Chair and/or the Board may have decided not to talk about the petitions in the public meeting, it did not require the Town attorney to allow, nor would it have been any derogation of the Board's prerogatives for the Board to listen.

In sum, it was unfair and out of good order to deny Nick Lapham the opportunity for public comment at your last meeting, as it was also unfair and out of good order to deny those of us

way, and I would urge the Select Board to see to it that this does not happen again in the future.

2

One last point – as the close vote on the bond issue indicates, the debate on Cold Storage is certain to continue, and the more transparency, disclosure, and openness in the process as well as the substance of that continuing debate the better.

Thank you.



Richard Bates <r.bates@stgeorgemaine.org>

[St. George , ME] Petition Denial (Sent by Nicholas Lapham, nick@confidenceinleadership.com)

Contact form at St. George , ME <vtstdmailer@vt-s.net>

Reply-To: nick@confidenceinleadership.com

To: r.bates@stgeorgemaine.org

Fri, Jun 29, 2018 at 12:05 PM

Hello rbates,

Nicholas Lapham (nick@confidenceinleadership.com) has sent you a message via your contact form (<https://www.stgeorgemaine.com/user/83/contact>) at St. George , ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.stgeorgemaine.com/user/83/edit>.

Message:

Good day, Richard

I am in receipt of your letter notifying me that the select board voted unanimously to reject the petition I submitted regarding Cold Storage. Since the rationale used to deny the petition related only to the part of the petition requesting a re-vote in November, I would like to clarify if the portion of the petition requesting future bond measures be voted on in November of even-numbered years was also denied.

Nick Lapham

William S. Kelly, Esq.

KELLY & ASSOCIATES, LLC
ATTORNEYS
96 High Street
Belfast, Maine 04915
kellylaw@bluestreakme.com

(207) 338-2702
(207) 338-0328 (fax)

July 2, 2018

Via email: r.bates@stgeorgemaine.org

Town of St. George
Attn: Richard Bates, Chair SB
P.O. Box 131
Tenants Harbor, ME 04859

RE: Request Regarding Modified Citizen's Petition

Dear Richard:

I understand that you have received an email that has suggested modification of a Citizen's Petition that the St. George Select Board rejected on Monday, June 25, 2018. You have now received an email from one of the circulators with the question: "I would like to clarify if the portion of the Petition requesting future bond measures be voted on in November of even numbered years was also denied." From a legal perspective, I caution the Select Board in answering such a question in an informal way. Citizen's Petitions are very specific instruments and must be reviewed with particular care to the exact language in the Petition. In the prior Petition, a significant amount of comment in it addressed the first proposed Article. The Select Board should not comment on proposals or modification of Petition proposals without the exact proposed language submitted before them with requisite signatures. This is a cumbersome process, but it is a very important one in that the Select Board is not authorized to give legal advice, nor should it, as to the format and language contained in a Citizen's Petition.

Therefore, I would strongly suggest that the Select Board refrain from questions regarding how a rejected Petition should be modified. Only when you receive a new Petition should it be analyzed for sufficiency under the law.

All of the above being said, I will make the gratuitous comment to say that it is legally impermissible for one legislative meeting to constrain or restrict the authority of a future legislative meeting. In other words, a Town Meeting in June, 2018 cannot vote to prohibit or eliminate the authority of a Town Meeting in August. Therefore, and as a matter of courtesy to the current Petitioners, I suggesting that they think very long and hard before they submit a second warrant Petition to the Select Board which suggests a constraint of the legislative

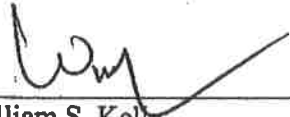
authority of a future Town Meeting body. Such a Petition would have to be rejected by the Select Board.

I hope that you find this helpful. Thank you for your consideration.

Sincerely,

KELLY & ASSOCIATES, LLC

By:


William S. Kelly

WSK/hmw