

ST. GEORGE BOARDS, COMMITTEES AND COMMISSIONS

St. George Town Office

MEETING MINUTES

July 23, 2018

Select Board Chair, Richard Bates, called the meeting to order at 6 p.m. Present were: Richard Bates, Randy Elwell, Jerry Hall, Wayne Sawyer, Tammy Willey, Tim Polky, Elizabeth Curtis, Ray Emerson, Jane Brown, Jane Conrad, Sandra Hall, Susan Ellis, Joss Coggeshall, Ken Oelberger, John Falla, Jane Bracy, Terry Brackett, Steve Miller, Wendy Carr and Joyce Davies.

Adjustments to Agenda: None

Chair Bates distributed a handout on the practices and procedures for holding Board, committee and commission meetings. The Select Board Policy Manual, Town Charter and State Law were referenced for this informational sheet.

He reviewed and highlighted parts in the following areas:

- Chair, Secretary, Quorum & Alternatives. The meetings must be recorded, and minutes taken.
- Meeting Agenda, Time & Minutes. Improving communications will be worked on this year. The agenda should be sent to Cherie Yattaw who will post it on the web. The agenda should be sent to her at least 2 working days prior to the meeting.
- Meeting times should be at 6 p.m. or 7 p.m., or if not possible, the committee should be sensitive to others who cannot not attend a 7:30 a.m. or 4 p.m. meeting, committee or chair will make best efforts to accommodate and meet other(s) at some other time.
- Minutes are put on the web site after being approved by the committee, board or commission. They need to be received at the office five days after being approved.
- Draft Minutes. Select Board draft minutes will be available at the town office but will not be posted on the web until approved by the Select Board. Other committee draft minutes will be posted after committee approval.
- Purchasing Procedures. All purchasing must be made by the Town's Purchasing Agent.
- Email addresses. If committee chairs would like to have a town email address, contact the town office and speak with Cherie Yattaw.
- Improved Communications. Selectperson Hall said there is a desire in town to try ways to improve town communications. A recommended suggestion was made that on a monthly basis, in addition to the minutes, write a brief 50-word summary of what the committee is doing. This will start in September and it will be posted on the website. For example, "We met this month and here is what we dealt with. For more details, read the meeting minutes." It is not a replacement for the minutes but a way for people to be more informed or to stay in touch. There may be some months where there is nothing to report. The "news flash" should be short - two or three sentences to report what is happening with the committee.
- Communication suggestions:
- The Select Board communicate with the Solid Waste and Recycling Committee as to the direction they think the SW&RC should be going. Communicating should be a two-way street.

- Advertising works. People will read short write-ups hopefully get interested and follow up.

Comprehensive Plan Review: Copies of the Comprehensive Plan were distributed and Jane Conrad, member of the Comprehensive Planning Committee, spoke on Implementing the Plan Goals. She said the Plan is on the website, but she suggested that administration make it easier to find the current plan which is listed under Supporting Documents for Comprehensive Plan Committee.

The Comprehensive Plan is a five-year plan. Cherie Yattaw color coded all of the policies and strategies in the plan by committee and town employees. Ms. Conrad said many of the things in the plan, the committees were already doing, such as light impact, economic development or particular kinds of land use, supporting the working waterfront, or pedestrian traffic safety. The responsibility for seeing that these things get done, falls to all the committees. Ms. Conrad said in the coming year and five years, that they will tackle the things that are our responsibility and convey this to the public and they can render their opinions.

Chair Bates said he understood that the Comprehensive Plan is the direction the town voted on and some of the problems are problems forever. He said they can be addressed every year but there also may be other issues which are not in the plan that the Boards, Committees, and Commissions see as necessary. He views the plan as a request and to think about them but do not stop thinking about all the other things, as well. Ms. Conrad said some are not specific charges. A lot of them are consider, continue to, support, promote.

Selectperson Hall said part of why this came up was when the Select Board put together an action plan for the year, you want it to mesh with the comprehensive plan and you want to be sure you are aligned with it, not just on the activities and the priorities to a degree. A lot of these are ongoing and are statements that relate to the charge of the committee. He thought the Select Board was looking to pick out 5-8 specific activities which are a little different than the regular ongoing stuff for their action plan. For an example, in the CC, they have some work they want to do on the Meadowbrook property. That would be a specific thing that would be part of the action plan for this year. The Select Board is interested in it, but the CC is the group that is taking that on, specifically, and are going to work it. It makes sense to call it out as a priority for the town for this coming year. In the cemetery committee, it is to create an ordinance because the town now owns a cemetery.

Ms. Conrad said the committee did review the comments that the CC provided but Mr. Oelberger said they did not get any feedback as to why their suggestions were not incorporated. He noted on a few were incorporated and a lot were not. They had some issues where things that said do it immediately and the CC said they needed more time to do it but it still says to do it immediately. Ms. Conrad said they worked with the consultant and said some plans would had to have started from the beginning and this plan was essentially fine tuning of the existing plan which was passed in 2013.

Selectperson Hall felt there would be some benefit to having it as an agenda item on a Select Board meeting to have a more in-depth discussion with each of the Boards, Committees and Commission, separately and individually. So, you can talk about the things that we are thinking about, the things that we are wondering about. Would this make sense to look into. Would that make sense to do? To rearrange or get a new list of things for the CC. Oelberger felt there would be a benefit. Have a discussion on items that we had made recommendations and we would like to have a two-way discussion on that rather than just say this is the way it is. Ms.

Hall there was a lot of different things in the plan for the CC to be considering and thought some of the more specific things that they might have suggested, they could certainly be working into some of the broader categories. Ms. Hall said they did not put a lot of and steered away from specifics in the plan. They left the specific work for the committees to develop.

Mr. Falla said in the past, they always looked at the comprehensive plan as being the broad brush, the general statement, the guidelines. The consultant recommended not having specifics in the plan because it is the responsibility of the Select Board and the committees to develop ordinances and follow certain specific items.

Ms. Carr suggested having a workshop in a less formal setting where the chairs and other members talk about their issues without creating minutes. The SW&RC and the CC may be working across purposes or it would be helpful for her to hear what other committees or commissions are doing. Ms. Hall thought people could really see what the plan is saying to their committee and how they can make their own agendas from it for the year. It was suggested the workshops start early in the fall, possibly to be held on Wednesday evenings, after Labor Day. Invite the Budget Committee and Cemetery Committee.

The workshop concluded at 6:55 p.m.

Respectfully submitted,

Marguerite R. Wilson
Select Board Recording Secretary

ST. GEORGE SELECT BOARD & ASSESSORS
St. George Town Office
MEETING MINUTES
July 23, 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, Paul Ackerman, John Falla, Ken Oelberger, Terry Brackett, Nancy Vanasse, Sandra Dickson Coggeshall and Wendy Carr.

PUBLIC COMMENTS (nonverbatim and edited): Paul Ackerman, "In receipt of the letter from Attorney Kelly, which I am sure you will deal with later on, I point out that he categorized in his letter to me and you, my letter to the Select Board in a way that is not accurate. It is not a Freedom of Access request. I was specifically pointing out, that is (unintelligible) trying to avoid going through the legal niceties here and simply pointing out that it seemed to me that you had already introduced local letters into the record from Attorney Kelly and therefore it precluded the whole idea of claiming this is under attorney-client privilege. As a matter of fact, the point of law that I pointed out in my letter to you, he does not address. He addresses the Maine Freedom of Access Act which I don't think applies to the point (unintelligible), you have already introduced material specifically about this issue but were unwilling to reveal the other information. It seemed to be a contradiction in terms of public policy. In my view, in his letter to me and to you, it doesn't really answer the question. I will be interested to see what comes on the agenda later on. I would imagine it is a more expansive explanation of it but in my view, it doesn't answer the question, at all."

Chair Bates: "Do we have any more public comment, tonight?"
There were no other comments.

REGULAR SESSION:

- Adjustments to Agenda: The following adjustments were made:

Meadow Brook Property Agreement; Implementing Ideas for Improved Communications; and, Attorney/Client Privilege and Freedom of Access were moved from New Business and taken up under Regular Session.

- Meadow Brook Property Agreement: Chair Bates received an email from Steve Walker with the following attachments - Meadow Brook Management Plan and the (finalized) Meadow Brook Preserve Agreement plan. The agreement stated the Town of St. George would oversee implementation of the management plan and long-term stewardship of the property through its Conservation Commission.

The town attorney had reviewed the documents and added the sentence to Section VI. Funding and Task Prioritization, subsection A. Funding: "Funding of upfront and annual costs through the Town's annual budget is contingent on approval by the voters at the Annual Town Meeting."

A motion was made by Selectperson Hall, seconded by Willey, to accept the Meadow Brook Preserve Agreement and Management Plan and authorize Town Manager Tim Polky to sign the agreement. The vote was 5-0; motion carried.

Chair Bates thanked Steve Walker of the Maine Coast Heritage Trust, Selectperson Jerry Hall, and the Conservation Commission for their work on this project.

Mr. Oelberger said the CC was applying for a grant to help with the cost of adding a bridge across the brook to access the town's other property and educational needs for Herring Gut, Blueberry Cove and the St. George School. Knox-Lincoln Water Conservation District is the sponsor and the full proposal needs to be submitted by September 1, 2018.

Mr. Oelberger said the parking lot estimate from George C. Hall & Sons, Inc. was \$8,000 and the CC will be trying to renegotiate a lower price.

- Implementing Ideas for Improved Communications: The Select Board discussed implementing the following ideas to improve communications:

- Newsletters to be mailed twice a year via the Postal Service in September and May to USPS addresses in the town's zip codes.
- Opt-in notice (email or paper) in the school's first newsletter in September.
- Opt-in notice (email or paper) in September 13th edition of the St. George Dragon. Julie Wortman said to get the copy to them before September 3rd.
- A card to all USPS addresses with a listing of calendar of events, town functions, activities, important due dates and deadlines, important telephone numbers, etc. Have a contest for the card logo. A request for artists would be posted in the September newsletter. The card would be mailed out in October.
- Ask people for ideas or suggestions (put the question on the card).
- Radio station WRFR-LP can stream town notices, per Jo Lindsay.
- Each Board, Committee and Commission write a brief monthly summary to be published on the town website

The Board discussed purchasing an electronic sign and having it installed on the grounds outside the town office. They noted that a purchase such as this would have to be voted on at the Annual Town Meeting, May 2019. Selectperson Willey said she had received mixed reviews regarding an electronic sign and Selectperson Elwell was not in favor of one. He and Ms. Willey felt the sign would not fit the character of the town. Selectperson Sawyer was ambivalent, and Selectperson Hall was interested in looking at the sign in Union before he made a decision.

Ms. Coggeshall and Ms. Vanasse noted that not everyone drove through Tenants Harbor, and many people living in Tenants Harbor before the town office or at the upper end of the peninsula may never see the sign. Mr. Ackerman noted that many signs in the state were placed at the border of the town. Selectperson Willey said she would talk with CEO Brackett about the sign issue.

Ms. Coggeshall said she writes a weekly column for the Courier Gazette and also contacts the Town Manager for weekly updates. With sufficient notice, she said she could put short write-ups in her column.

The Select Board agreed they would visit the issue of improving communications on an ongoing basis.

- Attorney/Client Privilege and Freedom of Access: Paul Ackerman's letter to the Select Board and Attorney William Kelly's letter to Mr. Ackerman will be added as attachments to the minutes.

Chair Bates and Mr. Polky talked to Attorney Kelly about the issue of attorney/client privilege and Attorney Kelly was emphatic that the conservative approach to Mr. Ackerman's letter was to consider it as an issue under the Freedom of Access Act. Attorney Kelly was very clear that the issue they discussed in Executive Session was covered by attorney/client privilege and confidential. Because Attorney Kelly was not able to attend the Select Board meeting that evening, he sent his response by email.

Selectperson Hall explained that Attorney Kelly was a municipal attorney for 12 or 13 towns, had spent the last 20 years dealing with municipal law, and had been involved in a number of contentious issues. Mr. Hall told Mr. Ackerman whether the Board wanted to carry the petition forward or deny it, and if there was a possibility of litigation because of the action they took, they would want to have a confidential discussion with an attorney. Selectperson Elwell agreed. Mr. Sawyer said he could not say one way or the other but would defer to Attorney Kelly's legal advice and his letter. Selectperson Willey said she would have to agree with the attorney because that was what they hire him to do. She said she was not sure what Mr. Ackerman was trying to convey to the Board. She asked him if he was trying to convey the right to know or that the Board did not allow Mr. Lapham to speak that evening after he submitted the petition?

Mr. Ackerman believed there were two issues in terms of the point he was trying to make in his response. "This essentially starts with the method that was used to shut down Mr. Lapham's petition that evening in terms of the discussion, prior to the Board's Executive Session.

Second part of it is, what he was getting at was one of process. Essentially, what amounts to poor governance and the issue of attorney/client privilege being used to cloak a communication that would have existed prior to the Executive Session that would have been the advice that propelled the process under which Mr. Lapham was shut down. He was invited to be on the agenda, prior to the meeting. He attended the meeting with the understanding as any citizen would that he was there to discuss the petition and he was then asked to present it which (unintelligent) be done with the foreknowledge, he was going to be shut down at that point and the agenda item was going to be removed. That is unethical."

Chair Bates apologized it seemed that way, but he did not ask Mr. Lapham to present it. "I read in the public newspaper that the petition was going to be presented, so I asked Mr. Lapham, 'The world tells me you are going to present a petition,' and he said yes, and he did."

Chair Bates said he was not clear that it was the only petition because of various times this petition had been left around and he had copies of the petition. He said some people had told him the wording over the course of the month or so had changed. "In the minutes, I very explicitly asked Mr. Lapham, 'Is this the petition that was used at the transfer station in early May? Is this the petition that was used on the day of the school vote? Is this the one and only?' I was assured that it was the one and only copy."

Since we had a copy of this and since I had disclosed that copy to our attorney, I was able to establish that what we had was what the attorney had seen. He told us if you get this petition presented to you, you should then shut down conversation. You should shut down discussion." Chair Bates said there was no intention to trap anyone.

Selectperson Hall thought it was an unfortunate misunderstanding. Mr. Hall thought Mr. Lapham didn't speak because he (Lapham) thought he was going to have an opportunity to speak later. It apparently was not clear there was an opportunity for him to make his case in the beginning, but Hall said this was not premeditated.

Mr. Ackerman said he thought Chair Bates was saying, "It was premeditated because if the attorney advised him before hand while seeing the copy of the petition unsigned, then that is clearly forewarning that he had showed this to the attorney ahead of time. The attorney had said to him which is part of the communication that I am trying to obtain to do something which would have essentially undercut the right of somebody to speak at a public meeting which they had been invited to attend. That is unethical."

Selectperson Hall said he had the opportunity to speak in advance. If he wanted to speak on what he was presenting, there was the opportunity for him to do that at the beginning. "There was a misunderstanding about whether there would be another opportunity for him to do it or not but there was not an intent to deny him the opportunity to speak and make his case." Hall explained there was a period for public comments and people have the right to make comments, but when the Select Board meeting starts, people do not have the right to participate in the Select Board meeting. "We might invite people to do that as we are doing tonight, but they do not have an automatic right to participate in the meeting, itself. In this case, since anticipating what might occur and wanting to be prepared for it, it was a - we can't discuss it."

Mr. Ackerman said he reviewed the MMA guidelines relative to petitions. He said he did not find anything that indicated this was the (unintelligible) procedure that should be followed. It said to present the petition, and "If you had an issue here that was a personnel matter or an existing litigation against the town, with the town was prior involved in or had awareness of in terms of a lawsuit against the town. An (unintelligible) like that would be clear examples for attorney/client privilege would have to protect the town, the Select Board, Chairman and Town Manager from the attorney/client privilege issue in breach by somebody who isn't (unintelligible) proponent of a lawsuit like that. This is not that at all."

In the lawyer's letter to the Select Board and Mr. Ackerman, Attorney Kelly stated that if Mr. Ackerman had questions regarding his reply letter or wanted to take this matter further to contact a municipal attorney who is familiar with Maine law. Chair Bates felt the Select Board had been guided correctly and had every confidence in Attorney Kelly.

Mr. Ackerman, "Duly noted."

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

Page 1, paragraph 7, line 1, insert the word **a**: In the minutes, it is **a** transcription of what...

Page 2, paragraph 2, line 2, delete the duplication of words **you wanted**

Page 5, paragraph 6, from the bottom, line 4, last sentence, change to read: Do we have a number for **that**?

Page 6, paragraph 4, line 3, change to read: Later on, **in** the agenda...

Page 8, line 1, change to read: **we are doing** in the community.

Page 8, last paragraph, line 3, change to read: ...some effort on the **part** of the citizenry...

Page 9, paragraph 5, line 1, delete **it** and change to read: ...a sign was overwhelmingly voted down.

Page 11, first paragraph, first bullet, delete the word budget and change to: **Planning of \$991.80**

On a motion, by Selectperson Elwell, seconded by Sawyer, it was voted 5-0 to approve the Select Board minutes of July 9, 2018, as amended.

- Communications: The Select Board members received the following communications prior to the meeting. Copies will be attached to the minutes.

1. A letter from Paul Ackerman to the Select Board.
2. A letter from Attorney William Kelly to Mr. Ackerman, copied (cc'd) to the Select Board.

- Warrant: The warrant for the week of July 23, 2018 was reviewed and signed. The total expenses were \$235,625.36 and included three weeks of payroll, a debt payment for the purchase of 10 Cold Storage Road, and a 50% deposit on the generator. Chair Bates asked why all the payments to ReVision? Ms. Curtis said they were for May and June and they were being allocated among all the different meters and shown as different departments. Ms. Curtis also noted that the town had been paying CMP on four of the six meters because Revision forgot to notify CMP. Mr. Polky said the office had been tracking CMP bills and knew something was not right.

Selectperson Willey asked about property maintenance cleaning. Mr. Polky the town started the new contractor out at \$125 a week; her contract was renegotiated, and it was increased to \$135 a week.

TOWN MANAGER'S REPORT:

Committee Meetings:

- Planning Board will meet on Tuesday, July 24 at 7 p.m.
- Cemetery Committee will meet on Wednesday, July 25 at 7 p.m.
- Conservation Commission will meet on August 2 at 4 p.m.
- MDOT Meeting with Thomaston, So. Thomaston and St. George to be held at the St. George Town Office on Wednesday, July 25 at 9 a.m. The meeting is to discuss getting the towns to take over the winter maintenance of Routes 131. Mr. Polky said MDOT is concerned about the complaints they have received the last several years regarding their (MDOT) winter maintenance work. Compensation to the towns will be discussed. Jim Kalloch is the contractor of winter maintenance for So. Thomaston and St. George. Mr. Polky has discussed winter road maintenance with MDOT for several years and he hoped the issue will be resolved.

COMMITTEE REPORTS:

- Planning Board: Selectperson Elwell said the permit application he submitted for the school/town generator is on the Planning Board's agenda for July 24. He will be at the meeting to represent the school.
- Solid Waste & Recycling Committee: Selectperson Willey said the committee met on July 18, 2018 and she reported the following.

The Wednesday evening hours at the Transfer Station were still going well and they had received a lot of positive feedback.

The committee marched in the St. George Day's parade and promoted recycling.

The committee discussed having some educational programs related to solid waste and recycling, such as how other towns recycle and future plans for the town's solid waste and recycling. They have looked at the CC's educational programs as a reference. Wendy Carr will talk with the CC about their programs and ask if the SW&RC could work together on some programs.

There was 421 tons of wood chips taken from the transfer station to the paper mill to be used generate electricity at \$5 per ton (our cost). Ms. Curtis explained the \$5 covered both chipping and transportation costs. Seventy-seven (77) tons of clean demo debris were chipped and went to Rockland to cover their landfill. The tipping fee was \$42 a ton, but Mr. Polky said as of July 1st, the clean demo debris tipping fee increased to \$84 a ton. Selectperson Willey said the transfer station was cleaned up and the company did an excellent job.

Ms. Carr wanted the Select Board to be aware when problems start to arise in the future in towns we have dumped trash that St. George would assume some of the clean-up costs (Norridgewock or Rockland, for example). It was not a problem now but could possibly become one and Ms. Carr wondered if the town should look at a contingency plan.

Mr. Polky said it was too late and that it would almost be impossible to do that. If the lawsuit happened, everybody who had dumped anything there, would be part of the lawsuit. This is what happened in Hope and So. Hope. He said to avoid that, you would have to not dump your garbage, anywhere. It can't be avoided. Ms. Willey said yes but thought the town should be aware of it. Mr. Polky posed the question, "I think it is good to be aware of that, but how much is going to be in that contingency that is going to even address it?"

The educational program on "Who Stole the Clams" will be held on August 9th at 7:00 p.m. at the Town Office. University of Maine Professor Brian Beal will talk about his research and scientific findings.

The CC will not hold a committee meeting in August.

- Planning Board: Chair Bates reported on the July 10, 7 p.m. Planning Board meeting. The building permit application at 180 Horse Point Road, Port Clyde to add railings on three sides of the dock was accepted as complete, and, given it made the dock safer, the application was approved.

After adjourning, the Board continued to consider the task of how best to combine the Town's multiple planning ordinances into the form of a single Land Use ordinance.

- Shellfish Committee: Selectperson Sawyer said the Shellfish Committee met in July. The first item of the agenda was the approval by the St. George Select Board of the oyster farming project. The committee believed it was under their jurisdiction to approve the oyster farming project. Mr. Polky said Dan Staples talked with Dave Schmanska about this. Mr. Polky agreed with Schmanska that it was the town of St. George's responsibility to approve the oyster lease. Mr. Sawyer believed it was not a five-town (shellfish) project but a St. George project. Mr. Polky clarified that Jim Balano's oyster lease was in the intertidal zone.

Selectperson Sawyer said there was a dispute between the Shellfish Committee and the Sheriff's Office regarding the final billing. The committee decided to send less money to them than the Sheriff's Office wanted. Mr. Sawyer hoped this issue could be easily resolved, as perhaps it was an overbilling issue.

There will be a hearing on Tuesday, July 24 to listen to the grievance of a clammer whose license was suspended.

OLD BUSINESS:

Appointments to Boards, Committees & Commissions 2018-2019: Ms. Curtis presented the Select Board with Certificates of Appointment on the following: To serve as members on the Conservation Commission - Ingrid Mroz, Jonathan Coggeshall, Suzanne Hall, and Ryan LaShane. To serve as members on the Solid Waste & Recycling Committee - Jane Bracy, Wendy Carr, Jan Limmen, and Ray Emerson. To serve as members on the Cemetery Committee - John Falla, Joyce Davies, Randall Watts, Patty St. Clair and Dale Wiley.

A motion was made by Selectperson Elwell, seconded by Sawyer, 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.

NEW BUSINESS:

- Property Tax Commitment: The Select Board reviewed information with Ms. Curtis regarding the town's tax rate history with four mill rate options for FY'2019, ranging from \$8.90 to \$9.05. In the July-August 2018 town newsletter, Ms. Curtis explained, "Fund Balance helps with cash flow and is used to reduce future tax commitments. The general rule of thumb recommends fund balance cover one to two months of cash flow requirements. The Town needs enough cash available to get through the summer months before tax payments are received. During July and August there are large expenses that must be paid such as paving, summer road maintenance and County tax assessment. The school appropriation is paid in monthly installments during the year, including July and August. The fund balance helps cover these expenses until property tax payments are received in September."

Ms. Curtis recommended the mill rate of \$8.95. She felt the overlay was reasonable and said \$10,000 of the \$110,427 had been set aside for abatements and would help with the fund balance. Ms. Curtis said the County budget had increased and she would send the Select Board more specific information and data.

On a motion by Selectperson Hall, seconded by Willey, it was voted 5-0 to approve the mill rate of \$8.95 for the FY'2019. The required forms were signed by the Select Board.

- Knox County Assessor's Return: Ms. Curtis said the Assessor's Return was for \$879,811.53. The amount was what Knox County assessed St. George's share of the county taxes to be. She said the town had already budgeted \$76,637 for dispatch under the fire department budget. She noted that the town had representation on the budget committee (Nick Lapham) at the county level. Mr. Polky said Lapham was doing a good job on the committee.

Select Board members signed the Assessor's Return.

- Proposal for Economic Services: The Select Board received a brief Economic Impact Study from Dr. Rachel Bouvier for \$10,000. This study arose from a recommendation from Attorney William Kelley who thought it would be wise to get information ahead of time if there was an experimental wind farm off the coast.

Chair Bates asked, "Do we want to do it? Do we still need to do it? If we need to do anything, is it even appropriate that it covers St. George, since a large wind farm may well come somewhere but is unlikely to affect the peninsula?"

Selectperson Sawyer asked if it would provide any more information than they managed to gather over the past year or so?

Selectperson Hall felt there had been no quantification of the economic impact, thus far.

1. What was happening with the project right now, the odds of being it successful and going forward had been greatly reduced. He would advocate to doing nothing for the moment but monitor the situation and if it looked like it had a chance of being revived, return to the discussion. He recommended tabling this proposal at this time.
2. If this issue arose again, they would have 60 days to respond. He thought a proposal such as the one from Dr. Bouvier wrote could be done in 60 days or 90 days with a little advanced notice.

Selectperson Hall felt \$10,000 was a reasonable amount of money for this study. He said a special town meeting would need to be held to vote on whether to fund an economic impact study.

A motion was made by Selectperson Hall, seconded by Willey, to table the proposal for the Economic Impact Study but to monitor the situation with the understanding that the town has an option should the town need to act quickly to hold a special town meeting to approve \$10,000 for the study. If there is need to have an economic study, there will need to be additional discussion with Dr. Rachel Bouvier on the adequacy of the study. The vote was 5-0; motion carried.

- Follow up on the 6 p.m. Meeting with Chairs of Boards, Committees and Commissions: The Board discussed a proposal to hold informal workshops with Board Chairs, Committees and Commissions, discuss how they overlap and how they can collaborate with each other. The following were points, suggestions and ideas discussed:

- Feedback was that groups were operating in a vacuum and there wasn't enough interaction with the Select Board.
- Have specific discussions with at least two of the committees in a workshop setting.
- Hold a workshop tailored to the Conservation Commission and the Solid Waste & Recycling Committee with other committee members sitting in to understand the overlap. Discuss members thoughts and concerns about the future of recycling, the programs and the cost effectiveness of the programs.
- Some type of an outline was needed, even if it was an informal workshop/meeting, in order to guide the conversation.
- Collate a series of discussion starters from each group. Selectperson Hall felt it would be great to have a conversation with good give and take realizing they may not always agree on everything.
- The Budget Committee and Planning Board should be involved in these meetings.
- The Select Board should sit down with the Planning Board because that Board will be the one creating the ordinances to implement the plan.
- Everyone needed to understand what ongoing meant and how much of the Comp Plan was ongoing. Mr. Polky said some items had been tabled a lot and at some point, the ongoing had stopped.

On a motion by Selectperson Hall, seconded by Sawyer, it was voted 5-0 to extend the Select Board meeting beyond 9 p.m.

- Hold at least three workshops.
- The Select Board will review the blue sections in the Comp Plan with ongoing dates listed to try and prioritize the list and then discuss these with the Planning Board.
- Discussions: They are a two-way conversation no matter the type of format is chosen. Mr. Polky said there are a lot of people willing to do a lot, but they are not good at receiving. He felt it was important to get everyone giving and receiving.
- Do not make the objectives too broad. The comp plan is not the place for specifics.
- Action plans can be specific. Do an annual action plan.
- Hold the workshops on alternate Tuesdays from the Planning Board meetings and at two-week intervals.
- Chair Bates will talk with the Planning Board about scheduling the time and date for the workshop.
- The first workshop will be principally with the Planning Board, but other committees will be invited to attend.

At 9:08 p.m., on a motion by Selectperson Hall, seconded by Willey, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary

Attachments

Paul Ackerman
611 Port Clyde Rd.
Tenants Harbor, Maine 04860

July 10, 2018

Re: Select Board meeting of July 9th, 2018 – refusal to provide documents under claim of attorney /client privilege

I address this to the entire Select Board of St. George,

During the public comment section of last night's meeting Chairman Bates refused to provide to the public communications to/ from Attorney Kelly that were the basis for the prior actions taken by Chairman Bates –and presumably with the entire Board's knowledge/understanding of these communications—at the previous meeting where Chairman Bates cut off all discussion of the agenda item Mr. Nick Lapham had specifically been asked to present.

When I asked Mr. Bates if the communication from the town attorney, William Kelly, was in electronic form – i.e. it would be available for the public to review (in order to understand the legal basis for the advice given to the town select board prior to Mr. Lapham being denied the right to speak) – his answer was that he would not reveal that communication as it was covered by "attorney / client privilege under Maine law". He cited a statute that was unclear verbally, and provided no notes to document the same to the public.

I believe stating outright that attorney-client privilege shields such communications from the public eye is erroneous, and demonstrates a very poor concept of "transparency in government".

The public has a right to know what sort of advice is being given to our town officials under the guise of their acting in "the public interest".

The exceptions to this rule, under Maine law, are very minimal and apply almost exclusively to claims and litigation—neither of which apply to a select board chairman asking advice as to how to potentially respond to the pre-existing agenda item Mr. Lapham was invited to discuss.

Under Maine law, as of 2015, the following applies to the public sector regarding claims of attorney-client privilege.

Section 502 (d) relates to public officers or agency – I have highlighted in red the portion that clarifies limited circumstances under which the privilege does apply.

(6) Public Officer or Agency. The lawyer-client privilege does not apply to communications between a public officer or agency and its lawyers. However, if the court determines that disclosure will seriously impair the public officer's or agency's ability to process a claim or carry out a pending investigation, litigation, or proceeding in the public interest, the lawyer-client privilege will apply to communications concerning the pending investigation, claim, or action.

http://www.courts.maine.gov/rules_adminorders/rules/text/mr_evid_2015-9-1.pdf


In this episode "to carry out...a proceeding in the public interest" is not applicable as this claim of attorney/client privilege relates to a document forming the advisory basis to actions that denied members of the public the right to address said "public interest".

The notion that disclosing the communication between Attorney Kelly and Chairman Bates would "seriously impair" the ability to conduct the "public proceeding" is equally baseless, as this communication was unknown to the public prior to the meeting of the 9th.

Given the subsequent letter, dated July 2, 2018, from Attorney Kelly that Chairman Bates introduced at the meeting last night, which advises the board to not answer any further questions about the second warrant requested within the original petition – and obliquely warns the petition circulators with predetermined denial of further considerations – it is very difficult to understand how this attitude towards average citizens, following Maine Municipal Association guidelines to voice their concerns, can possibly contribute to confidence in our town officials. It does not, and will not if it continues in the future.

As a long time resident of St. George I view it as a waste of town resources to pursue this with formal court filings or legal bills, and request that the entire board consider the lack of transparency exhibited here as bad public policy, and immediately release to the public, complete and unedited, the communications between Chairman Bates/Select Board and Attorney Kelly in this matter.

Respectfully,



Paul Ackerman