

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office Select Board Meeting Minutes

December 17, 2018 – 6 p.m.

The Select Board meeting was called to order at 6:15 p.m. Members present were: Richard Bates, Chair; Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Tim Polky, Elizabeth Curtis, Ann Matlack and Bruce Hodsdon.

PUBLIC COMMENTS: Chair Bates congratulated Ann Matlack on her election as representative to House District 92. Representative Matlack thanked Chair Bates and said she was sworn in on December 5, 2018. She said she was trying to visit the towns and constituents in her district and if anyone needed anything or had issues to contact her. Representative Matlack said the newly elected governor, Janet Mills, would be sworn in on Wednesday, January 2, 2019, followed by an inaugural reception.

REGULAR SESSION:

- Adjustments to Agenda: The following adjustment was made:
The Superior Court ruling on the Wyeth Reading Room was added to New Business under Discussion Items.
- Minutes: The Select Board minutes of December 3, 2018 were amended as follows:
Page 1, under minutes, ... it was voted 4-0-1 abstention (Sawyer)
Page 3, under Victualer License, paragraph 2, line 2, change to read: ...discussion of his salary.

On a motion by Selectperson Sawyer, seconded by Hall, it was voted 4-0 to approve the December 3, 2018 minutes, as amended.

- Communications:

A thank you note was received for the Christmas funds that were mailed out.

- Warrant: The warrant for the week of December 17, 2018 was reviewed and signed. The total expenses were \$474,234.22 and included two weeks of payroll and the December school payment of \$413,092.67.

TOWN MANAGER'S REPORT:

Mr. Polky said due to personal and family health issues and because Terri Baines had not started full-time, the office had been operating with a skeleton crew this past week. He said it had been very trying and challenging, but Tara Elwell with the help of Elizabeth Curtis and Terry Brackett was able to keep the office open and functioning.

COMMITTEE REPORTS:

- Conservation Commission: Selectperson Willey said she was not able to attend the last CC meeting but had sent out the minutes of their meeting. She will forward the approved minutes to the Select Board when she receives them.

- Shellfish Committee: Selectperson Sawyer thought the committee had met but he had not been able to attend a meeting for some time. He said he should be able to attend meetings again starting in January.

- Planning Board: Chair Bates said the Planning Board met at 7:00 p.m. on December 11, 2018 and reviewed the Baker Property Trust building permit. The permit application for an addition and renovation at 32 Allens Alley (Hart's Neck) was accepted as complete and, meeting the standards of the Shoreland Zoning ordinance, it was approved.

Chair Bates said the Planning Board continued their work on developing a sign ordinance. He said a public workshop had been scheduled for 7:00 p.m. on January 17, 2019 at the town office to gather comments. He noted this workshop would be an opportunity for the public to review the first draft of the sign ordinance.

OLD BUSINESS:

- Victualer/Innkeeper License Certificate: Craginair Inn by the Sea – Town Manager Polky said the Select Board had approved the license at the last meeting but it needed to be signed by a municipal officer. He suggested Chair Bates sign the license. Ms. Curtis said the next time a license such as this one comes up, she will present the certificate and license together and not have it as two separate steps.

- Update on 10 Cold Storage Road Renovations: Chair Bates said they would be meeting on Tuesday, December 18. Mr. Polky said last week's Harbor Committee meeting did not involve 10 CSR as the committee had other business to attend to. He said at that meeting, the committee discussed the possibility of raising permit fees and possibly raising permit application fees. Mr. Polky said all of the harbors in town had waiting lists. He said one of the reasons for that is St. George mooring fees are very inexpensive compared to other towns. He said the town's commercial fees are \$15 whereas other towns are \$50. Mr. Polky said Mr. Schmanska is supposed to write a proposal to bring this issue to the voters in May 2019.

Chair Bates thought the Harbor Committee would hold a conference call with Noel Musson at Tuesday night's meeting. Mr. Polky said the committee should be having preproposal meetings with some of the contractors. The committee will be discussing this again with Mr. Musson on Tuesday night.

- Update on Solar Panels: Ms. Curtis said she had received copies of all the bills since the solar panels went online to ReVision. She said she had not had any feedback from CMP as to whether or not they had made any updates. Ms. Curtis will try to make calls this week and see if she can get answers.

Chair Bates said there is a link to the solar energy usage, and Mr. Polky said they will put the link on the town's website.

- Update on Audit RFP: Ms. Curtis said as part of the RFP, a pre-proposal meeting was offered for firms to come in to the office and ask questions about the RFP. The meeting was held on December 10th. Ms. Curtis said only one firm came in. She said the town's current firm did not need to come in because they did not have questions. She said there are firms from all over the state who submitted proposals but understood it was a long distance for many to travel. She said proposals are due on January 4, 2019.

NEW BUSINESS:

- Certificates of Appointment: Ms. Curtis presented certificates of appointments on Terri-Lynn Baines who was recently hired as Office Manager.

On a motion by Selectperson Sawyer, seconded by Willey, it was voted 4-0 to approve the appointment of Terri-Lynn Baines to the following offices: Deputy Registrar of Voters, Deputy Treasurer, Deputy Tax Collector, and Deputy Town Clerk.

- Transfer from Reserve Fund – Solid Waste Equipment Purchase: Mr. Polky said in 2009 the town bought a used excavator for \$34,000. There is now a problem with it and he thinks the problem could get worse and the excavator may break down. He said if the town has to repair it, it will cost between \$10,000 to \$15,000. Mr. Polky felt it would be a good idea to move on this now. He said he had been talking with four or five different suppliers and two of them had made offers. He said one supplier offered \$25,000 for trade-in and the other was offering \$21,000 in trade. Mr. Polky said he and Eben were looking at a 2014 excavator which the state had leased and was turning back in. The total price with the trade-in would be \$50,000 to \$55,000. He said they have not fully negotiated a price but his suggestion is to move on the excavator before the Transfer Station runs into the large expense of having to fix it.

Selectperson Hall asked how much was in the reserve. Ms. Curtis said there was \$50,544 for Solid Waste Equipment Purchase Reserve and \$18,500 to transfer for fiscal year 2019, totaling to approximately \$69,000. Mr. Polky said they hoped to replace the excavator in 2023 but he feels they need to replace it sooner before it costs the town more money.

Mr. Polky said the Transfer Station employees use the excavator to compact the open top cans, to pile the brush, to feed the chippers, to load the metal when they ship metal and to move containers (dumpsters) when they ship the garbage to the landfill. Mr. Polky thought the machine was used almost every day. Chair Bates stated that this was an essential piece of equipment and Selectperson Sawyer thought it was a wise idea to trade-in now rather than wait. Selectperson Sawyer asked if the sellers were aware of the potential equipment issues. Chair Bates said one of the companies sells Caterpillar vehicles and they should be aware of the vulnerability.

Mr. Polky said Milton CAT currently had the best price and he would like to see if they could bring a machine down this week to try it out before purchasing it. The other company is John Deere. Selectperson Willey asked if Milton CAT would be bringing down the excavator that was leased by the state? Mr. Polky said yes. She asked if the town paid \$34,000 when they purchased the excavator and the town can get a trade-in of \$25,000? Mr. Polky said yes and they purchased it in 2009. He said the purchase price would probably in the range of \$50,000 to \$55,000.

On a motion by Selectperson Sawyer, seconded by Hall, it was voted 4-0 to authorize the Town Manager to negotiate and secure the best price possible on an excavator, not to exceed \$68,000.

- Maine Coast Heritage Trust Donation FY'20 (July 2019-June 2020): Chair Bates said Mr. Polky was preparing the budget for next year. He (Bates) would like to see the \$10,000 donation made last year as an ongoing item in the budget and asked the Board for their opinions. Chair

Bates felt the MCHT was a very worthy organization and benefitted the town. Selectperson Willey asked if MCHT had approached the Select Board about possibly funding for the Clark Island project. Selectperson Hall thought the Select Board did the \$10,000 donation in lieu of the Clark Island project and thought that was the message the Board gave MCHT. Mr. Hall thought if the town could do the donation on a regular basis, rather than face a large sum, it would make more sense. Chair Bates agreed and said he would like to view this as a contribution to the town's quality of life. He thought it was a statement of the Select Board's attitude to the organization. Selectperson Sawyer saw this donation more as insurance for the town.

The majority of the Select Board agreed to ask the Town Manager to request \$10,000 (donation) to MCHT in the upcoming budget rather than wait for MCHT to file an application. Chair Bates said as part of the budget process in February, the Select Board would discuss this donation request along with other requests, i.e., the library, ambulance, etc.

Mr. Polky explained that this is not an automatic request. The item will be discussed yearly. Ms. Willey agreed it is good MCHT is saving the land but the town is losing tax dollars and now they will be getting unsolicited money. Chair Bates said this was discussed last year and it came out about even because MCHT would make a \$9,000 payment on Clark Island in lieu of taxes.

- Superior Court Ruling on the Wyeth Reading Room: Chair Bates said a ruling was made on December 11, 2018. Town Manager Polky had forwarded the Select Board an email letter from Attorney Amanda Meader on the ruling. Chair Bates summarized the email.

Case of Horse Point group, et.al., the Plaintiffs vs. the Town of St. George and Old Cushman House, LLC, the Defendants; dated December 11, 2018. The Honorable Bruce Mallonee, Maine Superior Court ruled on three points:

1. Composition of the Planning Board. No violation of due process when Michael Jordan joined the board & prepared himself for the proceedings.
2. Safety on Horse Point Road. The plaintiffs did not provide a basis on which the court might second guess the Planning Board's conclusions on the safety. There was no evidence brought to say it was unsafe.
3. Enforceability of the Stated Condition of Approval. (At least one vacant parking space). The court was unpersuaded that this was unenforceable (like any other legal requirement in town).

In conclusion, the Plaintiffs provided no legal basis for vacating the Planning Board's decision.

Chair Bates felt the judge's decision reflected the diligence of the Planning Board and the Board of Appeals and Mr. Bates felt this had been a difficult time for the two Boards. He asked the Select Board if they would consider sending a letter of thanks to the Planning Board and Board of Appeals for the work they do on behalf of the town and the way they diligently apply the law without fear or favor. The Select Board agreed to have Chair Bates write a letter to both Boards thanking them for their work.

Selectperson Hall asked if the wires at the Wyeth Reading Room had been taken care of. Mr. Polky said the power lines are above the building, the telephone and cable wires are still going

through the roof of the building and construction is still continuing on. Ms. Willey asked how they could continue building and thought the lines were supposed to be buried. Mr. Polky said they should not be able to but it was a state issue. He said CMP had not been down to bury the lines. Chair Bates noted it was the State Fire Marshall's responsibility for towns the size of St. George to deal with the building code.

EXECUTIVE SESSION:

At 6:57 p.m., on a motion by Selectperson Sawyer, seconded by Willey, it was voted 4-0 to go into executive session pursuant to Title 1 MRSA Sec. 405(6)(A) to discuss the Town Manager's performance review and salary.

Town Manager Tim Polky left the executive session at 7:15 p.m.

The Select Board came out of executive session at 7:26 p.m.

REGULAR SESSION:

The Select Board returned to regular session at 7:27 p.m.

On a motion by Selectperson Sawyer, seconded by Hall, it was voted 3-1 (Willey opposed) to increase the Town Manager's salary by 3.5%, starting on July 1, 2019.

At 7:28 p.m., on a motion by Selectperson Sawyer, seconded by Hall, it was voted 4-0 to adjourn the meeting.

Richard J S Bates, Chair Person
Recording Secretary for Executive Session

Respectfully Submitted,

Marguerite R. Wilson
Select Board Recording Secretary