

## **ST. GEORGE SELECT BOARD & ASSESSORS**

**St. George Town Office**

### **MEETING MINUTES**

January 6, 2020 – 7 p.m.

The Select Board meeting was called to order at 7 p.m. Members present were: Richard Bates, Chair; Randy Elwell, Jerry Hall, Wayne Sawyer, and Tammy Willey. Also present: Terri-Lynn Baines, Tim Polky, Daniel Staples, Bruce Hodsdon, Robert Barker and Kathy Barker.

**PUBLIC COMMENTS:** (edited and nonverbatim) Daniel Staples asked to speak regarding the Clam Committee and Five-Town Clam Board. Staples has served on the Cushing Select Board for 11 years, has served all those years on the Five-Town Clam Board, and has chaired that committee for the last 7 years.

Staples gave a brief history of the clam committee. He stated the program was in Thomaston for about one and one-half years but due to some issues, St. George took over the program and supervision of the clam warden for approximately 2 ½ years. After that, the Clam Warden was supervised by the town of Warren and was there for 7 ½ years. Staples stated this was supposed to be a joint effort of the five towns.

Staples: I came up with a motion that every one of the five towns should have it for at least three years (3) on a rotating basis starting off with the two towns which had not had it at all - South Thomaston and Cushing. As Terri (Baines) knows, it was a little contentious in South Thomaston because we didn't have help from a particular person. It got smoothed out by the time it left South Thomaston and went to Cushing.

It is not as bad as people think now that it has been in Thomaston. My problem is representation. I've already talked to Wayne (Sawyer), so I am not low balling him at all. He is so involved in the church; I am not getting the representation from St. George that I need.

I am done after next year. That is 12 years (on the Five Town Committee) and 13 years on the Planning Committee. I have done 25 years of service to the town; that is enough for me. I am giving you this history for this reason: It is coming here without having the participation we need from this town. This program is coming down here for three years, and I need somebody to start coming to the meetings to get familiar with it. Because the next motion I want to make is whatever town it goes to, the Selectman from that town should chair it, so Dan Staples isn't chairing it for the next 25 years. He doesn't like that. They need to come on board right off so they can have some idea.

When I do get done next year, I will stay on as liaison for the Board to help with the transition. That means the Chair has to supervise the warden. If the Clam Warden needs reprimanding, the Chair needs to do that or bring him before the full Board. The Clam Warden has to come in and go over his time sheet once a week and he pretty much draws up the budget for the rest of the Board to approve.

There should be a good alternate and it does not have to be a Selectperson. It can be anybody from the town who wants to be involved. We have had some good representation in years past. Steve Miller and Keith Miller were both involved in this board so you could look for alternates like that who are somewhat familiar with the Board. I would like to see somebody start coming on that can make the meetings from here through the end of June, so I can bring them on Board and get them ready to eventually become Chair (of the Committee). It involves a little bit of work and the chair does most of it. The rest of the guys just have to come to the meetings unless we have special meetings.

Chair Bates: July 1<sup>st</sup> (2020) is when St. George takes it over and at that time, we need to have a Select Board member and an alternate involved in this.

Staples: We would really like to have one come on board now. Come the first of June, we will be transferring the CD accounts over to St. George because that is when they mature. The reason the money (in the accounts) is so good at this present time is that for six months we did not have a warden and saved all that money. This last year I thought we were going to go behind and lose money but because of a mess up in the insurance for the warden, (he didn't collect insurance for nine months) we saved \$10,000. So, there is quite a lot of money in the program whereas before we used to just get by.

I remind everybody that (the money) will not stay that way because of the deterioration of product and the different things we are doing. It is going to be three to five years before the river and the other surrounding estuaries come back to the way they used to be. (The yearly budget is about \$60,000 and there is \$85,000 in the account now). Trust me. That is going to deteriorate in a hurry if we do not have the income coming in. We still have a truck to pay for, a warden to pay for. Even though he only gets 30 hours, we offered health insurance. We had to offer something on a part time job, or we were not going to get anybody.

When it comes here, there is at least one grant and maybe a second one that is going to have to be done. But Dave Taylor writes those grants and he and I will help anybody with anything. I am available from 5 a.m. to 9 p.m. at night and I will help out in any way I can, but I need participation from this town, and they (St. George) are going to be taking it over.

I have talked a lot and apologize but I have put a lot of time into this, and I do not want to see it go down the tubes for lack of participation.

Chair Bates: On behalf of St. George, we are very grateful that you have been putting all this time in and have gotten the program into such good financial shape. We are grateful for that. I am sorry the participation hasn't been what you would have hoped. Wayne has told us this and we know it. We (the Select Board) will discuss this later tonight, and we will step up, of course. I am not sure we will have an answer tonight who the two people will be (to serve on the committee).

Staples: This is the frustrating thing. Thursday, we have a meeting. I have been calling around to make sure we have enough for a quorum so I can approve October, November and December

(2019) meeting minutes. I have to get these finalized and get the reports sent into the state. I appreciate you listening. Thank you.

Chair Bates: Rest assured, one way or another, we will step up.

#### REGULAR SESSION:

- Adjustments to Agenda - The following adjustments were made:

- Herring Gut Learning Center Tax Abatement issue was added to the agenda and taken up under Regular Session
- The Shellfish Committee issue was added to New Business, Discussion Item

- Herring Gut Learning Center Tax Abatement: Chair Bates distributed a handout regarding Property Tax and Criteria for Exemption based on his discussions with Bob Gingras, Town Assessor's Agent, Richard Flewelling, MMA attorney, and Kathy Barker, Executive Director of the Herring Gut Learning Center (HGLC). The handout briefly outlined two cases that went before the Supreme Judicial Court of Maine.

The first case was Lewiston v. Marcotte Congregate Housing (MCH), a five-story retirement home. The housing group rented a space in the building to a doctor. When the City of Lewiston learned of this, they told MCH they could not be tax exempt because of the commercial business in the building. In 1996 the Supreme Judicial Court of Maine rendered the decision that the entire property was subject to taxation.

The second case was Hebron Academy v. Hebron (the town). A very small part of the educational establishment was an ice rink and they let the public rent it. It was a very small income. In 2013 the court determined in that case the income was small enough that it did not affect the educational tax exemption. Hebron Academy continues to have its tax exemption.

Chair Bates said he spoke with Barker who said that most of their property was used for educational purposes, with the exception of a small area on 18 Lobster Pound Road where the commercial processing business, Fresh Catch, was located. She noted the business used approximately 10% of that building.

Chair Bates reported that HGLC's long term plan was not to have commercial activity on the property and he asked the Board, "How do we proceed?" He said, "As Bob indicated when we talked with him a couple of weeks ago, we have a lot of discretion."

The last tax bill HGLC paid on the property was \$7,344.96. Chair Bates said the options could include making a donation to HGLC for as long as there was commercial activity on that property, or since the income was very small (comparable to the Hebron Academy case), the Select Board could allow a 100% exemption.

Selectperson Hall asked what the rental income was supposed to be. Barker said about \$11,300 or so, a year.

Selectperson Hall asked what the operating budget was for the year. Barker said they had to pay for rodent control and a small amount of electricity. Other than that, there was nothing within the building that required heat.

Barker said HGLC did not need to use that building as they used the land more because of the waterfront property. She said the school's kelp farms were located there, and that was the area where the students did their shoreline work. She stated there was a small greenhouse on the end that occasionally got used but the building was in bad shape. Barker said HGLC's long-term plan was to demolish the building and to replace it on the same footprint with research, classroom-type offices, and facilities.

Selectperson Hall noted that the longer-term plan was very focused on being an educational facility and Barker said yes it was.

Selectperson Elwell asked if the school was losing more money than they were taking in.

Barker said she explained to Chair Bates that there was a lot of community support for having Fresh Catch in that building. It started out as the Port Clyde Fisherman's Co-op and processing shrimp, but shrimping has all but gone. Now there is just one person there trying to run a commercial fish business, who has serious health issues, and is struggling to keep the business going.

Herring Gut Learning Center held a strategic planning meeting in December and Barker explained the plan. She said the Board felt that as they moved towards renovating their campus and looked at rededicating parts of the campus, HGLC would work actively to try and help the commercial fish business relocate.

Selectperson Elwell said he reviewed Beth Smith's email regarding exemptions given to other town groups and felt the commercial use at HGLC was small compared to other groups. He recommended the Board give HGLC a 100% exemption, feeling that the facility would eventually be all educational.

Selectperson Willey asked Barker if she had talked with the tenant about everything that was going on regarding the taxes and rent issues. Barker said they had. Willey asked, "If it was tax exempt, would the business still be there, and would the tenant not pay rent or pay less rent?" Barker said they had not looked at that. She noted the rent was in arrears and previously told Chair Bates the school had no intention of putting another tenant in there.

Selectperson Hall asked, "If things were to change in the fishing business end and management availability for the enterprise, and it suddenly became a booming, prosperous thing, you would still work to help them (the business) relocate, because you really want it (the business) out of there?" Barker answered yes.

Selectperson Hall agreed with Selectperson Elwell and would support the exemption. Hall said, "If we get two or three years down the road and things are not as currently projected, it is

something we could revisit." Chair Bates and Willey agreed that as Assessors they could always revoke the abatement. Sawyer said he liked the gentle approach Barker (and HGLC) was taking.

A motion was made by Selectperson Elwell, seconded by Hall, to approve, for the anticipated future, a 100% tax exempt status for the Herring Gut Learning Center and to approve a tax abatement for the Herring Gut Learning Center for the current year. The vote was 5-0. Motion carried.

- Minutes: The Assessors' minutes of December 16, 2019 were amended as follows:  
Page 1, under Julie Tooth, lines 2 and 3; delete word **a** and correct to...became two, 2 acre lots.  
Page 1, under Richard Scheffe, line 4, insert word **the** before structure.  
Page 1, under Pauline Wilcox, line 1, correct word believes to **believe**  
Page 2, under Lily Beckett, line 2 and 3, delete second sentence in its entirety.  
Page 3 corrections, first full paragraph, line 2, change exemption to **exempt**  
Line 3, change word reviewed to reviews **s** the budget,  
Line 3, delete the parenthetical

A motion was made by Selectperson Sawyer, seconded by Hall, to approve the December 16, 2019 Assessors' minutes, as amended. The vote was 5-0. Motion carried.

- Minutes: The Select Board minutes of December 16, 2019 were amended as follows:  
Page 1, under Public Comments, paragraph 5, line 1 delete word **to**; change to read: ...wanted the maps at 38 Main Street.  
Page 2 corrections: Under Design/Improvement Plan, paragraph 4, line 5, delete apostrophe in Barrier's; correct word to **Barriers**  
Paragraph 5 corrections, lines 4 and 5, change to read: ... is a **good** opportunity...  
Lines 6 and 7 and change to read: ... look to **see if it is worth** the money from the town's perspective. Delete wording at end of sentence: **if we have to allocate**.  
Page 4, under Harbor Committee, line 2, change word have to **has**  
Page 5, under Update Connect St. George corrections, paragraph 1, line 2 correct word to **candidly**  
Paragraph 2, line 3 correct word to **GW**  
Paragraph 3, line 5, change to read: For example, **we might say**, 'This...be built out.'

A motion was made by Selectperson Sawyer, seconded by Hall, to approve the December 12, 2019 Select Board minutes, as amended. The vote was 5-0. Motion carried.

- Communications: None.

- Warrant: The warrant for the week of January 6, 2020 was reviewed and signed. The total expenses were \$639,543.43 and includes a school payment of \$452,623.22, December and January snowplow payments totaling \$30,504.00, a payment for voting booths of \$2,853.15, and other regular expenses.

Chair Bates asked about the payments made to Rockbound Computer. Baines stated Administration had to upgrade some of the front office computers to Windows 10.

#### TOWN MANAGER'S REPORT:

Polky stated the town had used a couple of loads of salt and even though there had been some ice and snow, the ground was not frozen yet.

He said he had not been on all the roads, but there was a lot of winnows that were asphalt and sod because the ground was so soft. Otherwise, the roads were doing fairly well. J. K. Kalloch had a new crew snowplowing this year and mailboxes had been hit.

Selectperson Elwell asked if roads would have to be posted this year. Polky said it is like April conditions for the roads, and if the weather stays like it has been, the roads will have to be posted.

Polky had a telephone conversation with an MDOT engineer who said they would be paving Rt. 131 from Church Hill to Thomaston and asked when St. George Days would be held. Light Capital Paving (LCP) program would be used by the department to address the roads by applying a thin maintenance surface treatment and DOT was looking to start paving in July.

John at MDOT told Polky he would do whatever he could to make sure they didn't pave during St. George Days. Polky thought it would take DOT about two weeks to do the road work.

Selectperson Elwell asked if MDOT got the situation straightened out between Port Clyde and Church Hill. Polky said no as there were some right-of-way issues between Tenants Harbor and Port Clyde. He said the way the budgets were, he did not see road work being done right off, but MDOT was looking into doing a maintenance mix on that section in the year 2021.

Polky also reported that he and Baines had been working on Town Manager's FY'21 budget.

#### COMMITTEE REPORTS:

- Harbor Committee: Selectperson Elwell stated the Harbor Committee was continuing to work with Prock and Noel Musson. A meeting was scheduled for Tuesday night, January 7, 2020. Selectperson Willey noted Select Board members had received an update from the Harbormaster about 10 CSR. Chair Bates said he and Selectperson Hall sat in on a meeting with Musson and Prock a few weeks ago, and he was impressed by Morris, McCollom and the Harbor Committee.

- Shellfish Committee: Sawyer said he would be able to attend the meeting on Thursday night.

#### OLD BUSINESS:

- Sign Abatements granted at December 16, 2019 meeting: The Select Board signed the tax abatement forms on Ferguson, LeConti, and Scheffe.

- Ad hoc Sea Level Rise Committee – Status Report: A brief status report on the Ad hoc Sea Level Rise Committee was distributed by Chair Bates. The Ad hoc committee has coordinated a workshop and it is scheduled for Saturday, February 29, 2020 to be held at the Town Office Fire House Meeting Room for the purpose of doing a risk assessment of the town on sea level rising and to get a sense of the issues the town has to consider. Chair Bates noted that other towns had

already held this type of workshop. Anne Matlack plans to attend this workshop, as well as town staff. People from the fishermen's co-ops and Business Alliance will also be invited. Chair Bates asked that all Select Board members attend, if possible. There will be two facilitators for the workshop: Leticia vanVuuren, facilitator of Vinalhaven's risk assessment meeting, and Bill Najpauer, of Midcoast Economic Development District.

Chair Bates reviewed the handout and explained that information could be found on the web regarding what the Nature Conservancy model predicts for the costs of fixing roads in different towns in the state. He thought the model suggested why St. George might be more interested in this topic than perhaps Cushing, Camden or Friendship; their infrastructure appeared to be less vulnerable than St. George and the model was predicting the costs of fixing not just the town roads but state and private roads.

Selectperson Hall said, "That is what this is all about. It is the issue of vulnerability and what it says is we are way more vulnerable than any of these other towns." Chair Bates said that was what the models from the Nature Conservancy were showing.

Chair Bates said for more information, people can search the web at:

[www.maine.gov/dacf/mgs/hazards/coastal/MaineFloodResilienceChecklistOverview.pdf](http://www.maine.gov/dacf/mgs/hazards/coastal/MaineFloodResilienceChecklistOverview.pdf)

Workshop hours: To be determined.

#### NEW BUSINESS:

- Discussion - FY21 Budget Input from Select Board with T. Polky and T. Baines: Selectperson Elwell asked what it would cost the town to keep the sidewalks clear of snow. Elwell said he had noticed a lot of school children walking in the streets because the sidewalks were not clear. Polky said this issue came up six or eight years ago. Elwell asked if the town already had a piece of equipment that could be used. Polky did not think the town had a piece of equipment that would be efficient for sidewalk snow removal. He said the town could buy a snowblower attachment for the bobcat or buy a bigger snowblower and walk behind it. Selectperson Elwell added, if they did the sidewalks in Tenants Harbor, they would have to do the ones in Port Clyde, too.

Chair Bates said Rob Kelley talked with him about getting a housing needs assessment done for the town. The CDC is interested in having a study done that might help anticipate future housing needs, including more affordable housing. Kelley asked Chair Bates if the town could perhaps share the cost of a study with the CDC. Chair Bates explained that having this assessment might open up the possibility of obtaining some federal funds to help with housing. Chair Bates said he did not have all the details, and he thought it would be best to ask Kelley to come talk with the Select Board at the next meeting.

Selectperson Hall suggested, "We have had a few years of significant tax increases and if there are some things that we did this year that don't repeat next year so that we have a modest increase, it would be, I think, very desirable. I'm worried about what is going to happen with school funding requests going forward. I think it is important for people to not think we have gone crazy with spending. Looking at the details, looking at what we have done, I feel satisfied

that we have considered the issues and spent the money prudently, but I think it is a message we need to reinforce." Chair Bates agreed.

Selectperson Elwell asked how the Transfer Station was doing for equipment. Polky said they were in pretty good shape. Polky noted that the salt shed doors had been in hard shape for the last three or four years and no one wanted to work on them, but they would need to be done. He noted that Jim Kalloch and his crew came down a few weeks ago, put the doors back on to the salt shed, and told Polky he would come back in the spring and rebuild the doors.

Polky said there was money set aside for doing work on the compactor building and the work would be done this spring.

Polky said he had most of the budget prepared except for the Social Services department. He was waiting to hear back from the Budget Committee who was still reviewing the list of agencies for overlap in services. Chair Bates said the large agencies are the Ambulance and the Library. Polky said he would use last years numbers until he heard back from the Budget Committee.

Polky noted that if the weather did not get colder and freeze the grounds, there might be a need for additional funds for minor road repair work.

- Shellfish Committee: Polky said he was involved with the Shellfish Committee when it was organized. Bob Dennison was the point person on that committee which started in St. George. Thomaston did not want it, but St. George gave it to them. He said Dan Staples has done a good job and has been there a long time.

Polky explained the reason St. George does not have a lot of participation in the Five-Town Clam Committee is St. George has the fewest clam diggers of the five towns, definitely the fewest commercial diggers. He said the town has three members on it. Steve Taylor, Frank Fernands, and Sherman Hoyt who just resigned. Polky thinks the Select Board should make sure there is a full complement of members on that committee because the Selectperson is not necessarily supposed to be a member of the committee. He said he is not sure how that works out if the Selectperson is the chair of that committee.

Selectperson Sawyer said he cannot attend the Thursday night Shellfish Committee meetings from September through December due to his pastoral work. He said Steve Taylor is great on the clam committee and on the Joint Board; he is a good representative.

Selectperson Elwell asked why Staples as chair of the committee did the payroll and other duties. Polky said Cushing and some other towns do not have an administrator or town manager, so the selectpersons do all the work and do a lot of the paperwork.

Polky said when the town of St. George was the municipal representative, the clam warden was an employee of the town of St. George, so everything went through the personnel manager. Polky explained that in St. George, the Clam Warden is an employee of the Town Manager, but the position could set up under the Harbor Department. He said when the program comes to St. George, a lot of the clerical work will fall on Terri Baines or Tara Elwell's lap.



Polky noted St. George had fewer clam diggers than the other four towns but had the most clam flats. He said Bob Dennison pushed for the five-town coalition. There were no recreational clam licenses at that time. Polky said without the coalition, you would not be able to dig clams recreationally. Polky explained that before the Five-Town Committee, every clam that was dug in the state of Maine had to go through depuration which meant that you could not go dig clams for yourself.

Polky stated when the committee comes to St. George, either Baines or he will be at the meetings. He told Select Board members, whoever chairs the committee, will not be there by themselves. Chair Bates suggested the Select Board take time and think about volunteering to chair this committee.

Chair Bates said the committee also needs three people from St. George. Hoyt resigned, Fernands has not been attending but Taylor is still active and actively clams. Polky said committee members do not have to be clammers but should be familiar with clamming and the meetings will always be held in St. George while St. George presides.

Chair Bates asked Sawyer to follow up and try to find three people to sit on the clam committee. Selectperson Willey asked if it has to be a Select Board member. Polky said it did because the committee's By-laws are written as such. Willey asked if the Chair has to be from St. George? Polky said it makes sense to have the selectperson from the presiding town because the town assumes the handling of the paperwork, timesheets, insurances, the responsibility of the truck, etc.

- Performance Review Session with the Town Manager: Chair Bates distributed Performance Reviews to be completed on the Town Manager by the Select Board. The review included the issue of salary and vacation time. The Performance Reviews need to be returned to Chair Bates at the January 27, 2020 meeting.

At 8:25 p.m., on a motion by Selectperson Sawyer, seconded by Hall, it was voted to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary