

**ST. GEORGE SELECT BOARD & ASSESSORS**  
**MEETING MINUTES**  
**Monday, April 24, 2017**

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, Diana Bolton, Nat Lyon, Hannah Simpson and Michael Mathiau.

**PUBLIC HEARING – Liquor Licenses:**

The Black Harpoon, LLC - There were no public comments.

Luke's at Tenants Harbor - There were no public comments.

**PUBLIC COMMENTS:** There were no public comments.

**REGULAR SESSION:**

- Adjustments to Agenda: The following items were placed on the agenda:

- A memorandum from the Harbor Committee regarding 10 Cold Storage Road
- Rick Rockwell's proposal to the Harbor Committee regarding 10 Cold Storage Road
- The barn reconstruction proposal at Marshall Point Lighthouse

- Minutes: The minutes of April 10, 2017 were amended as follows:

Page 2, Committee Reports, under Conservation Committee, combine bullets 1 and 2, and change to read Life on the Edge: Shorebirds and Waders with two experts...

Page 2, last paragraph, 1st sentence, change to read Earlier this year, the CC supported...

Page 3, first paragraph, line 1, change to read Selectperson Hall said the grant amount was reduced but he understood that the seller agreed to the price.

Page 3, first paragraph, line 3, removed word enough

Page 3, New Business, under Town Office, remove comma, change to read ...included mostly lawyer fees...

Page 3, New Business, under Public Safety, line 4, change to read and the reserve will stay at \$125,000...

Page 5, second paragraph, 1<sup>st</sup> sentence, remove comma after the word could

Page 5, fourth paragraph, 1<sup>st</sup> sentence, add and change to read ... presentation of what Aqua Ventus is planning to do...

On a motion by Selectperson Elwell, seconded by Selectperson Hall, it was voted 5-0 to approve the minutes of April 10, 2017, as amended.

- Communications: Thank you letters were received from New Hope for Women and Maine Public Broadcasting Network (MPBN) for the 2017 donations.

Chair Bates and Polky received a letter from Mike Felton which said the Island Institute had approved the school's application for a fellow to work on health issues with the school children. The Select Board had voted to split the cost with the school and now Felton will start his search for the fellow.

- Warrant: The warrant for the week of April 24 was reviewed and signed. The total expenses were \$70,343.88 and included two weeks of payroll, 30-day notice postage of \$2,231, a worker's compensation second payment of \$4,600, and spring clean-up at Seaside Cemetery of \$1,855.

Selectperson Willey asked if the town still had a contract with Granite Gardens. Polky said there is an agreement with them, and it will be reviewed after July 1, 2017.

Polky presented two, 3-year contracts from James Kalloch which were the contracts for the summer and winter roads. The amount was the same as the prior 3 years. The Select Board reviewed and signed the contracts.

Polky said they put out bid requests for paving and the bids are due back May 1<sup>st</sup>.

#### TOWN MANAGER'S REPORT:

- Transfer Station/Solid Waste Updates: Polky said they are negotiating a purchase price for a forklift and trailer. He talked with S.W Matthews and they have a forklift for \$19,000. He plans to talk with another company to see if they would come in at a lower price.

Polky said they originally budgeted \$5,000 for a trailer. After looking, he said there was no way the town could get one at that price. Polky said the best deal and quality-built product he has found so far, is with the company On the Road. They are asking \$6,000.

Polky said they had been approved to re-do the compactor building. Eben Polky talked with Jim O'Regan. He would re-do the compactor building for the quoted price of \$23,000. TS/SW and Polky will continue to work on this project.

Polky said Jarrett had started to clean up the sidewalks and one of the issues that needs to be addressed is the type of crack sealant used on the sidewalks. The rubber sealant did not work out well.

Polky said Kalloch's crew was doing maintenance on the roads.

#### - Committee Meetings:

Planning Board meets on Tuesday, April 25<sup>th</sup>, 7 p.m.

An onsite public hearing was held today regarding the Craig Rackliff application.

Comprehensive Plan committee meets on April 27<sup>th</sup> at 7 p.m.

Conservation Commission presentation, Life on the Edge: Shorebirds and Waders on April 27<sup>th</sup> at 7 p.m.

#### COMMITTEE REPORTS:

- Solid Waste & Recycling Committee: Selectperson Willey reported the committee met on April 19<sup>th</sup>. They will host the Shredding Event on April 29<sup>th</sup> from 10-2 p.m. at the school and on May 6<sup>th</sup>, they will host the Annual Road Side Clean-Up. Breakfast starts at 7:30 a.m. and road side cleanup starts at 8 a.m. Selectperson Willey said there are still wood chips for sale. She said the Town was trying to get the compost material re-ground and tested and once it was done, compost would be for sale. Selectperson Willey said the Solid Waste committee would be having discussions about the new commercial waste haulers in town and possible, future fees to offset recycling.

- Harbor Committee: Selectperson Elwell said the public hearing and meeting went well. Rick Rockwell spoke up at the meeting, and said he would pay for the permitting fees in exchange for a piece of land beside his house. Not sure when the committee will meet again.

- Planning Board: Chair Bates said the Board met on April 11 and reviewed an application to construct a 44' x 80' storage building located at 71 Seal Harbor Road. An onsite visit was scheduled for 5:00 p.m., April 24<sup>th</sup>.

#### OLD BUSINESS:

- Select Board Policy Manual/Financial Policies – Items 28-33, pages 48-54:  
Selectperson Hall said the changes as summarized in the minutes were accurate. He will send out a revised version of the red-lined manual as soon as he gets it completed.

- Update from Ad Hoc Solar Committee: Selectperson Hall said they received proposals back from two companies, but the town is seeking a third bid before moving forward.

Selectperson Hall said the figures showed the town could save money for the next 6 years by buying electricity cheaper, have a buy-out in year 7 by putting money up, and have all the money back in the following 6 years. The town would recover all the money spent by year 12. Selectperson Hall said that was a 16% return and looked as though it would be a good investment. It is called a Power Purchase Agreement and the town agrees to buy the power from the provider at a reduced rate. Under this plan, at the end of the six-year period, the rate would be less than the rate the town pay's today.

Selectperson Hall said the numbers only make sense if the town can stop a spike in electricity that periodically occurs in the town office building. They believe it is related to a heater on the elevator. Under the plan, the town cannot go over a 20 kW draw; the heater consumes 14.3 kW. If the dishwasher goes on the same time as the heater, it would bump the town over the 20 kW draw. Selectperson Hall had a chart which showed the random spikes in use when the heater went on. They will investigate how the hydraulic fluid is heated, so they do not have such a huge draw.

He said the significant difference from 15 months ago, was: The PUC made a decision on net-metering; and, over time, the costs of equipment and installation came down. Selectperson Sawyer said things have changed over the months, and Selectperson Hall said there had been a of whether net metering was going to last. He said net metering would be gradually phased out over the next ten years, but whatever was approved in the agreement year, would be grandfathered for 15 years. Selectperson Willey asked, "When all the details are worked out, would this be locked in at a price or would it fluctuate?" Selectperson Hall said it would be locked in. He estimated that the town would save approximately \$10,000 in electricity costs over the next six years, with the assumption CMP rates increase at 2.5% a year.

- Update on Aqua Ventus Project: Chair Bates said the committee was still gathering information. He and Selectperson Hall planned to meet with Andrea Cox, head of Bristol's Wind Power Advisory Committee. One issue they would like clarified is why Aqua Ventus decided to shift their sites from Bristol to here.

They also plan to meet with Attorney Jennifer Villeneuve. Chair Bates thought there would be no charge for the consultation meeting on Tuesday, but she charges \$200/hr. Selectperson Hall said there would be an advantage in hiring (if needed) Attorney Villeneuve. She had worked with the town of Bristol on the Aqua Ventus project, and she would be familiar with the issues. Attorney Villeneuve told Selectperson Hall that Bristol learned they could not pass an ordinance to stop the project from happening, but they could create an ordinance which would provide some protection for the town. Selectperson Hall said it appears the town of St.

George will need legal assistance with this matter and cannot use our town attorney because his firm represents Aqua Ventus.

Selectperson Hall said in reading the Bristol Advisory Board minutes, it appeared Aqua Ventus started reviewing the cost of going to Bristol versus the cost of going to other areas and concluded they should consider other alternatives.

Selectperson Sawyer asked what the time line was for the windmill project bill submitted by Senator Dow. Polky said Aqua Ventus already had the lease for approximately 2 sq. miles of bottom, south of Monhegan, which was issued to them in 2009. He said the cable channel was already marked and comes into the mainland. Chair Bates and Polky were not sure if the bill would pass. Selectperson Sawyer thought the legislative bill was to specifically stop this project. Polky, Hall, Willey and Bates said they thought that was what Senator Dow was trying to do. Curtis said it may be too late in the process to stop it.

Chair Bates said he would like to get more information about a Community Benefits Agreement and will discuss this with the attorney.

#### NEW BUSINESS:

- Barn Reconstruction at Marshall Point Lighthouse: Nat Lyon, Museum Curator, gave a presentation on behalf of the Marshall Point Lighthouse committee. The plan is to reconstruct a storage barn.

The original barn was on the property for 73 years but was removed by the Coast Guard in 1971 when it was converted to a LORAN station. Marshall Point Light Station is listed on the National Register; therefore, the committee had to go through the Maine Historic Preservation Commission. The letter from the MHPC was included in the design packet from Lyon. He said an issue arose about the aluminum building which holds the ozone monitoring equipment for Maine DEP. The DEP approached the lighthouse committee and asked if they would be willing to put their equipment in the new barn. Lyon said the committee agreed to allow this. He discussed it with the MHPC, who agreed, up to a point, but needed to know what the DEP would put up to measure the ozone. The DEP said they could design anything the committee wanted, but Lyon said it would need approval from the MHPC.

Chair Bates read from the Historic Preservation Covenant which said nothing must happen without the express prior written permission of the SHPO (State Historic Preservation Office) signed by a fully authorized representative, thereof. Chair Bates said until the committee had the signed agreement with DEP, the Select Board could not go forward on the request. Lyon said he had discussed this with MHPC and was given a verbal okay. Lyon plans to have a joint meeting with MHPC and the DEP. Polky said the project could go forward without the DEP. He said the Select Board could give permission for the barn and not the ozone monitoring station. Chair Bates said going forward, it would be without the DEP information; but when the information was returned, the committee would need to get a written permission. Lyon said MHPC would not allow anything until the final design was in.

The new MHPC Director asked Lyon if he knew how the aluminum building got put on the property, because it is a national landmark. Lyon said there was an agreement between the Coast Guard and the DEP and he should talk with DEP. Lyon felt this would be a positive move and a win-win situation for the lighthouse and as long as the design was approved by the MHPC.

Lyon said when they were trying to find the footprint for the barn, they found where the tower had been. They plan to clear out more brush. The boy scouts had already cleared a trail in

that area. The Lighthouse association will place some type of monument and a picture of the tower in that area. The idea is to tie together the barn and tower area with the rest of the property.

Chair Bates felt it was a great project but had a concern. He checked the town records and found there has been no signed contractual agreement between the town, as the landlord, and the historical society as the tenant. Chair Bates said he was concerned the committee raises funds to enhance the town property, but there is nothing contractually which addresses it. Chair Bates had talked with John Falla. Falla said in 2007, there was an effort to get an agreement between the Historical Society and the Marshall Point Lighthouse subcommittee. An agreement had never been signed. Chair Bates felt a signed agreement should be a conditional part of this project. He said the Select Board, the Lighthouse subcommittee, the Historical Society, and the town should come to an agreement. In the future, there could be questions as to who owns the building. Lyon said the town owns the building, they insure the building, the lighthouse subcommittee insures the contents. Chair Bates said it is not written down anywhere.

Chair Bates found a letter written in 1997 from Frank Goodwin which acknowledged there was nothing in writing. There was a lease agreement written, but it did not get signed. Chair Bates said the lease looked like a good starting point and recommended the agreement get settled before the Select Board approves the plan. Selectperson Hall said the lease was between the town of St. George and the St. George Historical Society. Lyon thought when they added the summer kitchen addition, it had to go on the warrant and be approved by the town. Polky said he was not sure but would do some research. Polky said the town has to give the subcommittee approval to construct the project. Polky felt there should be an agreement done. Lyon asked if the Select Board would write the lease agreement since it is town property? Chair Bates asked if Polky and Curtis would look at the agreement and contact Jim Skoglund, president of the Historical Society to discuss. Tammy Willey and Diana Bolton also planned to meet to discuss the lease.

Lyon said he would be going to the Planning Board on the 25<sup>th</sup> to discuss the application and would let them know the lighthouse committee does not have a formal or conditional agreement but are working on it. Lyon asked if he would need to come back before the Select Board. Polky said once they reached an agreement on the terms of the lease, they would need to come back to review it with the Select Board.

- Discussion of Drone Use at Marshall Point Lighthouse: Lyon distributed a copy of the MPLH rules and regulations to the Select Board. Lyon said a subcommittee had been formed to educate the public on the rules at the lighthouse; i.e., dogs not on a leash, dog waste, picnic table rearranging and take-overs, carry-in/carry-out trash, no overnight parking, no fires, weddings without prior approval, and commercial photo shoots, etc.

Lyon said an issue of drones arose because their full-time tenant reported that drones had flown by her while she was on the deck roof of the lighthouse. Lyon said because of the geographical layout of the lighthouse, the flag pole, and the keeper's house, a drone flying around could lead to a rather bad accident. Lyon asked if there was an accident and it was not posted, who would be liable? The lighthouse or the town? They would like to post the rules and regulations right before the entrance. Lyon also suggested the issue of drones be addressed for areas such as the ballfield, the school, the tennis courts, beaches, etc. Lyon said the MPLH committee would like to have the rules in place before they open for the season.

Chair Bates said the difficult part is if the town creates an ordinance, how would the town enforce it? He said the Lighthouse committee can create their own rules and enforce them.

Polky commented that the MMA lawyer said it would be hard to prohibit the flying of drones over public property; however, the rules could include no taking off or landing from the leased property. Bolton asked if the town would be liable if there was an accident on the property, and Selectperson Elwell said he thought the person who launched the drone would be liable. Mathiau suggested reviewing the FAA rules as they were updated in August 2016.

Polky suggested they make the regulations and get them posted. Lyon said he would get his sign ready to put up.

- Liquor License Applications:

- The Black Harpoon, LLC – On a motion by Selectperson Elwell, seconded by Selectperson Hall, it was voted 4-0, with one abstention due to a conflict of interest, to approve the liquor license application of the Black Harpoon.
- Luke's at Tenants Harbor – On a motion by Selectperson Sawyer, seconded by Selectperson Willey, it was voted 5-0 to approve the liquor license application of Luke's at Tenants Harbor.
- Miller's Lobster Company, Inc. – On a motion by Selectperson Elwell, seconded by Selectperson Willey, it was voted 5-0 to approve the liquor license application of Miller's Lobster Company, Inc. Miller's requested a waiver of their public hearing; there have been no issues with the establishment in the last five years.

- St. George Municipal School Unit Budget: The Select Board signed the school payment agreement. Curtis noted the figures had increased since Felton and Vaitones gave their presentation to the Select Board. Selectperson Hall asked what had changed in that time frame. Selectperson Willey said Felton and Vaitones just sent an explanation to the Board. Chair Bates had not had a chance to review it. Selectperson Willey said it had to do with paying more tuition to RSU 13, they had to negotiate the contracts with the teachers which were just finalized, and there was an increase in Special Education costs. Chair Bates will contact Vaitones and ask for clarification on why the difference.

- Select Board Policy Manual/Financial Policies – Items 34, 41-44, pages 57, 67-71:

Item #34 – Policy on Harassment: No change

Item #41 – Posting of Town Ways: Remove from policy manual as it should be replaced by an ordinance. Polky said the town needs its own ordinance and recommended one be created. Polky has been working with Maine Local Roads Center on this. He may have a draft ready in two weeks.

Item #42 – Street Light Policy: No change

Item #43 – Acceptance of Private Roads as Public Roads: No change

Item #44 – Winter Sand Policy: No change

Selectperson Hall recommended addressing Items 40, 52, 54 and 55 (Appendix C) at the beginning of 2018. All other items have been addressed and the Policy Manual/Financial Policies will be updated.

- Harbor Committee Memorandum: Curtis presented the Harbor Committee agreement draft for use of 10 Cold Storage Road to the Select Board for review and approval. Selectperson Elwell said the Ad Hoc and Harbor committee created the agreement. Curtis said the committee did a great deal of work on the policies. Elwell said it was a very good document, the policies

appeared quite complete and he felt the Select Board should support it. Polky and Curtis said they would let the Harbor Committee and Schmanska know if the Select Board signed the agreement. On a motion by Selectperson Elwell, seconded by Selectperson Hall, it was voted 5-0 to approve the Harbor Committee Memorandum draft.

- Harbor Committee Meeting: Chair Bates discussed what had occurred at the Harbor Committee meeting. He said Rick Rockwell announced that he would pay "for it all." Rockwell had already tried to buy a piece of land at the 10 Cold Storage Road property. Shortly after the town purchased it, he talked with Town Manager Falla. Chair Bates said the Select Board could possibly negotiate and have an agreement with Rockwell that might include no tall buildings, no bait barrels close to his adjoining property, etc. Selectperson Elwell said part of the property is still in the planning stages. Selectperson Hall recommended the Select Board not lease a portion of property to Rockwell, at this time. Selectperson Sawyer thought that the Rockwells were in favor of the town owning the property. Selectperson Sawyer said the property was bought with the understanding that the town would own it in perpetuity but nothing "can be set in stone" because there will always be changes in board members, town officials, etc.

Chair Bates said Dan Morris gave a very good and heartfelt speech at the meeting on how future generations would look back and realize the town made a wise decision to purchase that piece of property.

At 9:01 p.m., on a motion by Selectperson Sawyer, seconded by Selectperson Hall, it was voted 5-0 to adjourn the meeting.

Respectfully Submitted,

Marguerite R. Wilson  
Select Board Recording Secretary