

Excerpt

From Minutes of St George Selectboard October 23, 2017

- Preserve Our Remarkable Town (PORT): A petition was presented at the town office on Tuesday, October 24, 2017. Chair Bates read, "We, the undersigned, do hereby urge the Select Board to take all steps necessary to prevent the landing of offshore wind, electric cables onto any property owned by the town of St. George. Additionally, we urge the Select Board and the Planning Board to enact amendments to the shoreland zoning ordinance that mirror provisions enacted by the town of Bristol, Maine, governing the permit process for shoreland zone utility installations." Bates said accompanying the petition was more than 300 signatures which was a mixture of registered and non-registered voters, some duplicates, some properties, some LLCs. There were no accompanying circulator affidavits. He said the wording of the petition expanded on the request from Larry Bailey (on behalf of the PORT group) on September 26, 2017. The petition and accompanying signatures are being reviewed by the legal office of Bernstein, Shur, Sawyer & Nelson. Chair Bates said the Select Board had not yet made comments regarding the petition, and the Board thought they should wait until they heard from Bernstein, Shur on how to proceed.

Chair Bates said he thought and the Select Board agreed, the town is very concerned about this issue. Bates said, "As you know, after Scott came to see the Select Board and Evy and Steve came, a few people came on that Monday, July 24 and asked us to look at the Bristol ordinance. And, immediately, we did turn it over to the Planning Board. Since then, the Planning Board has met and we had Jenny Villeneuve, who is Bristol's attorney, come and talk to the Planning Board two weeks ago and explain what they were doing. The Planning Board is certainly addressing that issue, and I will trust that they will make some recommendations on that. Like I said, we are waiting to hear from Bernstein Shur. When Mr. Lipson came to talk with us one evening, after that the town has had no discussions with Aqua Ventus about landing a cable on town property. I wonder if the Board has any comments. I suspect that members of the public would like to make some statements." Selectperson Sawyer said he was all set.

Discussion.

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Carr, "I just want to say the petition is not meant to be the petition in terms of the legal definition under Maine law. It is an expression of the will of the people. So, Bernstein, Shur can look at it seventeen different ways. We do not mean it to follow the ordinance that governs petitions. It is just saying, 'Hey, look there is all these people that are saying protect us. We don't want this cable here. We don't want this.' I understand why you are doing it, but I want you to know that we have no false premise that that is a petition that sets the referendum process going."

Chair Bates, "It says at the top of the page petition. We want to be very clear that we adhere to the law. I take your point. Thank you, Wendy."

Rockwell, "Has there ever been a similar circumstance in anybody's experience, here where the town has rallied to put together an expression of their concerns, their hopes and their interests and presented it to this board?"

Chair Bates, "Yes, I haven't lived in town very long, but in the short time I have been here, there was the horrible incident that happened down at the Barstow's dock. There were some signatures that came forward then and subsequently there was very thorough examination by some members of the Select Board, at the time, together with the Road Commission, Tim, the Sheriff, the DOT and it led to various changes being made in the signage and speed limits and positioning of speed limit signs. There is certainly a precedent. It is good to have the people express their sentiments, and that's how it should work. We do take this very seriously."

Rockwell, "And, I personally, certainly do appreciate that. Because the petitions are petitions, indications of interest are indications of interest, people in the audience that show up will express themselves. At this point in time, has there been a consensus, an opinion by you folks as to, independent of the way to get there, what the end result might be. Is there a consensus, a dialogue, a discussion between yourselves as to what the Board would like to see the result of this, all be?"

Chair Bates, "I think it is a difficult question to answer. Not to be vague about this. As soon as it came forward on the issue of the shoreland zoning ordinance changes, as soon as that came forward, the Select Board, of course, doesn't write that sort of ordinance. That is not what we do. We immediately had, I think we probably voted on it. Immediately we realized this is something for the Planning Board and we requested the Planning Board to look at it. In terms of sentiment of the Board, I think, that expresses, we take this seriously."

Rockwell, "I understand. I am trying to Aware how you all feel..."

Chair Bates, "Your second point, sir. Your second point is the issue of landing on the town property. Now, we had intended, back in the spring, to talk to the town and actually have a vote on whether or not the town should go forward and learn more about this. That was shut down. Because of the concerns that we expressed at that particular meeting where, I recall you sitting just about where you are now. I would ask you to look at our actions to draw your conclusions. That I think speaks louder than words. Okay?"

Rockwell, "Let me see if I can summarize that?"

Chair Bates, "I am sorry, do you see? Do you understand? I tried to be succinct about it."

Rockwell, "I am just trying to summarize in my own mind."

Chair Bates, "Let's hear what Mr. Sullivan has to say."

Sullivan, "Reflecting on where are at this point in time and listening to the Aqua Ventus response to our presenting of the petition last week, where they essentially claimed that members of PORT were spreading falsehoods about the project. That they were continuing to try to have a dialogue with the residents and that are supporters of the project, and the impacts and everything that we are assuming are going to happen are way overstated. It was interesting too, it came from their counsel, their attorney for the project, no longer the community outreach or community relations. The only thing I would say at this point is, what I hope doesn't happen in St. George is that they do their divide and conquer strategy which they did on Monhegan. What I fear they are going to try and do is they are going to drive this to a vote where they are appealing to people's sensibilities around alternative energy and green energy, and they are going to try to take advantage of the fact that there are some people in the town that are much more greatly impacted by the infrastructure out of this project, than as the town as a whole. I think one of the things that we hoped is, that when you have 350 people or ..."

Chair Bates, "Let's be clear about what we have. Again, there were 350 signatures, some duplicates, some LLC's, some properties. Let's be clear there were 335, I think is what I counted, signatures; but those were not more than 300 registered voters. I interpret this as a sentiment; nonetheless, this is why we want to talk to Bernstein, Shur. I don't want to be too picky but let's be clear on this."

Sullivan, "Sure. If it is 250 or 300, obviously it really doesn't matter. The point..."

Chair Bates, "Let's be careful. We have already had this issue whether it is a petition or whether it is a sentiment. I think we need to be very careful about our choice of words going forward. All of us."

Sullivan, "Okay. You have had a petition signed by some...number in the packet..."

Chair Bates, "It is not a petition. It is a sentiment. Right? Is that a fair word?"

Carr, "The word petition has a common law dictionary definition. We never intended it to be just signed by registered voters. It is an expression of our sentiment, our will, our passion about this issue. I agree with Scott that it could be 275, it could be 298. What it means is these people feel very strongly about this issue."

Rockwell, "A lot of the other people are taxpayers."

Chair Bates, "I was aware that many of the people that are signing are taxpayers. Again, I can assure you, I look to the Board here, that we are all very concerned about the people that make their livelihood in this town through fishing, particularly and it would be insane for us to be doing things as a Select Board, and letting things happen that would be detrimental to the fishing industry which is such an important part of this community."

Rockwell, "Are you accepting as..."

Chair Bates, "Do you understand my sentiment, and I think I (unintelligible) the Board."

Rockwell, "My question is, you mentioned that you are concerned about the fishermen. Do you accept the fishermen's conclusions with regard to this project?"

Chair Bates, "I am not familiar with this, but this is something which I endeavor, intend to try and find out as much as I can about this."

Rockwell, "So, you don't know. You don't know (unintelligible)?"

Chair Bates, "Excuse me; if this comes to an issue where the Select Board is involved, then I can make an informed decision. Currently, if Aqua Ventus approaches some private landowner, such as yourself, and proposes something and you come to land a cable on your property, Mr. Rockwell, you would go to the Planning Board, and the Planning Board would make a decision. Not the Select Board."

Rockwell, "That was not my question, though. I asked an entirely different question. My question is..."

Chair Bates, "You asked me whether the Select Board is involved."

Rockwell, "No, I asked whether you accept the fishermen's contention that it would impact them."

Chair Bates, "I don't attempt to make judgments on things I don't know anything about."

Rockwell, "You do not have an opinion?"

Chair Bates, "As I said."

Rockwell, "You either do or you don't."

Chair Bates, "No. There is an excluded middle fallacy. The issue here...Sir?"

Rockwell, "I am listening."

Chair Bates, "That is a fallacy to put it like that. The issue is whether I have enough knowledge to make an opinion. To have an opinion, and I do not. This is why the fishermen are the people we should be listening to."

Rockwell, "Yes. I have a follow up question. As you don't have the knowledge and you don't have an opinion, and I don't think a law firm is going to have an opinion about fishing or whether it is going to impact upon fishing, what process would you go by in order for you to give credence to these concerns or to dismiss them or would you just let them live in some sort of psychic limbo?"

Chair Bates, "I think you are conflating a number of different issues."

Rockwell, "No, I just want to know whether you accept the (unintelligible) or not."

Chair Bates, "You posed me a question, and I am telling you that at the moment there is nothing that the Select Board has jurisdiction over. That is the issue right now. That is the situation right now. You are speculating on what might happen, and I am not going to go there."

Rockwell, "I am recounting the pleas that I have heard repeated both in this room and out of this room and by yourself with regard to the concerns about the fishermen and I am trying to take one step further and trying to understand what the reality of that opinion is. Whether you give credence to those concerns and you think they are accurate depictions of something that deserves attention and accounting for or not. If you don't know, is there a process by which there would be some fact finding or something that would create an informed opinion where you say you don't have one."

Chair Bates, "I intend to become informed on this as it becomes relevant."

Selectperson Elwell, "If you remember right, we were going to fact find and then we were berated that night and that was all it was. We wanted to get a committee together to fact find all this and then, a bunch

of people sat here and berated us very badly. We wiped our hands of it; we have turned it over to the Planning Board to enact on it."

Chair Bates, "To look at the ordinance."

Selectperson Elwell, "I think you are berating us again."

Rockwell, "I am not berating you (unintelligible)."

Selectperson Elwell, "I feel you are. I feel you are because we've done the process that we need to do by turning it over to the Planning Board."

Chair Bates, "The Planning Board to look at the ordinance."

Selectperson Elwell, "To me, if this isn't a petition, it should never have written on there, petition. To me, this is a petition. It says on it petition. We are going to take it through the process of it being a petition. If it has to go to a vote in November, it has to go vote in November; we are following rules and guidelines."

Chair Bates, "Scott, do you have some other points you want to cover?"

Sullivan, "I am a little concerned about getting sort of pressed into a corner."

Rockwell, "Really."

Coggeshall, "I would like to see if I can be helpful, because I have been involved with Aqua Ventus from the Monhegan situation from day one. If it is at all helpful, I would like to tell you that the assessors met a couple of weeks ago to vote on whether they want funding or the cable from Aqua Ventus, if it does go in the water, two and one-half miles away. The assessors wisely chose not to have a cable come ashore on Monhegan and if anybody wants to know their good reasons, I suggest you please find out because they are valid. If you understand that Monhegan is against having the cable for their good reasons, this may help the community. The other thing is, some people think the fishermen's argument will not stand up. We will see. Meanwhile, I don't want, as Scott said, I do not want this town torn apart by Aqua Ventus, the way torn Monhegan apart. It makes me sick what they did out there and they are still doing. Whatever any of us can do to help you as a Board, the Planning Board or anybody else to deal with this properly and not have a couple of people determine the future for all of the rest of us, we have to do this nicely. We really do. Thank you for all your work."

Sullivan, "Sandra said it. That's fine. From my perspective, what we are asking from the Select Board is leadership on this issue. This is a fundamental issue that could have dramatic impacts on the town for decades to come. What it feels like is we were going down one path, and then we came off that path and that path was Aqua Ventus told us this is inevitable, we have to figure out how to negotiate an agreement with them to get the most benefits that we can get. On the website there is a power point that says exactly that. So, don't be surprised that there are 300 or so people out there who don't feel the Select Board does not have our best interest at heart. And, unfortunately that's where we are. I am urging you to take a leadership position and try and work through this. How long is it going to take to get an ordinance done? It's been several months, already."

Chair Bates, "I am sorry you feel that way. And, that is right. You know the old adage, the wheels of government grind slowly but they grind very finely. This will happen, and this is why we had Jenny Villeneuve come and talk with the Planning Board. There is a democratic process for doing this thing. We are going to adhere to that. We are not going to get railroaded either by Aqua Ventus or by a segment

of the community, with all due respect, we are not going to do things in an illegal or unlawful fashion. We are going to do things democratically. You've got to trust the Select Board that we do have the interests of the town, and although I haven't lived here very long, I believe I moved here because I believe in the values of this town and I really want to do my best during my time on this Board to support that. I think that is the sentiment of all of us."

Carr, "Richard, back in July when you were discussing putting some sort of referendum about creating a committee. My understanding is the committee would have just discussed extracting benefits from the Aqua Ventus. It wasn't a cost benefits committee, and you can explain. My feeling is and when we talked about it, it was how to get benefits from the project."

Chair Bates, "That would be commensurate to the issues involved. That is the important rider. For example, if we were to discover that the cable route was going to decimate the fishing industry... In the course of researching we discovered that, and then I think the answer would be clear. As Randy had just pointed out, we abandoned that whole process and we subsequently met with Aqua Ventus and said the deal is off. We are not landing on town property, end of discussion."

Carr, "Within that committee and I know it (unintelligible).

Chair Bates, "It never happened."

Carr, "But we would have looked at underlying scientific issues. The committee as a whole would have looked at that?"

Chair Bates, "We would have done our best and I know that you are a source of some expertise on this. To me, that is the past. I can't image exactly how it would have all worked out, but we didn't go that route and that got abandoned."

Carr, "I understand. I just want to connect it up with something that Mr. Rockwell is saying that for a committee like that to be effective, if one occurs in the future or some other type of committee to deal with this issue, we might need expertise. Something outside of your expertise, outside of my expertise and somebody who really can talk to us about the underlying scientific issues."

Coggeshall, "I have been hearing that this has gone to the Planning Board and my question is, will there be an ordinance on this November's ballot?"

Chair Bates, "The answer is no. We have missed that opportunity to do that."

Coggeshall, "Aqua Ventus requires answers to an environmental impact study. They are going to be studying birds through Audubon and they also need to study social impact. That is where the will of the people of a town whether they are registered voters or whether they are summer visitors who own property here, that matters. I would encourage you not to reject the petition because it will matter when you talk to Aqua Ventus. It will matter."

Carr, "I would just note that review is ongoing right now and I would like to ask one follow up question. On the Aqua Ventus website under the NEPA process, it says they are doing a Section 106 Historical Review and it says we have reached out to municipal officials, but it does not say whether it is Monhegan or St. George. Have they reached out to the town to do a Historical Review?"

Chair Bates, "I am not aware of that."

Rockwell, "You said the deal is off. I didn't know there was a deal."

Chair Bates, "That was a poor choice of words and you are right. You are right to call me on that. The discussions had come to an end. There was no deal. I know how things get. There was no deal, absolutely. There were some ideas that we kicked around but no deal. Had there been any issue like that, it would have to go to the voters."

Rockwell, "What were the discussions? Because there was really a lot of discussion about the discussions."

Chair Bates, "Mr. Rockwell, you can read about this in the town board minutes. I feel like this is history and if you want to read about it, go to the minutes. Okay?"

Rockwell, "What's the last conversation?"

Chair Bates, "I believe that we have discussed this in full."

Rockwell, "I don't (unintelligible)."

Chair Bates, "Mr. Rockwell, I believe we have discussed your points in full. If you want to know what happened in the history, go back to the minutes."

Rockwell, "There is no minutes for my question. And talk about being berated, it feels pretty darn uncomfortable on this side, right here."

Chair Bates, "I am sorry you feel that way."

Rockwell, "All I am doing is trying to clarify and understanding and get information out into the public; what you guys are tasked to do. We are asking questions and to be shut down is belittling."

Chair Bates, "Fine. Thank you, Mr. Rockwell."

Rockwell, "So, my question is..."

Chair Bates, "No. Excuse me."

Rockwell, "So my question is, my question is..."

Chair Bates, "We have had quite enough of your round and round questions."

Rockwell, "I have a simple question."

Chair Bates, "Sir. That is enough. Please."

Rockwell, "This is outrageous. You people are just absolutely out of bounds."

Chair Bates, "If you wish to..."

Rockwell, "I want to know what the last conversation and who it was with. That's all. Can you tell me that?"

Chair Bates, "Yes, of course. It was Jake Ward."

Rockwell, "Jake Ward represents?"

Chairperson Bates, "Scott can tell you, and it was immediately after we met at that meeting when Mr. Lipson and you talked to us."

Ludman, "Is there a date when the Planning Board is going to ask to provide the results of their study?"

Chair Bates, "There is not a date. They will come forward with a proposal on the ordinance changes if they think that is necessary when they have heard all the evidence and they have reviewed. They have been looking at this since late July and they met with a number of people and I am confident they will come to a conclusion in due course. I would like to wrap up this session. Does the Board have anything more to say?" There was no further discussion.

- Minutes: The minutes of October 16, 2017 were amended as follows:

- Page 3, under Communications, third bullet, line 1, correct name is Gerry Audibert
- Page 5, first line on page, change to read ...100% net metering **credit** for the...
- Page 5, first bullet, line 2, change to read ... net metering **credit** the town...
- Page 5, last paragraph, line 1, change to read ... a way to **avoid** the cost.
- Page 5, last paragraph, line 2, change to read ... produce DC; the **in**verters convert that...
- Page 6, under Marijuana, line 4, change to read ...significant change **in the original bill** was if you did not want the **proposed capabilities**, a town had to prohibit it.
- Page 6, under Marijuana, line 7, change to read...or it could **not be signed by** the governor;

On a motion by Selectperson Elwell, seconded by Sawyer, it was voted 3-1(abstention) to approve the minutes of October 16, 2017, as amended.

- Communications:

The Town received the following thank you notes and letters -

- Thank you note from Mid-Coast Maine Community Action for the \$1,000 donation
- Thank you note from Trekkers for the town's support of their organization
- Thank you note from New Hope for Women for the donation of \$995
- A letter of support from Rosemary Stanek of the Maine Aqua Ventus project. Ms. Stanek, a year-round resident of St. George, said she was opposed to any ordinance created for the sole purpose of blocking the project, as she favors energy use.
- A letter from Andrew O'Brien of The Free Press making an inquiry as to what the town was going to do with the "petition." Chairperson Bates explained to him that the petition would be acknowledged, the Board would be seeking legal advice and the Board would be discussing this issue in subsequent meetings.
- Steve Walker, the Land Stewart for Maine Coast Heritage Trust, wanted to issue a press release regarding Clark Island and asked if there would be a quote from a St. George Town official. Chairperson Bates said he could not speak on behalf of the Board, and what he said was entirely his own opinion. He told Walker the area would be a wonderful recreational asset for the town's people. "I hope the voters will help support his acquisition as they have done for other Maine Coast Heritage projects like High Island."

- Warrant: The warrant for the week of October 23, 2017 was reviewed and signed. The total expenses were \$37,056 and included one week's payroll, with no items considered to be out of the ordinary.

TOWN MANAGER'S REPORT: