

Submitted By:
JMY

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING
September 10, 2003

Approved By:

Meeting called to order at 7:05 p.m. with Selectman Douglass, Wells and Rice present. Minutes were taken by Juanita Wilson-Hennessey and transcribed by Mike Young.

1. Review and Sign:

- Accounts payable, payroll warrants and minutes

All items reviewed and signed.

2. Meetings and Hearings:

- Meet with Scott Michaels concerning a grant to conduct a feasibility study for a public water and septic system for West Point

Meeting was held with Mr. Michael's nephew who is acting as his agent. Selectmen reviewed a briefing package submitted by Mr. Michaels that described his intentions to apply for a grant to have a public water supply and septic system for those properties in West Point south of Holland Drive. It was decided that the concept of having a shared water source and septic system, at no cost to the town, is in keeping with the Comprehensive Plan. It will be Mr. Michael's responsibility to write the grant and present it to the Selectmen for their review. If accepted, they will sign it and forward it to the grant source. The Town would also serve as a "pass through" for possible funding.

- Meet with the Code Enforcement Officer for an update on junkyards

Meeting held with Lee Rainey. The CEO and State Trooper Tupper did a survey of all properties, abutting public roads, which the Town had received citizen complaints on. They started at the north end of town and swept south. They were able to speak directly to the owners of 7 out of the 10 properties visited. Trooper Tupper will obtain mailing addresses from the CEO for those properties in violation and will send the property owners a notice allowing them until October 1st, to clean up. If a property owner fails to take action during this period the case will be referred to the District Attorney for prosecution. The recent change in law allows a maximum fine of \$1,000.00 per day with a minimum fine of \$250.00 per day for an unlicensed junkyard. 7 rolls of film were shot for documentation.

- Meet with Chief Skroski concerning his upcoming department meeting on 9/24

(1) The Chief will meet with the Shellfish Warden, Constable, ACO, Parking Officer and the Harbormaster at 5:00 p.m. on the 24th. Selectmen would also like to invite the Public Safety Advisory Committee to attend.

(2) The Chief also reported that a 1992 19' Foot Seaprow boat had been confiscated through a drug seizure in Phippsburg. The boat is being stored at the Bath Armory and there is a possibility that the Town could obtain it after trial. The only current cost to the town will be winterizing the engine.

(3) The Chief briefed the Selectmen concerning the relocation of a registered sex offender (adult victim – not child) in November. He will be researching the public notification requirements.

- Meet with the Assessing Agent for updates
 - (1) **Juanita Wilson will meet with the Selectmen on Sep 17th at 6:00 for an Assessing Workshop.**
 - (2) **An abatement for Kathleen Navarrette was signed by the Selectmen.**

3. Discuss the following issues

- Selectmen's Meeting schedule for September and October
Selectman Wells and the T/A will not be available for the Sep 24th and Oct 15th meetings. Selectmen Douglass and Rice will still meet.
- Letter to the Governor and legislative leaders concerning "Tax Reform"
Reviewed and signed.
- Letter to the State Police concerning patrolling Route #1 & #127 and call share agreement with Sagadahoc County.
Reviewed and signed.
- Petition for acquiring Cranberry Point Landing
- **Charles Stevens submitted a petition signed by a group of Phippsburg citizens (exact number of signatures had not been counted yet) requesting that The Board of Selectmen consider taking Cranberry Point Landing by eminent domain. Josh Bate, who was in attendance, currently owns this property. Other interested members of the public were also present. Mr. Bate requested permission to tape the session, which was granted by the Selectmen.**

Discussions concerning the loss of commercial access to the water prompted Mr. Stevens to circulate the petition. The Landing was improved in the past using Town's funds and now the access is limited.

Chairman Douglass stated that the petition format does not appear to automatically require presentation to voters. It appears to be advisory in format, rather than a valid petition ready to be placed as a warrant article.

There is only one prior known case of a Phippsburg property "taking" through eminent domain. It was the consensus of the Selectmen to seek input from various town committees and also to forward the petition to the Town Attorney for review.

Angie Zimmerman, a Cranberry Point resident, commented that many people look for launch access with parking. Sometimes she recommends that they contact Mr. Bate for permission to use Cranberry Point Landing. To her knowledge, Mr. Bate has not refused anyone who has asked permission.

Mr. Bate presented a letter concerning his view of the possibility of eminent domain (attached) as well as 5 letters from citizens who currently use the Landing (asked permission from him, which was granted) or support Mr. Bates retention of his property. He then spoke of the history of the Landing from his perspective. He has not charged any fees for use of the Landing over the last three years. The Landing was closed in 2000 after his boat was cut free. The posting resulted in vandalism and his boat was again cut free in 2001. He also expressed his concern that the petition contained inaccuracies.

Mr. Bate had the opinion that the petition was in retaliation to past criticism of Town employees and the way the Town conducts some of it's business. Mr. Stevens rebutted the charge of retaliation and stated that his motivation was driven by access need.

Selectman Wells reiterated sending the petitions and Mr. Bate's letter to the Town Attorney for review; Selectman Douglass felt that the committees should meet prior to involving Attorney Hornbeck.

Selectman Rice made a recommendation, which was seconded by Selectman Douglass, to request that the following committees meet and provide input on this subject: Recreation, Shellfish, Town Landing and Town Lands Management. The Selectmen voted unanimously to accept the recommendation. Mr. Bate requested to be notified when these meetings would be taking place.

- MMA Elections of Officers and Voting delegates form

Selectman Rice will be the Town's delegate with the T/A being an alternate.

- Center Pond Causeway bid
- The DEP permit was being held up awaiting input from a biologist from Inland Fisheries, who had been on vacation. Approval is now imminent and once the permit is granted the project will go out to bid. Selectman Wells will also be meeting with George LaPointe, DMR, on Friday.
- Engineering study for Stoneybrook Road

Selectman Rice had attended the MMTCA conference at Sebasco Resort. In a conversation with Peter Coughlin from the DOT Local Maine Roads Center Selectman Rice mentioned the proposed construction on Stoneybrook Road. Mr. Coughlin had indicated that the Town could be open to liability unless formal engineering is done because of the clause in State statute that requires a Professional Engineer design any road project that costs over \$100,000. Selectman Rice had a concern that cost overruns could result in meeting this threshold.

The Road Commissioner, Curtis Doughty, questioned whether the engineer who signs off on the design truly stands behind it – his understanding is no.

The consensus is that the cost will probably stay under \$100,000. It was suggested to have Peter Coughlin, from DOT Local Roads attend a Selectmen's meeting to discuss this.

The legal question is whether the cap is per segment or the road in aggregate. The desire is to protect the Road Commissioner, Board of Selectmen and Town from liability.

The T/A will add this agenda item to the upcoming "posted roads workshop" with Peter Coughlin.

4. Review the following items
 - Shellfish Warden Report
 - Police Report
 - County Commissioner's Agenda

All items reviewed. No further action taken.

5. Discuss attendance at the following meetings, courses, and seminars
 - Tax Reform Initiative Regional Informational Meeting

No one will attend.

- CDBG Application Workshops

No one will attend. Selectmen Douglass, Rice and the T/A have already attended a brief overview. The possibility of purchasing of grant funding software was discussed. No further action taken.

- Storm water Management

No one will attend.

- Joint Jail Public Meeting

Selectman Douglass may attend. Meeting notices have been sent to John Skroski, Jim Totman, Bob Hutchinson, and Charlie Stevens

- MMA Annual Meeting

Informational only, no action taken.

6. Miscellaneous

- **Mary and Breeze Skillin were present to discuss the stone wall on Maple Street (town way) that is being pushed back into a field. The Road Commissioner agreed to pull it back in the fall. Mr. Skillin mentioned that the road might only be 1.5 rods wide (he had visited the registry.) The Road Commissioner believes it is a 50 foot right of way and will check with the T/A.**
- **The Harbormaster, Doug Alexander, informed the Selectmen that they might receive a letter of complaint from property owners surrounding “The Basin” concerning boats that are dumping sewage in the water. This may prompt a letter from the Town to the State requesting additional patrols of the area.**
- **Les Smith, Chairman of the Road Committee, briefed the Selectmen on the DOT Route #1 Gateway program. A July 25th letter from DOT had outlined the program, with informational packets going to each municipality. The Towns of Brunswick, West Bath, Bath and Woolwich, who all abut Route #1, will each elect one representative to the Regional Group that will be involved with this program. The Group will be a quasi-government entity. DOT has received 13 RFP’s for consulting and the final choice will be made by October 1st. The Regional Group and consultant will be communicating to the public through a Web Site and Press releases. This will be a 18-month planning process.**
- **The Road Commissioner addressed the site line on the north corner of Parker Head Road and Route 209. MDOT is required to clear their right of way. Selectman Rice will work with the T/A on this issue.**
- **It was noted that the Town hall recycling containers are being blocked by parking during some well attended committee meetings.**

Adjourned at 9:07 p.m.