

Submitted By:  
JMY

TOWN OF PHIPPSBURG  
SELECTMEN'S MEETING  
October 29, 2003

Approved By:

*Meeting called to order at 7:00 p.m. with Selectman Douglass, Wells and Rice present.*

1. Review and Sign:

- Accounts payable, payroll warrants and minutes

**All items reviewed and signed.**

2. Meetings and Hearings:

- Meet with Chairs of the Recreation Commission, Town Landing Committee, Town Lands Management Committee and Shellfish Committee to discuss the necessity of a Town Landing on the Kennebec River

**Meeting held with the Committee Chairs, Josh Bate and other concerned citizens. Selectman Douglass reviewed the letter, which was sent to each Committee asking them to comment on whether the Town “needs” another landing on the Kennebec River and whether the property currently, owned by Josh Bate (Cranberry Point Landing) would be the “best” location. The following Committee answers were given:**

**Town Lands Management (Doug Alexander, Chair) – In their opinion the Town needs another landing on the Kennebec River, especially for emergencies.**

**Cranberry Point is a good place, but may not be the best. It is felt that it is not an urgent thing at this point. The Committee recommended looking at having a landing at the piece of State owned property at the Center. The Committee had taken a straw poll vote and was against an eminent domain taking. Selectman Douglass asked Doug Alexander if the Town Lands Management Committee has looked into managing Cranberry Point. Mr. Alexander replied that road maintenance was discussed, but that was all.**

**Town Landings (Arthur Pierce, Chair) – In their opinion the Town needs another landing on the Kennebec River, preferably one that can be used at other than high water. Dromore Landing is a problem because it is tidal. The Committee questioned what the word “best” means and cannot determine whether Cranberry Point is the ‘best’ place until more studies are done. They felt that the tide range was good at Cranberry Point. They did not want to discuss eminent domain. Selectman Douglass asked if the Committee preferred a Town controlled landing to which Mr. Pierce responded, “Yes, but how you get there is a different story.” Selectman Douglass asked Mr. Pierce if there was another option along the River that would be equal to and as viable as Cranberry Point. Mr. Pierce replied that his Committee has not researched that and that the Town has not been actively looking for a piece to purchase, although it would be a good idea. He said that the Town Landing Committee would be willing to work with people on it.**

**Committee member Mickey Varian said that, in his personal opinion, we were getting ahead of ourselves. If Josh Bate were looking to sell we would make the right move to look into it. However, since he does not want to sell we are getting ahead of ourselves. There are other areas we may be able to use. He stated that eminent domain is ludicrous.**

**Peter Roberts, Committee member, mentioned that the state-owned land at the**

Center should be looked into.

Arthur Pierce gave the background on the Acre Lot access (ROW) acquisition in which the Town voted to acquire it by eminent domain (it was eventually acquired through other means.)

Josh Bate had a concern because Selectman Douglass had signed the petition. Selectman Douglass replied that signing a petition was similar to signing nomination papers. It is not a vote – it merely brings the issue forward for discussion.

Shellfish Conservation Commission (Dick Lemont, Chair) – Mr. Lemont stated that we need another landing on the Kennebec. He had reservations if Cranberry Point was the “best” location, but it was a good location. Since he did not have a quorum at the last two meetings he could not have a Committee vote, however he got a consensus of the Committee members present as well as the diggers that attended the meeting. They recommended the State property at the Center as a possibility. Unless Josh Bate is willing to sell or donate Cranberry Point we should look at the Center. We need to weigh costs of eminent domain vs. buying the property from the State. Although Cranberry Point has good water and a ramp – other avenues should be researched before considering Cranberry Point.

Dick Lemont also mentioned that access to the State owned property at the Center had been researched with Richard Skinner (Dept of Conservation) in the past. At that time Mr. Skinner didn’t feel that the town needed another landing at the Center because of the State Landing at Fiddlers Reach. They recommended looking at the Center parcel again.

Recreation Commission (Joanne Wells, Chair) – It was their opinion that the Town needed a landing on the Kennebec River. Cranberry Point would be a good location because it is already established. They are not familiar with other pieces along the Kennebec. They had questions such as Year Round Use? Parking? Cost? Would an Article have to be brought forth for Town Meeting vote? (to which Selectman Douglass replied, “Yes”.)

Bunny Giesler stated that she felt there was a need for another landing, but it was up to the Selectmen where. She had concerns about a road and parking.

Selectman Douglass opened up the floor to comments from the Public.

Marie Varian stated that a piece of paper was thrown at the Selectmen concerning one piece of land and they in turn passed it down to the Committees. There were only two questions asked – Do we need another access on Kennebec River and is Cranberry Point the best? The results of the Comp Plan Survey for Fishing access showed that people felt that the current access is adequate. We have zeroed in on Cranberry Point because of a petition. If the petition said to buy a piece of property that would be one thing, but she is dead set against taking a piece through eminent domain.

Russ Smith stated that another landing on Kennebec River would be desirable, but we are not in a crisis concerning one. The Coastal (sp) Coalition is in support of any type of access but cannot make recommendations concerning this issue.

Angie Zimmerman stated that she has lived on Cranberry Point Road for 7 years. To her knowledge, anyone who has asked to use Cranberry Point to launch or retrieve boats has been allowed. This has never been an issue. Cranberry Point Road had more traffic when access was unrestricted. The Town put up speed limit signs due to the amount of traffic and speed of vehicles. She knows that some clam diggers have permission to use Cranberry Point Landing. She stated that it is better for those who reside on the road now than when access was unrestricted.

**This is not what eminent domain is for. What happens when Cranberry Point is taken – who is next 10 years from now when the Town needs more. Cranberry Point is a decent launch but not the best. You can launch 30 footers or larger but it has a swift 7-foot tide. It is not the best site, but if it was donated that would be OK. At this cost – No, due to the affect on the community and neighbors.**

**Anna Little stated that with the jail and aging school – this is not the time to play with eminent domain due to cost. We need to look at less costly ways.**

**There was a great deal of discussion concerning the state-owned property at the Center on Parker Head Road. There was considerable interest in exploring the possibility of creating a Town Landing there.**

**Anna Little asked if the Town could work with the Land Trust to obtain additional parking at the Cooley preserve?**

**Dick Lemont said that we should work something out with the State.**

**Mickey Varian suggested that we work something out with Josh Bate while the Town investigates getting the Center property from the State.**

**Selectman Douglass stated that we need to deal with the petition first. Do we put an article before the town or not? We are getting advice from the Committees on these issues. Do we need a Landing on the Kennebec? Is Cranberry Point the best?**

**Selectman Rice said that although we were criticized on the wording of the letter that went to the Committees, it was evident that all four Committees had answered, “Yes” to question #1 concerning the need for a landing. Although Cranberry Point was the focus, the term “best” location was vague. It was phrased that way to open discussions. What he has heard prior to tonight and tonight is that we should look at the State owned property at the Center.**

**Arthur Pierce stated that the only thing wrong with the property at the Center is that everyone in the State will be able to use it – it won’t just be for Phippsburg people.**

**Josh Bate said that the town used to have an agreement with him. In return for public use of his landing the town would maintain the road to it.**

**Anna Little stated that the question of eminent domain should have been asked in the letter.**

**Selectman Douglass stated that they had considered it, but wanted to stay out of that area as a question.**

**Selectman Rice stated that the letter did outline the eminent domain procedures.**

**Selectman Douglass said that he had wanted to hear from the Committees what the value of a landing on the Kennebec River would be.**

**Anna Little stated that eminent domain changes the value.**

**The Selectmen were asked if Mr. Bate had been approached to sell his property. Selectman Douglass stated that Mr. Bate had made it clear that he was not willing to sell his property. Arthur Pierce stated that he had asked Mr. Bate at a meeting and Mr. Bate stated that he would not consider it at that time.**

**Josh Bate referred to an article from the Fishermen’s Forum that discussed a Town Meeting in a down east community where they had a warrant article for an eminent domain taking, which resulted in a “civil war.”**

**Oliver Dominick said that he has been able to use the Cranberry Point Landing anytime he has wanted. It is a transparent point of access. The restrictions are due to abuse. If the Comp plan Survey did not indicate that we need another landing this seems premature. We need to take into consideration population size and**

necessary parking. If a landing is needed on the Kennebec River the Town should work something out with Josh Bate.

Selectman Rice asked if we currently have a launch on the Kennebec River that is under our control.

Dick Lemont answered “No.” We only have Dromore access and the Kindrid/Palmer property – both which are only useable starting at mid tide. The Parker Head Landing can only be used to launch small boats at high tide and you need a 4x4. Green Pole landing is water access only. The remaining landing belongs to Josh Bate. We also have the wharf at Popham.

Arthur Pierce stated that the reason we have the Dromore Landing was because Mr. Bate had restricted access to Cranberry Point.

Selectman Rice is convinced that, notwithstanding the Comp Plan, there is a clear consensus about having additional landings on the Cranberry Point side. He is also convinced that we need to study it more, perhaps with a combination Committee consisting of representatives from the Committees in attendance tonight. The Center property is a possibility, but we should look at other locations. It is better not to vote to take land by eminent domain.

Selectman Wells reminded the Selectmen of the June 2, 1994 Town Meeting when a motion was made, seconded and passed to adjourn the meeting before it even got going. This motion was made because the Selectmen did not honor a citizen’s petition and request from the School Board to re-visit sending the 7th and 8th graders to Bath. He also stated that we need a landing on the Kennebec and the Center property owned by the State has historical significance and he is not sure what could be done with it. There are not a lot of places that would make a suitable landing. He felt that the Town Lands Management Committee should pursue landings for access.

Selectman Douglass stated that the Selectmen would either have to vote to reword the petition for a warrant article or take no action and the petitioners would have to resubmit a legally worded petition ready to go on the warrant with the proper number of signatures.

Selectman Douglass stated that we have a representative form of government and elected officials are expected to make decisions in the best interest of the community. The petition was brought to us by a concerned number of people. It was sent to the Committees for advice and their expertise. Yes, we could use another landing, but he’s not sure if the Cranberry Point issue went away that we would have to form another Committee. We should be diligent in looking around the coastline as opportunities arise. His opinion is that, having heard what the Committees have said, we should take no action on the petition. The petitioners can carry on if they want to.

Selectman Rice said that this is a divisive and politically hot issue locally. I will not vote to take this property by eminent domain. We should take proactive measure to look at access to the Kennebec River.

Peter Roberts stated that in his opinion, he would be very reluctant not to take action on this petition. If it were his decision he would do what needs to be done to bring it before Town Meeting.

Selectman Wells agreed with Mr. Roberts about having a Town Meeting article. It is a no win situation whether we put it on the warrant or not. Selectman Wells made a motion to put the petitioned warrant article on the floor of town meeting” to purchase or acquire the Cranberry Point Landing.” The motion was not seconded by the other Selectmen and failed. No other motions were made. No

**further action taken on this item.**

**Marie Varian asked if this item would come up again later in the meeting. The Selectmen stated that they would not bring the issue up again tonight, it would be unfair to discuss it without notifying Mr. Bate.**

3. Discuss the following issues

- Release of Beetles at Totman Cove (discuss with Doug Alexander)

**The T/A will contact Bill Emerson (Chair, Conservation Committee) to see what type of beetles was released at the Totman Preserve. Once known, Doug Alexander (Chair, Town Lands Management Committee) will contact the State Biologist to make sure that it is not detrimental to the Preserve.**

- Letter from the State Police concerning their patrols

**Reviewed a letter from the State Police concerning their patrols and coverage in the County. No action taken.**

- Letter from the State Planning Office concerning L.D.1629

**Reviewed a letter from the State Planning Office that explained their position on tax reform. No action taken.**

4. Review the following items

- Estimate for Transfer Station Compactor repairs

**Reviewed. The rails on the compactor ram are worn and need to be replaced.**

**Estimate for repairs, including Road Crew time and equipment would be less than \$3,500.00. T/A has already signed the work order to repair ASAP. The possibility of having a second compactor was discussed. No further action taken.**

- ATV Task Force Highlights

**The highlights were reviewed with representatives from the Winnegance Wheelers. No further action taken.**

- Community Policing Newsletter

**Reviewed. No action taken.**

- Selectman Rice's Letter to the editor

**Reviewed. No action taken.**

- Abutter Letter for Public Hearing (Map 42, Lot 14)

**This letter was from the Planning Board and informed the Selectman that there was an application for a minor subdivision next to Town owned property. No action taken.**

5. Discuss attendance at the following meetings, courses, and seminars

- **None**

6. Miscellaneous

- **Selectman Douglass gave a briefing on the Joint Jail presentation that was held on October 28th.**

- **At 9:02 p.m. the Selectmen voted to go into executive session to review applications for the position of Custodian and to discuss the hiring of an Assistant Transfer Station Attendant. At 9:25 p.m. the Selectmen voted to come out of executive session. They voted (3-0) to re-advertise the Custodian position. They also voted (3-0) to advertise the position of Assistant Transfer Station Attendant once the T/A has drafted a job description.**

- **The Road Commissioner, Curtis Doughty, discussed ditching alongside the section of Parker Head Road that goes through the village. Currently there is a**

**buildup of water due to poor drainage that may cause a problem during the winter. It was the consensus of the Selectmen that the Road Commissioner should do temporary ditching to get through the winter. Then in the spring the Selectmen will hold an informational meeting with the abutting property owners to discuss more extensive ditching.**

- **The Code Enforcement Officer, Lee Rainey, reported that the property owned by Danish on the Fiddlers Reach Road has turned into a junkyard again and that they have relatives living on the property in a motor home. The CEO will contact Trooper Tupper from the State Police and the Town's Attorney.**

*Adjourned at 9:45 p.m.*