

Submitted By:  
JMY

TOWN OF PHIPPSBURG  
SELECTMEN'S MEETING  
MINUTES

Approved By:

November 17, 2004

*Meeting called to order at 6:00 p.m. with Selectman Wells, Rice and Douglass present. Meeting was taped for CATV.*

1. Review and Sign:

- Accounts payable, payroll warrants and minutes
- **All items reviewed and signed.**

2. Meetings and Hearings:

- Meet with the Assessing Agent to review and sign supplemental bills and abatements.

**Meeting held with Juanita Wilson. The Selectmen reviewed and signed abatements and supplemental bills. Josh Bate asked why William Wyman's property was assessed differently than Brightwater, since both were leased land with buildings owned by individuals. Ms. Wilson explained that Brightwater was a cooperative.**

- Meet with Jack Thompson to discuss his concerns with flying the POW/MIA Flag over the Memorial Site.

**Meeting held. Currently the POW/MIA flag is flown over the Memorial Site year-round and is lit. Mr. Thompson felt that the flag should not be flown because the POW issue has been resolved. Selectmen reviewed the background and legislation pertaining to the flying of the POW/MIA Flag which states that the flag will be displayed to "achieve the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action." The Selectmen took no action on this issue. They asked Mr. Thompson to come back before them if he discovered current information which changed the legislation pertaining to the display of the POW/MIA flag.**

- Meet with the Road Commissioner concerning:

(1) A request from Dino Spugnardi (Map 037, Lot 015-01) to construct a driveway entrance to his property on Painted Point Road.

**Selectman Wells had visited the site. Mr. Spugnardi has built a second home on Painted Point Road. Currently there are a total of three driveways coming off Painted Point Road in that area (25 to 30 feet apart) and there will be a fourth if permission is granted. Although Mr. Spugnardi could combine the requested driveway with an existing one to make a single entrance he would rather not do that. The Selectmen informed the Road Commissioner that the final decision would be his based on traffic safety. The Selectmen voted (3-0) to request that DOT review Painted Point Road for a reduction in speed limit to 15 mph. If there still remains a safety issue the Road Commissioner can require that the requested driveway entrance be combined with the existing driveway to make one entrance.**

(2) A request from Karen Jorgenson (West Point Road) to construct a driveway entrance on east side of West Point Road at the bottom of the hill in vicinity of the Church.

**The current owners want to sell the property and need to know if a driveway can be constructed in this location. The Road Commissioner is awaiting input from Les Smith, Road Committee Chairman. Although there was no specific driveway location it would be in the vicinity of the bottom of a hill which is partially wetland and would have poor site lines due to a deep dip. There have been several accidents in that area. There appears to be no other area for a driveway. No further action taken.**

(3) A request from Darren and Judy Ventry that the Basin Road be plowed to its intersection with Devils Highway.

**The Basin Road is currently closed to winter maintenance from house #67 Basin Road to Sebasco Road as per the September 23, 1998 "Order of Closing." The Ventry's are building a home on the south end of Devils Highway and would like to use the Basin Road as their access to Devils Highway, which would require that the Basin Road be maintained to that intersection. The Road Commissioner had no major objections although he stated that it may be hard corner to turn on when it is icy and the warning sign would have to be moved. The Selectmen voted (3-0) to hold the required public hearing in December for amending the "Order of Closing" for Basin Road to start at Devils highway.**

(4) The disposal of 2 or 3 old culverts

**This issue was also discussed last week. The Road Commissioner explained that the culverts only had value as junk. The Selectmen voted (3-0) to have the Road Commissioner put them on the metal pile at the Transfer Station and if someone wants them they can remove them from there.**

3. Discuss the following issues:

- Christmas schedule

**The Selectmen voted (3-0) to observe the following schedule:**

**Fri, Dec 17<sup>th</sup> – Open House from 6 to 8**

**Fri, Dec 24<sup>th</sup> – Holiday (also declared by the State)**

**Wed, Dec 29<sup>th</sup> – No Meeting**

**Fri, Dec 31<sup>st</sup> – Holiday (also declared by the State)**

4. Review the following items:

- Land Trust Conservation Easement Monitoring Report for Totman Preserve  
**Reviewed. No further action taken.**

- School Union 47 Annual Budget Approval Meeting notice

**Reviewed items. No further action taken.**

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

- **None**

6. Miscellaneous

- **Darren and Judy Ventry have had three apartments in their home located on**

**Cranberry Point Road since 1982 which is not in compliance with the current or prior Land Use Ordinances. They now have a buyer for the property but the sale cannot be completed until they receive a "Letter of Non Enforcement" from the Town. This issue had also been discussed last week between the Ventrys, the Code Enforcement Officer, Planning Board and Selectmen and it was determined at that time that the Selectmen had the authorization to draft a "Letter of Non Enforcement" (at that time the Selectmen requested that the Ventrys bring them proof of continuous use of all three apartments.) The Ventrys listed tenants that had used the apartments in the past and stated that the former Code Enforcement Officer, Bill Quimby, was aware of apartments. The Selectmen discussed the issue and determined that two apartments were in compliance with the Land Use ordinance but the third was a violation. The Selectmen also had a concern with the septic system not being built for a three apartment dwelling. Mr. Ventry stated that he is making arrangements for a septic design upgrade to three units. The Code Enforcement Officer, Lee Rainey, declined to give his opinion on the request because he is an abutter. The Selectmen voted (3-0) to have the Town Attorney draft a "Letter of Non Enforcement" which would include the following restrictions:**

- (1) The septic system must be upgraded for three apartments.**
  - (2) If the dwelling is ever converted back to two apartments the third will not be allowed again.**
  - (3) The number of bedrooms in the apartments cannot be increased (two - one bedroom apartments and one- three bedroom apartment).**
- The T/A had received a phone call from "Eaton and Peabody, Attorneys At Law" requesting a mailing address for the Comprehensive Planning Committee Chairman. It was assumed by the T/A that this letter would be in regards to Mark Hawke's request that his name be removed from the committee member listing in the Comprehensive Plan. The T/A asked that a copy of the letter be faxed for review by the Selectmen at tonights meeting – but it did not arrive. The T/A asked the Selectmen if they still wanted to mail out the Comprehensive Plan Executive Summary to all taxpayers and the full Comprehensive Plan to the Committee Chairs. The Selectmen voted (3-0) to continue with the mailing.**
  - The Selectmen approved a newspaper ad notifying the Public of the Comprehensive Plan public hearings in January.**
  - The T/A informed the Selectmen that the Tax Collector/Treasurer would be on vacation November 22nd, 23rd and 24<sup>th</sup> and that he would be working at the front counter.**
  - The Selectmen asked the T/A to see if the old County Map should have additional insurance coverage.**
  - The Selectmen asked the T/A to arrange a meeting in January with County Commissioner Crispin Connery, State Representative Leila Percy, State Senator Art Mayo and Budget Committee members to discuss the County budget.**
  - The Selectman asked the T/A to again request minutes from the County Commissioners' meetings. The last ones received were November of 2003. Although their have been repeated requests current minutes have not been received.**

- **Selectman Rice thanked the Road Commissioner for installing the reflectors on Stoney Brook Road.**
- **The Code Enforcement Officer, Lee Rainey, reported that Jean Perkins would not allow Ed Skillin on her property in Parker Head to install a septic holding tank. Mr. Skillin had been awarded a bid to complete the installation using State funding. Ms. Perkins informed the CEO that she would pay for the installation herself. The CEO reported that Mr. Skillin was fine with the issue. The CEO will also be requesting insurance information from future contractors who are awarded bids.**
- **The Selectmen approved a vacation day for the T/A on November 29<sup>th</sup> (3-0).**
- **The T/A informed the Selectmen that students from the Bath Vocational School no longer did electrical work and therefore could not install a light on the back of Town Hall.**
- **The Road Commissioner, Curtis Doughty, requested to go into executive session with the Selectmen for a personnel issue concerning Josh Bate who was filming the meeting. The Selectmen voted (3-0) to go into executive session at 7:47 with Mr. Doughty and Mr. Bate. Mr. Bate gave a written request to the Selectmen that the issue be discussed in public session. The Selectmen voted (3-0) to come out of executive session at 7:48. Mr. Doughty explained that he had concerns with Mr. Bate operating the video camera because he may have a vendetta against some people and he may not be professional enough to not edit it for his own purposes. Mr. Bate explained that he gives the tapes to Bath CATV unedited and that the tapes are his personal property. The Selectmen reviewed the "Freedom of Access" laws and found that Mr. Bate was in compliance. Selectman Douglass had a concern because the Town is unable to obtain a copy for public record and offered to supply tapes for recordings so that the Town would have a copy. Mr. Bate stated that he did not want any tapes purchased by the Town and that he would continue to use his privately purchased tapes and equipment.**

*Adjourned at 8:01 p.m.*