

Submitted By:
JMY

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved By:

MINUTES

July 13, 2005

Called to order at 7:00 p.m. with Selectmen Rice, Douglass and Perkins present.

1. Review and Sign:

- Accounts payable and payroll warrants
 - Acre Lot bond application
- All items reviewed and signed.**

2. Meetings and Hearings:

- Meet with Kai Jacob and Sue Verrier concerning North Creek Farm status
Meeting was held with Kai Jacob and Sue Verrier, owners of North Creek Farms (NCF). Approximately 15 other citizens in support of NCF attended. (Situation: The owners had appeared before the Planning Board and Selectmen for an-after-the fact Business Permit to allow them to serve food and beverage on site. The Planning Board had issued a conditional permit allowing them to continue serving on site as long as they submitted a letter from a site evaluator within 21 days which confirmed that their waste water system was in compliance with the type and size of system required for a business of that type (requirement #2 on permit). The resulting letter that was given to the Code Enforcement Officer from the owners only stated that the current system worked and did not address the requirement. Due to this the Code Enforcement Officer issued an order requiring that the owners stop serving on site.)

Selectman Rice explained that the Selectmen normally do not publicly discuss matters in litigation, but Elizabeth Watson stated that the case was not in litigation yet, that the Attorneys had just got involved. Selectman Douglass stated that he would like to discuss the issues.

Ms. Verrier accused the Town of being unfair to her business and stated: (1) that her business was in compliance with the requirements placed on them from the Planning Board; (2) that she was under a lot of stress and her business was declining; (3) that Ken Cotton, Site Evaluator, would not write the proper letter because the Code Enforcement Officer, Lee Rainey, yelled at him; (4) that David Barnes, Health Officer came into her business very confrontational and threatening; and (5) that it was unfair that the Town waited until a Friday to shut them down.

Ms. Verrier questioned Selectman Douglass's participation in the NCF Business Hearing because his spouse has a hot dog stand and also Planning Board Chair Marie Varian's participation because her daughter owns a restaurant.

Ms. Verrier presented the Selectman with a letter from another Site Evaluator which still did not meet requirement #2 of the Planning Board Permit. She was asked by Selectman Douglass to give a copy to the Code Enforcement Officer, Lee Rainey. Ms. Verrier informed the selectmen that she would not deal with the CEO any more.

Selectman Rice stated that he would like to see the issue resolved successfully. Ms Verrier asked him if people can eat outside the building. Selectman Rice recommended that they not allow anyone to eat anywhere on site. He further explained that the Selectmen did not have the power to change the conditions placed on the owners at the Business Hearing and that any interpreted conflict of interest does not change the facts of the case.

Selectman Rice explained that the owners have three choices: (1) they can comply with the New Business requirement; or (2) stop serving food on the premise; or (3) continue to serve food on the premise and have their day in court. The decision was theirs to make.

Ms. Verrier stated that she has stopped serving on premise, which was substantiated by Christina Van Reenen, NCF Employee.

It was reiterated by the Selectmen that the owners only have one condition to meet and that they should comply. Selectman Rice closed the discussion and moved on to the next agenda item.

3. Discuss the following issues:

- Update on Stoneybrook Road construction

The T/A gave an update. The easement deeds are in the process of completion. It could be several weeks before the Verizon pole in the vicinity of Scott Beane's will be moved because the Beanes just recently signed the guy wire easements. The trees along the section to be rebuilt will be cut starting July 15th and construction will begin on July 18th. The road will be completely closed on July 20th for culvert replacement. Informational letters have been sent to owners of property on Map 41.

- CDBG Funding Cuts survey
Reviewed. No action taken.

4. Review the following items:

- Senior Citizens Newsletter
- Report of the Service Center-Rural Community Working Group
- Voting Ballot for 2006 Slate of MMA Executive Committee
- Midcoast Health Services Newsletter

Reviewed. The T/A will make copies of the Service Center Report for the Selectmen. No action taken on other items.

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

- **None.**

6. Miscellaneous

- **Selectmen Perkins made a motion that the cost of tapes for the CATV Committee be taken from the Selectmen's Contingency Fund retroactive to January 2005 (reimbursement to account). This will allow the Committee to retain funds to finish purchasing and installing equipment. Motion passed (3-0).**
- **The T/A reported that the recycling container at Town Hall would be emptied on Thursday and that the Cardboard Trailer from the Transfer Station would be away for several weeks having the brakes repaired and new tires installed.**

Adjourned at 7:38 p.m.