

Submitted By:
JMY

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING
MINUTES

Approved By:

July 27, 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
All items reviewed and signed.

2. Meetings and Hearings:

- Meet with Nick Nichols to discuss his concerns with the operation of the Planning Board.

Nick Nichols presented a letter, which was read, to the Board of Selectmen stating his displeasure with the way the Planning Board has been conducting their meetings, especially in reference to Bruce Poliquin's Subdivision. Mr. Nichols maintained that the Planning Board is required to allow the public to speak during their meetings. He requested that the Selectmen form a committee consisting of Planning Board members and the general public to create a "Planning Board Ordinance." The T/A stated that the State Statute concerning "Freedom of Access" does not require the convening board to allow public participation during a meeting if they choose. This has been confirmed in the past by MMA and the Town's Attorney.

Marie Varian, Planning Board Chair, responded to Mr. Nichols allegations. She stated the following: (1) Mr. Nichols was inaccurate. (2) All meetings and workshops are open to the public (she explained the difference between a Public Meeting and a Public Hearing). Public discussions have been allowed, however they are limited. (3) She had received a sketch plan of the subdivision in February and Mr. Poliquin has six months to come back with a complete package. Nowhere does it require that Mr. Poliquin do anything more until that time. However, because there was public interest and concerns the Planning Board felt that they should allow time at the beginning of each scheduled Planning Board meeting for Mr. Poliquin to present an update and correct any myths that might be spreading. This has been done for five months – however has not been advertised as a Public Hearing. She has allowed about 20 minutes per meeting for public discussion on this matter and most of his questions have been repetitive. Also, at each of these meetings Mr. Nichols has had a chance to speak and ask questions. (4) At each meeting Mr. Nichols has requested an social economic impact study and Ms. Varian has explained to him that he was being premature within the timeline and they were not at that point yet. This will be an issue which will be considered at the August meeting – however the Planning Board will not promise action at that time. (5) At the prior meeting the Board discussed their workload and Mr. Nichols left before the discussion ended. She believes that Board is on target, does its job and listens to public comments. (6) The Selectmen have already had an active interest in what the Planning Board does.

Josh Bate, Alternate Planning Board member, stated that he has dealt with the Planning Board on issues since 1997 and feels they are a respected Board and do a good job. They are transparent and their meetings have been audio taped. He reiterated that they are a phenomenal Board that the Town should be proud of.

Selectman Douglass stated that occasionally public participation is limited because some members of the audience try to control the meeting by bullying the board members. He also stated that if Mr. Nichols thinks there is a perception in the public that the Planning Board is not responsive and open he should prove that.

Selectman Rice informed Mr. Nichols that if he gets 98 signatures on a petition requesting that they create a committee to draft a "Planning Board Ordinance" for vote at Town Meeting they will consider it.

Mr. Nichols was asked several times not to interrupt while other people were speaking.

- **Meet with Norman Koehling Sr. to discuss his request that no one be allowed to remove metal from the Transfer Station.**

Meeting was held with Mr. Koehling, the Transfer Station Attendants and some members of the Public who remove metal from the metal pile. Mr. Koehling stated that people are fighting over the metal pile and someone might get hurt.

The T/A briefed the Selectmen on the policy in place which allows Phippsburg taxpayers and renters to remove metal.

There was a recommendation from the audience to allow people to only make two trips a day into the Transfer Station to remove metal.

Martha Smith, Transfer Station Attendant recommended that removal of metal be banned due to the fighting of three or four people.

Russ Alexander, Assistant Transfer Station Attendant, recommended that people continue to be allowed to remove metal because many of the people would be needing financial assistance from the town if they were stopped. He stated that the major problem is that some people are greedy. He recommended following the current ordinance and policy.

Selectman Douglass stated that the purpose of the Transfer Station is for depositing trash – not picking up metal. Therefore it is a privilege to be allowed access to the metal pile – and that privilege can be rescinded if abused.

The Selectmen stated that they are looking for the Attendants to use "management discretion." Specifically deciding that: (1) The removal of metal is a privilege which can be revoked on an individual basis; (2) The Attendants shall continue to enforce the current ordinance and Selectmen's policies concerning metal removal; (3) The Attendants have the right to ask people who are causing problems, being disrespectful or are impeding the flow of traffic to leave and if it continues they can contact the Chief of Police; and (4) If an individual has a complaint about the way they are treated by the Attendants they can always meet with the Board of Selectmen.

- **Meet with Kai Jacob and Suzy Verrier concerning compliance with their expansion of business permit.**

Meeting was cancelled by Mr. Jacob.

3. Discuss the following issues:

- Letter from Adelle and Jason Wells concerning the temporary traffic delays on Parker Head Road when their modular home is delivered.

Adelle and Jason Wells will have a crane delivered to their property on Parker Head Road on Sunday, August 7th. On Monday, August 8th their modular home halves will be delivered. This will cause a tie up in traffic. They will advise the property abutters and have flaggers on site.

Robert Beals reminded the Selectmen that the Fireman's Field Day Road race layout on the morning of the August 7th includes Parker Head Road. The T/A will advise the Wells' not to have the crane brought in until after 12:00 p.m. that day.

The question arose if wide loads are allowed to travel on Sunday. The T/A will check with the Police Chief.

4. Review the following items:

- Letter from Weiss Law Office concerning an issue between the owners and leasers of 22 White Point Road (Map 27, Lot 8).

The Selectmen were briefed on this issue by the Code Enforcement Officer, Lee Rainey. The Tenant of the property has complained that the Landlord is living in a shed, which is not in compliance with their lease agreement. The CEO has made several trips to the property and has not seen evidence that the shed is being inhabited.

The CEO stated that he has contacted the Town Attorney concerning the lease and it is a civil issue between the Tenant and Landlord. However, if the Landlord is living in the shed it is a violation of the ordinance. The CEO further stated that the property is split into two lots and he can issue a camping permit to the Landlord for the second lot, which is vacant.

The Selectmen accepted the CEO's interpretation. Selectman Douglass further stated that if it is a trespass issue the Tenants could contact the Police Chief.

- E-mail from Dick Gallagher concerning a Superior Court appeal of his Board of Appeals hearing.

Reviewed. No further action taken.

- Letter from Joyce Marco to the Board of Appeals concerning her appeals hearing and the reply from the Chairman of the Board.

Reviewed. A copy was given to Ms. Marco. No further action taken.

- Chamber Connections flyer.

Reviewed. No further action taken.

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

- Public Contract Code and Competitive Public Bidding Course
- Municipal Client Seminar

Selectmen authorized the T/A to attend.

6. Miscellaneous

- **Robert Beals asked if wide loads are allowed to travel on Sunday. The T/A will check with the Police Chief.**

Adjourned at 8:02 p.m.