

Submitted By:  
JMY

TOWN OF PHIPPSBURG  
SELECTMEN'S MEETING  
MINUTES

Approved By:

January 4, 2006

*Called to order at 6:00 p.m. with Selectmen Rice, Douglass and Perkins present.  
Meeting held at the School.*

1. Review and Sign:

- Accounts payable and payroll warrants
- Pole Permit
- Minutes

**All items reviewed and signed.**

2. Meetings and Hearings:

- Meet with the Road Commissioner and Budget Committee to discuss an increase in equipment fees for the Road Crew

**Meeting held. Selectman Rice mentioned that the Budget Committee had met on January 3<sup>rd</sup> and asked for their recommendation. Charlie Stevens, Budget Committee member, stated that the committee had unanimously voted (7-0) to accept all increases as set forth by the Road Commissioner retroactive to December 21<sup>st</sup>.**

**The Road Commissioner, Curtis Doughty, stated that these increases were for equipment and operator – not salaries or standby. The increase was requested due to the Town's requirement to have a higher level of Commercial Liability insurance and the increase in the cost of fuel, tires and parts.**

**Selectman Rice mentioned that last increases were in FY 05 and FY 00 – depending on the equipment type. Also, that the FY 05 increase had come via the budget committee to Town Meeting.**

**Ed Skillin asked if the Road Committee was asked to meet with the Budget Committee concerning the increase. T/A Mike Young stated that the letter requesting that the Budget Committee meet with the Road Commissioner was sent to the Budget Committee and only info'd to the Road Committee.**

**Selectman Rice recommended that the requested increase be brought before the taxpayers at a Town Meeting. Selectman Douglass did not agree because he considered it emergency funding. Selectman Perkins asked if the drivers already had insurance on their vehicles and were asking for town to pay for more insurance. The Administrator explained that the auditors at the spring Workers Comp inspection requested that the Town provide Certificates of Commercial Insurance for the contractors or they would be considered as employees for workers comp purposes.**

**Joyce Marco asked what happens each year if there is money left over in the road accounts. The Administrator explained that it is carried forward into the new year and reduces the funding request. He also stated that the Town could not buy "bulk" insurance for the Road Crew because many are contractors.**

**Josh Bate stated that the requirement of obtaining Certificate of Liability Insurance for the contractors is not something new and that the Town Administrator should have been aware of it. He knew of currently insured contractors in Town who are willing to work for the Town.**

**Billy Totman stated that the Road Crew has always done a very good job and will continue to for a long time.**

**Selectman Douglass made a motion to accept the increased costs retroactive to December 21, 2005. The Selectman voted (2-0) to accept the motion (Selectman Rice abstained from vote).**

- Discuss action on the Subdivision Moratorium Petition

**Nick Nichols stated that it would be the decision of the Selectmen to either accept or reject the petition and that there was very little effort made to collect over 200 signatures. He would like to have a Special Town Meeting as soon as possible to consider the Moratorium.**

**The Selectmen voted (3-0) to accept the petition and set a special Town Meeting for January 25<sup>th</sup>.**

**Les Smith asked if the required Ordinance was part of the petition. Nick Nichols replied that there was no ordinance attached, however it is only a moratorium and will not affect other land use ordinances. Mr. Nichols recommended that the Selectmen, Planning Board and his group have a meeting to iron out an ordinance.**

**Selectman Rice stated that the moratorium request came before the Selectmen as a Citizens Petition and therefore the required ordinance should also come from the same group. Once the ordinance is provided then it will be reviewed by the Town's Attorney for legality.**

**Selectman Douglass stated that he opposed the retroactivity and recommended that the citizens group consider making the retroactivity clause a separate warrant article from the ordinance to be voted on.**

**Nick Nichols reiterated that the citizens group wants to sit down with those involved (i.e. Planning Board and Selectmen) and construct the ordinance together. By saying it is the citizen group's responsibility makes it adversarial. Selectman Rice replied that it is not for the Selectmen to craft the warrant article and ordinance – the citizens group should draft it and then the town attorney would review it.**

**Kevin Alexander stated that he was not one of the 200 people who signed the petition and this is not his point of view.**

**Pat Percy asked if the 200 people were going to share in the attorney's fees since they initiated the petition.**

**Jean Perkins mentioned that she got most of the names on the petition within one hour. She further stated that the Town needs to get a good comprehensive plan in place and try to get people on the committee moving.**

**Selectman Douglass stated that people who signed the petition did not have the ordinance to review to see what they were actually asking for. The petition only "urges" the Selectmen to move forward. If the citizens group comes back with an ordinance we will have the town attorney review it to make sure it is legal before bringing it before the town.**

**Bob Cummings stated that the petition is technically advisory and should have included the ordinance. It asks for a special Town Meeting and he's sure that the petitioners can come up with an ordinance in conjunction with others that are**

interested. It is in best interest of the town – a problem has been pointed out and the town has been asked to help solve it.

Ivan Boyer asked how long before a town meeting can be held. The Administrator replied that the warrant has to be posted at least 7 days before the meeting.

Billy Totman asked how many ordinances are being enforced now and shouldn't we enforce what is already in place.

Selectmen Douglass did not agree that the ordinances are not being enforced. The question is whether the current ordinances are adequate.

Dave Pratt asked if people didn't know what they were signing, except what they were told, how do they know what it was about?

Selectman Rice discussed the moratorium in Bar Harbor which was voted on by the Town Council at the Planning Board's request. Other communities had approved comp plans to base moratoriums on. He echoed what Selectman Douglass stated – the town is asking for trouble by making the moratorium retroactive.

Jim Totman stated that the old Comprehensive Plan was very good and we should go back to it. The new plan has the same problem the old one did – it does not address affordable housing in Town. He asked the Comp Plan Committee to look at the old plan and no one did.

Selectman Perkins wanted people to understand that 200 residents have an issue and they want public input through a vote.

Dave Todd said that the town should not have anything to do with making changes to the petition – the burden is up to the citizen's group. Selectman Douglass replied that if the ordinance gets enacted then it becomes the Town's problem and we are required to defend it. Bob Cummings stated that it would be true if the petition was a legal document – but it was only advisory to the Selectmen. If the Selectmen choose to, they could participate in the process and debate. There are no legal ramifications for offering suggestions.

Pat Percy asked if it was putting the cart before the horse to have a special town meeting? Should we get going on the Comp plan and then build on the ordinances? Also, why has the Comp plan taken so long?

Selectman Rice replied that we have had two separate public hearings which lasted two nights apiece and it has been a cumbersome process and gargantuan project. Some people do not want it brought to vote – however it will be voted on at the annual Town Meeting in May. He also stated that he felt it was indeed putting the cart before the horse.

When asked how Selectman Douglass felt about the moratorium he stated that as a Selectman he has no opinion – however as an individual he does. Personally he does not feel that the Town needs a moratorium.

Selectman Perkins stated that he does not want a moratorium - however we are faced with it and there will be legal and financial obligations.

Bob Butler said that many people feel development has come to Phippsburg and could not see how the ordinances and comp plan can control it. Also, the townspeople want Phippsburg to remain rural.

Joe Schumann stated that she did present ideas at the Comp Plan Meetings and had no response.

**Bob Cummings said that 1800 acres of land could change ownership any day and the town needs an ordinance in place to deal with it. He is also concerned about a rush of subdivisions; however major change in land ownership is an issue.**

**Synopsis: The Subdivision Moratorium petition was accepted by the Selectmen by a 3-0 vote. The citizens group will draft and present a warrant ready ordinance to the Selectmen which will be reviewed by the town attorney to insure that it is a legal warrant article. A special town meeting will be scheduled for January 25<sup>th</sup>.**

3. Discuss the following issues:

- Representation on Governor's BRAC Reuse Committee

**Selectman Rice will contact the Committee for a seat. No further action taken.**

4. Review the following items:

- Letter from Suscom concerning rate adjustment

**Reviewed. The rate for expanded service will increase \$1.10.**

- Submerged Land Lease for Scott Michaels

**Reviewed. Doug Alexander, Harbormaster, stated that he has conducted a site inspection. Peter Roberts mentioned that the lease applies to submerged land below mean low water. No further action taken.**

- School Union 47 Newsletters

**Reviewed. No further action taken.**

- Abutter notification from Planning Board concerning Popham Woods Subdivision

**Selectman Rice read the notification. As an abutter to the proposed subdivision the Town was notified of an upcoming site walk and public hearing. No further action taken.**

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

- Shoreland Zoning Seminar

**Reviewed. Information has been forwarded to the Planning Board and CEO.**

6. Miscellaneous

- Casco Bay Plan

**A copy is available at the Town Office. No further action taken.**

- Library Appointment for 1 year

**The Administrator stated that there is a one year opening for a Phippsburg resident on the Patten Free Library Board of Directors. This is a position which rotates to each town on an annual basis. Any citizen interested in being considered can contact him.**

- Transfer Station Recycling Report

**Reviewed. Selectman Rice explained the report. No further action taken.**

- Anonymous letter concerning the Road Crew

**Selectmen Douglass stated that he would like to discuss the unsigned/anonymous letter that was received concerning the Road Crew. This letter had also been sent to the Portland Press Herald Newspaper. He felt that it should be discussed with the Road Commissioner rather than leaving it out there.**

**Billy Totman asked if the letter had been reviewed by the Town Attorney and if the Selectmen were going to start considering any unsigned letter sent to the Town.**

**Harry Doughty stated that the letter should be re-written and signed prior to the Selectmen considering it.**

**Selectmen Douglass stated that a lot of the letter is unfounded and the Selectmen need to put the issue to rest.**

**Gene Coffin, Josh Bate and Ed Skillin denied writing the letter.**

**A discussion was held between the Selectmen and the public as to whether the content of the letter should be discussed at the meeting or privately with the Road Commissioner. Selectman Rice stated that he would rather see the issue discussed at a separate public meeting. Selectman Douglass and Perkins wanted to discuss it now. The Road Commissioner and Road Committee members present were asked to sit in the front row. The public was advised that this was a discussion between the Selectmen and the Officials – not the public. The public was also advised that the letter is available at the Town Office under the Freedom of Access law.**

**Selectman Rice stated that only some of the factual items would be discussed and asked the Road Commissioner, Curtis Doughty, if he was willing to discuss them now – which he agreed to. The following issues from the letter were discussed:**

**(1) Plowing of church parking lots on town time – Commissioner Doughty stated that the Road Crew has always plowed church parking lots while plowing for the town. The lots get plowed during “down times” – the roads get first priority. The Selectmen replied that they had no legal standing to allow this practice and it had to cease.**

**(2) Plowing of private driveways on town time – Commissioner Doughty said that besides the churches, this does not happen.**

**(3) Putting winter maintenance out to bid – Selectman Douglass stated that this had been researched in past years and was found not to be cost effective. The Town had advertised for a replacement contractor in 2001 and received no response. The Selectmen have no interest in doing it now.**

**(4) Use of calcium chloride rather than salt – Les Smith, Road Committee, stated that they had researched the use of calcium chloride. Although you use less sand, you need a heated space for trucks and the calcium process must be in a heated space. It would take 25 years to get your money back.**

**(5) Trucks need to be inspected, registered and insured – Commissioner Doughty stated that all the vehicles used are registered, however one is not inspected at this time. Police Chief Skroski was asked by a Selectman if he had stopped any of the plow trucks for infractions and he stated that he has not stopped any of Curtis Doughty's, however he had stopped a truck owned by a contractor during the off-season and the issue was corrected. Commissioner Doughty stated that vehicle insurance is OK. Billy Totman asked if Chief Skroski was certified to inspect commercial vehicles. The Chief replied that he does not need any special certification to check for a current inspection sticker on the windshield and act accordingly.**

**(6) Drivers not having proper licenses – Commissioner Doughty stated that one person that plows does not have a Class B License, however he does not believe it is needed because the individual is allowed to plow under an emergency vehicle clause (similar to fire apparatus.) When asked by a Selectman, Chief Skroski stated that he was unaware of the clause, but would be meeting with a State Trooper from the Commercial Vehicle Enforcement Division for training and would ask about it. Commissioner Doughty also stated that if a Class B License is required it will be obtained.**

**(7) Use of town funds to purchase plow blades – Commissioner Doughty stated that the Town does provide funding for cutting edges.**

**(8) Paying for down-time – Commissioner Doughty stated that sometimes it is less expensive to have the crew stay on duty for a short time then go home and then come back to a larger accumulation of snow. If there is a long storm where there is a 3 or 4 hour gap between plowing then the operators will go home.**

**(9) Hiring process – The Administrator reviewed the process. Curtis and Harry Doughty are employees of the Town. The rest of the operators are contracted for winter maintenance.**

**(10) Plowing while drinking - Selectman Douglass asked Chief Skroski if any of the plow operators had been cited for OUI while plowing – to which the Chief replied “no”.**

**(11) Ditching roads in winter – Commissioner Doughty stated that he does not normally do ditching in the winter. However, last year there was an emergency situation on Stoneybrook Road that required some ditching.**

**(12) Double dipping by billing for use of loader and truck at the same time – Complaint was found confusing as written. Selectman Douglass asked if the Road Crew works from 8 to 12 and are on the loader for part of the time and driving trucks the rest – how much time do they get paid for.? Commissioner Doughty stated that they only get paid for the four hours. No further discussion.**

**(13) Allowing friends to fill up there trucks with town sand – Commissioner Doughty denied this accusation.**

**(14) Accuracy of the “books” – The Administrator stated that he has seen no problems with the “bookkeeping.”**

**(15) Road Crew equipment blocking the Sand/Salt Shed – The Commissioner explained that the Road Crew leaves their equipment at the shed so they don't have to drive back and forth. The public is allowed to have a couple of buckets of sand. However, because of abuse (private trucks loading up with sand) a backhoe is put in front of the shed to block it off from vehicle traffic (this had been a request from the Board of Selectmen several years ago). The complaint stated that a child could be injured in the shed - Selectman Douglass stated that there should be no children in the Sand/Salt Shed. Selectman Rice mentioned that there is no ordinance in place concerning the use of sand from the shed and that we have been operating under an “honesty policy.”**

- Donation of Thermal Imaging Camera

**Fire Chief Totman requested that the Selectmen accept the donation of a Thermal Imaging Camera from the Fire Association. The cost of the camera was \$13,000 with \$6,500 coming from the Fire Association and \$6,500 from a Cole Foundation grant. The Selectmen voted (3-0) to accept the donation on behalf of the Fire and Rescue Department.**

*Adjourned: 7:25 p.m.*