

Submitted by: TOWN OF PHIPPSBURG Approved by Selectmen:  
SELECTMEN'S MEETING  
John M. Young MINUTES  
Administrator April 12, 2006

*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 the Road Commissioner to review job description as per MMA Roads Manual (tabled from last meeting).

**Meeting was held. Selectmen Rice asked Jared Darling, who had requested the review, if he had any specific questions concerning the Road Commissioner, Curtis Doughty, and the job description sections of the MMA Road manual. Jared stated that he had some areas of concern outlined on his copy of the manual which he presented at the last meeting. He was provided another copy by the Administrator (with supplements attached) as well as a copy printed off the MMA Website (with supplementals included). He stated that the copy he had was different.**

**The Selectmen went through sections of the manual and reviewed the different positions of Road Commissioner (elected, appointed and use of Selectmen). Josh Bate requested that the Selectmen attempt to clean up the issue of the Road Commissioner also being the Town's contractor. Harry Doughty stated that the Road Commissioners in all the area Towns do the road work, that includes West Bath and Woolwich. Josh Bate replied that South Bristol does not do it that way. Selectman Rice stated that after reviewing the MMA Road Manual he has determined that the Town is doing what is allowed, although maybe not recommended. If a piece is not being done the way it is required then it will be considered. He further stated that it is evident that MMA recognizes that situation such as ours exist.**

**Selectman Douglass stated that he has not seen a groundswell of voters that don't like it the way it is. Tom Totman stated that the Attorney General had stated four or five years ago that he would not touch issues such as this (Road Commissioner doing town road work) because most small towns do it this way. Selectman Rice reviewed a section of the manual which states that the Road Commissioner cannot be involved in the preparation or review of a bid package if the individual will be bidding on the contract. Selectman Rice added that if they were going to make changes it would have to have the majority support of either the Selectmen or Town Meeting vote.**

**Jared Darling brought up concerns with a Road Committee meeting that he attended. He stated that they didn't know what was going on with the condition of the roads. He thought the Road Commissioner should have left some notes for the Committee to review and thought that this should be part of the Road Commissioner's role. Selectman Rice stated that the Road Committee was formed**

as an advisory board to the Board of Selectmen – they are not required by statute.

Selectman Douglass added that originally the committee was tasked with implementing the Road Surface Maintenance System (RSMS) and scheduling capital repairs, and their role has been expanded since establishment. It was mentioned that the MMA Road Manual states that the Road Commissioner or “designee” shall inspect the roads – which, in this case is the Road Committee. Jarred replied that he didn't see anything get done in the two hours that he attended the Road Committee meeting and that a majority of members were not prepared for the meeting. Selectmen Rice said that there may be a lack of communications between the Road Committee members and it may be time to meet with the Road Committee, of which Les Smith is the Chair. Curtis Doughty stated that he has been working with Mr. Smith and the Road Committee on projects and can work more with them. Selectman Rice mentioned that the expectation is that if the Road Commissioner and Road Committee make a recommendation it carries more weight.

Bob Butler, prior Road Committee member, stated that everyone on the Board does not do the same road survey, they split up into teams and then meet, exchange information and vote on recommendations. He also stated that the Road Committee has already discussed contracting road work and concluded that some of the considerations will be who would write the specifications, review the bids, and inspect the work. Selectman Rice replied that there has been pressure on the Selectmen that more contractors in Phippsburg be involved with road projects.

Josh Bate requested that the Selectmen have an engineering study completed on the Sam Day Hill Road (similar to the one completed on Stoneybrook Road) because \$50,000.00 is being raised this year and another \$50,000.00 next year for the project. He added that over the past year the bottom of Sam Day Hill road washed out five times. Curtis Doughty stated that DEP will be getting involved with the project.

The Selectmen will meet with the Road Committee on April 29th to discuss a variety of issues.

3. Discuss the following issues:

- “Miscellaneous” agenda items under FOAA

The Town Administrator briefed the Selectmen on a Freedom of Access Act seminar that he attended. One of the recommendations made at the seminar was not to have a “miscellaneous” section on the Selectmen's Agenda. It was stated at the seminar that although an agenda is not required by statute, if a meeting has an agenda posted - citizens may expect that only items on that agenda will be discussed. Using a “miscellaneous” section allows discussion of topics not listed, therefore circumventing the people's right to know what will be discussed ahead of time so they can attend if they wish. Selectman Douglass recommended allowing citizens to have a comment section at the end, which would allow them to bring up issues or comments but not have them discussed until the next week. The Administrator will contact MMA to see if this is a possibility. The item was tabled until the next meeting.

- Possible petition for Growth Management Ordinance

**The Town Administrator briefed the Selectmen on a petition being circulated by Jim Totman calling for the consideration of a Growth Management Ordinance at the next annual town meeting. The Administrator stated that he had contacted MMA Legal who referred him to a section of the State Statute which requires that a "Growth Ordinance" be based on an adopted Comprehensive Plan. He also informed the Selectmen that they would have four choices once the petition is presented - they may: (1) put the Article on the May 2006 Town Meeting warrant; (2) put the article on a special Town Meeting warrant within 60 days; (3) put the article on the next available warrant issued after 60 Days; or (4) reject the petition if it is not legal (i.e. prohibited by statute.) No further action taken.**

- DEP Inspection of the closed Landfill

**The State DEP inspected the landfill and reported that a vehicle and ATV's had been traveling on it. They have required that the Town find a better avenue of securing the area. Currently there is a gate but ATV's are able to go around it.**

**Curtis Doughty, Road Commissioner, has permission from Ellis Reed (abutter) to pile up ledge to block off the access road. Once that is done, the gate will be removed and installed at the Sand/Salt Shed to prevent vehicles from going around it to the backside of the Transfer Station and illegally dumping.**

**Selectman Douglass mentioned that it should not interfere with the proposed Heavyweight Vehicle staging area that may be created (depending on Town Meeting vote.) Commissioner Doughty replied that the barrier would be brought back about 300 feet. Selectman Rice recommended the installation of a surveillance camera. Jarred Darling stated that these measures would not keep ATV's out. Selectman Douglass recommended the establishment of an ATV trail around the landfill and added that the ATV club (Winnegance Wheelers) should be contacted. Selectman Perkins recommended filling in the ruts on the landfill cap once the barriers are installed.**

- Historic Preservation Commission request to present an award at Town Meeting

**The Historic Preservation Commission requested permission to present an annual "preservation Award" to a citizen during Town Meeting. Tom Totman stated that he remembers when special awards were presented at Town Meeting, but not annual ones. The Selectmen discussed the possibility of having the award presented at a Selectmen's meeting, before town meeting starts, or during candidates' night. This item was tabled until the Administrator contacts John Morse (moderator of past town meetings) and gets his opinion. He will then ask Dick Kelly or Orman Hines (Co-chairs of the Historical Preservation Commission) to attend the next Selectmen's meeting to discuss this issue.**

- Review bids for Town Hall Door Replacement (tabled from a previous meeting).

**Selectmen reviewed bids from Portland Glass and Peterson Building. It was voted (3-0) to award the bid to Portland Glass for \$3,225.00 (lowest bidder) pending town meeting approval.**

- Letter from Ed and Pat Skillin concerning ATV enforcement on their property

**The letter was reviewed. It was reported that Police Chief Skroski has spoken with the District Attorney and ATV road use on the Skillin's property would be a difficult, if not impossible, to prosecute because it involves individuals who have Road Association property rights. This would be a civil matter.**

4. Review the following items:

- Proposed County Budget  
**Reviewed. Selectmen Douglass, member of the County Budget Advisory Board, stated that the increase in beds will come out of debt service. He further explained the pod design and required staffing. The largest expense is opening a pod. The Budget Advisory Board will be recommending more budget cuts.**
  - Letter from Mr. & Mrs. Pears to U.S. DEP concerning the designation of Casco Bay as a "No Discharge Zone."  
**Reviewed. The Pears were not in favor of designating Casco Bay as a "No Discharge Zone" because there is a lack of sanitary pump out stations for boats. The Administrator will send copies to applicable Town Committees for their review.**
  - E-Mail from DMR concerning increased funding for shellfish monitoring  
**DMR has received increased funding to hire summer help and pay overtime to support the Shellfish Sanitary program and hopefully open up some more flats. Selectman Rice stated that this was not expected and was good news.**
  - March Transfer Station Report  
**Reviewed. No further action taken.**
  - Suscom Annual Report CATV  
**Reviewed. No further action taken.**
5. Discuss attendance at the following meetings, courses, and seminars:
- Gateway 1 Conference  
**No one will attend.**
  - Southern Midcoast Maine Chapter Meeting and Breakfast  
**Selectman Rice will attend.**

Adjourned: 7:12