

Submitted by: TOWN OF PHIPPSBURG Approved by Selectmen:
SELECTMEN'S MEETING
John M. Young MINUTES
Administrator June 21, 2006

Meeting convened at 6:00 p.m. with Selectmen Douglass (Chair), Selectman Perkins and Selectman Pye in attendance.

I. Review and Sign:

1. Accounts payable and payroll warrants.
2. Minutes from the June 14th meeting.

All items reviewed and signed.

II. Unfinished Business

1. Discuss appointments to the Land Use Ordinance Committee
The Selectmen received 13 applications for the Land Use Ordinance Committee. These will be reviewed and the appointments tabled until the next meeting. No one has volunteered for the Implementation Committee so the Selectmen made another request on CATV for volunteers.
2. Discuss establishment of interview boards for Animal Control Officer and CATV Station Manager
The Selectmen decided to have a Selectman Pye, a member from the Public Safety Advisory Committee, and the Police Chief on the interview board for the Animal Control Officer. They also decided that the CATV Committee would be responsible for interviewing the candidates for the position of CATV Station Manager and forwarding their recommendations to the Selectmen. The Town Administrator will forward MMA interview information to the Committees.
3. Discuss Committee re-appointments
The Selectmen reviewed a list of personnel whose terms were going to expire on June 30, 2006. The Town Administrator explained that he had sent letters to all the individuals on the list and they were willing to serve another term. Selectman Perkins had a question concerning one of the individuals and did not know if it should be discussed in Executive Session. Selectman Douglass recommended that the Selectmen enter into Executive Session and then if it was not a proper subject they would immediately come out of it.
At 6:11 p.m. the Selectmen voted to enter into executive session under 1 M.R.S.A. 405(6) (A) to discuss an appointment. They came out of executive session at 6:15 p.m. and Selectmen Douglass advised the audience that the matter to be discussed was technical and did not comply with the requirements of 1 M.R.S.A. 405(6)(A) so they ceased discussion and would continue in public session.

The question pertained to whether the re-appointment of Richard Wenzel to the CATV Committee would be a conflict since he is the CATV technician and would be working for the Station Manager and yet be on the Committee overseeing the Station Manager.

The Selectmen voted (3-0) to approve all reappointments as listed by the Town Administrator with the exception of the appointment of Richard Wenzel which was tabled. Tom Totman, member of the CATV Committee, was asked to contact other CATV Committees for guidance on how they handle conflicts such as this.

4. Discuss whether to appeal the Gensheimer vs. Phippsburg Case

This issue was discussed by the Selectmen, Marie Varian (Chairman of the Planning Board) and Tom Totman (prior Selectman and current member of the Appeals Board).

In the beginning of the discussion Selectmen Perkins and Pye were not in favor of appealing the decision made by the lower court while Selectman Douglass was in favor of appealing the case. Both Ms. Varian and Mr. Totman were also in favor of appealing the case.

After much discussion of the pros and cons the Selectmen decided that the importance of the case outweighed the cost of appealing it. Because the entire case hinged on the use of the words "permitted" and "allowed" it could have long term ramifications not only for the Town, but for municipalities throughout the State. Although DEP may become involved and request that the Attorney General review the case, it was felt that there were no guarantees that any action would be taken and the appeal decision has to be made within 21 days.

The Selectmen voted (3-0) to appeal the court decision.

5. Review the proposal from "Alpha One" for conducting ADA inspections of the Town facilities.

The Selectmen reviewed the proposal and voted (3-0) to hire "Alpha One" to conduct the inspections for the amount of \$3,750 plus reimbursable expenses and not to spend an extra \$400.00 to have the photos imbedded into the report.

6. Review and sign the DOT Rural Road Initiative project modification and agreement extension for the Popham Road rebuild project.

The agreement was reviewed and signed. The Selectmen requested that DOT host an informational hearing. The cost will be \$450,000.00, of which the Town will cost share 1/3. The Selectmen reviewed a memo from Les Smith, Road Committee Chair, explaining that he still had several questions for MDOT to answer such as depth of gravel base and pavement.

7. ATV Issues between Winnegance Wheelers and Phippsburg Land Trust

In light of the recent notice that the Winnegance Wheelers would no longer build and maintain ATV trails on Land Trust property, Selectman Douglass requested that representatives from both organizations meet with the Selectmen. Selectman Perkins mentioned that "rogue wheelers" have been a problem to both organizations. Selectman Douglass said that part of

the Selectman's support in the purchase of the Sprague Pond through "Lands for Maine's Future" by the Land Trust was the continuation of the current ATV trail. The Town Administrator will review the minutes from that meeting and also invite interested members from other committees.

8. Reply letter from DMR concerning shellfish area testing

Selectman Pye asked for a status on the letter. The Town Administrator stated that the Shellfish Committee would be meeting tomorrow night and he would speak to Dick Lemont, Shellfish Chair following the meeting. He will also contact Dave Etnier, DMR Deputy Commissioner, and request that he attend an upcoming Selectmen's meeting. The Selectmen were concerned that the request for a third party review was never addressed.

III. New Business

1. Discuss assignment of a Selectman to the Popham 400th Celebration Committee.

The Selectmen reviewed an e-mail from Bill Perkins and Bill Murray (committee co-chairs) requesting that a representative from the Board of Selectmen be assigned to the Celebration Committee. This item was tabled until the Selectmen were advised of the meeting schedule. Selectman Perkins stated that he had been attending the meetings but would be unable to continue because of his work schedule.

IV. Department and Committee Reports

1. Police Department report from Chief John Skroski

- A. Chief Skroski stated that he was approached by George Szadis, school teacher, requesting that the school's July 4th float be towed by the Police cruiser. The theme of the float will be "unlock your mind by reading". Officer Anderson will be driving. Selectmen gave their permission.**
- B. Chief Skroski reported that MDOT had informed him that they would be overlaying Routes 209 and 216 this summer. He was unsure if this would include the shoulders, which are in poor shape. Selectman Douglass stated that MDOT had promised to overlay the paved shoulders (which start at the Post Office and end at Sam Day Hill Road) every other cycle – so it should be included this time. The Town Administrator will send a letter to MDOT requesting that the shoulders be paved this summer.**
- C. Chief Skroski reported that his Department had a very busy weekend. They had 34 calls, stopped 35 cars for traffic violations, have had reports of a lot of speeders (mostly people visiting Town.) There was vandalism last Saturday night or early Sunday morning at Fort Baldwin. The Rangers caught four teenagers from Bath spray painting rooms inside the Fort. He showed photos of the vandalism to the Selectmen.**
- D. Chief Skroski John reported that there was a vehicle rollover on Bushy Isle View and it appeared that alcohol and speed were factors.**
- E. Chief Skroski gave a quick brief on the recently held Bike rodeo.**

V. Correspondence

1. Several DOT reports on "State of the System".

The Selectmen reviewed these reports and took no action.

2. Letter from the State Planning Office accepting the Comprehensive Plan for review.

Selectman Pye mentioned that anyone who wanted to make comments to the State Planning Office should call the Town Administrator for contact information and that the deadline is August 3rd.

3. Planning Board abutter notification (Popham Woods Subdivision)

The Town Administrator read an "abutter notification" letter from the Planning Board advising the Selectmen that the Planning Board has received the Popham Woods application for final plan approval.

4. Jail Tour

The Selectmen reviewed an invitation to the Two Bridges Regional Jail tour.

VI. Adjournment – Selectmen voted (3-0) to adjourn at 7:16 p.m.