

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
September 20, 2006

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

I. Review and Sign:

1. Accounts payable and payroll warrants.
2. Minutes from September 13th.

All items reviewed and signed.

II. Meetings and Hearings:

1. Meet with the Phippsburg Land Trust and Winnegance Wheelers.

The meeting was held with many representatives from both organizations in attendance. Selectman Douglass had the attendees introduce themselves.

Dave Barter, from the Winnegance Wheelers, explained that the deterioration in relationship between the two organizations stems back to last year when the Wheelers lost a section of trail they needed around Sprague Pond. They met with the Land Trust and felt it was better to walk away because the situation had become very heated and the Wheelers were able to gain back access to a different trail that they had lost and no longer needed the one on Land Trust property.

Selectman Douglass asked if the relationship between the two organizations had changed to which Mr. Barter replied that there currently is no relationship.

Selectman Perkins asked if there were any other trail agreements between the two organizations. Mr. Barter replied that they had another agreement on the Cooley property, but they have discontinued it because you can't get to the trail from anywhere else.

Mary Jo Steiner, Land Trust representative, said that the Land Trust would be willing to collaborate with the ATV club on future projects.

Bob Cummings, Land Trust representative, stated that they had approval for a \$9,700+ grant for the trail project at Sprague Pond which had originally been endorsed by the Winnegance Wheelers. The grant was to repair damage done by ATV riders along the pond. The Wheelers, without notifying him, wrote a letter to the grantors withdrawing their endorsement which resulted in the Land Trust losing the grant. This angered the Land Trust Directors who in turn refused to reapply so that they would have no ties with the Wheelers. The Land Trust had planned an 8 foot wide road through area but the problem now is that the hiking trail is

nothing but a mud puddle. The Land Trust thought they had a cooperative agreement with the Wheelers, however the Wheelers agreed to build some water bars last spring and it was never done. A vote of the Directors was taken in November to apply for the grant to construct a joint ATV/walking trail at the pond. Their commitment was for long term usage of ATV's on the trail, essentially forever, and the vote was 15-1 to approve it. Everything was fine until the Wheelers pulled their endorsement. Laura Sewall added that it came as a surprise to have the endorsement pulled by Wheelers because they were working towards an agreement for use.

Dave Barter replied that the two organizations are on opposite sides. The Land Trust did not want the Sprague trail on a map and wanted to restrict usage to only townspeople. Laura Sewall replied that the Land Trust was trying to clarify constraints and only questioned if this type of restriction was possible.

Dave Barter stated that he had internal e-mails from the Land Trust which, along with a discussion with the grantors, indicated that the Wheelers and Land Trust were not on the same page. The e-mails implied that the Land Trust intended to close the Sprague trail for repairs indefinitely. Ms. Steiner replied that the e-mails were from only several members of the Land Trust and that this issue was not brought before the Directors for vote and if it was it probably would not have passed.

Selectman Perkins discussed a meeting of the Land Trust that he attended. Dave Barter and Angie Zimmerman were also present. Laura Sewall thought that it was a good meeting and they had discussed closing the trail for repairs but didn't know how long. Mr. Barter replied that he and Ms. Zimmerman thought they had left the meeting in agreement with the Land Trust but after seeing the e-mails and talking to the State they realized there was a problem.

Bob Cummings stated that there was a unanimous vote of the Land Trust to pursue the grant for a multi use trail and then after the letter of ineligibility they voted to ban ATV's along the pond. Bob added that he had made a motion to ban ATV's on 11 acres of pond property, but the rest of the Land Trust Directors voted 15 to 1 against him. They instead voted to just ban ATV's from the trail where severe damage was being done to the pond.

Selectman Douglass asked if the relationship between the two organizations was irreparable or if not - could they treat each other equally.

Angie Zimmerman stated that the Wheelers were approached for an endorsement for the grant but were not brought to the table as equals. No one asked for club recommendations in areas such as water bar design. The designs that the Land Trust was going to use would not work for ATV's.

Selectman Douglass stated that he had been watching the body language of those in the audience and it was evident that they were not willing to cooperate with each other. He reiterated that they must be equal partners to work things out and that he would rather have ATV's on his property

watching it then not to have them at all.

Richard Barter, President of ATV Maine, stated that there are 16,000 members that belong to Maine ATV Clubs and they deal with these issues every day. The clubs have a right to pull endorsements and he felt the Winnegance Wheelers acted appropriately and he endorses their actions.

Gary Small mentioned that when the Land Trust bought the Sprague property there was already damage done by ATV's. Many ATV operators who are not members of the Wheelers go to Sprague Pond at night and he asked how you can police that.

Selectman Douglass stated that the Selectmen had signed a letter of recommendation for the Land Trust purchase of Sprague Pond with the understanding that ATV's would still be allowed to operate on the property. Terminating ATV assess would be contrary to the agreement with the selectmen. This issue may taint the relationship between the Town and the Land Trust. The consequences of not living up to that agreement may be that the selectman will be less willing to enter an agreement with the Land Trust.

Bill Emerson understood that the Town's approval of the property purchase was based on use of the trail on south end of pond. He asked if the trails could be restricted to members of the Winnegance Wheelers. Mr. Barter replied that in order to have the State cover private property under the "Landowners Insurance Policy" the trail must be on a map, otherwise what interest is there to work on trail maintenance if it is not listed.

Selectman Douglass asked members of both organizations if their relationship was too irreparable to work in the future. Most in attendance stated that they thought they could work together in the future. Dave Barter replied that he could not speak for the Winnegance Wheelers.

Selectman Douglass recommended that the two organizations have a meeting and discuss the issues as equals. Selectman Perkins reminded the audience that if problems become bigger then the organizations can handle they should come to the Town for assistance.

Bob Cummings stated that in two weeks a group of six kids were coming in to build a designed trail because it is essential that the pond be protected. ATV's will be banned along this trail but another trail may be used without causing damage to the pond. Originally the design was for the trail to be 8 feet wide, but the Land Trust cannot go back to the original plans now. However, it can be revisited in ten years. The new design is not as good as the original 8 foot design which called for wood and not stone. He added that they had met with an ATV Trail master and who advised them on the original trail design so the suggestion that they were going to build something that wouldn't last was wrong.

Selectman Douglass closed with a statement that everyone seems to be on the same page now and this is not the first time there has been a conflict

between ATV's and the Land Trust. It would behoove everyone to cooperate.

2. Informational meeting concerning upgrades on Carrying Place Rd.

The meeting was held with Mr. and Mrs. York, Ms. Richotte, Mr. Gilliam, and Phippsburg Land Trust representatives Bob Cummings and Mary Jo Steiner. Curtis Doughty, Road Commissioner, and Les Smith, Road Committee, reviewed the plans with the property owners. The project will consist of grading and ditching along West Point Road and Carrying Place Road and easements are needed. Mike Young, Town Administrator, hand out the required permission forms to be returned at a later date. Articles for the easements will be on the warrant for the upcoming Town Meeting on October 25th.

3. Meet with the Town Attorney concerning pending litigation.

At 7:30 p.m. the Selectmen voted to go into executive session pursuant to 1 M.R.S.A. 405(6)(E) for a consultation with the Town's Attorney, Rick Hornbeck, concerning pending litigation

At 8:45 p.m. the Selectmen voted to come out of Executive Session.

A motion was made and passed (3-0) to allow Attorney Hornbeck to accept service of a complaint under Rule 80B from Attorney Roger Therriault: Case - Terry P. Wyman v Inhabitants of the Town of Phippsburg and Bruce L. Poliquin, Lionel J. Poliquin Jr. and Louise Poliquin.

(Note. This is an appeal to Superior Court of the Planning Board/Selectmen approval of the Popham Beach Club Business Permit. This had been previously appealed to the Board of Appeals who decided in favor of the Planning Board and Selectmen.)

4. Meet with Josh Bate concerning Cranberry Point Rd.

Meeting held. Mr. Bate stated that the Rural Roads people had conducted an on site visit and made repair recommendations for Cranberry Point Road. Now, two years later all that has been done is the delivery of two loads of gravel. Mr. Bate also had photos of the road at a 9.9 foot high tide. He brought in two cups with samples of the fill used and the material that he felt should have been used. He requested that the Selectmen inspect the road on October 8th, 9th or 10th at high tide, talk with residents, and come up with a reasonable solution for the entire road. He further commented that the materials used would just wash into the marsh and Dromore Bay. He stated that what was accomplished was a band-aid fix and he wanted something done that would last. He also was unhappy that the road had not been graded until the end of the year.

Selectman Douglass explained that the Road Commissioner, Curtis Doughty, is an elected official and is on the same level of hierarchy as the Selectmen. The only control that the selectmen have over him is their control of the "Purse Strings." The Road Committee is advisory to the Road Commissioner and the Selectmen. He directed Mr. Bate to discuss his

concerns with the Road Commissioner. Selectman Douglass stated that he saw no other property owners from Cranberry Point Road at the meeting and recommended that Mr. Bate gather the property owners and meet with Mr. Doughty. If he was not then satisfied he could come back before the Board of Selectmen.

Mr. Bate replied that he has failed to be able to communicate with the Road Commissioner.

Curtis Doughty stated that the material he used on Cranberry Point Road was 1 ½ to 2 inch gravel and was for repair not for rebuild purposes as Mr. Bate was requesting.

Selectmen Perkins asked if the culvert was to close to the surface. Curtis Doughty replied that it was a problem.

Mr. Bate recommended that the Road Commissioner use either stone or reclaim. Mr. Doughty replied that putting crushed stone on the road is a problem because it gets plowed up. He reiterated it was a repair not a rebuild. Selectman Douglass added that reclaim has issues with oil leaking out of it.

Selectman Perkins stated that the road looks pretty smooth to which Mr. Bate replied that it hasn't rained yet. Mr. Bate added that you can't compact the material and the potholes will be back in a month. Curtis Doughty stated that the material he used will compact and the road should hold up once it is compacted. Mr. Bate replied that the road used to be graded every couple of years but there is nothing left to grade and there was money set aside in the budget for an upgrade. Curtis Doughty explained that the State recommended more than just stone and it will be costly. He stated that he is just trying to use money wisely and that the money set aside was for the approach section of the road.

Selectman Douglass reiterated that Curtis Doughty is the expert on roads and the Road Committee is advisory. The Townspeople voted him into office and he has equal status with the selectmen and Lisa Wallace, elected Tax Collector/Treasurer. He recommended that Mr. Bate talk with the Road Commissioner and Chair of the Road Committee if he wanted an on site visit.

Selectman Perkins stated that he has looked the road over and it looks fine to him.

III. Unfinished Business

1. Review the Totman Preserve Road bid package.

The bid package was reviewed. A discussion was held with Harry Doughty concerning the requirement for a \$500,000 Commercial Liability Insurance policy. He felt it was unfair when the Town requires a \$100,000 policy for those that plow and sand. Selectman Douglass stated that it was based on the liability exposure of the project and Selectman Pye stated that the difference in liability requirements was unfair. Selectmen voted (2-1) to

keep the \$500,000 clause in the contract and they also voted (3-0) to accept the contract and specifications as written.

2. Other West Point Road Issues

Chris Fichtel asked if the Road Commissioner could change the culverts adjacent to the Land Trust property on West Point Road when he improves the drainage for West Point Road and Carrying Place Road. This would allow an area for two cars to park. Curtis Doughty will meet with the Land Trust tomorrow.

Kim Shade asked if the ditching and grading along West Point Road would take care of her drainage problem. She has just put in a new road and stone. Curtis Doughty will check the proposed grade with a transit.

Les Smith mentioned that the Town needs one more to ditching and grading easement on Carrying Place Road. It would be from Earl Wallace. Mr. Smith will meet with Mike Young to go over the specifics.

3. Murphy House

Selectman Pye asked if the Murphy House could be donated directly from the Varians to North Creek Farms. Selectman Douglass thought that the town had received something in writing in the past donating it to the Town. Mike Young will check on this.

IV. New Business

1. Accept a \$2,500.00 grant from the Davenport Trust for Community Access Television (as per article #30 from the May 2006 Annual Town)

The Selectmen voted (3-0) to accept the \$2,500.00 donation on behalf of the CATV Committee. They also voted (3-0) to accept a \$1,000.00 donation from the Read Foundation on behalf of the CATV Committee.

V. Correspondence

1. Letter from GrowSmart concerning their pilot project

The Selectmen will take a copy home to review and, if requested by a board member, will place it on a later agenda for discussion.

VI. Courses and seminars

1. Annual Candidates Forum
2. Chamber "After Hours"

Reviewed. No further action taken.

VII. Selectmen/Administrator Comments and Announcements

1. Mike Young reviewed the Selectmen's Meeting list.

VII. Adjournment - Selectmen voted (3-0) to adjourn at 8:55 p.m.