

Submitted by: TOWN OF PHIPPSBURG Approved by Selectmen:
SELECTMEN'S MEETING
John M. Young MINUTES
Administrator May 23, 2007

Meeting convened at 6:04 p.m. with Selectmen Douglass, Perkins and Pye in attendance.

I. Review and Sign:

1. Accounts payable and payroll warrants.
All items reviewed and signed.

II. Meetings and Hearings:

1. Meet with the Planning Board to discuss further action concerning the Sebasco Resort Spa expansion and to set a date for the continuation of a New Business hearing for Kai Jacob.

Meeting was held with Steve Moore, Engineer for Sebasco Resort, and Bob Smith, Resort owner. The issue surrounds whether they can connect the Resort Spa to the State licensed overboard discharge by removing other buildings from the discharge and hooking them up to a subsurface wastewater system.

Lee Rainey, Code Enforcement Officer stated that the "Findings of Fact" for the Expansion of Business Hearing held by the Selectmen and Planning Board stated that the Spa would be hooked up to a new field not to the OBD.

Bob Smith stated that he had sent a letter to Marie Varian, Planning Board Chair, to revisit the hookup because he wanted to attach the SPA to the OBD. Marie Varian replied that she had researched the paperwork and there were three public hearings and a site walk held concerning the Spa. Although the original request from the Resort proposed having the Spa added to the OBD it was determined through the public hearing process that the Spa would be connected to a proper sub surface wastewater system and this was noted in the final "Findings of Fact".

Selectman Douglass stated that the Selectmen are responsible for enforcement in situations such as this and the Resort must either comply with the "Findings of Fact" or resubmit a request to the combined boards for reconsideration. The Resort cannot be accommodated without coming before the combined boards again. Ms. Varian added that this was the reason everyone was here tonight – to decide if the Town should have another hearing.

Selectman Douglass stated that the septic system and parking lot were the big issues during the hearings and that the Resort should stop work and re-submit an application for reconsideration if they want to change their plans.

Mr. Smith stated that he thought the testimony and discussion during

the planning process was clear and he felt that the Planning Board and Selectmen were making an error in their interpretation. He added that if the Resort representatives have a chance to explain their reasoning again it won't be an issue.

Selectman Douglass asked if the second parking lot was completed as planned. Ms. Varian stated that the Clipper and Spa parking lots were in same permit and both needed to be completed prior to occupancy of the Spa. Mr. Smith replied that he was unaware the parking lot had to be completed before opening the Spa and he would get busy on the construction.

Selectman Douglass warned Mr. Smith that it his intent that the Spa would not be connected to the OBD. He also mentioned that the ordinances resulting from the recently passed Comprehensive Plan will probably ban OBD's. Selectman Douglass read excerpts from the minutes and findings of fact. He also read a statement from a letter written by Al Frick, DHS Wastewater Division, who stated that that the Spa was not to be added to the OBD. Mr. Smith replied that his intent was to remove flows from other parts of the Resort to make up for the Spa – so there would be no increase. Selectman Douglass replied that while the Resort might not increase the flow, they are adding a new source and that the project as a whole would need to be re-evaluated.

It was Ms. Varian's opinion that if this change is considered the entire project would be re-evaluated and it may open up other project issues again. Selectmen Pye and Perkins agreed and added that Mr. Smith must be willing to discuss other associated project issues. Mr. Smith reiterated that he didn't know that the completion of the parking lot was associated with opening the Spa.

The Selectmen and Planning Board decided that they would re-hear the Spa Expansion of Business on June 13th at 6:00 p.m. There would be no site inspection.

Selectman Douglass asked Mr. Smith if they had to reconfigure the storm water system due to the recent heavy rains. Mr. Smith responded that there was an issue because of the Resort's proximity to Rock Gardens Inn, however the system has been redesigned to alleviate the problems.

Ms. Varian mentioned that Kai Jacob attended the last Planning Board meeting and informed them that he was ready for a continuation of his Business Permit hearing. She recommended that it be a different night than the Sebasco Resort Spa hearing. The consensus was to have the hearing at 6:00 p.m. on June 27th.

2. Meet with Anna Little, Chair of the Town Lands Management Committee, to discuss construction plans for the Totman Preserve Road.

Anna Little, Chair of the Town Lands Management Committee, reported that the Patriot's Day Storm had damaged more of the road leading to Totman Preserve and she recommended that road repairs be done prior to summer. The previous plans were of a large scope and the project bids came in very expensive. Last fall the Volunteers of America and

the Road Commissioner did a lot of work on the bottom section (ie. culverts) which has held up well and just needs some gravel replaced. She now recommends finishing the upper section, including paving, which would be cost shared between the Town and the Phippsburg Land Trust.

The Town Administrator stated that because of the small scope of work the Road Crew employees could do the construction, thus saving money and time over putting the project out to bid as was done before with the larger scope project (which was rejected).

Tip Newell, Road Committee, stated that the Committee has revised the specifications to bring the road back to a condition that will last 20 years and maintain it as a "camp road" which will be closed in the winter.

Curtis Doughty, Road Commissioner, stated that he would get an estimate for paving the upper section.

Selectman Douglass recommended that a few loads of gravel be stockpiled along the lower section so that loaded trucks don't have to travel over the upper section once paved.

It was decided to maintain the road as a "camp road", use the Road Crew employees to do the construction, and to have Road Commissioner Doughty return to the next Selectman's meeting with an estimate for paving.

3. Meet with Lynda Doughty from DMR concerning the policy on removal of dead marine mammals.

Lynda Doughty, Marine Mammal Rescue Coordinator for the Dept. of Marine Resources, stated that there was an increase in dead seals last year and although DMR may test the seals to determine why they died they are not responsible for disposal of the bodies. Ms. Doughty also stated that NOAA has specific disposal requirements for disposal which includes burial or incineration and that private property owners are not allowed to dispose of seals without official oversight. She added that she personally would be willing to help the Town's Animal Control Officer dispose of dead marine mammals because she is a resident of Phippsburg and would like to help out.

It was determined that dead seals would be reported to Ms. Doughty via the DMR hotline and she would work with the ACO on disposal. One possibility would be the locked animal tank at the old landfill.

Selectman Douglass asked if DMR could charge a property owner for disposal of seals that wash up. Ms. Doughty replied that because seals are protected animals DMR can't charge – but the Town could.

IV. New Business

1. Consider accepting Bike Rodeo donations from the following sources: Hermit Island Campgrounds (\$25.00), Pine Tree Service Center (\$30.00), Tax Brackett II (\$125.00), First Federal (\$100.00), Sebasco Wharf (\$50.00) and Betsy's Hair Salon (\$50.00) for the Bike Rodeo Account.

Selectmen voted (3-0) to accept all donations and place them in the Bike Rodeo account. Police Chief Skroski thanked all the contributors and volunteers who assisted with the Annual Bike Rodeo.

2. Consider accepting a donation of \$500.00 from Small Point Operating Co. to purchase a "No Wake" buoy for Small Point Harbor.

Selectmen voted (3-0) to accept the donation and place it in the Harbor Commission account.

3. Consider a posted roads violation for Gerardo Montes.

On April 18th Chief Skroski observed a tractor trailer truck unloading at North Creek Farms on Sebasco Road. This was in violation of the Town's Posted Roads ordinance. Mr. Montes could not attend the meeting but had stated that he was unaware of posted roads because he was from Minnesota and had never hauled in Maine before. Selectmen voted (3-0) to assess a penalty of \$250.00.

V. Department and Committee Reports

1. Police Chief's Report

Chief Skroski stated that he has had complaints of dump trucks speeding on Popham Road while transiting to the Popham Woods subdivision. He has monitored the road several times and has not found any trucks speeding. He has however summonsed one vehicle doing 82 by the Center Store and another at 72. He explained that it is hard for citizens to estimate vehicle speed by sight – although they may appear to be speeding they may be well within the speed limit – it is a matter of visual perception.

VI. Correspondence

1. Thank you cards from Gail Roberts to Mike Young and Everett Perkins.

Selectman Douglass read a card which thanked Mike Young and Everett Perkins for participating in the National Prayer Day ceremony held at the Memorial Park.

2. Resignation letter from Steve Freeman from Shellfish Commission

The letter was read and the open position will be advertised.

VII. Selectmen/Administrator Comments and Announcements

1. Administrator Young

Announced Holiday schedule

2. Selectmen Douglass

Discussed the Health Office job description drafted by Administrator Young which was based on the Health Officers Manual and State statute. He questioned whether to vote on approving the description or use it as a basis to hire the new Health Officer and then get input from that individual. It was decided to use it as a basis and then review it again afterwards.

3. Selectman Perkins

Discussed the Popham Rake Station property transfer. He stated that it is the Selectmen's number one priority that the lookout tower be removed by the Navy prior to the property being transferred to the Town. He added that the National Park Service has agreed to be the Town's sponsor and they also will not accept the tower if it is dangerous or has hazardous waste. Selectman Douglass added that the property could probably be transferred

by quit claim deed as long as the Town agreed to mitigate the hazards. It was added that the Town must proceed with utmost caution concerning the Rake Station property.

VIII. Adjournment - Selectmen voted (3-0) to adjourn at 7:07 p.m.