

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
October 3, 2007

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

I. Review and Sign:

1. Accounts payable and payroll warrants.
2. Minutes from prior meetings.
3. Road Capital Bond Agreement with Maine Bond Bank.

All items reviewed and signed.

II. Meetings and Hearings:

1. Meet with members of the Historic Preservation Commission for an update on activities.

Commission members Merry Chapin, Frank Roberts, Orman Hines, Gary Morong, Charlotte Moore, and Helen Webb were present.

Selectmen voted under 1 MRSA 405 (a) to enter executive session at 6:05 p.m. to discuss the conduct of the Historic Preservation Commission members and consider disciplinary action. Sam White. Tom Lewis and Administrator Young were asked to remain.

Selectmen voted (3-0) to come out of Executive Session at 7:05 p.m. No further action taken.

The Commission members gave a written update of their activities including three workshops that have been held for Phippsburg residents. A copy of the update is attached to these minutes.

Selectman Douglass asked for an update on the Bodwell Grange in Small Point. Merry Chapin replied that the State Grange is trying to get a status on their buildings and are trying to keep them intact. Merry discussed a proposed change in the State Grange policy (Litchfield resolution) which would allow money from a Grange sale to go towards community projects. She added that the Phippsburg Historical Society will be meeting with Bill Gilman to discuss disposal of the Bodwell Grange contents.

2. Meet with members of the Conservation Commission for an update on activities.

Commission members Ellen Winchester, Gloria Barnes, Jo Schumann, Jean Perkins, and prospective member Ronnie Kamphausen were present.

The Commission reported that they have had meetings with the following people: (1) Steve Walker concerning the Inland Fisheries and Wildlife "Beginning with Habitat Program"; (2) Professor Lea from Bowdoin College concerning the stream survey that was conducted; (3) Nancy Sferra from The Nature Conservancy concerning the Basin Preserve; and (4) Jeff Varichone from Maine DEP to discuss water monitoring in

streams.

They have taken field trips to the "Green Piece" in the Basin Preserve with Nancy Sferra, to the Popham Town Lands with Bill Emerson, and to the Sprague Pond.

Jean Perkins is the liaison with Kennebec River Initiative. Gloria Barnes and Jean Perkins have been attending the Phippsburg Land Trust meetings. Ronnie Kamphausen has been working with the school. The Commission has purchased 25 books from her on amphibians (at cost) and donated them to the school library. This fall Ms. Kamphausen will be teaching the school children about butterflies and monarchs. She is completing a book on butterflies and the commission will purchase 25 books at cost to donate to the school library.

The Commission has a section on the Town's website dedicated to their activities. Ellen Winchester is providing the information and plans to have the Commission section of the website become a resource for the Townspeople.

Other projects the Commission is working on include vernal pool surveys (which they hope to get school children interested in - maybe provide t-shirts) and the New Meadows watershed project concerning a shared floating pump station.

Jean Perkins reported that they have been reviewing buffer requirements concerning horses near ponds and streams. They had invited local horse owners to a meeting. Only one group has not checked by the State - all others in compliance.

The Commission continues to work with the school and will have a 1/2 page section in the Recreation Commission newsletter. One of their long term goals is to have a botanical guide for Phippsburg and an invasive species handbook (three Commission members will be attending an invasive species workshop). They mentioned that there are three patches of an invasive species called "Japanese Knotwood" along Center Pond.

One of their major concerns is protecting the section of town-owned land north of Popham road (adjacent to Pride Walk Way and the Ridgewell Preserve). It is a wildlife corridor, pitch pine forest, and contains moose and deer yards. It also has some rare species and dramatic geological formations. They would like to work towards having a conservation easement placed on the property to protect it from development, which would have to come before the voters at a Town Meeting.

Selectman Pye stated that the Conservation Commission has been working through the goals of Comprehensive Plan and they and the Road Committee have accomplished the most so far. Also, they should bring their conservation easement proposal to the Selectmen so that other Committees/Commissions can have input.

Selectman Douglass re-emphasized that Commission business must be conducted in open meetings and if the members have any procedural questions they should contact Administrator Young or one of the Selectmen.

The Commission members will write a letter to Mr. Hatch thanking him

for his donation of property to The Nature Conservancy (Basin Preserve) and the Town (Center Pond property). They have made arrangements with Nancy Sferra to have it forwarded via Mr. Hatch's attorneys. Jo Schumann showed the Selectmen photos of children enjoying the trails which will be sent with the letter.

Merry Chapin stated that they had met with the Implementation Committee last month because they were feeling that the Comprehensive Plan required that the goals be met in a short period of time – which is not the case. She added that this Conservation Commission is one of best in the State.

Ronnie Kamphausen commended the Phippsburg Elementary School for welcoming them. She also added that they were considering taking a survey of road kills and animal sightings to establish the kinds of animals and their population in Town. Selectmen recommended that they obtain information from the Phippsburg Sportsman's Association.

Selectman Douglass recommended that they contact other resources for advice and assistance – such as the Soil and Water Conservation District, Sebago Lake Watershed, etc. He added that the Comprehensive Plan did not give justice to the Agriculture section. We have no clear picture of who raises horses or who has gardens etc. We don't really know how much agriculture we have and to what scale. This is very important because it impacts the town and land.

3. Meet with Kai Jacob to discuss a violation of the Shoreland Zoning Ordinance. and consideration of a consensual agreement.

Lee Rainey (CEO) reviewed the violation. Mr. Jacob had drilled holes in three clumps of trees and poisoned them with a brine solution. This was discovered by Mr. Rainey and a State DEP representative when they were invited on Mr. Jacob's property on another matter. Mr. Rainey followed up that visit with another which included Walter Armstrong, a certified forester. At that time Mr. Jacob admitted to killing the trees. Mr. Armstrong has prepared a re-planting plan.

Mr. Jacob discussed the trees that he had killed and stated that he didn't think he was harming the environment. Mr. Rainey replied that the Shoreland Zoning Ordinance and State regulations are very restrictive on removing trees within the first 75 feet of the shore/marsh which is where the three clumps of trees were located. Mr. Jacob stated that he has no problem with the replanting the required 12 trees.

Selectman Douglass stated that there is a notice in every Town Report that asks people to contact the Code Enforcement Officer before cutting any trees in the Shoreland Zone. He also mentioned that Mr. Jacob had been in trouble for cutting trees at North Creek Farms in 1999 so he is aware of the cutting restrictions. At that time Mr. Jacob had also signed a consensual agreement.

Selectman Perkins stated that Mr. Jacob had admitted to his mistake and is willing to replant.

Selectman Douglass made a motion to assess a \$500.00 consensual fine

(\$375.00 of it covers the cost of Mr. Armstrong) and incorporate the replanting plan drafted by Mr. Rainey and Mr. Armstrong. Motion passed by a vote of 2-1 (Selectmen Pye opposed). Mr. Rainey will draft the consensual agreement for signature.

4. Meet with Mark Alexander, Animal Control Officer, to set a consensual fine for Steve Boisvert who was cited for a third time for two dogs running at large.

Mark Alexander, Animal Control Officer, stated that although this is the third violation it happened just after the second violation. There have been no problems over the past month. Mr. Alexander stated that Mr. Boisvert has made an effort to control the problem and he recommended a minimum fine. Selectmen voted (3-0) to assess a consensual fine of \$50.00 (25.00 per dog).

5. Meet with the Assessing Agent, Juanita Wilson, for an assessment update.

Ms. Wilson explained that as time is available she is sending out a standard form to all real estate tax exempt properties for annual status updates

Bates-Morse Mountain: Ms. Wilson stated that they have been very cooperative. She also mentioned that Judy Marden is being replaced by David Baker as their representative. They have brought in additional info to clean up tax maps. There is no question on their property tax exempt status.

Popham Church: A taxpayer had questioned the Church exemption because it has an art gallery. She met with Bill Murray and reviewed their by-laws and exempt status. It appears the current use qualifies for exempt status, and she will review the written update when the packet is submitted.

Maine Coast Heritage Trust: Ms. Wilson has been working with Jane Arbuckle, who represents MCHT. She has determined that their file is complete with the exception of an annual financial statement which will be provided by next April. She also mentioned that USM Radio has been interviewing people on different issues with Malaga Island, including their real estate tax exempt status.

The Nature Conservancy: Ms. Wilson stated that it was beneficial to listen to the Conservation Commission's previous discussion concerning the Basin Preserve. She informed the Selectmen that there are no easements on the Basin Preserve to stop them from selling any of the land (this is allowed under their by-laws). She added that historically the Town has been under assessing the Basin. There were 30 deeds (none with conservation easements) for approximately 1900 acres which were acquired between 1956 and 1972. No survey of the entire property had ever been done. Now that she has all of the data available she has confirmed 1900 +/- acres. The Nature Conservancy is income tax exempt, however they have to prove that they provide a "public benefit" to make them exempt from real estate tax.

She reviewed The Nature Conservancy's category of lands based on there financial statement. There are two which concern the Town and they are "Conservation Land" (property with significant ecological value which may be managed by TNC or transferred to another entity) and "Trade

Land" (property with minimum ecological value which can be sold and funds used in support of TNC). According to Nancy Sferra (TNC) only a few dozen acres meet the category of "Trade Land" – however she has not completed the land inventory yet.

Ms. Wilson stated that she will be revising the tax maps to simplify the Basin Preserve and increase the accuracy. In the future she may also delineate the land categories. The assessed value of the Basin preserve was 5,107,600 when transferred (68% is our reduced certified ratio). This would be a tax levy of \$55, 073 at last year's mil rate. She added that there is also an approved subdivision (Merrymeeting Subdivision) included in the Basin property.

Selectman Douglass stated that he had concerns that the subdivision could be activated at any time and also that there were no restrictions on the 1900 acres. He would like to discuss the possibility of conservation easements with TNC.

Selectman Perkins read a letter from TNC which states that the Basin was open to the public for hunting, fishing, hiking, clamming, limited motorized use and operated under a management plan. They also offered to voluntarily pay \$10,000.00 in lieu of taxes. He added that he had a problem with the amount to be paid and would like to approach TNC for a larger donation.

The Selectmen asked Ms. Wilson what TNC's recourse would be if they did not grant them a real estate tax exempt status. Ms. Wilson replied that the decision could be appealed. Selectman Pye states that there was the chance that things could change and nothing prevents TNC from developing the property.

Selectman Douglass wants assurances that TNC land will not be developed. He added that in prior discussions with TNC he thought that the donor had restrictions on the property.

Selectman Perkins stated that he would contact TNC and discuss these issues.

Sam Roberts recommended that if the Selectmen come to an agreed amount for payment in lieu of taxes it should be indexed. Selectman Douglass replied that if TNC is granted a property tax exemption they would not be required to pay anything and any payment in lieu of taxes is voluntary.

Administrator Young will contact Nancy Sferra from TNC to arrange a meeting with the Selectmen to discuss these issues.

Working Waterfront Exemption: Ms. Wilson briefed the Selectman on a working waterfront exemption for the Albertson family at Ridley's Landing. Five commercial fishing boats use the wharf and property. She explained that the exemption is for property only - not buildings. There are two sections of land and they equal a total of two acres which have a 90% waterfront use. The total assessed value exemption is \$30,000 (\$29,000 for the waterfront section and \$1,000 for the rear land section). This would drop the property valuation to \$876,000 after the exemption.

Selectman Pye asked if the owners were aware of the penalty if they should no longer use the property under the Working waterfront Exemption guidelines to which Ms. Wilson replied yes.

Selectman Douglass asked if the Selectman had a choice whether to grant the exemption. Ms. Wilson responded that she would withdraw her recommendation if requested; however granting the exemption is not a local option.

The Selectmen voted (3-0) to approve the application and have Ms. Wilson sign it as their agent.

Selectman Douglass reminded the public that all of the assessing records are public records and anyone is invited to review them.

6. Meet with Jim Totman, Fire Chief, to discuss disposal of the old tank truck.

Chief Totman recommended that K & T, who sold us the new tanker, act as brokers for the old tanker. He is looking to receive \$8,000 to \$10,000 for it. If K & T sells the tanker they would keep ½ of the amount above \$10,000.00.

There would be no contract - so if someone wanted to pay the \$10,000 for the truck while K & T was trying to broker it there would not be a problem.

Administrator Young stated that the warrant article (#67) voted on at the May 2007 Town Meeting authorized the Selectmen, with the advice of the Fire Chief, to dispose of the tanker under such terms and conditions as they may deem advisable.

The Selectman unanimously supported Chief Totman's plans.

III. Unfinished Business

1. Discuss County Workshop

Reminder of workshop. No further action taken.

IV. New Business

1. Consider Ronnie Kamphausen for an appointment to the Conservation Commission

The Selectmen stated that based on the prior briefing of the Conservation Commission it is evident that Ms. Kamphausen is doing a wonderful job and works well as a team member. The Selectmen voted (3-0) to appoint Ronnie Kamphausen as a replacement for Joan Detel.

2. Consider Peter Roberts for an appointment to the Center Pond Alewife Committee to replace Brett Gilliam

The Selectmen acknowledged that Mr. Roberts had drafted the Town Meeting warrant article that set the contract period and requirements. They voted (3-0) to appoint him as a replacement for Brett Gilliam, who has the alewife contract.

3. 8th Annual Senior Citizen's Fair.

Selectman Douglass will attend the Fair on Saturday, November 3rd from 10:00 a.m. to 1:00 p.m. He announced that flu shots will be available.

V. Correspondence

1. Opinion section "For I was Hungry" from Kennebec Journal.
Reviewed. No action taken.

VI. Selectmen/Administrator Comments and Announcements

1. Selectman Pye

Stated that it was good having the Historic Preservation Commission and Conservation Commission give an update on their activities. He would like to see other Commissions/Committees scheduled on a regular basis. Selectman Douglass recommended perhaps just having the Chairs present for the briefings and recommended scheduling the Recreation Commission next.

2. Administrator Young

Announced upcoming events.

VII. Adjournment - Selectmen voted (3-0) to adjourn at 9:55 p.m.

September 23, 2007

To: Phippsburg Board of Selectmen
From: Phippsburg Historic Preservation Commission
Re: Recent Activities

Historic Preservation Ordinance:

Commission members have drafted an Historic Preservation Ordinance as called for in the Comprehensive Plan. The draft has been reviewed by the Maine Historic Preservation Commission and contains all of the necessary elements to qualify Phippsburg as a Certified Local Government.

Demolition Permit Reviews: Sites are generally visited by two commissioners, a report is drafted and voted on by the entire Commission, and then given to the CEO. Procedures have been developed to expedite demolition permits for properties identified as "non-contributing" in the architectural survey, without review by the Commission.

62 Fort Baldwin Road
Stadler House
16 Alton Way
Earl Wallace House
62 Parker Head Road
Bush Property, Cox Head

Events & Programs:

Popham 400 Celebration: brochure and display in the exhibit area as well as funding to support the educators' newsletter published by Friends of Phippsburg.

"Your Old House: How to Preserve Its Historic Character" workshop with Sally Zimmerman of Historic New England, August 15, 2007 at the Patten Free Library. Co-sponsored with Sagadahoc Preservation.

"Can My Old House Be Green?": three workshops with industry professionals on insulation, windows and heating systems suitable for old houses. Being planned for fall 2007

Architectural Survey: Ongoing updates to the "windshield" survey and development of software to make the survey more accessible to the CEO.

Conferences:

Members of the Commission attended the Annual Maine Historic Preservation Conference (May 11-12) co-sponsored by the Maine Historic Preservation Commission and Preservation, Inc. in Bangor and a conference in Augusta focusing on Certified Local Governments.

Fundraising:

To augment the funds voted by the Town, the Commission published *Faces of Phippsburg 2007* with the support of Dan Dowd. Sales of the calendar have recouped the production costs and raised \$1010.00.

Historic Properties: The Commission is continuing to work on finding permanent locations for the Murphy House and the Rainey Post Office, and securing the future of the Bodwell and Dromore Granges.

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