

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
November 28, 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. Meeting Minutes

All items reviewed and signed.

II. Meetings and Hearings:

1. Meet with Committees concerning the possibility of having an annual town meeting warrant article for the sale of Town owned land located on Atkins Bay Drive (Map 013, Lot 048).

This is a follow-up from the Selectmen's meeting held on October 17, 2007 Administrator Young had requested that the Chairpersons from the Town Lands Management Committee, Harbor Commission, Town Landing Committee, Conservation Commission, and Shellfish Conservation Commission meet with the Selectmen.

Selectman Perkins read an e-mail from Dave Power, Chair of the Harbor Commission, stating that his commission has no opinion since the property in question does not abut the water.

Selectman Douglass read Richard Miner's letter of request received earlier. He also reviewed information provided by Juanita Wilson, Assessing Agent, which indicated that the property would have an assessed value of \$54,500 at 100%. This was based on Code Enforcement Officer Lee Rainey's determination that the lot can legally be built on (can build a small cabin with a chemical toilet or use it for an RV).

Administrator Young reviewed the policy for the sale of Town-owned property established by the Selectmen on March 12, 2003.

Selectman Douglass asked if the Recreation Commission Chair was notified of the meeting to which Administrator Young replied that she was not, but he would notify her from this point on.

Richard Lemont, Chair of the Shellfish Commission asked if the Town had a survey of the property to which Administrator Young stated "no". Mr. Lemont added that although the shellfish harvesters have never used this lot for parking they have had traditional access by parking on property that they thought Sharon Bowden owned – but evidently is owned by Richard Miner. He recommends requiring Mr. Miner to give a public access right-of-way to the shore if he purchases lot 048.

Selectman Douglass replied that having a right-of-way from Mr. Miner

or Sharon Bowden is a separate issue from the sale of the lot. You can't require that Mr. Miner give a right-of-way if others are also allowed to bid on the property. He asked if anyone knew what the private road right-of-way width was and Kevin Alexander replied 25 or 26 feet. Mr. Alexander asked if the Town was going to use a right-of-way requirement as leverage to which Selectman Douglass replied "no".

Selectmen Perkins stated that the reason for this meeting was just to get input from the committees and commissions.

Selectman Douglass asked what the shellfish harvesters would do if they lost their permission to park and use the driveway belonging to Mr. Miner and Ms. Bowden. Mr. Lemont replied that they would have to gain access from Green Point or by boat. He confirmed that there was no written agreement for parking or using the driveway owned by Bowden and Miner. Selectman Douglass added that if Mr. Miner purchased lot 048 then he could be approached concerning a right-of-way for parking and access.

Mr. Lemont stated that his commission will review this issue at the next meeting but he sees no reason not to put the property out to bid since it has no shore access.

Anna Little, Chair of the Town Lands Management Committee, asked if Atkins Bay Road was private to which Commissioner Doughty answered "yes". She then stated that she saw no access value to lot 048. She asked if Mr. Miner combined lot 048 with his other lots if it would make it a buildable lot. Selectman Douglass responded that there was already a building on the lot Mr. Miner currently owns and Kevin Alexander added that even if the lots were combined the topography restricts them to the one building currently located on Mr. Miner's lot. Selectman Douglass added that Mr. Miner intended to combine lot 048 with his other lots. Ms. Little stated that the Town Lands Management Committee was not averse to selling the property because it is less valuable to the shellfish harvesters than she originally thought.

Peter Roberts, Chair of the Town Landings Committee, asked if the Town had a right-of-way to the shore from Atkins Bay Rd. Mr. Lemont replied that there was no formal right-of-way in writing, it was just verbal permission to park and walk to the shore. Mr. Roberts added that even if lot 048 was kept by the Town and made into a parking lot there would be no legal access to the shore. He stated that because there is no shore access the sale of the property does not affect his committee.

Selectman Douglass asked Mr. Lemont if the property would be valuable for parking if there was walking access to the shore to which Mr. Lemont replied "yes". Selectman Douglass then recommended that the landowners be asked if they would allow harvesters from two or three vehicles access to the water each tide.

Ms. Little stated that after hearing Kevin Alexander speak that maybe lot 048 is more valuable than she originally thought.

Mr. Roberts asked if the Town could attach a right-of-way condition to all bids for lot 048 to which Selectman Douglass replied that you can't tie a

sale to an agreement. He recommended talking to the landowners about a written access agreement to which Mr. Lemont added that you could only squeeze in three vehicles at the most.

Mr. Alexander mentioned that the road is so narrow that they had to put a private sign up to discourage people from driving down the driveway when construction trucks are present. As it is, sometimes the trucks have to drive in and back out. He recommended two agreements – one for parking and one for access.

Selectman Douglass stated that verbal agreements are good until someone abuses it or the property is sold. If Mr. Miner decides he won't allow parking on his property then lot 048 becomes valuable to the Town.

Selectman Perkins asked if you could drive to lot 048. Mr. Lemont stated that you can drive to the property and park there if some trees were cut – but you would still need permission from the landowners to access the shore.

Commissioner Doughty asked how wide the private right-of-way was for lot 048 on Atkins Bay Drive to which Mr. Lemont responded that it was the same as the other lots.

Ms. Little stated that the TLMC would meet and discuss this issue. She asked when the decision would have to be made and Administrator Young replied sometime in March for the May Town Meeting. She added that in her personal opinion \$54,000 would be good money for the Town to receive from the sale, however only if the property is not valuable at some other level. Selectman Douglass replied that lot 048 will not add that much value to Mr. Miner's property once it is combined and is no longer a stand alone lot that could be built on.

Mr. Roberts stated that if we don't have an easement it cuts out everybody – but if we do it sheds a different light on the sale.

Jean Perkins, Co-Chair of the Conservation Commission requested to accompany someone on a site walk. Selectman Douglass replied that due to the number of people on the associated committees and commissions he wanted to avoid a formal group site walk. He added that at the next meeting with the committees and commissions he would be looking for a formal recommendation.

2. Meet with the Conservation Commission to discuss a town meeting warrant article to place conservation easements on specific town owned properties.

The Conservation Commission is interested in obtaining a conservation easement or Declaration of Trust for the Town-owned property off Route 209 in Ashdale. This piece of property consists of the following lots on Map 045: 11, 60, 58, 59.

Jo Schumann, Co-Chair of the Conservation Commission, read sections from the Comprehensive Plan goals which support this recommendation. There are wildlife corridors from the Basin to Sprague Pond and almost to Spirit Pond. The Comprehensive Plan gives this effort a high priority for year one and is the responsibility of the Conservation Commission. Also,

according to the Comprehensive Plan goals it is the responsibility of the Selectmen to pursue the easements. Another section of the Comprehensive Plan requires that the Town encourage and develop an open space plan (high priority for year one). Also, the State Planning Office response to the Comprehensive Plan requires that the Town define growth areas. They also recommend protecting pitch pine areas and the Morse Mountain area (which includes this Ashdale section of land). This section of land is a deer wintering area, moose habitat, and wildlife corridor. There have also been sightings of bobcats. In light of Bruce Poliquin posting his adjacent property it becomes very important that the Ashdale property be saved for public use. She and Jean Perkins met with the Sportsman's Association and discussed protecting the property for future hunting. The property would be used as it has traditionally been, except they would have to work out where ATV trails would be. The property is landlocked and currently there is a trail from Bates-Morse Mountain land. Dave Barnes mentioned that the property can also be accessed through the parking lot of the Small Point Baptist Church.

Administrator Young stated that before any type of Conservation Easement or Declaration of Trust could be considered the land would have to be surveyed. He recommended a "straw poll vote" at Town Meeting before spending the money on a survey.

Selectman Douglass recommended that the Administrator obtain an estimate for the survey and there be an article on the May 2008 Town Meeting warrant to fund it. He added that he is opposed to the same type of Conservation Easement that was drafted for the Totman Preserve. Anna Little, Chair of the Town Lands Management Committee, stated that she also would find it hard to enter into a Conservation Easement similar to the Totman Preserve one.

Ms. Schumann stated that the Conservation Commission wants to meet with the Town Lands Management Committee as per the Comprehensive Plan.

Selectman Douglass stated that he would like to hear from the Sportsman's Association personally. Troy Wallace from the Association stated that they support protecting land as open space as long as the traditional uses of hunting, trapping, ATV usage, etc. continue. Selectman Douglass asked if there would be a problem if trail limitations were established for ATV's. Mr. Wallace replied that if some current trails go through wetlands they could skirt around them – however their support is for equal use for everyone. Ms. Schumann asked if the Conservation Commission could post specific areas where rare plants and trees were. Mr. Wallace responded that they could as long as there was a way for ATV's to get through. She asked about protecting wildlife from ATV's. Mr. Wallace responded that ATV's and other vehicles really don't bother wildlife that much. Ms. Schumann added that the Ashdale property is not appropriate as an income property because of the poor topography.

Ms. Little also thought that the property could be accessed via the Moore

property on Sam day Hill Road.

Selectman Perkins stated that, like the previous property that was discussed, we need more people to speak on this. Dave Barnes replied that he would bring the issue up at the next meeting of the Winnegance Wheelers. Selectman Douglass asked that Mr. Barnes find out if there are established ATV trails on the property. Ms. Little stated that when marking trails you have to keep in mind that only law abiding citizens will obey them.

Selectman Perkins stated that it was wise bringing this recommendation before the Town. He would like to see all the organizations involved (Town Lands Management, Conservation Commission, Sportsman's Association, and Winnegance Wheelers) meet as a group and start discussing this issue.

Selectman Pye recommended that the warrant article be specific that the funds are for a survey for the purpose of establishing a Conservation Easement or Declaration of Trust. Ms. Schumann added that we need to be able to explain why a survey must take place. Selectman Douglass had a concern that if the survey funding article also contains the reason why the funds are needed it could be confusing. Administrator Young assured the Selectmen that he could draft a very clear article.

Ms. Little asked if the Conservation Commission has had an assets survey conducted to identify types of trees, waterways, wildlife etc. This would give them a blueprint to go by. Ms. Perkins replied that Inland Fisheries and Wildlife would help with that.

Ronnie Kamphausen, Conservation Commission member, asked how much hunting and trapping was happening on the Ashdale property. Also, what types of animals are being seen. This would help to determine how valuable the property is as a resource. Mr. Wallace replied that it probably has the same type of animals as any place within ½ mile. He doesn't know anyone trapping on the property. Selectman Douglass replied that this would be a good question for the members of the Sportsman's Association.

Ms. Perkins mentioned getting letters of support from neighbors abutting the Ashdale property.

Selectman Douglass recommended that the following steps be taken: (1) The four organizations (Town Lands Management Committee, Conservation Commission, Sportsman's Association, and Winnegance Wheelers) should meet as a group; (2) The Conservation Commission should contact Inland Fisheries and Wildlife to help map the assets; (3) The Conservation Commission should gather information concerning usage of the property (i.e. hunting, ATV use etc.); (4) Administrator Young should get an estimate for surveying the property; and (5) The "group" should draft wording for the "Declaration of Trust", which should include a list of allowed activities including limited harvestry. All of these tasks should be completed in time to provide information to citizens at the May 2008 Town Meeting. He also recommended that the Conservation Commission move ahead with the offer from Inland Fisheries and Wildlife to conduct the assets survey even if Town Meeting does not vote to approve the "Declaration of Trust".

3. Meet with the Road Commissioner to discuss recommended increases in the equipment rental contracts due to fuel coats. Also, review and sign 2007-2008 rental contracts.

Administrator Young stated that the equipment rental contract allows for an increase in rental fees for unforeseen circumstance such as an increase in fuel prices.

Commissioner Doughty recommended that the rental fee for each category of vehicle be increased \$5.00 per hour. The increase would not apply to standby pay or salaries.

The Selectmen asked if there would be enough funds in the Winter account to pay for the increase. Commissioner Doughty replied that it would depend on how harsh the winter was, but he has only overdrawn the account one time because of a bad winter. Administrator Young added that usually \$20,000 to \$30,000 is left over in the Winter account each year which is carried forward.

Selectman Douglass reviewed the figures provided by the Administrator and determined that there has been a 21% increase in the price of diesel fuel and a 7% increase in gas price since the 2007-2008 contracts were negotiated in July. The average increase combining the diesel and gas is 13.5%. The requested \$5.00 rental fee is an increase of 10%. Selectmen voted (3-0) to authorize the \$5.00 increase.

The Selectmen also signed the 2007-2008 contracts. The Administrator will attach an addendum to them reflecting the \$5.00 per hour increase.

III. Unfinished Business

1. Sale of the 1983 Fire Department Tank Truck.

The Selectmen voted (3-0) to sell the tanker to Steve Gist from Montana for the amount of \$5,000.00. This was the only bid received after listing it on E-Bay, with K & T, and notifying regional Fire Departments. Documents for the transfer were signed.

IV. New Business

1. Holiday schedule.

The Selectmen approved the Holiday Schedule as presented by Administrator Young. The Town Hall Open House will be from 6:00 p.m. to 8:00 p.m. on December 21st, the Town Hall will be closed on December 24th (State Holiday), December 25th (Christmas) and January 1st (New Years Day). Also, the Town Hall will close at 1:00 p.m. on December 31st (New Years Eve).

2. Consider accepting the following donations from Sam Roberts: \$250.00 to the Memorial Park fund and \$250.00 to the Historic Preservation Commission.

Selectman voted (3-0) to accept both donations.

V. Department and Committee Reports

1. Town Lands Management Committee

Anna Varian, Chair of the Town Lands Management Committee, stated

that her committee would not meet in December. They however would meet the first of the year with the groups listed in II.1. above.

VI. Correspondence

1. Phippsburg Land Trust Monitoring report for Totman Preserve.

Selectman Douglass read the report which stated that the Town was in compliance with the conditions of the Conservation Easement on Totman Preserve.

Anna Little, Chair of the Town Lands Management Committee, asked if ATV's were allowed on the access road to the lower parking lot.

Administrator Young replied that he didn't think it was authorized, but he would check the Conservation Easement.

Ms. Little also announced that the lower gate has now been locked for the winter. The access road and upper parking lot will remain open through the winter for those who want to snowshoe, hike, or ski. However it will be closed for winter maintenance (no plowing or sanding) – people will have to use common sense if they drive to the upper lot and “pass at their own risk”. This will hopefully keep people from parking on West Point Road which is dangerous. Trash cans are located in the privy for protection from elements if they need to be used. However, it would be preferred if people using the Totman Preserve “carry in-carry out”. Selectman Perkins requested that Ms. Little put this information on the CATV channel.

2. Letter from Comcast concerning the addition of Versus HD/Golf HD to their program lineup.

Reviewed. No action taken.

VII. Courses and seminars

1. General Assistance Training in Rockland on December 6th.

Selectman Perkins and Administrator Young will attend.

VIII. Selectmen/Administrator Comments and Announcements

1. Administrator Young

Announced upcoming meetings and events, including the “Licensing and Rabies Clinic” to be held from 9:00 a.m. to Noon on December 2nd.

Reported that nomination papers for the Regional School District School Board are available at the School Union. Phippsburg has two Districts - #5 and #7. Basically the centerline of Stoneybrook Road is the division between the two districts. The elections will take place on January 29, 2008.

2. Selectman Douglass

Announced that the Health Officer, Sue Jones, still has flu shots available. They can contact her at 443-2645.

Reminder that there are plastic cans next to the recycling containers for plastic bags and returnables which benefit the Fire and Rescue Department.

IV. Adjournment - Selectmen voted (3-0) to adjourn at 8:13 p.m.