

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
January 16, 2008

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 Laura Sewall to discuss the possibility of a "right of way" grant for water access at Cox's Head.

Ms. Sewall discussed different funding opportunities available for researching or obtaining easements for waterfront access. She is concerned that many water access points are only through verbal agreements. There is State funding available for purchasing water access through the "Land for Maine's Future" program and "Working Waterfront Program" (which has 3 million dollars available and is a better source). This program (Working Waterfront) is administered by Coastal Enterprises Inc. (CEI) and Ms. Sewall felt that this type of access would meet their criteria. CEI would assist with the application process and she would also help with the proposal. The Town would have to pay for the appraisal of the property or right of way and CEI could fund up to 100% of the purchase. Access could be limited just to Shellfish Harvesters. She added that the Phippsburg land Trust may be willing to hold the conservation easement.

Dick Lemont, Chairman of the Shellfish Commission, stated that he had talked to Sharon Bowden concerning an access easement over her property to the shore. She declined to grant such as easement at this time because she is rebuilding her house and there is too much activity right now. She appreciated the offer and will talk to the Town if she is interested later. She will continue to give specific Shellfish Harvesters permission to access the shore over her property. Mr. Lemont added that the Town should look at other access points which might qualify for funding under the "Working Waterfront" program. He invited Ms. Sewall to the next Shellfish Commission Meeting.

Selectman Pye asked Mr. Lemont if he had discussed the right of way with Mr. Miner. He replied that the shore access is basically on Sharon Bowden's property because it is the only non-vertical property available. Although the harvesters park on Mr. Miner's property – it is to steep to walk or drag clams over.

Selectman Douglass stated that he was not willing to go forward with recommending the sale of the town owned property on Cox's Head until the Selectmen have more answers. Mr. Lemont added that if the Town keeps the land maybe something will transpire later. The Selectmen voted (3-0) not to place an article on the May 2008 Town Meeting warrant for the sale of the Cox's Head property.

2. Meet with Anna Little, Town Lands Management Committee, to discuss an agreement with the Sportsman's Association for management of "Hatch Point."

Ms. Little reported that the Phippsburg Sportsman's Association would like to "adopt" Hatch Point (property off Route 209 on Center Pond that was donated to the Town by Mr. Hatch). Although the Town would own the property, the Association would maintain it for use of the citizens. Ms. Little had drafted an agreement based on a "Declaration of Trust" for the Selectmen to review. The Town Lands Management Committee was in support of this agreement. She reiterated that the Selectmen would still have ultimate authority over the property.

Selectman Perkins stated that he liked the name "Hatch Point". Ms. Little replied that this name just happened to come about in conversation and if another name was chosen she would not be offended. Selectman Perkins said that they could always have a contest to name the property and added that he would like to see the property maintained as soon as possible.

Ms. Little stated that the Town Lands Management Committee had discussed having controlled burns when necessary to control tick infestation. The Sportsman's Association would not be involved with altercations –that would be handled by Police Chief Skroski.

Laura Sewall asked what the basic maintenance methods were that would be used and Selectman Perkins read the proposed agreement, which is on file at the Town Office.

Selectman Douglass asked if the intent was to restrict the use of "Hatch Point" like Totman Preserve. Ms Little replied that they did not intend to restrict its use because of the fishing derbies and other events held on Center Pond. She added that this was a wonderful site which should be enjoyed by many people and not limited just to residents and taxpayers.

Arnold Rice, President of the Sportsman's Association, stated that the Town really won't see a difference in the appearance of the property, they would just be mowing it more often and picking up trash. They may also fix some eroded area, add a picnic table and perhaps a sign.

Laura Sewall added that she thought it was a great idea.

Selectman Douglass asked if the Town's Attorney had reviewed the agreement. Administrator Young replied that a copy had been sent to Rick Hornbeck and he was waiting for a reply back. Selectmen tabled approving the agreement until a reply was given by Attorney Hornbeck.

III. Unfinished Business

1. FEMA Reimbursement

Administrator Young reported that the Town has received a FEMA reimbursement of \$20,366 for the Patriots Day Storm and expects another \$3,916 from State MEMA for a total of \$24, 283. Administrator Young recommended that the reimbursement be divided between the Police Dept (\$200), EMA (\$1,000), Fire Department (\$4,200) and Emergency Roads (remainder of \$18,883 - \$19,326 was spent). Selectmen approved.

IV. New Business

1. Accept a \$100.00 donation to the Fire Department from William Murray, Jr.

Selectmen voted (3-0) to accept the donation and put it into the Fire and Rescue Capital Account. Selectman Perkins also clarified the way donations to the Fire and Rescue Department/Association are handled.

2. Superior Court Complaint from North Creek Farms, Inc. against the Town Inhabitants, Lee Rainey, Marie Varian, Dave Barnes, and Michael Young for "Defamation" and "Deprivation of Civil Rights".

Administrator Young briefed the Selectmen on a Superior Court Complaint filed by North Creek Farms, Inc. against the Inhabitants of the Town of Phippsburg, Leighton Rainey (CEO), Marie Varian (Planning Board Chair), David Barnes (prior Health Officer), and Michael Young (Town Administrator) for Defamation and Deprivation of Civil Rights under 42 USCA § 1983.

Kai Jacob, co-owner of North Creek Farms Inc., was in attendance. He stated that this action was being taken by Susan Verrier, his partner in the corporation, and he was not part of it. He had already contacted his attorney to have his name removed. He stated that he has made his peace with the Town.

3. Budget Advisory Committee District Caucuses

Selectmen Perkins and Pye will try to attend the County Caucuses.

Selectman Douglass will be unable to attend due to his work schedule.

4. Review Annual Transfer Station Solid Waste Report

Reviewed and read to the public. No further action taken.

V. Correspondence

1. Letter from Don Gerrish, Brunswick Town Manager, concerning a meeting to discuss Comcast's cable operation.

Mr. Gerrish had sent a letter to all surrounding communities inviting representatives to a meeting to compare and discuss complaints with Comcast Service. Gary Morong, PCATV Station Manager will attend.

2. Notice from CMP concerning tree work.

The notice advised citizens that CMP would be trimming trees in the area. Contact numbers were listed if property owners had questions for the CMP arborists. This info will also be put on the PCATV and website.

VI. Courses and seminars

1. MMA Course – Basic Municipal Budgeting
Administrator Young will send notice of the Budgeting Workshop to members of the Budget Committee.
2. Excel Course
The Selectmen authorized Administrator Young to attend this course.

VII. Selectmen/Administrator Comments and Announcements

1. Administrator Young:
Administrator Young presented a photo album of the Winnegance Alewife Run rebuild project. This was donated to the Town by Steve Wilson, Chair of the Tri-Town Alewife Committee. Selectman Perkins gave a short presentation to the public based on the photos. Administrator Young also reviewed upcoming meetings.
2. Selectman Pye:
Selectman Pye reported that the Comprehensive Plan Implementation Committee will be working with John Webber from the State Planning Office who has replaced Stacey Benjamin.

VIII. Public Forum

1. Peter Roberts revisited the issue of the town-owned property at Cox's Head.
Mr. Roberts disagreed with Richard Lemont's statement that Mr. Miner's property was too steep for access to the water. He added that what happened tonight concerning this issue was predictable. He recommended working a deal with Mr. Miner for access and also doing more research to determine if there is a right of way to the shore from the town-owned property (the lot was originally part of a subdivision). Administrator Young stated that Juanita Wilson, Assessing Agent, had done some preliminary research and had found no indication of a right of way. Mr. Young added that it could require hiring someone to conduct a full title search. Mr. Roberts added that if there was a proven right of way or the Town could obtain a water access right of way we should keep the property – if not an article should be put on the warrant to sell it.
Anna Little stated that the Town Lands Management Committee had discussed the access issue at their prior meeting and there are minutes available.
Selectman Douglass stated that the door was closed for the upcoming Town Meeting. He did not think that this was the proper time to dispose of the property.
Administrator Young will find out how in depth Ms. Wilson's research was.

IX. Adjournment - Selectmen voted (3-0) to adjourn at 7:03 p.m.