

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
February 25, 2009

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

I. Review and Sign:

1. Accounts payable and payroll warrants.
2. Meeting minutes.

Selectman Douglass asked for an explanation of the Howard Fairfield payment. Administrator Young explained that it was for the cost of cutting blades for the rental plows as per the annual contract.

Selectmen voted (3-0) to approve the above.

II. Meetings and Hearings:

1. Meet with the Conservation Commission for an update on their meeting with other organizations and committees concerning the possibility of having a conservation easement on the town owned property in Ashdale.

Jo Schuman, Co-Chair of the Conservation Commission, provided a packet of information to the Selectmen. This packet included GPS maps which showed important resources to protect, trails on the property and animals the Commission found while conducting the survey. She reviewed the conservation recommendations of the Town's Comprehensive plan which included placing easements on town owned property to protect them from development. She added that the Commission had met with the Selectmen in November 2008 concerning the easements and were given several tasks to accomplish and then report back. The first task was to review the area and map features, plants, animals. This has been mostly completed using GPS. They concentrated on the section of Ashdale property which has already been surveyed and worked with Inland Fisheries and Wildlife to accomplish this. The most important resource found to protect in the area was the Pitch Pine forest and a rare species of butterfly (which were also found on contiguous property at Morse Mountain). The second task was to meet with members of the Town Lands Management Committee, Winnegance Wheelers and the Phippsburg Sportsmen's Association. She gave a synopsis of the meetings and stated that some of these meetings were very intense.

Anna Varian, Chair of the Town Lands Management Committee (TLM), asked why the Town needs to do anything with the property when nobody has seen any damage. She added that if there was damage to the property the TLM would go in and try to control it. Ms. Schuman replied that the Conservation Commission was trying to get an easement on the property

before damage occurred. Ms. Varian replied that the land was already protected because the citizens would have to approve any sale of the property at Town Meeting. She added that ATV operators were concerned about restrictions on where they can operate and that there were quite a number of ATV trails on the east side of the property. Ms. Schuman responded that trails should be constructed after consulting with the Conservation Commission because ATV's should not be allowed in Pitch Pine areas where the shallow soil can be destroyed.

Selectman Douglass asked if Ms. Schuman was representing herself or the beliefs of the entire Conservation Commission. Ms. Schuman replied that she was representing the consensus of the Commission. She added that there is a lot of unhappiness about restrictions and the Commission does want to insure that the land is preserved for hunting and fishing. She said that one thing they have not worked on is the wording of the trust which would be tailored to Phippsburg and ATV's could be addressed in it.

Jim Totman stated that there should never be restrictions on Town owned property because someday the Town may need to sell it in an emergency or may it be needed for the establishment of wells, wind power, etc. Ms. Schuman replied that the trust could be worded to allow those different uses, but protect the land from commercial development.

Selectman Douglass asked if the Conservation Commission had discussed forestry management and Ms. Schuman replied that the Town could allow selective cutting.

Mark Alexander stated that the Sportsman's Association had voted to discuss the issue again - concentrating on how a trust would be worded.

Selectman Douglass asked Ms. Schuman if she felt that the Commission is on the same page as the other groups. He also advised Ms. Schuman that any commercial harvest would be under the Selectmen's control and there would be a commercial forester hired. He also recommended that the Conservation Commission discuss this. Ms. Schuman replied that she had envisioned the Town having the wood cut for the people that need it.

Selectman Douglass asked if the Conservation Commission supported hunting, fishing and trapping to which Ms. Schumann replied "yes".

Selectman Pye asked if the Conservation Commission had anything ready for Town Meeting on this issue. Ms. Shuman replied that they were not close to drafting a trust for the Town Meeting and not everyone is in agreement of the wording. Ellen Winchester, Conservation Commission member, added that if they want to pursue a trust they would need to do a more detailed GPS mapping and also they were looking for some direction from the Selectmen.

Selectman Douglass asked what was the advantage of having the land in a trust rather than leaving it in the current status. Ms. Schuman replied that she was concerned that a developer may approach the town and purchase the land and if it is worth saving it should be done now to forestall the possibility of it being sold should the Town come under pressure to sell land to reduce taxes.

Selectman Douglass asked how putting the land in a trust would stop damage. He added that he wasn't sure a piece of paper would make a difference in the amount of damage. Ms. Schuman replied that if the land were in a trust there would be consequences for damaging it. Selectmen Douglass added that there may be reasons to limit trails and the Conservation Commission should work with the other committees on management. He also believes that the more access reasonable people have to the property – the more people will watch out for it. He hasn't heard a compelling argument that the Town needs a document to protect the property – everyone seems to be in agreement that the land should be protected, but not through a trust.

Selectman Douglass asked what the Commission's feelings were concerning the rest of the town-owned property in Ashdale that has not been surveyed and Ms. Schuman replied that the only section they were interested in was the surveyed section.

Selectman Perkins stated that at this point putting the Ashdale land in a trust seems like an unpopular thing to do based on what he has heard. So, he is not in favor of the Land being put in a trust – however, if the different organizations come up with an organized plan he would reconsider.

Dana Mclean, Secretary of the Phippsburg Sportsmen's Association, stated that they would like to meet again to discuss the issue.

Clifford Newell, Town Lands Management Committee member, stated that the Chairman Varian, was not present at the last TLM Committee meeting because she was attending a function for her son, so he would like to pass on what the TLM Committee's opinion from that night was - "if it isn't broken – why fix it." If it becomes a problem later then they can consider action at that time. The TLM Committee has faith that the Phippsburg citizens can make good decisions about the use of the land - this doesn't mean that future meetings can't make a change – it just isn't needed now. Ms. Schuman agreed that when she left their last meeting with the TLM Committee that was indeed the consensus, but she had heard that Sportsman's Association was still interested in discussing the land being put into a trust.

Selectman Douglass Alan suggested that the Conservation Commission members have another meeting with the Sportsman's Association. He added that it sounded like the trust was not popular – but the jury was still out. If it is not popular then it will not get support. He recommended that the Conservation Commission focus on an agreement with the other organizations to preserve the area, decide what is important to preserve, consider access, and protect the property. He added that the Conservation Commission has done a lot of good work and they just need to be in agreement of what to do with the land – except putting it in a trust. He agreed with Clifford Newell – he also has faith in the citizens to know what is going on and make good decisions.

Selectmen Pye agreed with Selectman Douglass that the Conservation Commission work is important, that they should continue protecting land,

and they should continue their GPS project.

Ellen Winchester said that the Commission would work with the other groups on trails etc. Selectman Douglass replied that it would be nice to have all the groups work together to come up with a plan for protection and limitations on the land. This plan could then be brought before the Selectmen. He added that each group should not try to do the work of the others – everyone has a niche and they shouldn't reinvent the wheel. Each group should do their component and let the others do theirs.

Selectman Perkins also commended the Conservation Commission on their GPS work and added that they can go forward with exploring and mapping the area.

III. Unfinished Business

1. Review and sign the Special Town Meeting warrant for March 11th for the following two articles: (1) Elect a Moderator and (2) Allow commercial shellfish harvesting in Popham State Park from December through March each year.

Selectmen approved and signed the Warrant.

IV. New Business

1. Review and sign a letter authorizing Peter Roberts, Chair of the Town Landing Committee TLC, to represent the Town of Phippsburg before the Planning Board concerning the Alliquippa Town Landing construction.

Mr. Roberts gave an overview of the Alliquippa Town Landing project. He had a "Permit by Rule" from DEP to install 2 – 3 x 5 concrete slabs, an 18 x 16 float, and steps. He stated that the cove had encroached into the landing 30 feet over the last 30 or 40 years and if stabilization had been done back then it would have prevented the current problems. He added that the Town could not go back to the original shoreline, the location of which is obvious, without going through the full blown permit process with DEP which would cost around \$3,000. However, the Town could immediately stabilize the shore to stop any further encroachment. He added that because they have so little land he would like to reclaim more – but can't under the "Permit by Rule".

Mr. Roberts showed the Selectmen a series of photos that were submitted to DEP with the "Permit by Rule" application. He pointed out a series of boulders which looked like part of an old stone wall which was obviously where the shoreline was many years ago. He stated that he cannot touch them or use them in the construction and he pointed out some flagged stakes which would be the limit of encroachment.

Mr. Roberts had invited seven contractors to visit the site with the TLC and review the shore stabilization project. He had invited six contractors from Town and everyone but Warren Doughty showed up. He also had two contractors from outside of Town who showed up because they have done this type of work before.

Mr. Roberts reported that the TLC has already received three price

proposals for the construction and didn't know how many more contractors were interested in the project. He did not want to reveal the faxed proposal prices at this time because other contractors may still bid.

Mr. Roberts stated that part of the shoreline stabilization along the north-south line will require that the construction slope go onto the abutter's property who have been contacted and have no objections. The Town Attorney will review the easement for the slope and then Mr. Roberts will get the property owners to sign it.

Selectman Douglass confirmed with Mr. Roberts that the TLC would need Planning Board approval if more than 10 yards of fill would be needed. Mr. Roberts replied that he did not know how much fill would be needed at this time.

The Selectmen signed the authorization for Mr. Roberts to represent the Town before the Planning Board.

Selectman Douglass thanked Mr. Roberts for the work he has done having the utility lines over the Meadowbrook Landing rerouted which Mr. Roberts believes will at no cost to the Town (originally CMP was going to charge \$4,500).

2. Review annual liquor license application for Spinney's in Popham owned by G.D.L.D. L.L.C.

Selectmen reviewed and signed the Liquor License.

3. Discuss March 4th meeting (Administrator will be at Maine Fishermen's Forum).

Selectmen will meet on March 4th with a limited agenda.

4. Historic Preservation Commission Meeting on March 9th

The Historic Preservation Commission had requested a meeting with the Town Administrator to discuss procedural issues. After reviewing a series of questions presented to the Administrator, Selectman Perkins recommended that the meeting scheduled with the Town Administrator on March 9th be canceled and rescheduled with the entire Board of Selectmen on March 18th. The Administrator was asked to have Lee Rainey (CEO) and Marie Varian (Planning Board) present for the meeting.

V. Correspondence

1. Comcast notice for channel line-up change.

Selectmen Pye read the notice concerning a change in Channel 9.

VI. Selectmen/Administrator Comments and Announcements

1. Administrator Mike Young

Announced upcoming meetings and events.

VII. Adjournment - Selectmen voted (3-0) to adjourn at 7:11 p.m.