

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
March 18, 2009

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

I. Review and Sign:

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

Selectmen voted (3-0) to approve the accounts payable and payroll warrants and minutes.

II. Meetings and Hearings:

1. Meet with the Historic Preservation Commission to discuss policies, procedures, and authority.

Meeting was held with members of the Historic Preservation Commission and Planning Board. The Code Enforcement Officer was also present.

Selectman Pye opened the meeting by explaining to the Commission members that tonight's discussion concerning the proposed demolition ordinance/policy change should not be interpreted as an attack on the Commission.

Selectman Perkins stated that the Commission had requested that Administrator Young meet with them to go over a series of questions on policies and protocols. After reviewing the questions he asked the Commission to meet with the full Board of Selectmen, Marie Varian (Planning Board Chair) and Lee Rainey (Code Enforcement Officer) instead.

Helen Webb, Commission member, stated that they were not trying to be accusatory, but were trying to set up a procedure to support the Demolition Ordinance. They were not trying to go around the Selectmen.

Selectman Pye stated that he had reviewed the proposed procedures and because they direct town employees to complete certain tasks they should be in the form of an ordinance change. He added that the Commission does not have the authority to direct employees, only town meeting (through ordinances) or the Selectmen have that authority. Ms. Webb replied that she never perceived the draft procedures that way.

Charlotte Moore, Commission member, stated that they were trying to adopt internal guidelines to make the demolition delay process more efficient. They cannot make decisions on a delay unless it is at a formal meeting and there are a lot of steps to be completed within the 45 day limit. Selectman Douglass replied that it was not an internal procedure because it

involved the CEO and he is not part of the Commission. He added that there were other issues with the internal procedures including the Commission hamstringing themselves by only meeting the second Monday of the month, setting policies that involve people outside the Commission, having the requirement to notify both co-chairs (what if one is not available), and a confusing time line. He knows what the Commission is trying to accomplish, but the "policies" should be amendments to the demolition section of the Land Use Ordinance and the terms used should be more open (i.e. delays should be reviewed at the "next meeting" vs. "second Monday of the month" to allow for emergency meetings if needed.)

Ms. Moore asked what the notification requirements were for an emergency meeting. Administrator Young replied that it would require the same notification process as a regular meeting (newspaper, TV, and website) except it would be an accelerated time frame and would be needed because of an emergent situation.

Lee Rainey, CEO, stated that the Land Use Ordinance Committee was in the middle of drafting the new Shoreland Zoning Ordinance because the State requires that it be in place by July 1st. Following that the Committee will be concentrating on the Land Use Ordinance. Selectman Pye added that the Land Use Ordinance rewrite would probably take place in the fall.

Richard Wenzel, member of the Historic Preservation Commission, asked who selects the Chairs of the Boards, Committee, and Commissions. He was informed that it is up to the members to select the Chairs – not the Selectmen.

Ms. Webb stated that there is a six month gap between now and when the new Land Use Ordinance will be incorporated. She asked if there were any policies that could be adopted to clarify the demolition procedure. Selectman Perkins replied that until the Land Use Ordinance is changed, the Commission has to operate under the current ordinance. In the meantime he recommended that the Commission sit down with Marie Varian and Lee Rainey and discuss a "rule of thumb".

Selectman Douglass stated that there has been a breakdown in communications. Ms. Webb replied that the Commission never got the notice about one building being demolished and when they did find out (not from Lee Rainey) they had to have a special meeting to discuss it in public. Mr. Rainey replied that he didn't know about the demolition until the builder showed up and informed him that the architect had notified the State Historic Preservation Commission 45 days earlier. He added that the Commission needs to have an outreach program to inform people what the notification requirement is. The architect was not aware that the Town had a Historic Preservation Commission. Administrator Young said that he would make a change to the Town's website.

Selectman Douglass recommended that the Commission complete their "contributory list" to make the demolition process smoother and asked when the project would be completed. Ms. Webb replied that the list would be an ongoing project but they have the list of contributory buildings "over

50 years of age" almost completed. They were not at 98% yet because they need to access to a few private roads to complete some windshield surveys. They have received permission to go on one private road in Popham. The next group of buildings to be surveyed would be those.

Mr. Rainey stated that he has not been provided with a "contributory list". He added that as the CEO and a taxpayer he felt that the residents of town should vote on the criteria used to have a building placed on the list. Selectman Douglass added that even if a building was placed on the list it can still be demolished. Aileen Wenzel added that if an ordinance passed it could put restrictions on buildings listed.

Ms. Webb stated that nothing has changed in the ordinance – it still requires a 45 day time frame for demolition of buildings and she realizes that any amendments to the ordinance would need public vote. She added that the townspeople could vote to set criteria for landmarks and create historic districts. Without historic districts any restrictions must be agreed on by the property owner.

Ms. Varian stated that the demolition delay is part of the Land Use Ordinance and cannot be changed without an amendment approved by vote at town meeting. She added that that a simple way to make the process easier would be to add a line to the demolition application which would list the date the owner believes the house was built and if it is within the last 50 years it would not need a review. Ms. Moore replied that only houses older than 50 years needs a review and Ms. Varian added that while that is true, as it stands at this time the CEO must reply to all requests.

Ms. Wenzel stated that she is in favor of a historic preservation process but not the current Commission. The review should be completed by a three member board under the guidance of the Planning Board Chair or Code Enforcement Officer. She added that the current Commission was supposed to have completed the survey by now, but since they do not have a file on her house they obviously have not surveyed at least one home in the center of Town.

Ms. Chapin replied that some houses were missed - which is a mistake. The surveys were conducted by volunteers and the Commission tried to conduct a thorough survey. Some areas have limited road access and with volunteers it is hard to catch all the buildings.

Ms. Moore added that they have been trying to update records. She stated that the Commission is an advisory board that has three tasks listed in the Comprehensive Plan – preserve historic buildings, protect historic buildings and meet the requirements as a certified local government. The Commission needs to finish the inventory, work on the ordinance, and create an educational program.

Ms. Wenzel asked if the Commission was advisory or not to which Selectman Pye answered that it was.

Selectman Douglass stated that the survey should be the Commission's primary goal at this time. He added that the Murphy House restoration is an extension of the Commissions responsibility because they are supposed to

try and preserve structures of historic value. The Selectmen have granted them permission to continue working on the Murphy House and have extended their time line. He applauded the Commission for educating the public on historic issues.

Selectman Douglass recommended that the Commission meet with the Land Use Ordinance Committee and review the draft Historic Preservation Ordinance. That way if there is an issue with the draft ordinance it can be revised before it goes to town meeting for approval.

Ms. Wenzel stated that she has attended 6 months of Commission meetings and has seen very little action on the surveys and she finds it difficult to believe that they are continuing with it. Ms. Moore replied that the Commission has spent hours and hours working with the tax roles and has spent a lot of time at the County Registry of Deeds conducting research – it is a huge process. Since there are so few Commission members they need to train more volunteers because they have 1,300 properties to review. Ms. Wenzel added that none of this is ever discussed at their Commission meetings.

Selectman Douglass stated that the CEO needs a list of what has been surveyed so far and the Commission needs to make the surveys a top priority.

Selectman Pye stated that any policies, procedures, and authority between the Selectmen and the Commission need to be made clear.

Selectman Pye asked Ms. Webb if she perceived any communications problems with the CEO or property owners. Ms. Webb replied that the biggest problem is the CEO getting information from the property owners. An example is the “fire burn permits”. It is pretty clear that if the fire department is going to do a controlled burn the owner needs to come to the CEO for a demolition permit. People need to be reminded and we really don't need something formal. The CEO knows we have a small time frame and will get the info to us as soon as possible so we can deal with it in a timely manner. She added that only three old buildings were demolished in 2008.

Clifford Newell stated that a completed survey list would have solved a lot of problems. Although 45 days seems to be a short period of time, if it starts at the end of October the demolition project could be held up by weather until spring. The ordinance states that the demolition determination should be made as soon as possible, but no longer than 45 days. If winter is closing in the Commission should work with applicants. Selectman Pye agreed that the Commission should be working towards that goal.

Ms. Wenzel stated that she would also like to review and discuss the contract from Leslie T. Fossil to start the restoration of the Murphy House and gave photos of the Murphy House showing its condition.

Merry Chapin thanked Ms. Wenzel for bringing up the questions and problems and invited her to attend the Commission meetings to continue a discussion on these issues. Ms. Chapin also apologized if Ms. Wenzel felt she

didn't feel welcome at the meetings.

Ms. Chapin reported that the Commission has been working for a long time on the Murphy House. At one point she was ready to give up but then she realized that if she did it would be the last chance to save a fishermen's house from that era. She said that she had taken personal responsibility away from the Commission and had informed the Selectmen of such. She had received a grant from the Gemini Fund (via Tom Hinkle) and the Selectman had agreed to accept it. She had contacted local contractors and tried to get them involved. She admitted that she has an emotional attachment to the Murphy House and she feels it is very important to save it. She has old pictures of the Murphy house and has researched the family background. She asked Les Fossel to survey the building because she felt he might be able to save it vs. having it burned. He normally does large projects, but in this situation he was willing to take on a smaller one. She added that Wayne Doyle would pour the foundation and local contractors would be used to work on the inside of the building. School children would assist and record stories of why the house is important as a historic and cultural piece of who we are. She knows the building is in bad shape but it is important to the community. She feels personal responsibility for the house and that if we lose the house there will not be another one. She added that she is distressed that Ms. Wenzel thinks she has done something wrong and apologized to Ms. Wenzel and others that think she was in error.

Selectman Pye read an opinion from the Town Attorney which stated that it was permitted for a company to both survey the Murphy House and then be contracted to do the work as long as they were not a member of the selection board.

Selectman Douglass asked Ms. Chapin where the Murphy House will be moved to. She replied that they have no specific place for it at this time but are hoping to temporarily move it to property owned by The Nature Conservancy. She had also discussed moving it to school property. Ms. Webb stated that Ms. Chapin should be applauded for her endeavors in saving the Murphy House, especially since no taxpayer's money was used. She added that she didn't understand why anyone would object to the project if there was no cost to the town. Selectmen Douglass reminded Ms. Chapin that the Murphy House could be located on Town property on Sam Day Hill Rd. Ms. Chapin replied that she would prefer to have it located near school children.

Ms. Wenzel stated that while she appreciated Ms. Chapin's work she did not consider it historic preservation. She did not want to imply that Mr. Fossel did anything illegal, she just felt that the basic work should be done by local contractors. The Murphy House has been there for seven years and she is afraid that once the work is done it will sit there another seven years without a place to put it which does not make sense. Ms. Chapin replied that she had researched several sites but they fell through.

Selectman Pye gave Ms. Chapin credit for seeing the project through after she was given 45 days before demolition. She was also commended for

finding a private grant to start the restoration, therefore not using taxpayer's money. He added that there is no conflict with using Les Fossel and that while Ms. Wenzel may not want the building saved, Ms. Chapin was able to find the grant.

Marie Varian stated that she could not understand why anyone would not consider the Murphy House as having historic value. It is over 50 years old and is a very good example of the way fishing families lived in that era. It is not big or fancy but it was built by Mr. Gomes, a historic boat builder.

Selectman Douglass stated that after seven years we are at the point where we have the money to prepare the Murphy House to be moved and once it is ready it should go to the default site (town property at Sam Day Hill Rd.) if no other location has been found. He is happy to be at this point and agrees with Ms. Varian that the building is significant.

Richard Wenzel asked if the Murphy House was Town property and was it insured for liability to which Administrator Young answered "yes".

Ms. Wenzel said that to her knowledge Mr. Fossel works for the Maine Preservation and Maine Initiative. He is listed as a Maine Initiative Donor on the Maine Preservation website. She stated that Mr. Hinkle and Mr. Fossel are connected because they are advisory directors through Maine Preservation. Ms. Chapin replied that Les Fossel was not involved with getting the grant money and that he was a State Representative now.

Selectman Douglass asked Ms. Chapin if she had any information that was privileged to which she answered "no".

Gary Morong commended Ms. Chapin because the Historic Preservation Commission had voted to demolish the Murphy House, yet Ms. Chapin kept going forward to save it.

Ms. Chapin thanked everyone for discussing the process. She stated the grant was for \$10,870 of which \$6,380 was for Les Fossel to reinforce the Murphy House and \$3,200 for Wayne Doyle to pour the foundation. She added that they were hoping to raise another \$10,000 for the rest of the renovation expenses through private donations. The Selectman voted (3-0) to sign the contract with Mr. Fossel.

The Selectmen agreed that they have no problem with the accepting grant money, signing the contract with Mr. Fossel, the work being completed or the default site on Sam Day Hill Rd. Once the Murphy House is ready to be moved it will be transported to the default site unless an alternate site has been located.

2. Meet with the Conservation Commission to discuss a warrant article to change the commission membership from 5 to 7.

Jo Shumann, Chair of the Conservation Commission, recommended that the number of members on the Commission be increased from 5 to 7 due to a workload increase (i.e. conservation education at the school, alternative energy research, inventorying natural assets on town property with GPS). She added that state statute allows a Commission of 5 to 7 members and they already had two people in interested. Administrator Young explained

that a 5 member Commission was approved at a prior Town Meeting and therefore a warrant article would have to be added to the May town meeting warrant to increase the membership to 7.

Selectman Pye stated that he did not see an issue with the increase and Selectman Douglass questioned if the increase was needed. Selectmen voted (2-1) to support a warrant article for the increase in membership.

III. Unfinished Business

1. FEMA reimbursement for December 08 storms.

Administrator Young briefed the Selectmen on this reimbursement. It is expected that the Town will receive approximately \$35,000 to be split up between departments according to amounts spent.

IV. New Business

1. Discuss Selectmen's write-up for the town report.

Selectmen approved the Selectmen's report.

2. Schedule a public hearing for April 1st to amend the General Assistance Ordinance to reflect the new food supplement (food stamp) rates.

Selectmen approved the date of April 1st.

3. Discuss having a Town Report workshop following the Selectmen's Meeting on April 1st.

Selectmen approved the date of April 1st.

V. Selectmen/Administrator Comments and Announcements

1. Administrator Mike Young

Announced upcoming meetings and events.

VI. Adjournment - Selectmen voted (3-0) to adjourn at 7:44 p.m.