

Submitted by:

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING

Approved by Selectmen:

John M. Young
Administrator

MINUTES
May 20, 2009

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

I. Meetings and Hearings:

1. Meet with Tom and Helene Wirth to discuss the town's tree trimming along their property on Parker Head Road.

The meeting was held with the Wirths, who were displeased with the Town's trimming of trees along the town road that borders their land and felt that it devalued their property.

The Wirths felt that people don't get treated nice if they are not from Town and they wanted to explain that they were not rich people from Massachusetts and they don't feel that they are part of a sensitive community. Their property is on the National Register and if it had been CMP doing the trimming they would have consulted with the homeowner and would have been more respectful of the trees and the way they were trimmed. Also, Maine DOT's police is to make agreements concerning cutting in the vicinity of National Registry properties.

Ms. Wirth stated that when they arrived at their property at midnight on a Friday night in May they saw a hole in their landscape and devastation of their pine branches. Some of the solid oaks had been removed and there were some stumps left in the driveway area. Large limbs were cut off at the property line and they looked like arms on the trees. She added that this type of trimming could endanger the entire tree. She did not believe that the condition of the trees had any effect on the site distance along the road. She added that they are trying to get over what has been done to them, but much of the charm of their property is gone and it will cost thousands of dollars to repair. Mr. Wirth, who is a landscape architect, stated that the trimming should have been done to keep with the scenic character of the area. It hurts him to see branch stubs left which aren't cut flush and less than 30% of the canopy along the road left. This was all in violation of what was appropriate. He showed the Selectmen photos of the trimming.

Mr. Wirth explained that Curtis Doughty and Mark Hawkes, who had done the trimming, met on site with him and Mr. Hawkes had agreed to cut the branches back to the tree collar. He had also asked about upcoming drainage projects and culvert replacements along Parker Head Road and was informed by Commissioner Doughty that there would be an engineer involved with the design work and Mr. Wirth offered his services. He added that they should be informed about anything planned for road improvements that could affect their property, either on Parker Head Road

or Coxs Head Road.

Selectman Perkins replied that everyone is treated the same, no matter where they are from. He stated that he also had some trees cut by CMP and added that this issue must also be looked at from a safety point.

Commissioner Doughty explained that the townspeople voted to raise funds for tree trimming and his plan was to trim those areas of the town owned roads which needed it the most, which included the area of Parker Head Road which we are discussing. During a heavy snow the trees along this section lay in the road and vehicles brush against them and they also cause power outages. They had to trim the canopy to allow the sun to shine on the road to decrease icing. He added that he couldn't remember the last time this area had been trimmed and it had the most problems. He also added that it was his responsibility to insure that all the trimming was completed within the Town's right of way and not on private property.

Selectman Pye stated that he was glad that Commissioner Doughty and Mr. Hawkes were working with the Wirth's. Ms. Wirth replied that she was glad they met with her and that she values the Town's concerns also.

Commissioner Doughty stated that the birches they cut down had received storm damage and that CMP had left an oak stub which Mr. Hawkes had removed. The pine that was cut was on the Town's property, but he will ask Mr. Hawkes to remove it completely.

Mr. Perkins stated that the trimming has been completed and we need to move forward from this point. Ms. Wirth replied that she felt there was a breakdown in communications over the tree trimming, but a promise of better communications would go a long way.

2. Meet with the Conservation Commission to discuss aerial surveys for vernal pools.

Meeting held with Jean Perkins and Ellen Winchester from the Conservation Commission. They explained that the Town of Harpswell had asked if Phippsburg was interested in having an aerial survey for vernal pools completed. Harpswell was considering applying for a grant and if two towns got together they might stand a better chance.

Once the photos were completed the municipalities would need to have someone interpret them for vernal pools and then the locations would have to be confirmed by a visit during April to examine them for creatures. Whoever did the verification would need permission of the property owners for access. Ms. Perkins added that the Commission had no great desire to pursue this, but the Town could do it if they wished and they certainly did not want to get involved with the verification process. Ms. Winchester spoke about the procedure and stated that it would take several years to map the vernal pools. She added that Phippsburg has some fabulous vernal pools which are a great educational tool for children, who enjoy them. She stated that if they were classified as "significant vernal pools" there would be restrictions on building in their vicinity. Jean Perkins added that vernal pools are an indicator of the ecological health of a community.

Selectman Pye stated that the Phippsburg share would be approximately

\$14,000 and it could only be appropriated through a Town Meeting.

Merry Chapin spoke about the involvement of children visiting the vernal pools and congratulated the Conservation Commission on their accomplishments.

The Selectmen stated that they could not justify the expense at this time and the Commission members agreed.

Marie Varian also stated that she was against the idea. She had attended a University of Maine presentation on vernal pools and for all of their value, to be a true one it must be naturally occurring with no permanent inlet and outlet and only wet during a specific time of year. There also has to be specific creatures present in it. If a person wants to know if one is on their property they can call DEP or Inland Fisheries. The U of M has a three year grant program to study them. She added that vernal pools are already protected under the subdivision ordinance because a wetland delineation is required. Those located on property not in subdivisions may be discovered by soil consultants.

Clifford Newell stated that you could go to Goggle Earth and scan the area for vernal pools and the only cost would be the paper to print them on. Richard Wenzel added that the library has a color printer and internet access that could be used.

Administrator Young will send a negative reply back to the Town of Harpsell thanking them for the invitation.

3. **Meet with Peter Roberts, Chair of the Town Landing Committee, to discuss contracting with Elaine Huber-Neville and Gary Neville to complete the permitting process for the Aliquippa Landing project. Also, to discuss the Center Pond Alewife fishing rights.**

Based on the recommendation of Mr. Roberts the Selectmen voted (2-0) to authorize the expenditure of \$3,000 from the Town Landing account to hire Elaine Huber-Neville and Gary Neville to complete the DEP "Tier 1" permitting process for the Aliquippa Landing cove project. These were the same individuals who completed the permit for the Acre Lot expansion.

Mr. Roberts informed the Selectmen that Wayne Doyle has formed up the two slabs at Aliquippa Landing. Selectman Pye asked if the Town Landing Committee had accepted any bids for the project and Mr. Roberts replied that the lowest bidder had declined and then the cove project got scuttled. Once the permit for the cove work is approved by DEP they will go through the bid process again.

Mr. Roberts reported that he had talked to Brett Gilliam, fishway rights holder, about the Center Pond Alewife fishery but hadn't decided on anything. This year the Center Pond fishery is closed to commercial harvesting. DMR will allow a catch and release program to count alewives, but they require the pocket to be tended twice a day, which is ridiculous. He didn't know this would be a requirement and they will be unable to comply. Mr. Gilliam has the fishway rights again for next year.

Selectman Pye recommended not putting the fishway back out to bid if we want to keep it closed. Mr. Roberts replied that the fishway has been

closed for 20 or 25 years and if Mr. Gilliam declines to keep it closed we can still fish it on a daily basis next year. Administrator Young reminded everyone that the Town has a signed contract with Mr. Gilliam. Mr. Roberts stated that he would discuss the situation with Mr. Gilliam again and if he decides not to extend his contract for the fishway Mr. Roberts will come back to the Selectmen with a recommendation.

4. Meet with Les Smith, Chair of the Road Committee, to discuss flood mitigation projects.

Mr. Smith reported that the Road Committee reviewed their survey and identified 5 possible projects. One of the projects, "Bailey Brook" has already been completed (replaced the culvert with a larger one) and was funded by the Town. He recommended that Gary Morong, EMA Director, submit the other 4 projects to County Emergency Management for inclusion in their Hazard Mitigation Plan in case funding should become available. The Selectmen approved the submission.

II. New Business

1. Consider the resignation of Mickey Varian from the Town Landing Committee.

The Selectmen voted (2-0) to accept Mr. Varian's resignation and thanked him for his many years of service to the Town.

2. Consider the appointment of Richard Nichols to the Town Landing Committee.

Peter Roberts stated that the Committee only had three positions filled out of the five. He added that Mr. Nichols has submitted an application for appointment and the Committee was recommending it. Selectman Pye stated that the Selectmen usually honor appointment recommendations made by committees and that it is hard to find volunteers.

Selectmen voted (2-0) to appoint Mr. Nichols to the Town Landing Committee.

3. Consider appointments to the Cable Franchise Committee.

Selectmen voted (2-0) to have a 3 member committee with one alternate position vs. a 5 member committee. Selectman Perkins stated that he did not want to be a member. The Selectmen voted (2-0) to appoint Gary Morong (CATV Station Manager), Troy Watson (Citizen), and Bill Perkins (Chair, CATV Committee) as regular members and also Richard Wenzel (CATV Committee) as an alternate.

Cliff Newell complained that Comcast deleted channel 9. Merry Chapin asked that the Committee get input from the school.

Selectmen discussed the appointments further and decided that they wanted input from Selectman Douglass so they voted (2-0) to rescind their prior vote and table the final decision until the next Selectmen's meeting.

4. Consider accepting donations for the Bike Rodeo.

The Selectmen voted (2-0) to accept donations for the Bike Rodeo from the following businesses: Betsy's Hair Salon (\$100.00), Hermit Island Campgrounds (\$25.00), Cahill Tire (\$50.00), Sebasco Wharf (\$40.00), Phippsburg Sportsman's Association (\$200.00), Phippsburg PTO (\$100.00), Pine Tree Service Center (\$30.00), Bisson's Center Store (\$50.00), Tax

Brackett II (\$100.00), First Federal Bank (\$100.00), Head Beach Campgrounds (\$200.00) and Bath Elks (\$100.00).

Selectman Perkins thanked everyone for their support of the Bike Rodeo.

5. Review and approve the June 9th Special Town Meeting Warrant.
Selectmen decided to table approval until the next Selectmen's meeting.
6. Countersign the RSU#1 Budget Validation Referendum Warrant.

Selectmen reviewed and signed the warrant.

7. Consider giving permission for "The Friends of the Albert F. Totman Public Library" to use the Cushman Field for a circus in July.

Selectmen voted (2-0) to grant permission. Selectman Pye wanted to insure that the field was cleaned up afterwards.

8. Discuss the Comprehensive Plan status.

Selectman Pye, Chair of the Comprehensive Plan Implementation Committee, stated that they are finishing up their work on the inconsistencies. They had been working with John Webber and Stacey Benjamin from the State Planning Office and although they had exceeded the time limit for correcting the inconsistencies, Mr. Webber and Ms. Benjamin were aware that the Committee was working on them. He further explained that both individuals have left the State Planning Office and no replacements have been hired. Since the Town is past its 24 month time limit for correcting the inconsistencies the entire Comprehensive Plan must be resubmitted under the new state criteria. The Implementation Committee has discussed this and decided to continue working with the Town approved Comprehensive Plan. Merry Chapin contacted Katrina Van Dusen from Midcoast Council of Governments to see what modifications have been made to the State criteria for approval of comprehensive plans. Ms. Van-Dusen referred the Committee to a website which contains the information on the new criteria and a checklist for them to go through. She added that the Comprehensive Plan needs to be resubmitted with the checklist which would list the specific pages/sections of the plan that correlate with each requirement of the checklist. She also offered to help the Town along the process and added that the Planning Office has hired a replacement for Ms. Benjamin who started work this week. She stated that the State Planning Office decided to make the process easier for towns to work through.

Ms. Chapin recommended working on the new checklist and getting in touch with the new representative at the State Planning Office for further input and guidance. Selectman Pye stated that he would like to have the Selectmen involved in the process. Ms. Chapin recommended that Mike Morse from DEP review the plan so that he can make comments prior to the plan being resubmitted to the State Planning Office for review. Ms. Varian replied that Mr. Morse has already approved the new Shoreland Zoning map.

9. Review the MMA Executive Committee election process.

Selectmen reviewed – no further action taken.

III. Selectmen/Administrator Comments and Announcements

1. Administrator Mike Young
Announced upcoming meetings and events.
2. Selectman Perkins
In regards to the upcoming opportunity to properly dispose of medicines he reminded viewers to collect pills for proper disposal instead of flushing them down the toilet.
3. Selectman Pye
Wished Gary Morong a "Happy Birthday".

IV. Public Forum

1. Marie Varian
Ms. Varian asked what is done with the medicines collected through the disposal program. Administrator Young replied that they are incinerated.

V. Review and Sign:

1. Accounts payable and payroll warrants.
2. Minutes.
3. Catering permit for Belle Fete Catering.
4. Liquor licenses for Small Point Club and Sebasco Resort.
There were no public concerns about the liquor licenses. Selectmen reviewed and approved all items.

VI. Adjournment - Selectmen voted (2-0) to adjourn at 7:36 p.m.