

Submitted by: TOWN OF PHIPPSBURG Approved by Selectmen:
SELECTMEN'S MEETING
John M. Young MINUTES
Administrator November 4, 2009

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

I. Meetings and Hearings:

1. Meet with Rob Prue, Pine Tree Engineering, to review bids and award the groundwork contract for the Transfer Station rebuild.

The following groundwork bids were received:

Bill Whorff, Inc - \$39,900
Reno's Excavation - \$43,380
J.R. Hill & Sons - \$44,500
R. A. Paradis & Sons - \$44,930
Harry C. Crooker - \$46,475
GAC Enterprises - \$76,600
Pratt & Sons - \$77,723
CPM Constructors - \$80,996

The Selectmen voted (2-0) to award the contract to Bill Whorff, Inc. Administrator Young explained that this brought the total cost of the rebuild to \$123,470 (Groundwork - \$39,900, Compactor & Electrical - \$68,070, Engineering - \$15,500) which is \$5,886.09 short of the account balance of \$117,583.91 plus any desired contingency. Mr. Prue explained that the difference was because the actual cost of the concrete wall was more than the preliminary estimate prior to the May 09 Town Meeting.

2. Meet with Jim Totman to discuss the Selectmen's policy on accepting anonymous complaint letters.

Jim Totman expressed his concerns with the way an anonymous complaint letter about his business (Pine Tree Service Center) was handled by the Selectmen and Code Enforcement Officer. He asked the Selectmen what they thought of a person who writes a letter and doesn't sign it. Selectman Pye responded that it was complicated matter because it was obviously meant to be manipulative and was a personal attack which he doesn't condone. The problem was that although it was sneaky the way it was done, the Code Enforcement Officer and Planning Board found enough credit in the complaint to investigate it and there needs to be an avenue for people to lodge complaints without retribution.

Selectman Perkins responded that if he had the decision to make he would have "round filed" the letter. The Selectmen need a policy which will work for everyone, even those disadvantaged. The only way to see if a letter has any merit is to look into it.

Margo Zinke stated that she has a problem with the Selectmen not

having a set policy. Anyone can write a complaint letter and it should be signed so that officials know who to contact if they want to investigate the complaint.

Selectman Perkins stated that he was not happy with the way it went, but he can't tell the CEO and Planning Board how to do their jobs. The Town Attorney and MMA have given their opinions that you can't just ignore an anonymous letter. He agrees that the Town needs a policy and in the past it has been handled "off the cuff".

Selectman Pye stated that if the Town Administrator receives a complaint it is referred to the department that has jurisdiction. It has not worked 100% of the time but they have tried to keep consistent. Administrator Young added that under the FOIA the public has the right to obtain a copy of any complaint that comes in.

Jim Totman questioned why the Town Administrator handed out the complaint letter. Administrator Young replied that a copy was given to those individuals the letter was addressed to.

Jim Totman stated that he doesn't feel he was in violation of the Land Use Ordinance because he has a State issued wholesale and retail license. However, he has obtained a building permit and moved the buildings over to his adjoining property because he was not going to be the Town's guinea pig. He added that if the CEO had stopped in and said he needed a permit he would have taken care of it. Selectman Perkins replied that the Selectmen don't generally tell the CEO what to do and if CEO Rainey didn't stop in then it was laxness on the part of the Selectmen. He added that the Selectmen need to keep in better contact with Mr. Rainey.

Tom Totman stated that the Selectmen's policy in that past was to file an unsigned letter in the "dead file" unless it was a safety issue at which time it would be looked into. If there is a safety violation of an Ordinance then the CEO should be the one to investigate it and contact the person involved.

Dana McLean stated that the Selectmen should not accept anything that is anonymous. He questioned why it took weeks after the "anonymous letter" came out against Pine Tree before anything was done by the Town and yet when he put his sign up (see Selectmen's meeting of 9/23/09) he received a violation letter within 24 hours. Selectman Pye replied that they allowed the CEO a little more leeway to look into Pine Tree to see if there was an issue and it was the Selectmen's fault for allowing the issue to slip along. Selectman Perkins replied that they need to sit down with the CEO and get the facts. The Selectmen were asked if there was a policy in place to log complaint calls.

Tom Totman asked if the owner of Spinneys had obtained a permit to continue operating after the change of ownership because it was considered a "change in use". Marie Varian, Planning Board Chair, replied that this part of the ordinance has not been enforced in the past, and that some businesses have come before the Planning Board and were told not to worry about going through the process for a change in ownership. She added that this section was not enforced when he (Tom Totman) was on the Planning

Board either. She also stated that the new draft of the Land Use Ordinance has a little bit more about this issue.

Mr. Mclean asked why the Town was trying to enforce this ordinance with Pine Tree when it wasn't enforced with others. Ms. Varian replied that this section of the ordinance applies to businesses that change hands.

Jim Totman stated that he had polled area towns and no one accepts anonymous letters. Bethany Wallace added that complaint letters should only be accepted from taxpayers.

Selectman Pye stated that he understands everyone's concerns, but if there is a legitimate issue and the Town does nothing to correct it the Town could be held liable.

Bethany Wallace stated that legitimate letters should be based on facts and not vindictive attacks.

Jim Totman said that this letter bothered him a lot and even though it was unsigned the Selectmen allowed it to be considered. Also, no one can read the codes and understand them.

Selectman Perkins stated that he was sorry the way this all turned out and that this whole thing has also bothered him. He added that the Selectmen will write a policy that will cover everyone and Ms. Wallace replied that the Selectmen need to make a good faith effort to put a policy in place to help the townspeople and they shouldn't continue to allow personal vendettas.

Selectman Pye stated that a policy needs to be put in place sooner than later and it needs to serve in the best interest for all those in town. Tom Totman added that the policy should be kept as simple as possible.

Selectman Perkins ended the discussion stating that those attending the meeting are the backbone of the Town and he was proud that they acted in a polite manner during the meeting. He added that the Selectmen need a complaint letter policy, better contact with people, and to log calls and complaints better. He assured those attending that the Selectmen will have a workshop on this issue.

3. Meet with Merry Chapin to consider leaving the "Murphy House" at its present location until spring.

Ms. Chapin explained that she would like to leave the Murphy House in its present location until she is finished working with the Basin Preserve Educational Initiative concerning a final location. She added that David Johnson would close up the openings in the building to protect it through the winter.

Selectman Perkins stated that he has looked at the Murphy House and approves of the work that has been done. Selectman Pye added that this has been Ms. Chapin's project and although there are others who would like to see the project moved along he has no problem leaving the building where it is for the winter. Selectman Perkins concurred.

II. New Business

1. Consider assessing a penalty to Bonnie Guthro for a violation of the Phippsburg

Animal Control Ordinance violation (one dog running at large).

Although invited, Ms. Guthro was not present. ACO Philip Pelletier reported that he has been to Ms. Guthro's residence more than four times concerning dogs running at large. This was the first written violation to come before the Board of Selectmen. Selectmen voted (2-0) to assess a consensual fine of \$50.00.

2. Consider assessing a penalty to Kevin Gilmore for a violation of the Phippsburg Animal Control Ordinance violation (two dogs running at large).

Although invited, Mr. Gilmore was not present. ACO Philip Pelletier reported that he has had five calls concerning Mr. Gilmore's dogs running at large and Mr. Gilmore has been assessed a consensual fine three times by the Board of Selectmen. ACO Pelletier also stated that when asked if his dogs were licensed, Mr. Gilmore replied that they were licensed in Bath. ACO Pelletier found this not to be true. The Selectmen voted (2-0) to assess a consensual fine of \$200.00.

3. Discuss having a Public Hearing and Special Town Meeting to appropriate \$15,000 from Surplus for the Transfer Station rebuild project.

Administrator Young explained that the Town would need to have a Public Hearing and Special Town Meeting to appropriate \$15,000 from surplus for the additional funds needed to complete the Transfer Station expansion. Marie Varian, Planning Board Chair, asked if she could add two minor Shoreland Zoning Ordinance amendments to the Special Town Meeting warrant. Selectmen approved drafting of the warrant to include the Transfer Station funding and Ordinance amendments.

4. Consider the appointment of Buell Heminway to the Historic Preservation Commission.

Selectmen voted (2-0) to appoint Mr. Heminway to the Commission. Ms. Chapin added that Mr. Heminway was the volunteer architect for the school addition.

5. Accept a donation of \$15.00 from Leon and Cora Pennell to the Fire Department Capital account in memory of Alice Pye.

Selectmen voted (2-0) to accept the donation and place it in the designated account.

6. Accept a donation of \$200.00 from Lauryl and Dennis Doiron to the Goodwill account.

Selectmen voted (2-0) to accept the donation and place it in the designated account. Selectman Pye thanked the Doirons for their generous donation.

III. Correspondence

1. Review The Nature Conservancy letter of donation in lieu of taxes.

The Selectmen reviewed the letter which stated that since The Nature Conservancy was a non-profit they would donate \$10,000 in lieu of taxes.

Arnold Rice asked if any decision had been made concerning which 60 acres of Basin land would be given to the Town by The Nature Conservancy. Selectman Pye replied that The Nature Conservancy was still working on an inventory so no decision has been made. He added that there was no real rush on the issue.

2. Review a letter from COMCAST concerning channel line-up changes.

Reviewed.

IV. Selectmen/Administrator Comments and Announcements

1. Administrator Young

Administrator Young announced upcoming meetings and events. He also added that the Municipal Bank Bond funds for paving Clifford Road had been received.

2. Selectman Pye

Selectman Pye stated that although there was some disagreement tonight concerning item I.2., those in attendance handled themselves well. He was proud of the turnout.

V. Review and Sign:

1. Accounts payable and payroll warrants.
2. Selectmen's Meeting Minutes

Selectmen voted (2-0) to approve and sign all the above.

VI. Adjournment - Selectmen voted (2-0) to adjourn at 7:09 p.m.