

Submitted by:

Approved by Selectmen:

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Adele M. Suggs
Admin Asst

My 5/20/20
Ch 5/20/20
Walt 5/20/20

**TOWN OF PHIPPSBURG
SELECTMEN'S MEETING
May 13, 2020**

The Selectmen's Meeting convened on Wednesday at 5:00 p.m. at the Town Hall with Selectman Mixon, Selectman Young, Selectman House and Administrator Jones present.

Reference 1 - Jim Princiotta Easement Issue

I. New Business

1. Christopher L. Mixon to relinquish the Chair position to J. Michael Young, according to the former Town Meeting calendar.

Selectman Mixon stated that the transition of Selectman Chair is usually done at Town Meeting held in May. Since there is not going to be a Town Meeting in May Selectman Mixon is relinquishing his Chair position to J. Michael Young formally at tonight's meeting. Effective immediately J. Michael Young will be acting Selectman Chair for the upcoming year. Selectman Young thanked Selectman Mixon for his leadership over the past year.

2. Meet with James Princiotta regarding the question of an easement on his property on Egret Point.

Selectman Young provided some background information (Reference 1 attached) on the question of this easement as follows: In 2019 Mr. Princiotta purchased a cottage on Egret Point off Parker Head Road next to a piece of Town Owned Property that goes to the Kennebec River. People parked on his property and claimed they had the right to do so because the town has a road easement on the property or so thought. The Selectmen, Police Chief and Town Administrator met individually with Jim to review the property. We have been in touch with our Town Attorney and reviewed the MMA Roads Manual.

Several documents were provided per Reference 1 attached and are all on file at Town Hall. The synopsis is that the road was originally declared a 33 foot wide road (16.5 from centerline) in 1921. In 1953 the State of Maine wanted access to work on the road so they obtained signed easements specifically to work on the road (not easements for public access). The DOT layout was in error and attributed the Princiotta property in question to the east abutter instead of to the actual owner, therefore DOT failed to get an easement from the prior owner of the Princiotta property. A State right of way is reserved for motorist safety and so road crews have room to work.

Selectman Young feels that from his review that it is not an easement for the public. It is his opinion that no easement exists outside the 33 foot wide right of way and there is no way a person can park outside of that on the owner's property without permission from them. And any parking within the roads 33 Foot right of way causes a vehicle to be on the roadway and is a safety issue.

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It seems from all the documentation that has been provided that this has just been an oversight/assumption for a number of years that an easement did exist. Mr. Princiotta and Selectman Mixon spoke about if any signage was necessary and Selectman Mixon feels putting a sign on the road sign, stating that it is not a public parking area might be appropriate and that permission would need to be granted from the land owner. Question was asked whether Mr. Princiotta would be allowed to put the sign up himself outside of the 33' the town controls. Chief Skroski feels it is good to do this for his private property. Selectman House asked Chief Skroski that if he posts his property "No Parking" if the Chief could enforce that. Chief Skroski responded by saying homeowners are responsible for having vehicles towed off from their property. However, they could call the Police Department, but they do not tow vehicles off from private property without a Town Ordinance. If his property is posted it could be considered trespassing and that posting is deemed notification to the violator. Selectman Young suggested that Mr. Princiotta and Chief Skroski continue to talk more about notification and enforcement outside this meeting. Mr. Princiotta agreed and will give the Chief a call. The Board is in agreement that the Town was never given an easement on that property. Administrator Jones will notify a known violator, by certified letter, of what decision was made at tonight's meeting.

Vote: Selectman House motioned that after all the research, the property now owned by James Princiotta - there was never a highway easement granted after the 33' which was seconded by Selectman Mixon.

Selectman Mixon stated that it might be important for people to know that even when the easements signed on either side of Mr. Princiotta were only for highway use; it was never meant for public use and parking; it was an easement, not a right of way. There is a lot of documentation on this.

Motion passed by a vote of 3-0.

3. Meet with Road Commissioner Curtis Doughty to discuss the request on the part of Joseph McLean, Acadia Civil Works, to have traffic assistance for one day, while performing the next steps in the Route 216 Culvert Feasibility Study.

This is by Merle Gilliam's down in Small Point. Mr. McLean contacted Administrator Jones about the next phase of the Route 216 Culvert Feasibility Study which includes 3" drill holes using a small drill rig, sampling of the soil, find presence of ledge, and profile the subsurface condition. It is a tight stretch of road with guardrails and there is no way to operate the drill rig without having to close a lane of traffic, which requires flaggers and a permit from the Maine DOT. There are two flagging contractors in the area, however, they are experiencing labor shortages due to COVID 19 and cannot commit to the project right now so that is why he is turning to the town for some assistance for signage, barrels, and flaggers. Mr. McLean does have a traffic plan that lays out the details for this, but the town needs to implement this. Since this is a not a DOT project there is no need to have certified flaggers, but for compliance with the Department of Labor requirements, they need to be trained. Curtis Doughty has three trained

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flaggers on his road crew but they are not available. Selectman House stated that the Fire Department has to have certified training and was wondering if they may be available. Mr. McLean is looking for lane closure between 9 am and 3 pm. However, the project will likely be done between 1 and 2 for that one day. Selectman Mixon is not sure if the Fire Department training is the same that is required by the DOT, but Mr. Doughty feels that it is pretty close. Selectman House will check with the Fire Chief to see if he might have two volunteer firemen that can be available for this project. Curtis and the Fire Station have cones that could be used. Mr. McLean is looking at the first week in June to start this project. They will need to follow the DOT plan. Administrator Jones will print out this plan and give to Selectman House so she can forward it to the Fire Chief. If materials are an issue, they can be rented.

4. Consider accepting the following donations:

- \$250.00 from the Brightwater Club to the Phippsburg Fire Department (Capital)
- \$100.00 from Clifford and Judith Newall for the Goodwill Fund.

Vote: Selectman House motioned to accept the above donations which was seconded by Selectman Mixon and passed by a vote of 3-0.

5. Consider the manner of disposal of the old election booths.

Selectman House wants to receive the new booths first and the Board feels they shouldn't dispose of the old booths until after the elections in November.

Vote: Selectman Mixon motioned to table the disposal of the old election booths until it is determined they are no longer needed which was seconded by Selectman House and tabled by a vote of 3-0.

II. Unfinished Business

1. Reconsider strategies to maintain a safe and healthy work environment and public services in response to the pandemic Covid-19:

A) Respond to resident requests to reopen the swap trailer at the Transfer Station

The board is not in favor of reopening the Swap Trailer. There is no way to police one in and one out at a time. It is a very close area and in order to be compliant with the CDC they would have to be in there disinfecting all the time. Goodwill is not accepting any donations at this time either.

Vote: Selectman House motioned to not open the Swap Trailer at the Transfer Station which was seconded by Selectman Mixon and passed by a vote of 3-0.

B) Consider adopting guidance around holding Remote Public Hearings

Administrator Jones has started to draft a one page document entitled Public Hearing Participation Outline. The information gathered was from several individuals on List Serve posting the guidance that worked for them holding public hearings. This would let everyone know who's attending, what to expect. Items can certainly be added to it, Administrator Jones just wanted some type of policy in place. Selectman Mixon stated the training should also be considered for committee members trying to use Zoom and having difficulty. Administrator

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Jones stated that training has been unofficially offered to every committee. Selectman Mixon has also spoken with Gary Morong. There is a component that needs to be installed upstairs in Town Hall for the Channel 3 feed system. This will have the ability to run multiple cameras and display what is on a laptop on Channel 3; still figuring out the sound piece of this. This may be worthwhile looking into again as it will enhance what people can see at home on the streaming site and Channel 3. May not do a lot for the folks in the room, but it will come with a couple extra cords that will need to be plugged in so that may complicate things a little bit.

Administrator Jones agreed this should be looked into and along those same lines she spoke with Ian about a microphone which should pick up all the conversations; she is waiting for that to arrive. Selectman Mixon stated that there are also two Omni-directional microphones that used to hang from the ceiling that are downstairs and can be plugged in.

Selectman Young does not have a problem adopting the guidance around the remote public hearings. There is a slide show available depicting what should and shouldn't be done; this presentation should to go every committee. The Board will review this document.

Vote: Selectman Mixon motioned to table a decision on the Remote Public Hearings guidance until they have had a chance to review it which was seconded by Selectman House and passed by a vote of 3-0.

C. Preparation prior to re-opening by the installation of a permanent Plexiglas window at the front desk and getting quote from ServPro for professional cleaning/disinfecting. The plexiglass window has been installed. A quote from ServPro has not yet been received. Selectman Mixon did check in with ServPro about receiving a complimentary cleaning. He found out that it was limited to vehicles used by first responders. It would not be something the Town could take advantage of for Town Hall.

There were a lot of COVID items on the MMA website with recommendations about reopening municipalities with the bottom line being that the State is going to come up with some guidelines specific to reopening recreational programs, beaches, youth sports programs and libraries. Supposedly the State is coming up with some guidance for municipalities on opening.

Administrator Jones is going to start conversations with the staff about developing a reopening plan for Town Hall on June 1st; that is when the State is allowing people to return to their offices. Discussion will need to be had about folks coming in and out of the building; one suggestion was using the Conference Room as a waiting area. The second inside door will have to be kept open at all times so people can see whose coming and going.

There is a Governor Mills rule of re-opening plan that has been posted, legal guidelines for Planning Boards and Boards of Appeal, an order regarding taxation matters and vehicle registrations.

Selectman House would like to know thoughts on opening Totman Cove. She believes people have adjusted to the social distancing. Selectman Mixon stated that June 1st is the proposed date for gatherings of 50 or less. Selectman Young is not in favor of opening Totman Cove yet. Selectman Mixon feels that it would benefit a lot of people if it was open. Families who have been

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home with their kids, it would give them a place to go. When it opens, some guidelines would need to be set and posted; Anna should be in on this conversation. This item will be tabled until next week until the Administrator can speak with Anna to get her recommendations for a reopening plan. Selectman Mixon stated that one thing that should be put in place is a Parking Attendant on duty to make sure it is just residents using that facility. Chief Skroski will be informed when it is opening. It is uncertain when the Parking Enforcement is scheduled to begin. Administrator Jones will find out if they would be available Memorial Day weekend. Selectman Young reported that as far as Town Meeting goes it will be in two parts; the first part, the Annual Town Meeting which requires the secret ballot election, will be held on July 14th along with the referendum vote on the Popham Wharf lease extension. The second part, for consideration of remaining articles, will be conducted whenever we can hold an open Special Town Meeting, possibly in September; the public hearing for the Secret Ballot Referendum will be held on June 3rd and will need to be posted.

Selectman Mixon asked if the Transfer Station was all set with PPE. They are set with PPE but are in need of hand sanitizer. Some will need to be ordered; there may be some available through the Sagadahoc County EMA Office using them as facilitators to order through the State. The Road Crew is all set and have everything they need for right now.

III. Selectmen/Administrator Comments and Announcements:

- July 14th Municipal Election date

- Referendum Question: Popham Wharf lease extension

Administrator Jones reminded that municipal elections are on July 14th and that a referendum question will be added regarding the Popham Wharf lease extension. If anyone would like more background information on this – the Town has voted twice to renew this lease. The lease was started with the State in 1995 and the Town now needs to vote to extend the lease to 2050.

- Community Garden Committee looking for 4 more gardeners to take a plot.

The Community Garden Committee is actually looking for two more gardeners to take a plot. Please contact Administrator Jones or Ellen Winchester if you have some interest.

Selectman Mixon encouraged people to remember the small businesses in your community with retail restaurants and stores opening up on Monday under new guidelines. He appreciates his year as Chairman.

Selectman House still has food bags at the Fire Department and can get more, if needed, anytime. Please ask anybody. She also has a contact for pet food she can pick up. These bags can be delivered to anyone. She also has gift cards to Hannaford so anyone who would like to have one please contact Selectman House.

Selectman Young stated that the RSU1 Board of Directors Meeting is going to be held on May 18th at 6:00 p.m. This will be a remote meeting and they will be going back over their budget. If anyone is interested they should go onto the RSU website to get the information to participate remotely.

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He also stated that there is a 60' boat outside the Basin that is up on the rocks from 2-3 weeks ago. It is not causing any hazard at this point. According to the Harbor Master, the owner of the vessel is going to be taking it apart, putting it on a barge, and taking it away.

IV. **Public Forum** – Please find the Zoom Meeting information Town's website homepage and join the meeting, or call 207-389-2653 during the meeting to ask questions or comment.

Kathleen O'Bryan (reporter for the Times Record) apologized for joining the meeting late, but asked about the process of how Selectman Mixon is relinquishing his Chair position. Selectman Mixon explained that normally the transfer of the chair position is done at Town Meeting. This would have happened a couple of days ago, under normal circumstances. Town Meeting hasn't happened and since Selectman Mixon has been chair since the previous town meeting, to keep things fair for everyone, he has decided to transfer that seat onto Selectman Young who is next in line for this position. Selectman Young further explained that some Town Select Boards vote for their Chairman each year, but in Phippsburg it has been customary to rotate the position among each Selectman.

V. **Review and/or Sign:**

1. Selectmen's Meeting Minutes for April 22nd 29th, & May 6th 2020

Vote: Selectman House motioned to approve and sign the above Selectmen Meeting Minutes which was seconded by Selectman Mixon and passed by a vote of 3-0.

2. Letter to LWCF grant review committee at the National Park Service, outlining the steps the Town has taken to ensure a timely vote on the Popham Wharf lease extension.

The Town Administrator requested more time to prepare this letter. Originally they asked that this letter be written because the Town wouldn't make the deadline. Now the Town will make the deadline. They would still like the Administrator to provide the explanation so they will understand why the deadline is going to be cutting it close, within two days. If the referendum passes on July 14th the letter will be scanned and emailed in on July 15th along with the vote tally.

Vote: Selectman House motioned to table the above letter until ready to send which was seconded by Selectman Mixon and passed by a vote of 3-0.

3. Referendum Order for July 14, 2020.

This again has to do with the Popham Wharf and an Order from the Board of Selectmen to the Town Clerk to have the referendum article on the secret ballot vote on July 14th.

Vote: Selectman House motioned to sign the Referendum Order which was seconded by Selectman Mixon and passed by a vote of 3-0.

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4. Town Meeting Warrant – Part I. – July 14, 2020.

It was suggested that the Town Attorney review the above Town Meeting Warrant and the Board will have it again on next week's agenda for signature and posted before the Public Hearing.

Vote: Selectman House motioned to table the Town Meeting Warrant which was seconded by Selectman Mixon and passed by a vote of 3-0.

VI. **Adjournment**

Vote: At 6:10 p.m. Selectman House motioned to adjourn which was seconded by Selectman Mixon and passed by a vote of 3-0.

05/13/20 - Reference 1 - Jim Princiotta Issue – Mike Young Notes

In 2019 purchased a cottage on Egret Point off Parker Head Road next to a piece of Town Owned Property that goes to the Kennebec River.

People parked on his property and claimed they had the right to do so because the town has a road easement on the property.

The Selectmen, Police Chief and Town Administrator met individually with him to review the property.

We have been in touch with our Town Attorney and reviewed the MMA Roads Manual..

Documents that were provided

- Explanation of road/property history from Mr. Princiotta.
- 1921 DOT layout establishing a 33 Foot Road Boundary in front of the Princiotta property (reflected in DOT Documents)
- A 1953 Right Away Map from Maine State Highway Commission which shows incorrect boundary lines between a prior property owner of the Princiotta property and his eastern abutter.
- 1953 Easements for Highway purposes from abutters provided by State DOT to extend the easements for road construction allowing the State of Maine **“to enter upon, construct and perpetually maintain a public highway”**. None could be found by the State DOT, Title Companies or Surveyor for the Princiotta property in question.
- DOT Flyer on what a Highway “Right of Way” means.
- E-mail from DOT Chief Surveyor Peter Belanger confirming a two rod road (33 feet total width).
- Letter from the Title Company.
- Email from Realtor

Mike’s Opinion: The road was originally declared a 33 foot wide road (16.5 from centerline) in 1921. In 1953 the State of Maine wanted access to work on the road so they obtained signed easements specifically to work on the road (not easements for public access). The DOT layout was in error and attributed the Princiotta property in question to the east abutter instead of to the actual owner, therefore DOT failed to get an easement from the prior owner of the Princiotta property. A State right of way is reserved for motorist safety and so road crews have room to work. It is not an easement for the public. It is my opinion that no easement exists outside the 33 foot wide right of way and there is no way a person can park outside of that on the owner’s property without permission from them. And any parking within the roads 33 Foot right of way causes a vehicle to be on the roadway and is a safety issue.