

Submitted by:

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Admin Asst

Approved by Selectmen:

*J. Mott* 6/10/20  
*Ch* 6/10/20

**TOWN OF PHIPPSBURG  
SELECTMEN'S MEETING  
June 3, 2020**

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

**I. Adjustments**

Selectman Mixon motioned to add #3, under Review and Sign, the Assessing Agent Annual Contract.

Selectman Young motioned to add #2, under New Business, to confirm moderator pay.

**II. New Business**

**1. Public Hearing:** to discuss the Referendum question to be voted on July 14, 2020, along with the municipal election ballot, asking voters to authorize the extension of the license agreement (lease) of the Popham Pier.

*(Barney Baker, Design Engineer and David Rodrigues, Director of Real Property Management, Maine Bureau of Parks and Lands, will be available for questions via Zoom).*

*Selectman Mixon gave a history of the project. The State initiated a condition survey in late 2014 early 2015. This is a facility that is currently owned by the State and leased by the Town. The Town is into five years of the second 20 year license agreement. The agreement puts the burden of maintenance on the Town as lessees of the facility. The condition survey identified some work that needed to be done which amounted to \$130,000-\$145,000 back in 2015. \$70,000 was raised at Town Meeting earmarked for this project and the Town also sought out grants. The project has ballooned from making some repairs to adding a float and ramp, the possibility of dredging and depositing those tailings in the Fort Popham geographic area. This meant additional work to the parking lot so more funding was sought. The Town has been working closely with the State on this project and now have run into a snag where National Parks Service is requiring an active 25 year lease to the Town in order to be eligible for a portion of grant money that is needed to finish the project. Normally this wouldn't be a problem because we would be going to Town Meeting and asking the voters to authorize the Selectmen to enter into the 25 year agreement; only have 15 years left on the current agreement. However, due to the gathering restrictions and the fact that there will be no Town Meeting any time soon, another method is needed to authorize the Selectmen to enter into this agreement. There is a time restriction on this because the application is due on July 17<sup>th</sup>. The best way to meet this deadline date is to have a referendum question added to the municipal ballot on July 14<sup>th</sup> asking for the Town of Phippsburg to authorize the Board of Selectmen to enter into a 30 year agreement, which would take us out to 2050. Selectmen Mixon read the exact language of the referendum question. **"Do you favor authorization of the Selectmen to renew a license agreement for 30 years with the State of Maine Department of Parks and Recreation to allow public use of the Popham Wharf until the year 2050?"** It was decided to go with 30 years versus the 25 in case there was a schedule delay*

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*which could impact the project and the Town wouldn't have to go through this again. Part of the requirements for the referendum question is to have a Public Forum which is being done today. A couple of people are remoting in via Zoom, one of which is Barney Baker who is the engineer on the project and David Rodrigues from the State of Maine who has been working closely with us and has already handled the Lease Agreement on the State side. Today we are conducting the Public Hearing required to discuss the referendum question and also to make the public aware of the project and the scope of work that will be happening. Mr. Baker introduced himself as a Civil Engineer with an office in Freeport and the consulting engineers on this project. Because of several entities providing funds it has developed into a partnership with the Town of Phippsburg and the Department of Agriculture, Conservation & Forestry. The Maine DOT is providing some money through their Small Harbor Improvement Program and the Land & Water Conservation Fund which is promoted by the National Park Service. All this funding is in place except for the Land & Water Conservation Fund component which will be solved by the lease extension we are discussing tonight. To recap - the project includes rehabilitation of the pier, new fender ties, new decking and handrail, an ADA accessible gangway with a new flood system, improved parking area, creating a dedicated space for town fishermen to access the water and putting in a resiliency berm to improve the flood protection. The resiliency berm will be built by bringing dredge material onshore to create a berm that will link the Fort and the pier which will serve to protect the parking area.*

*Selectman Mixon added that public forums have been held that identified the need by local fishermen for dredging in order to load/unload their crafts. The addition of the float and ramp will allow larger vessels to come in and dock. Current access to the wharf from the water is by means of a ladder; that will no longer be the case with the float and ramp which will allow greater access to that facility. This will benefit everyone that we have contacted thus far. It gains parking spots for the Fort, helps with the ADA compliance piece, access to the beach, access to the wharf, and provides a spot for busses to be able to drop off groups of people at the Fort, dedicated parking for the pier, and loading/unloading area for the Association that also uses some floats out in the Atkins Bay area. Everyone that the project has been brought to is excited about it. Selectman Mixon has not heard any negative impact by anyone. This will be a great project for all.*

*There was one public member wanting to remote in via Zoom which was State Representative Allison Hepler. She feels this is a great project. No emails or questions of concern were received prior to the meeting. Selectman Mixon stated that the Town has the most current plans electronically and Administrator Jones will double check to make sure it is posted on the website. Selectman Young thanked Chris, Amber, Barney and David for all the work they have done on this project.*

*David Rodrigues added that there is one more funding source which is the Shore & Harbor Fund through the Lands & Water Program. The Land & Water Conservation Fund gets voted on through a scoring process. This project scored Number One in the last scoring round.*

**Vote: Selectman Young motioned to close the Public Hearing which was seconded by Selectman Mixon and the Public Hearing closed at 5:15 with a vote of 3-0.**

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2. Confirm moderator pay.

*Selectman Young wanted to confirm that the Town hasn't had anybody act as a moderator during this past fiscal year so there is no stipend to pay which will lapse into surplus. All were in agreement.*

**Vote: Selectman Young motioned that no one receive the moderator's pay for fiscal year 20 because no one was ever elected as moderator or paid to do the services which was seconded by Selectman Nixon and passed by a vote of 3-0.**

III. **Unfinished Business**

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

*Selectman Young asked how the first couple of days have gone at Town Hall with reopening. Administrator Jones responded by saying that is has been surprisingly calm but steady. We haven't been overwhelmed; so far so good. About 70% of the public have been wearing masks into the building.*

*Selectman Young was informed by Administrator Jones that the majority of the staff at Town Hall would rather see the Governor's requirement for the public to wear masks be the standard instead of what was voted on last week. Selectman Young came up with a two page discussion sheet for everyone's consideration, hoping to put it back on the table tonight to discuss. The second order the Governor put out requires all public to wear masks in Town Hall unless they meet one of the exceptions. He also put in the MMA recommendation that they had given prior to the Governor's last order when the board had asked the question about wearing masks. Again this was before the last Executive Order which requires mask wearing. There are also some items to consider on Page Two. Selectman Young highlighted a few - feels that as a Board of Selectmen it is their responsibility to maintain a safe environment within Town hall for the staff and public to transact business; the majority of the staff would like to see the Governor's order on the wearing of masks be implemented as per her order; and we do not have the authority to decide what parts of the Governor's orders to follow and which ones not to. He feels that the Board has three choices: keep the current policy and possibly open ourselves up to enforcement, litigation and personnel issues; contact MMA again and get an opinion of their interpretation on this situation as it pertains to the Governor's Phase 2 Order and follow their advice.*

***Zoom session was ended due to hacking and the meeting continued via speaker phone.***

*Selectman Young continued by saying his final choice was to amend the Town of Phippsburg Opening Plan concerning the use of masks by the Public to follow the Governor's requirement for the public to wear a mask when they enter the Town Hall except for children under two or if they have medical related conditions, trouble breathing, or unable to remove the mask without assistance. In that situation, if they decline to wear a mask we can't question the person about a medical condition or demand proof under the order. He feels we should use, and MMA agreed before, the actual language that the Governor had in her Executive Order.*

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*Selectman Mixon is at the same place he was a week ago; he is not interested in infringing on somebody's rights and he has not changed his position.*

*Selectman House added that she feels it is not an unhealthy workplace because of the permanent plexiglass shield.*

*One of Selectman Young's concerns is the public in the corridor and passing each other; they won't have the separation between them that is required of 6 feet.*

*Selectman House stated she doesn't believe that would be something the Town could get in trouble for because we can't require the masks. Selectman Mixon added that all the services are available remotely and nobody has to come into the building.*

*Administrator Jones stated that the reality is that 7 of the 9 staff members would like the public to be required to wear masks and it the rule that the Town should be following during this time, which is the language MMA has asked us to use. Selectman House added that the Town cannot refuse people if they do not wear a mask. Administrator Jones said a sign still could be put up saying "requiring masks" and if someone comes in without a mask they cannot be asked why they aren't wearing a mask. Selectman House asked if the Town requires the public to wear masks the employees would need to be required to wear masks also. Administrator Jones again stated that the MMA language for employees also states that masks are required if they are within 6' of each other. Selectman House re-stated that she does not want to require people to wear masks. She does not feel comfortable with it and feels the Board has gone way above to protect the employees. Administrator Jones feels what needed to be done got done, but it was nothing above. Selectman Young stated that it's something the employees are feeling uncomfortable about and that each individual Board member has already made up their mind and there is probably not going to be any changing of that.*

**Vote: Selectman Young motioned to amend the Town of Phippsburg Opening Plan concerning the use of masks by the public to read "The public is required to wear a mask when they enter the Town Hall with the following exceptions: (1) Masks are not required for children under age two or (2) for anyone who has trouble breathing or related medical conditions, or who is otherwise unable to remove the mask without assistance. If a person declines to wear a mask the staff can't question the person about a medical condition or demand proof under the order.**

**There was no second to this motion. Motion fails.**

*Opening Plan Policy will remain as is.*

*Selectman Young prepared a Meeting Policy Draft to send out to all the committee's based on last week's discussion and the original version that was done when the pandemic started. The only item he was unsure of was about wearing masks so he wrote it two ways*

*"Board/Committee/Commission members and attendees are required to wear masks or requested to wear masks." If any changes need to be made they can be done tonight and that will give the Administrator a chance to get it out to the committees in addition to the email that she has sent out already stating that meetings are starting to be allowed. Zoom would still have to be offered as only 12 people can fit in the meeting room and maintain social distancing. We still need to allow*

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*as many of the public to remote in as want to. Basically it would be like what the Selectmen's Meetings look like now. Selectman House asked if all committee meetings are now required to be videoed. Selectman Young responded by saying that was the original requirement back in March. Administrator Jones has committed to being the Zoom host for all meetings and to turn the camera on and off, if needed, if the committee is meeting at Town Hall. Some committees may choose to wait to hold a meeting.*

*Selectman Mixon had a question about the wordage that hand sanitizer shall be provided and used." Selectman Young will change it to read "Hand sanitizer shall be provided for use."*

**Vote: Selectman Young motioned to adopt the Town of Phippsburg Policy Draft, 6/3/20, with the following two changes:**

- 1. Item #3 - Members and attendees are requested to wear masks, and**
- 2. Item #4 - Hand sanitizer shall be provided for use.**

**Vote was seconded by Selectman Mixon and passed by a vote of 3-0.**

*Review of Warrants: At the beginning of COVID 19 warrants were being scanned and emailed to the Board so they could review prior to the selectmen's meeting. This also cut down the length of the meetings. The Select Board could also detect any changes that would need to be made on the preview warrant before the final warrant was printed. That didn't occur today because Town Hall was open and the staff thought it wasn't necessary. Selectman Young wanted to know what the rest of the Board felt - to get the warrants and bills ahead of time to review or coming in early before the meeting to review. If changes need to be done on the final warrant, a journal entry would need to be made. Selectman House likes the Warrant Preview so they can make any corrections before the Final Warrant is cut. Selectman Mixon is supportive of doing it electronically, but can go either way. He suggested that the warrant still be signed at the meetings. Selectman Young would like to see the preview on Wednesday morning or even on Tuesday afternoon to give them time review it, ask questions before printing out of the final warrant. Administrator Jones will discuss with Lisa and Adele.*

*Selectman Mixon asked if there were any updates on Totman Cove and how things were going. Selectman House talked with Chief Skroski and it's been pretty quiet down there, but they are monitoring it.*

*Selectman House also inquired about the Transfer Station Stickers. They haven't come in yet, but they have been ordered. Selectman House offered to help hand them out to help cut down traffic at Town Hall and Charlie's Office at the Transfer Station. She will take a hand full of stickers along with the cards, hand them out, and return the cards on Wednesday's' before the Selectmen's Meeting. We will let Selectman House know when the new stickers come in.*

#### **IV. Correspondence**

1. Letter from CHANS Home Health and Hospice, articulating their changes in service to respond to COVID -19.
2. Letter from New Hope for Women giving an update of the new work they are taking on to respond to COVID-19 to support victims of domestic violence.

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*Both of these letters will be kept on file at Town Hall. If anyone would like a copy of either of these letters, they can be e-mailed to you or mailed by US Mail. Selectman Young mentioned that both of these agencies were asking for donations in their letters. Donations from the Town will be decided at Town Meeting.*

**V. Selectmen/Administrator Comments and Announcements:**

Candidates' Night - July 8<sup>th</sup>, 2020

*Administrator Jones announced that Candidates' Night will be held on July 8<sup>th</sup> during the Selectmen's Meeting.*

Absentee Ballots available

*Absentee Ballots are available. There has been a change where there will be not cutoff date and ballots can be accepted right up until Election Day.*

Vote on July 14<sup>th</sup> - State Primary and Municipal Elections/Referendum

*Selectman Mixon announced that Popham reopened on June 1<sup>st</sup> and if anyone has heard how that's going. There are some restrictions in place and 50% capacity. Administrator Jones spoke with Sean (Park Manager) last week and he relayed that people can sit down, they don't need to keep walking, but the staff will be watching to see if people are complying with social distancing. If people do not, there is a possibility they may need to close again.*

*Selectman Young asked Administrator Jones about scheduling a visit to Maple Street.*

*Administrator Jones will get in touch with Syd and see what works for him and they will try to set up a site visit date next week.*

*He also asked if the Board had seen the response from MMA with respect to transferring money between accounts, specifically the Garden Club. Administrator Jones has been in contact with them and they have been notified.*

*Selectman Young asked about reappointments to the Budget Committee next week. He suggested that they be postponed until all the appointments are done at the end of the month. At the same time the Annual Policies can be renewed. He also expressed his condolences to the Thombs family for the passing of Dave Thombs. Dave had served as Chairman for the Board of Appeals for decades as well as being a Road Crew employee for many years. He was a special guy and will be missed.*

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

1. Payroll and Accounts Payable Warrants

**Vote: Selectman Young motioned to approve Accounts Payable Warrant 122.**

*Selectman House would like to remove the Rocky's Ace Hardware bill from the above warrant because the discount was not taken and this can be paid next week.*

**Vote: Selectman Young amended his motion to approve Accounts Payable Warrant 122 with the removal of the Rocky's Hardware invoice and two other minor things that need to be checked on (the loader and Worker's Comp), which was seconded by Selectman Mixon and passed by a vote of 3-0.**

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**Vote: Selectman Young motioned to approve Accounts Payable Warrant 123 which was seconded by Selectman Mixon and passed by a vote of 2-0.**

**Vote: Selectman House motioned to approve Payroll Warrant 121 which was seconded by Selectman Young and passed by a vote of 2-0.**

2. Selectmen's Meeting Minutes for May 20<sup>th</sup> and 27<sup>th</sup> 2020.

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

3. Assessing Agent Annual Contract

**Vote: Selectman Mixon motioned to sign the Assessing Agent's Annual Contract which was seconded by Selectman Young.**

*It is Selectman Young's understanding that Juanita will not start billing for the projected increase on July 1<sup>st</sup>. She understands she will not get the budget increase until the budget is approved in September. She will be paid the FY 2020 rate until the budget is approved and then be paid the increase retroactively.*

**Vote passed by a vote of 3-0.**

*Selectman House stated that this should have been added under adjustments – "To sign the Highway Opening Application for the project going on down at Small Point Road." The application only needs one signature so Selectman House will sign it. The application is through the DOT.*

**Vote: Selectman Mixon motioned to have Selectman House sign the Highway Opening Application for the DOT, for the Small Point Project, which was seconded by Selectman Young and passed by a vote of 3-0.**

*There will be four flaggers working this project – the date is June 19<sup>th</sup>. Administrator Jones will post on the website. Project is expected to take from 9 a.m. to 2 p.m.*

### **Adjournment**

**Vote: At 6:02 p.m. Selectman Young motioned to adjourn which was seconded by Selectman Mixon and passed by a vote of 3-0.**