

Submitted by:

Approved by Selectmen:

9/23/20

amz

Adele M. Suggs
Admin Asst

TOWN OF PHIPPSBURG
SELECTMEN'S MEETING AGENDA MINUTES
September 9, 2020

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

I. Adjustments

Vote: Selectman House motioned to add Tina Talbot selling raffle tickets at Saturday's Town Meeting under Unfinished Business which was seconded by Selectman Mixon and passed by a vote of 3-0.

II. New Business

1. Meet with Harbormaster, Doug Alexander, and Harbor Commission Chair, Ethan DeBery, to discuss the next steps for addressing the abandoned vessel outside of the Basin. Doug Alexander, Harbormaster, stated that this vessel has been there for about 3-4 months. It's getting close to winter and with the condition it is in, Mr. Alexander is afraid it's going to come apart and it's going to ruin the lobster and clam grounds up there. He and Administrator Jones talked with John Knoll, Submerged Lands Director for Bureau of Parks and Lands, who stated that the Harbor Commission and the Town would have to consider the vessel abandoned. Mr. Alexander would like to get going on the removal of this vessel. Assessor, Juanita Wilson, looked up the Harrington's property line and it only goes to the high water mark. Mr. Alexander doesn't believe the vessel is on anybody's land and is considered to be in the tidal zone which puts it in the Town of Phippsburg hands. Selectman Young stated that the statute regarding abandoned watercraft, Section 2-F, says "Abandoned watercraft located on intertidal land may not be removed by the director without the permission of the landowner. "Selectman Young asked if the tanks on board the vessel were empty. Mr. Alexander responded that the Coast Guard came to do an inspection on the vessel the first couple of weeks it was there and the Fire Department was going to pull the collar out if something was leaking, and the Coast Guard said we didn't need it. The DMR has also been there to look at the vessel and there is no fuel leaking. Selectman Young had heard that it could cost around \$30,000 to remove the boat. Harbormaster Alexander said he received a quote of approximately \$18,000, from Dave Allen at Chesterfield, to take the boat apart if someone else disposes of the debris. Mr. Alexander asked Road Commissioner, Mr. Doughty, how much it would cost to dispose of the debris. Mr. Doughty responded by saying it would average \$100/ton. Selectman Young stated that the cost did not include trucking fees. Mr. Alexander has reached out to others for quotes but has not received any other responses. Administrator Jones asked Mr. Alexander if the boat had a mooring permit and he responded not by us but it was moored in Cundy's Harbor. Administrator Jones went on to further explain that there is a stipulation about the boat cannot have a permit in the town where the vessel was left.

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Selectman Young stated that according to Chapter 220, Bureau of Parks & Lands, Submerged & Intertidal Lands, "The municipal board or commission entrusted with harbor management is responsible for the notice requirements under this subsection." Then it goes into the responsibility of the Director of the Bureau of Parks & Lands. "The director is responsible for the following: After notification under subsection 2, the director shall investigate any report of an abandoned watercraft and give notice to the owner if an owner can be identified." Selectman Young stated that the owner has been notified and the director would investigate the report and give notice to the owner. "The notice must require the owner to respond within 15 days and to remove the watercraft from the coastal waters within 60 days of notification by the director or, if the watercraft unless it's icebound. If the owner of a watercraft to whom the director has given notice does not respond to the notice and remove the watercraft within the time period specified or the owner cannot be identified or contacted, the director may initiate removal of the watercraft." The statute further states that "funding for removal by the director comes from funds available through the Submerged Lands Fund established under section 1861. The director may immediately remove the craft from coastal waters if the director determines that a watercraft is a health or safety hazard. Civil action - if the State is not compensated for removal costs under the provisions of subsection 4, the State may bring a civil action against the owner of the abandoned watercraft to cover any cost of state removal of the abandoned watercraft from coastal waters. The court in its discretion may award an additional 50% of the cost of removal. The penalty is payable to the submerged lands leasing program pursuant to section 1862." Selectman Young feels that it's the State's responsibility to take action on this vessel. Administrator Jones agreed and stated the only course of action the Town has is to determine the vessels abandonment and send a letter to the state requesting they take the appropriate steps for removal of this vessel.

Vote: Selectman Mixon motioned to consider the vessel that is on the rocks south of the Basin be considered abandoned in intertidal waters, which was seconded by Selectman House.

Selectman Mixon asked if the Harbormaster from Harpswell is aware of this. Harbormaster Alexander responded by stating he offered his assistance and anything he could do to help within the first two days the vessel was there. Selectman Mixon further suggested that any correspondence that is passed along to the State should be cc'd to the Town of Harpswell and the Harpswell Harbormaster. The statute defines an abandoned watercraft as "any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal." Selectman House stated that she feels the owner has no intention of removing this vessel as it has been over 4 months and he has continued to make promises that he will bring a barge in but has not shown up. It does not release him from his responsibility.

Vote passed by a vote of 3-0.

Vote: Selectman Young motioned that the Town follow the process in Statute 1866, Section 4, concerning notification of the owner and notification to the director, which was seconded by Selectman Mixon and passed by a vote of 3-0.

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2. Discuss whether or not to skip the Selectmen's Meeting on 9-16-20 following the Special Town Meeting, as in prior years.

Traditionally the Board has not met on the Wednesday following Town Meeting as it is usually held on Tuesday evening and possibly Wednesday. Selectman House stated that there is a citizen that has requested to be on the agenda for next week requesting the Select Board's support. Selectman House further stated that she feels the Board should have the meeting next week. All board members were in agreement to meet and will do so on Wednesday, September 16th.

III. Unfinished Business

1. Consider safe options for opening the swap trailer.

Selectman House spoke with Transfer Station Supervisor, Mr. McKenney, on Saturday. He has talked with other Transfer Stations and they have opened their swap trailers and he would like to open the one here with one person entering at a time and a time limit spent on the inside. Signs will need to be put up to this effect. If the trailer gets abused, Mr. McKenney will lock it, but is asking the Selectmen to open the trailer back up. Selectman Mixon also spoke with Mr. McKenney and he is confident that he can manage the trailer. Selectman Mixon would like to give Mr. McKenney the authority to do what needs to be done and if it gets abused he can lock it. Anna Varian stated that it would be beneficial if the back door could be opened so people could just pass through. This will keep people moving without having to pass one another and have good air flow. Mr. McKenney will have to check to see if that back door will open.

Vote: Selectman House motioned to let Charlie McKenney open the Swap Trailer and give him authority to lock it if the rules aren't being followed which was seconded by Selectman Mixon.

Anna Varian asked the Board what a reasonable length of time is for people to stay in the trailer. Selectman House thought 10 minutes and if it gets backed up move people through as quickly as possible. 6' distance marks will be placed on the ground outside the trailer entrance. If the back door can open, 2 people will be allowed inside at once. If it cannot be opened, only one person will be allowed inside at a time.

Marie Varian stated that some residents asked her that since the dumpsters are no longer at Town Hall if the Transfer Station could extend their hours for people who work and don't get out until 5 and used to drop their trash off on their way home. The concern in the winter time is that it gets dark early. This will be discussed with Mr. McKenney.

Vote passed by a vote of 3-0.

2. Reconsider strategies to maintain a safe and healthy work environment and public services in response to the pandemic Covid-19: Special Town Meeting - Saturday 9-12-20.

There has been some confusion as to why Town Meeting is being called a "Special Town Meeting." Selectman Young explained that it is being called this because the only official annual town meeting is when election of officers is held. Normally the election of officers is held on day one and then continues into the rest of the town meeting the second day. Our election of officers was held back in July and we

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would have had to hold the second part of it with seven days of the elections. Since so much time has passed it technically has to be called a "Special Town Meeting." It still is the business part of the annual town meeting.

3. Selling of quilt Raffle Tickets for the Phippsburg PTA by Tina Talbot at Special Town Meeting on Saturday, 9-12-20.

Ms. Talbot has made a quilt and is conducting a fundraiser for the Recreation Committee to raise money for the PTA scholarship. She has requested to set up a table away from the tents for people to purchase raffle tickets for the quilt. 6' markings will be placed on the grass and people will be wearing masks; Covid precautions will need to be maintained. She could speak with the Town Clerk, Lisa Wallace, about borrowing a plastic shield that is used during elections to check in voters. Tickets will only be sold before and after the meeting.

Vote: Selectman House motioned to let Tina Talbot set up a table to sell raffle tickets which was seconded by Selectman Mixon and passed by a vote of 3-0.

Selectman Mixon confirmed that the Board was meeting on Friday evening at 5 p.m. to set up tables, chairs, and pop up tents. Fire Chief, Andrew Hart will be setting up power on Friday night as well. The sound system people will be arriving around 6:30 a.m. on Saturday. Selectman Mixon asked if New England Tent & Awning were clear on the arrangement of the tents. Administrator Jones spoke with them this morning and they had a few questions, but are all set. Administrator Jones confirmed with them that West Bath does not need the tents in the afternoon and they will leave one tent set up for the school.

IV. Selectmen/Administrator Comments and Announcements:

Special Town Meeting - Saturday, September 12th, 2020 at 9:00 a.m.

Administrator Jones encouraged people to attend the Town Meeting on Saturday. Please try to arrive a little early so that we can get everyone checked in and seated for a 9:00 a.m. start. There will be one microphone runner for each tent so one more is still needed. If anyone is interested, please contact Administrator Jones. There will be plenty of distance between people and it will be in the open air. It will be asked of the attendees to keep their masks on as much as possible. The microphones will be passed around so no one will have to get up and pass in front of anyone else and they will be wiped down after each use.

Selectman Mixon requested that the citizens of the Town that have been saving up their items for the Swap Trailer drop them off in manageable amounts so the Transfer Station employees can deal with it a little easier, not be overloaded, and possibly having to close it.

Selectman House thanked the Community Garden for the two beds of donated vegetables that were distributed to people in need. If anyone needs any food bags, they are still available and may contact Anna Varian or Selectman House. Dog/cat food and supplies are also still available. Please reach out. Selectman Young restated that the recycling containers at Town Hall have been removed and that was done to save over \$4,000/year. Recyclables will now have to be taken to the Transfer Station. Selectman House added that the use of them was also being abused.

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V. Public Forum

Marie Varian asked an overall question about recycling going into the landfill. She asked if the Phippsburg residents' efforts to recycle actually go through a recycling process or end up in a pile somewhere. Selectman Young feels that once it leaves town and goes to Pine Tree Waste they send it through a recycling machine, but doesn't know where it ends up. Administrator Jones added that she would like that process explained to her and will reach out to Pine Tree and Mr. McKenney about coming in and presenting on the process. Selectman Mixon added he believes that a little bit of both is happening right now and feels that some of it maybe being stockpiled in hopes that the recycling market will come back. Selectman House stated that she knows a lot of people question it when they see the garbage and recycling put into the Pine Tree trucks, however, they do have separate bins for each. Ms. Varian further went on to say that the newspaper articles that you read about the overall situation doesn't answer where it goes and people are trying to do something good, and if not's doing what it ought to, someone should tell the residents this, and should they even bother to recycle. Administrator Jones explained that the Nature Conservancy recently published an article about this and the residents have been trained to recycle but that it is not happening at the large corporation level; that is where lawmakers and politicians need to spend more time focusing on this.

Selectman Young stated to Marie Varian, Planning Board Chair, about the discussion last week on the Uncle Sean's Fish n' Chips food truck, that he had failed to mention that on the permit that the Select Board wrote for him to be out in the parking lot, it was written for him to check with Lee Rainey, Codes Enforcement Officer, about any necessary permits or approval process. Mr. Rainey is on vacation this week, so it's unsure of what became of it.

VI. Review and/or Sign:

1. Payroll and Accounts Payable Warrants

Vote: Selectman House motioned to sign Payroll Warrant 24 & Accounts Payable Warrant 25 which was seconded by Selectman Mixon and passed by a vote of 3-0.

Vote: Selectman Mixon motioned to sign Accounts Payable Warrant 26 which was seconded by Selectman Young and passed by a vote of 3-0.

2. Selectmen's Meeting Minutes for September 2nd, 2020

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

Adjournment

Vote: At 5:46 p.m. Selectman House motioned to adjourn which was seconded by Selectman Mixon and passed by a vote of 3-0.