

Submitted by:

Approved by Selectmen:

1/6/21




Adele M. Suggs
Admin Asst

**TOWN OF PHIPPSBURG
SELECTMEN'S MEETING MINUTES
December 9, 2020**

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

I. Adjustments

Vote: Selectman House motioned to add a letter to Santa under New Business which was seconded by Selectman Young and passed by a vote of 3-0.

Vote: Selectman House motioned to put under New Business a donation to the Fire Capital Account, which was seconded by Selectman Young and passed by a vote of 3-0.

II. New Business

1. Letter to Santa

Selectman Mixon read a letter to Santa from 6 year old Gregory Wallace with his list of wants which included glo sticks, a TV, play-doh, puzzles, jet pack and games.

2. Meet with Assessing Agent, Juanita Wilson to consider a corrective abatement, FY-21-01, in the amount of \$82.26 for M-043 L-029.

Assessor Wilson explained that this corrective abatement for the Phippsburg Land Trust was completely her error. This property, which was purchased from John Morse, had a tax bill issued because she overlooked keying the TRIO Code to make it tax exempt after moving it from Tree Growth to Open Space. This error does need to be abated. Zero tax is owed.

Vote: Selectman House motioned to sign the above corrective abatement, which was seconded by Selectman Mixon and passed by a vote of 3-0.

3. Discuss next steps for removal of the abandoned vessel "Sasha Gayle", in light of the end of the comment period, in which no response was made to the State from the owner of the vessel. Administrator Jones stated that a letter was sent to the State in September regarding all the information on the Sasha Gayle. The State discovered that Corey Hawkes is the owner of the boat. Mr. Hawkes did not respond. At this stage the Town needs to vote to take responsibility for the vessel. The first thing to be done is to get an estimated cost for its removal and then the Town can apply to the State for financial assistance for the removal. Selectman Young asked if the Town takes possession could the Town be liable for any damages if it breaks loose. Administrator Jones replied yes but the only other option is not to take ownership and she is not sure who would take responsibility since it's on Town shores.

Selectman Young added that he has some issues about the way the law is written because to him it's the State's responsibility to remove it. Selectman House does not feel comfortable taking possession; it's a big liability. Administrator Jones will compose a letter to the State that they are not in favor of taking possession of the boat. Selectman Young feels a call should be made to the Town Attorney for clarification. Harbor Master Alexander and Selectman House have been in touch with Mr. Hawkes.

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Response was that "he's trying to remove it." The State is allowed to go back to Mr. Hawkes and claim the costs of the removal plus 50% through the courts. Currently the vessel has been deemed abandoned and in Mr. Hawkes' possession. Section D of the Statute states "if the Director at any time determines that a watercraft is a health or safety hazard, the Director may immediately remove the watercraft from the coastal waters." If the Town ends up taking care of it and wants to recoup its cost Jessica, the Town Attorney, would have to represent the Town in court. Mr. Alexander stated that he was told that if Phippsburg took possession of this vessel tonight and got removal bids and the bids came in at \$30,000 the Town would only get \$10,000 back which is the maximum allowed by the Submerged Lands Program. The estimate the town received previously was approximately \$22,000 for removal. Selectman Young asked the current shape of the vessel. Mr. Alexander responded by stating that it's coming apart a little more with each tide. The Coast Guard has been by twice and there is no sign of any oil leakage. Mr. Alexander further stated that after a few storms the wood on the boat is going to come apart, but the metal will stay. The Board is in agreement that the first step will be to contact Jessica, the Town Attorney, to get some clarification and also ask about the liability between the State, the Town and the land owner.

4. Consider establishing a policy for supervisor pay for the attendant covering the position at the Transfer Station.

This is a special circumstance as the supervisor at the Transfer Station is going to be out for a while. The Board will look at situations like this on a case-by-case basis. If someone in a supervisory position going to be out for a while their replacement would be entitled to supervisor pay. Administrator Jones added that since this is a new policy, she would like to see it added to the Personnel Policy Draft the Board has been working on.

Vote: Selectman House motioned that whoever is filling in for the supervisor when the supervisor is out, they will receive supervisor pay on a case-by-case basis for the Transfer Station Supervisor position, which was seconded by Selectman Young and passed by a vote of 3-0.

5. Consider accepting a donation of \$100.00 from Melville Cottrill for the Fire Capital Account.

Vote: Selectman House motioned to accept the above donation 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: staff/public interaction.

It has been a whirlwind from the media, emails and phone calls most commonly asking why the Town is not complying. There was an article in the newspaper and Selectman Young received a call from Kathleen at The Times Record asking for a briefing on tonight's meeting; he also recommended that she call Selectman Nixon and House. The Board did receive a response from the insurance carrier. Mr. Ballou, the MMA Risk Management Insurance Supervisor, made it clear to Administrator Jones that he can only give us advice; that he's not an attorney. However, Mr. Ballou recommends that any town

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should follow the Executive Order. He also recommended discussing the issue of liability with the Town's attorney and follow their guidance. Mr. Ballou mentioned there is exclusionary language which should be looked at in the Town's contract, which Administrator Jones summarized for the Board. The Town's coverage does not apply to personal or advertised injury arising out of willful violation of a penal statute or ordinance committed by or with the consent of the Member. Coverage provided under Agreement H does not apply to any "wrongful act" committed by a member with the knowledge that it was a "wrongful act"; however, this exclusion does not apply to any Member who did not commit, order, approve, participate in or know of said "wrongful act" at the time it was committed. Lastly, public officials and employment practices liability is covered in the extension do not apply to any injury, claim, suit, or data breach expense involving, alleging, based upon, arising out of or attributed to any willful or knowing violation of any statute or regulation by the Member, whether acting alone or in collusion with others. Administrator Jones will share this exclusionary language with the Town Attorney, but it shows where the Town may be vulnerable. Administrator Jones will also forward MMA's response to Jessica.

Administrator Jones spoke with the employees and asked them where their struggles have been. The Contract Assessor has to comply as she is a business owner in the State. John Skroski, Police Chief, said that 100% of the people coming into his office are wearing masks. When Administrator Jones spoke to Lee Rainey, Codes Officer, he stated that when he's out in the field he's encountering a lot of unmasked folks, but he does not feel empowered to ask people to wear masks. He has to make sure that he is distanced from anyone he is interacting with. He is wearing his mask at all times. Employees at Town Hall are wearing theirs as well. Administrator Jones would like to see a policy established for front desk interaction. There are some employees who are uncomfortable serving people who are not wearing a mask. Lisa Wallace, Town Clerk, added via Zoom, that people not wearing masks on the other side of the counter puts the staff at higher risk. She understands that some people cannot wear masks, but the majority can. Ms. Wallace feels that if everyone could get on the same page with this that most people will wear a mask. You have to wear a mask no matter where you go - haircut, Shaw's, going into pay for gas. It's not like we're asking anyone to do anything different from other businesses or the Governor's Order. She is highly in favor of masks. She does not want to use her elected powers to refuse service from someone who isn't wearing a mask without the majority of the Board backing her up. Selectman Young & House suggested that larger signs on the front door of Town Hall stating "please wear a mask" could be helpful as well as promoting more remote transactions.

Administrator Jones asked how the front counter is supposed to respond if someone comes in for service without a mask; what are they empowered to do, can they refuse service. Response was if they are not comfortable serving someone who is not wearing a mask, arrangements will need to be made for remote services; the individual can call and the drop box/pick up box can be used. Masks will be offered to those individual who come in without wearing one. For staff there are options of wearing a mask, a face shield, or a half chin masks. Signage is also needed at the Transfer Station. Administrator Jones will check with the attendants about wearing face masks and if wearing a shield may be a better option for them.

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Ms. Wallace also stated that if the other two Selectmen are choosing not to wear a mask or shield how can they ask someone else to wear one.

Selectman Young opened up discussion to the public.

Chris Sewall who was in attendance said he saw the article in the newspaper today and it upset him. He thanked the Board for all their time and effort they put in by being selectmen and he appreciates that. However, he profoundly disagrees with Selectman House and Mixon's position; it is irresponsible to both the citizens that come into Town Hall and the employee's working here not to require a simple mask. He expects his selectmen to model good behavior. It strikes him that they are trying to make a political statement. He feels we are in the mess we're in nationally because this was politicized a long time ago. A lot of us have people in our lives that have higher risks. He does not feel that it is too much to mandate that people coming to use this public building wear a mask inside. The board has the power to collect taxes, condemn properties, and close town roads; this is done for public good. Wearing a mask is a small sacrifice to ask to protect one another. Mr. Sewall feels we owe it to each other and is asking that the two Selectboard members reconsider their position.

Dan Dowd, via Zoom once again thanked all the town employees for their service. He agrees with Mr. Sewall. This is a time that we all need to work together to get through this; it's not a major sacrifice to ask people to wear a mask in this situation. It's for our neighbors; there are a lot of elderly and high risk people in Phippsburg - let's keep them around.

Avery Purington, also by Zoom, feels that everyone needs to agree that wearing masks will save us all. To feel that it is political is an embarrassment to the town. She is hoping that the goal for tonight is to reverse the Board's decision on the Governor's mandate.

Wayne Beach, via Zoom, stated that all the signs show that masks only work when both parties are wearing them. He feels the town should abide by the mandate and require masks to enter the Town Hall so as not to put fellow citizens or Town Hall staff in danger. He went onto further say that he does not believe it is fair to highly recommend the wearing of masks as it puts the staff on the front line in a position of having to refuse service or negotiate an alternative service route and feel awkward about having to deal with it. Mr. Beach is in supportive of a mask mandate.

Bob Reyes stated we are in the worst health crisis in 100 years. The laws need to be followed to enforce the common good. We do not drive intoxicated; we wear seatbelts while driving which are small and reasonable things to do. Wearing masks is the right thing to do given the enormity of what we are facing. He too hopes the Selectman will reconsider requiring everyone going into Town Hall and the Transfer Station to wear a mask.

William White thanked the Selectmen for their service, but he feels it is very important to reconsider and change their prior ruling. This is a small but substantial thing each of us can do. We've been asked by our government officials to do the right thing. It's pretty simple - we need to help our country and ensure the safety of our fellow citizens.

Randall Crocker said that when given the opportunity people do show care and concern for others and they look to their leaders to model that behavior. He understands the different viewpoints, but the bottom line is that we are all in this together, whether we like it or not. We all have the power to take

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these simple steps to keep each other as safe as possible. The Town Hall is located directly across from the school – what message is being sent to the kids. Mr. Crocker is also in hopes that the Selectmen reconsider their prior decision.

Phoebe Adams wanted to reiterate what she said last week by saying this pandemic isn't going away even with a vaccine as most of us will not receive it until next June. Phippsburg does not want to be like other rural places in the country that didn't think they had a problem; it's coming. It's important that we stand together because it's going to be months. We have to have the fortitude and take care of each other.

Vote: Selectman Young motioned to follow the Governor's orders concerning the wearing of masks.

There was no second so motion fails.

Selectman Young would like to have the town's re-opening policy re-written to include tonight's discussion and the mask wearing signs implemented as soon as possible. This will be further discussed next week with the town attorney's input concerning the insurance coverage and the comments made by MMA.

IV. Correspondence

1. Letter from Sagadahoc County Administrator regarding the Town's 2020 Gold Star Award for participating in the Spirit of America program, and the postponement of annual presentation ceremony due to Covid-19.

Selectman Young read aloud the letter from Pamela Hile, County Administrator. The Town of Phippsburg has been participating in this program for many years. The award winner for this past year was Gary Morong. Every year all the towns go to the county and the county recognizes all the recipients.

V. Selectmen/Administrator Comments and Announcements:

Looking for On Call Transfer Station Attendants

The Town is looking for On Call Transfer Station Attendants and would love to see some applications for this position.

Santa's visit to town

More information on Santa's visit should be coming out by the end of this week. When we know, it will be posted on the website.

Selectman Mixon said thank you to the children for writing letters to Santa and hope we have more to read next week.

Selectman House sent her condolences to the Freeman Family with the passing of Madelyn last Friday. She was a very nice lady and involved in the town.

Selectman Young announced that the inside of Town Hall is decorated. The American Legion Post will be gathering this Saturday at 8:30 to decorate the outside of the building.

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Open Committee Positions

Selectman Young read the current list of committee vacancies which will also be posted around Town and on the Website. There are currently no applications on file for these open positions. Selectman Young would like to propose that the Board come up with a written process for committee appointments. He is willing to write up a draft by year end possibly conduct a workshop in January to outline the actual process for the Board and the public to use going forward.

Marie Varian, Chair of the Planning Board, explained that the Planning Board has 5 members and 2 alternates which has been the law since 1970. They have never run into this problem before, but when people have to step down due to a conflict, away for the winter, or for whatever reason, the Board could be down to 3 people or even 2. There is a rule in the law of necessity which basically states that if there aren't enough people to have a quorum you can discuss the conflict with the Board and determine whether the conflict is serious enough to not allow a member to serve or allow them to serve without bias. The Board did not have to use this. One person who is away is going to fly back in order to make a committee of 3. It would help to have a third alternate. Ms. Varian would like to see an article at Town Meeting to make a change and have more than 2 alternates, but leave it up to the Town to decide. Another reason Ms. Varian would like to see the change is that it would allow the alternates the opportunity to attend meetings and review materials so they can learn. That would allow a pool of people ready to fill in when someone steps down.

Administrator Jones will check with MMA on the proper/correct wording for the Town Article.

VI. Review and/or Sign:

1. Payroll and Accounts Payable Warrants

Vote: Selectman House motioned to sign Payroll Warrant 56 and Accounts Payable Warrant 58, which was seconded by Selectman Mixon and passed by a vote of 3-0.

Vote: Selectman Mixon motioned to sign Accounts Payable Warrant 57, which was seconded by Selectman Young and passed by a vote of 2-0.

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

Vote: Selectman House motioned to sign the December 2nd Meeting Minutes which was seconded by Selectman Mixon and passed by a vote of 3-0.

3. Quit Claim Deed for Zachary C. W. Seely for parcel Map 018 Lot 012-07, formerly owned by Alexander J. Barna Jr and Julie S. Barna for tax lien year 2009.

Vote: Selectman House motioned to sign the above Quit Claim Deed, which was seconded by Selectman Mixon and passed by a vote of 3-0.

VII. Public Forum

Chris Sewall would like the Board to reconsider Food Service at Town Hall. During the last weeks of summer in August last year, Sean's Fish N' Chips was out in the parking lot. Sean had been the cook at the Hermit Island Snack Bar for the last 15 years and quit in July. He had the same menu as the Snack Bar. Considering the economical circumstances we are all under, it seems to Mr. Sewall that is was

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unfair on the part of the Town to invite the direct competition with the same menu as our restaurant for the last couple weeks they were open in the summer. He is not opposed to any kind of food service but in the future consider the impact it has on other existing employer's, business owners and taxpayer's in town when the Board makes those decisions.

Selectman Mixon clarified that the Town did not invite Sean. There was a provision that allowed folks to set up in the parking lot and it has not been used in several years. The Board had to honor what was already in place. The Board realizes that it wasn't complete and outdated. Town Land folks are drafting up a new document to bring the Town up to date and there is also a group working with Food Sovereignty. There will be some advantages to local grown harvester's to participate in this program. Administrator Jones added that if anyone is interested in helping write this document get in touch with Anna Varian. Mr. Sewall stated that he thinks it would be great to have a Farmer's Market or food related service, but what transpired last summer hurt his business.

Selectman Young stated that this ordinance has been in place for several years and no one had come forward in a long time and Sean submitted his application.

Mr. Sewall would like to see someone from town have this opportunity.

Selectman Young further commented that there were other comments received from the public and that is why the Town Lands Committee is drafting a new ordinance and hopefully will be voted on at Town Meeting.

Adjournment

Vote: At 6:28 p.m. Selectman House motioned to adjourn which was seconded by Selectman Mixon and passed by a vote of 3-0.