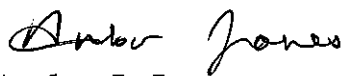





Submitted By:

Approved by Selectmen:


Amber L. Jones
Administrator

**TOWN OF PHIPPSBURG
SELECTMEN'S MEETING
MINUTES
August 28, 2019**

 10/2/19
 10/2/19
 10/2/19

The Selectmen's meeting convened at 5:00 p.m. at 39 Maple Street for a site visit with the regular Selectmen's Meeting convening at 6:00 p.m. at the Town Hall with Administrator Jones, Selectman Mixon, Selectman Young and Selectman House present.

Adjustments

Selectman House would like to table the minutes until next week.


Vote: Selectman House motioned to table the Selectmen's Meeting Minutes for June 19th & 26th until next week, which was seconded by Selectman Young and tabled by a vote of 3-0.

I. New Business

1. Samuel Burgess Hearing – Appeal of the Harbormaster and Harbor Commission's conclusion that moorings 215 and 216 were abandoned.

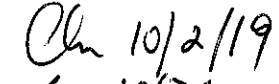
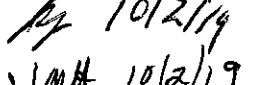
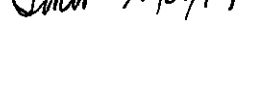
Selectman Mixon took a few minutes to go over the format for the appeal process. The Appellant speaks uninterrupted, and when the Appellant is finished, questions can be asked and addressed to the Selectmen. Then the Harbor Commission will do the same, with questions from the public and the Board to follow. It is an Appellant Hearing to determine if the Harbormaster and Harbor Commission made the proper determination in compliance with the Harbor Ordinance to consider moorings 215 & 216 abandoned. Mr. Burgess spoke first stating his position: He has registered his mooring and his father's every year without fail, but was not aware he needed to keep a boat on the mooring to hold the mooring locations. He also took issue with the fact that he did not receive notification of the abandonment of the two moorings. Selectman Young asked Mr. Burgess if the Harbormaster had offered other mooring locations to him. Mr. Burgess replied that the alternate mooring locations offered were too far from where he fishes. Ethan DeBery, Chair of the Harbor Commission spoke next and explained that the Harbormaster followed correct procedure, the mooring locations were without balls to identify them and unused since approximately 2008. Selectman Mixon clarified that the purpose of this hearing is to determine whether the Harbormaster followed the Ordinance, and asked if Mr. Burgess can show where a section of the Ordinance was not followed. Mr. Burgess explained again, that his issue is that he was not notified that the moorings were determined abandoned. Discussion was held about the wording of the Ordinance, and Selectman Young stated that there is nothing in the Ordinance that requires notification from the Harbormaster when he is considering the status of abandonment. Mr. Young stated that it is the responsibility of the mooring owner to keep track of the mooring and to make sure there is a ball on it. The Ordinance states the mooring has to be used within 12 months. Mr. Young read from the Findings of Fact and the determination was made by the Harbormaster that the moorings hadn't been used for the last 12 months. It appears that the last time anyone was on the mooring was 2010 or 2011, and the last time the appellant used the mooring was 2008. Selectman Young agrees with the decision made, as it was within the scope of the Ordinance. Selectman House stated that there is no proof that the mooring was used or when it was used. She too agrees with the Harbor Commission and Harbormaster; they're required to follow the Ordinance. Selectman Mixon restated that the task was to answer whether the Harbormaster followed the Ordinance or not. It was Mr. Mixon's opinion that he did. However, he urges the Harbor Commission to take a look at the wording of the Ordinance to prevent this situation from happening again, and that he has no option but to agree and uphold the Harbor Master's decision regarding the abandonment and reassignment of the

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moorings because it was in accordance with the Ordinance.

Vote: Selectman Young motioned to uphold the decision of the Harbor Master and Harbor Commission that Moorings 215 & 216, owned by the Burgess', were considered abandoned which was seconded by Selectman House and passed by a vote of 3-0.

Selectman House asked if Harbor Commission could notify commercial mooring holders; and would like the Commission to consider this, because the Town does support the working waterfront. Mr. Burgess asked what his next step would be. Selectman Young explained that according to Section 13 in the Harbor Ordinance, if he did not agree with the decision made by the Board of Selectmen he could appeal it within 30 days to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure. Selectman Young suggested to Administrator Jones to get a decision letter to the Appellant for the Selectmen to sign next Wednesday and follow that up with the Findings of Fact as soon as possible after that.

II. Unfinished Business

1. Discuss the status of clean-up at 39 Maple Street.

Selectman Mixon stated that the Board had a site visit at 5 p.m. prior to the Selectmen's Meeting to measure the progress on the removal of the debris; he has made some progress and has removed more of the debris. There are a couple of piles that have already been separated and will be going to the Transfer Station. Mr. Rogers was asked to continue to work on the non-income producing debris. The Board will ask him to attend the September 25th Selectmen's Meeting and will conduct another site visit prior to that meeting.

III. Correspondence

1. Thank you letter from Maine Public (Radio, Television) for the Town's donation of \$300.00.
2. Thank you letter from Big Brother Big Sisters of Bath/Brunswick for the Town's donation of \$1,200.00.
3. Letter from A.E. Hodsdon Consulting Engineers regarding the structural integrity of dome style buildings like our Sand Salt Shed.

Administrator Jones explained the reason this letter was put on the agenda was because there was some repair done on the Sand & Salt Shed roof. This letter highlighted that other buildings like this around the State are experiencing the same issues with the walls. Administrator Jones wasn't sure if someone had gone down to the shed and assessed the condition of the walls or wants to have someone come take a look at it. Selectman Young stated that up until a couple years ago, the walls were perfect. The Board can go down individually to look to see if there are any concerns as well as ask Mr. Doughty to take a look.

IV. Selectmen/Administrator Comments and Announcements:

Administrator Jones reminded the public that the Town Hall Office will be closed on Monday in observance of Labor Day.

Selectman House stated that the Senior Fair is September 21st at the Fire Department from 10-1 with free flu shots being offered and fish chowder for lunch. It's hosted by the Totman Library.

Submitted By:

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Clu 10/2/19
lu 10/2/19
Jmt 10/2/19

V. Review and Sign:

1. Payroll and Accounts Payable Warrants

Vote: Selectman Young motioned to approve and sign Payroll & Accounts Payable Warrants, which was seconded by Selectman House and passed by a vote of 3-0.

2. Selectmen's Meeting Minutes for June 19th and June 26th, 2019

Minutes above were tabled until next week.

Selectman Young asked about the status of the Shellfish License Appeal. Administrator Jones replied that she is waiting for Dean to contact her as to when they are going to meet to vote on it. She expects to hear from him tomorrow.

Adjournment

Vote: At 7:07 p.m. Selectman Young motioned to adjourn which was seconded by Selectman House and passed by a vote of 3-0.