

File in  
FOAA

**PAUL S. CARUSO**

37 River Rd, Phillips, ME 04966

Voice: 207-639-2100

Email: [pressquote@gmail.com](mailto:pressquote@gmail.com)

June 12, 2024

Maureen Haley  
Town of Phillips  
124 Main Street  
Phillips, Maine 04966

RE: Maine Freedom of Access Act Request

To Whom it may concern,

I am writing to request the following documents.

1. Documentation on the approvals on the building of a BERM (on or about Dec 2023 – June 2024) on the Number 6 Road in Phillips, ME
2. Actual funds spent on the above mentioned BERM
3. Original Army Corp of Engineers documentation on the above mentioned BERM
4. Contact Information on any and all State inspectors that were contacted in regard to the building of the above mentioned BERM
5. Engineer's report on design, location and any other details regarding the above mentioned BERM
6. Documentation of Any State or Federal agency's potential litigation regarding the above mentioned BERM

This request includes copies of every document related to the matter, regardless of the format in which the information is stored. If the information I am requesting is on a computer somewhere, that information stored on a computer is as much a public record as a written page in a book or stored in a filing cabinet. I would prefer digital copies of these documents. Furthermore, if any documents contain employee personal information please redact that portion of the document.

If you refuse to provide this information, please advise me in writing and indicate the applicable exemption to the MFAA. Also, please state with particularity the reasons for your decision. If the exemption you are claiming only applies to a portion of the records, please delete that portion and provide photo or digital copies of the remainder of the records.

If you anticipate that in order to satisfy this request, "extensive use" of information technology resources or extensive clerical or that supervisory assistance will be required, please provide a written estimate and justification. This information is of public interest and a waiving of all fees necessary to provide this information is requested.

I request that these records be available by June 22, 2024. If you have any questions or need more information in order to expedite this request, please call me at 207-639-2100.

Sincerely,



Paul S Caruso

**PAUL S. CARUSO**  
37 River Rd, Phillips, ME 04966  
Voice: 207-639-2100  
Email: [pressquote@gmail.com](mailto:pressquote@gmail.com)

July 10, 2024

Maureen Haley  
Town of Phillips  
124 Main Street  
Phillips, Maine 04966

RE: Maine Freedom of Access Act Request

To Whom it may concern,

I am writing to request the following Documents or Notes on the onsite meeting “ Number Six Road visit with State and Federal Agencies” noted in the July 9, Board of Selectmen Meeting Agenda.

1. List of all participants and contact information of attendees including government agencies, media representatives and property owners.
2. Town of Phillips person(s) or other person(s) or Agencies that Chaired or requested this meeting
3. Copies of Any State or Federal agency's letters, conversations or such regarding the above mentioned meeting concerning the Town's activity of building a BERM and Dredging of the Sandy River.

This request includes copies of every document related to the matter, regardless of the format in which the information is stored. If the information I am requesting is on a computer somewhere, that information stored on a computer is as much a public record as a written page in a book or stored in a filing cabinet. I would prefer digital copies of these documents. Furthermore, if any documents contain employee personal information please redact that portion of the document.

If you refuse to provide this information, please advise me in writing and indicate the applicable exemption to the MFAA. Also, please state with particularity the reasons for your decision. If the exemption you are claiming only applies to a portion of the records, please delete that portion and provide photo or digital copies of the remainder of the records.

If you anticipate that in order to satisfy this request, "extensive use" of information technology resources or extensive clerical or that supervisory assistance will be required, please provide a written estimate and justification. This information is of public interest and a waiving of all fees necessary to provide this information is requested.

I request that these records be available by July 25, 2024. If you have any questions or need more information in order to expedite this request, please call me at 207-639-2100.

Sincerely,



Paul S Caruso

7-9-24

Sign-in Sheet

Maura Haley  
Larry Pinkham  
Eugene Caton  
Mick Stebbins

Town Manager  
Chair Select Board  
Vice Chair Select board  
MDEP

Jawn M Hurd  
Cameron Dufour

MDEP  
MDEP

John Burrows

ASF - JBURROWS@ASFMAINE.ORG

Mike Soboleski

State Rep

Matt Burgett

NMFS

Brian Engelhard

USFWS

Wende Mahaney

USFWS

Jed Firke

NOAA Fisheries

Raymond Tutnam

US EPA

Heather Stukas

USACE

Bill Bonnett

USFWS

Jeremy Bell

Nature Conservancy

Ray Mills

Nature Conservancy

Hadley Couraud

" "

Jeff Reardon

ASF

Dylan Whitaker

IFW

Merry Gallagher

IFW

Amanda Cross

USFWS

Paul Christman

MDMR

John Field

Field Geology Services

Jennifer Noll

MDMR

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**RE: Town of Phillips**

**From :** Dufour, Cameron <Cameron.Dufour@maine.gov>

Sat, Jan 13, 2024 02:35 PM

**Subject :** RE: Town of Phillips

**To :** Maureen Haley <phillipstwnoffice@tds.net>

Thank you for the update and the photographs. The activities as presented appear to be exempt per the following.

480 Q (9). Public works. A permit is not required for emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any activity on an outstanding river segment as listed in section 480-P;

And

480 Q (2)(D) Existing crossings. A permit is not required for the repair and maintenance of an existing crossing or for the replacement of an existing crossing, including ancillary crossing installation activities such as excavation and filling, in any protected natural resource area, as long as:

- A. Erosion control measures are taken to prevent sedimentation of the water; [PL 2011, c. 205, §3 (NEW).]
- B. The crossing does not block passage for fish in the protected natural resource area; and [PL 2011, c. 205, §3 (NEW).]
- C. For replacement crossings of a river, stream or brook:
  - (1) The replacement crossing is designed, installed and maintained to match the natural stream grade to avoid drops or perching; and
  - (2) As site conditions allow, crossing structures that are not open bottomed are embedded in the stream bottom a minimum of one foot or at least 25% of the culvert or other structure's diameter, whichever is greater, except that a crossing structure does not have to be embedded more than 2 feet.

Has the all correctice avtions been taken or is the Town still have plans to maintain the roads?

Thank you

Cameron Dufour  
Biologist I, Bureau of Land Resources  
Maine Department of Environmental Protection  
(207) 592-6463  
[www.maine.gov/dep](http://www.maine.gov/dep)

News Alert: The Bureau of Land Resources now has a new Lookup tool on the Department's website for permit inquiries - [https://www.maine.gov/dep/gis/datamaps/LAWB\\_Permits/index.html](https://www.maine.gov/dep/gis/datamaps/LAWB_Permits/index.html)

-----Original Message-----

From: Maureen Haley <phillipstownoffice@ttds.net>  
Sent: Friday, January 12, 2024 3:53 PM  
To: Dufour, Cameron <Cameron.Dufour@maine.gov>  
Subject: Town of Phillips

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cameron,

We have finally had the moment to sit down to assemble this letter. Please see attached. Thank you in advance for your attention to this.

Maureen Haley  
Town Manager  
Town of Phillips  
124 Main Street  
Phillips, Maine 04966  
(207)639-3561

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**Phillips & Caratunk update**

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**From :** Soboleski, Mike <Mike.Soboleski@legislature.maine.gov> Wed, Dec 27, 2023 12:08 PM  
**Subject :** Phillips & Caratunk update   
**To :** Loyzim, Melanie <melanie.loyzim@maine.gov>  
**Cc :** phillipstownoffice@tds.net,  
caratunkselectmen@myfairpoint.net

Commissioner,

Thank you for your timely response in dealing with the aftermath of the recent storm/flooding in Phillips & Caratunk. I'd like to memorialize our conversations. In both towns there is substantial road damage/flooding caused by debris, washout, and blockage in the river/stream. I passed along your guidance to remove debris obstructing the water flow and set the water back to it's original course. Both waterways are approx. 50ft wide.

In Phillips:

The South Branch of the Sandy River blocked in three areas along approx. 1000 to 1200 feet. A combination of fallen trees and massive amounts of rock and boulders shifted in a winding area diverting the water over the banks. The overflow caused nearly 1/2 mile of the #6 road, which runs alongside the Sandy to washout and damage to homes and property. In one 100 ft area the washed-out road is nearly 4 feet deep. Access through the woods is unencumbered and the water is shallow allowing equipment to get in. The crew has one area nearly cleared and approx. 5 days of work left. Town manager Maureen Haley 1-207-639-3561 is leading the effort.

In Caratunk:

Pleasant Pond Stream winds and turns through town eventually flowing under Rt 201. Pleasant Pond Road runs alongside the stream and received extensive damage. In one area the erosion badly undermined the road/hot-top. Since then the bank and road have been repaired, new guard-rail installed, and repair to the stream is minor in that area. The major issue is approx 500 ft below the in-town bridge where the stream is completely blocked for approx 800 Ft. diverting water into the woods on both sides before it flows under Rt 201. There is access to get equipment in and the town is in the process of arranging it. A major concern is not only the water still flowing over the banks but the blockage is so close to town ice back-up will cause even more damage as temperatures cool. Town Select Person Liz Caruso 1-207-399-9992 is leading the effort.

Again, thank you for your attention and rapid response. Please let me know if the guidance changes and I'll relay it immediately. I'll update you again as work progresses and concludes.

Stay safe,  
Mike Soboleski  
State Representative  
District 73

Elizabeth Caruso  
First Selectman  
Town of Caratunk  
207.672.3030  
207.399.9992 C

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**From:** Loyzim, Melanie [<mailto:Melanie.Loyzim@maine.gov>]  
**Sent:** Wednesday, December 27, 2023 12:11 PM  
**To:** Soboleski, Mike  
**Cc:** [phillipstownoffice@tds.net](mailto:phillipstownoffice@tds.net); [caratunkselectmen@myfairpoint.net](mailto:caratunkselectmen@myfairpoint.net)  
**Subject:** RE: Phillips & Caratunk update

Thank you Representative. We'd appreciate any before and after photos folks can share. DEP staff have been working with the Town of Andover to address a similar situation. They are requesting FEMA funding and got a long list of questions that we've been assisting with, and can provide similar assistance if your towns are interested.

I hope restoration is going well for your communities,  
Melanie

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**From:** Soboleski, Mike <[Mike.Soboleski@legislature.maine.gov](mailto:Mike.Soboleski@legislature.maine.gov)>  
**Sent:** Wednesday, December 27, 2023 12:09 PM  
**To:** Loyzim, Melanie <[Melanie.Loyzim@maine.gov](mailto:Melanie.Loyzim@maine.gov)>  
**Cc:** [phillipstownoffice@tds.net](mailto:phillipstownoffice@tds.net); [caratunkselectmen@myfairpoint.net](mailto:caratunkselectmen@myfairpoint.net)  
**Subject:** Phillips & Caratunk update

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Again, thank you for your attention and rapid response. Please let me know if the guidance changes and I'll relay it immediately. I'll update you again as work progresses and concludes.

Stay safe,

Mike Soboleski

State Representative

District 73



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**Number 6 Road BERM work**

3 messages

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**Paul Caruso** <pressquote@gmail.com>  
To: Maureen Haley <phillipstownoffice@gmail.com>

Sat, Jun 8, 2024 at 1:20 PM

Hello

Eugene Caton said that you would have the information on the 3 DEP inspectors that approved the Berm work on the Number 6 Road. If you have any other paperwork regarding the permitis, repair and expansion of that berm would you please forward it to me?

**Thanks****Paul Caruso**  
**207-639-2100**

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**Paul Caruso** <pressquote@gmail.com>  
To: Maureen Haley <phillipstownoffice@gmail.com>

Wed, Jun 12, 2024 at 8:02 AM

Good Morning,

Now that Sobolesky has lost and won't respond to my requests, It's OK to forward the information I am requesting. The Maine IFW dept was not notified of this Berm work. The DEP said that the work was not permitted. So can you please forward the info on who approved that work?

**Thanks****Paul Caruso**  
**207-639-2100**

[Quoted text hidden]

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**Maureen Haley** <phillipstownoffice@gmail.com>  
To: Paul Caruso <pressquote@gmail.com>

Wed, Jun 12, 2024 at 1:45 PM

Hi, Paul

we've received your request, and we're looking into it.

**-Rick**  
Town of Phillips

On Sat, Jun 8, 2024 at 1:20 PM Paul Caruso <pressquote@gmail.com> wrote:

[Quoted text hidden]