

Selectmen's Meeting – November 19, 2014

Schlag called the meeting to order at 6:00 P.M. at the TH. Duval and Donlan were present.

The Pledge of Allegiance was recited.

Schlag welcomed Attorney Mike Wells, Town Attorney, to the meeting.

**Approval of Minutes – November 5, 2014:** Schlag moved to amend the minutes under "Sale of Town Equipment from a Recent Auction." To eliminate the 40 cu. open top roll-off container in the amount of \$835.00. That container was sold to a Killingworth resident. Also, to change the amount of \$3,380.00 to \$2,545.00. The amended minutes were approved unanimously.

Donlan moved to add Public Comments to the agenda. Approved unanimously. There were no comments.

**Resignations:** Schlag received a letter of resignation from Heather Batzner from the Economic Development Commission, effective November 30, 2014. She will be relocating to another State. After a brief discussion, Schlag moved to accept the resignation with regret, but wishes her well in her future endeavors. Schlag also stated that the Charter states there should be seven members on that commission and they are down to four. She will try and come up with some members. Motion approved unanimously.

**Appointments:** Schlag received a letter from the Brainerd Memorial Library Board of Trustees to appoint Tanja Moriarty for a three-year term of 2014 – 2017. After a brief discussion, Schlag moved to appoint Moriarty. Approved unanimously.

**Tax Refunds:** Schlag made a motion to move Tax Refunds up at this time in the agenda, because the next agenda item will take some time for discussion. Approved unanimously.

Schlag moved to approve the following tax refunds.

Sheilia Genovese - \$172.01 for a motor vehicle excess payment.

Dennis or Susan Bengtson - \$15.84 for a 1997 Ford – vehicle sold.

James Bucko - \$38.32 for a motor vehicle – excess payment.

Harlan Corriveau - \$23.82 for a supplemental motor vehicle – excess payment.

All of the above approved unanimously.

**Discussion of Road Issues with Attorney Wells:** A lengthy discussion ensued regarding ancient highways, abandoned roads and discontinued roads. Attorney Wells, Town Attorney, was present to discuss road issues and Attorney Cronin, representing Ralph and MaryAnn Rand was also present. This property location is on the so called "Old County/Spencer Road." The BOS are looking for some procedures in dealing with various road issues in town. A letter was received by Phil Goff, Asst. Director of Public Works and Geoffrey Jacobson, Town Engineer in July of 2014 that stated the following. "Before any old road is presented for discontinuance, it should be thoroughly researched and physically examined to determine if it is indeed a current public right-of-way. If it appears to be abandoned by non-use or if it does not appear to have ever been a public road, then any procedure to discontinue it puts the Town in a position of assuming that it is indeed a public right-of-way, and if the discontinuance effort fails the town has, in effect, assumed responsibility for a road for which it had no previous responsibility. We are concerned that any attempt to mass discontinue old roads will not include the

necessary research and inspection to identify only those roads that are currently public ways. It is our collective opinion that any consideration of public rights in old roads should be dealt with on a case-by-case basis at the time when a land use application or other situation arises that makes it prudent to do so. We believe that a policy should be established to refer such applications to Planning, Public works, and Engineering personnel for review and opinion, with possible extended review by legal counsel, to determine the status of any public rights in ancient highways, or potential benefit to the Town”.

Attorney Cronin stated the Rand’s property is on the Beers Atlas. Schlag stated she will ask Jeff Sanborn, surveyor, to look at it again. Schlag will get more information and this item will be on the December 17, 2014 agenda. Attorney Cronin would like to know one way or the other. The board questioned Attorney Cronin’s statement and deduced the road Attorney Cronin had indicated was not the so-called “Old County/Spencer Road” but was a different road. Schlag indicated that for most of these road issues brought to the Town’s attention, there are letters from past Selectman, Tony Bondi, allowing use of roadways that were not investigated through a survey or title search process. Attorney Wells stated it was not a wise move to authorize use of roadways without thorough research.

There was a discussion on the Matesky (Oktavec) property. Matesky property is located off Little City Road, which is not an old town road, but is town property. Matesky would like an easement for utilities. They will take liability.

After a brief discussion about the potential for a subdivision, Attorney Wells stated Matesky can ask her attorney to add a clause to restrict the use of the property to only allow for one lot. Matesky agreed. There are several other road issues that were discussed and it was decided to deal with these issues on a case-by-case basis.

**Reports:** None at this time.

**Old Business:** None.

**New Business:** None.

Schlag moved to add Public Comments to the agenda. Approved unanimously.

Ed Munster asked if there was a particular incident that happened to question all the road issues.

Schlag stated they came up on their own by several residents and property owners.

Duval moved to adjourn the meeting at 7:40 P.M. Approved unanimously.

Minutes taken by – Alice Zanelli