

SELECTBOARD PUBLIC HEARING (Continued)  
*Approved Minutes*

September 17, 2012

6:30pm Calais Town Hall

**Attending:** Denise Wheeler, John Brabant, Toby Talbot, Jim Buckley, Paul Gillies, Sandy Buck, Rodney Buck, Peter Harvey and Bill Russell.

Attending, not voting: Scott Bassage

Absent: Mike Garand and Rose Pelchuck

The Public Hearing commenced at 6:30 at the Town Hall for the purpose of relocating the entrance to TH8 and discontinuing TH 64. This public hearing was reconvened from September 10, 2012. Denise Wheeler noted that witnesses attending the earlier meeting have already been sworn.

Paul Gillies, Esq. stated that at the public hearing last week there was some discussion about how the road that is presently in use is dryer and flatter than the location that would become the road, and that the town was not getting a bargain for a bargain. A member of the board mentioned that perhaps something could be done about a donation from the Weisbarts to the Town of Calais. Paul Gillies brought a check from his clients, the Weisbarts, for \$2,000.00 made out to the Town of Calais, however Paul wished to make clear that there are some awkward questions that first need to be confronted directly.

This is by no means an attempt to buy a road discontinuance. Paul Gillies has drafted a decision for the Selectboard to consider. The offered decision includes a finding (or conclusion) that “the Town cannot condition the discontinuance of a road or the laying out a new route on the payment of money from landowners affected”. In Paul's opinion, that is the law, and if we made it a condition, it would be discomfoting to Paul Gillies.

However, it works two ways. The Town cannot condition it, and the Weisbarts cannot give it to you (the Selectboard) with the idea that it means anything. The Weisbarts asked Paul Gillies to give the check to the board tonight BEFORE they make a decision, but asked the board not to consider this as part of their ruling. They thought if they gave it to you afterwards it would look like it was payment and if they gave it to you before it would look like it was an incentive. In fact, the check for two thousand dollars is irrelevant, except it happened to come out during the discussion. In addition, the Selectboard does not have to take it, but if they are interested, you are welcome to it.

John Brabant stated for the record that in his opinion the check from the Weisbarts is exactly the same as exchanging the R-O-W from Patrick Malone for discontinuing the Town's R-O-W up his driveway. Patrick Malone is not giving the R-O-W in exchange for his driveway, but the two are linked in some way. John further suggested that we should dedicate the Weisbart's donation to the Conservation Fund to be earmarked for use by the Trails Committee. Denise Wheeler responded that the donation should be a whole separate matter. Paul Gillies agreed.

Denise Wheeler further commented that if the Weisbarts wanted to donate money to the Trails Committee that was fine. Paul Gillies responded that the check was made to the Town of Calais and that it could be used in anyway that the Selectboard wishes. Paul reminded us that “As long as you truly make this decision based on the public good, necessity, and convenience of the inhabitants not respecting any payment of money, then you're all right”.

The Selectboard discussed the need to decide later whether to fix up the new entrance to TH 8. Rod Buck mentioned that some of the neighbors would very much hope that the check from the Weisbarts not be used to fix up the entrance. Members of the Selectboard responded that the discussion of fixing up the entrance is a whole different policy decision to be addressed at another time.

Denise Wheeler stated that irrespective of our decision, the Weisbarts are making a donation. Denise Wheeler will ask the Town Clerk to put the Weisbart's check for \$2,000.00 in the vault until after the next scheduled meeting of the Selectboard.

Toby Talbot suggested that the Selectboard take up the throwing up of Pat Malone's driveway first since the other matter is contingent on doing this.

John Brabant had questions about survey. Paul Gillies stated that the Weisbarts are prepared to correct the inaccuracy on the survey.

Jim Buckley has copies of the survey but did not bring them tonight. Jim explained where inaccuracy lay. The current map shows the R-O-W as being on Malone side where as the route followed during the inspection last week was almost half of its length on the Weisbart side of the line. Jim Buckley mentioned a figure of 540 feet. Jim said that the Selectboard would have a corrected map.

John Brabant asked Paul Gillies if we could assume that the Weisbarts will not seek compensation for land taken for the new R-O-W. Paul Gillies said that that is correct.

Bill Russell mentioned that the Trails Committee is quite interested in what the Selectboard decides. The Trails Committee is interested in having a north-south trail on the west side of town some day.

John Brabant suggested that at the next meeting we could allocate the Weisbart's donation to the Conservation Fund earmarked for trails.

Sandy Buck stated that their concern is that if the new location has a "large" entry, people attracted by the road are going to end up in the Buck's yard and they have to deal with it. Sandy Buck hopes that someday the Selectboard would make the road not motorized and not for horses.

Paul Gillies noted that we would do that by ordinance not by the current hearing process. He further noted that a Pent Road only requires a request to the Selectboard to put up a gate, not a full hearing.

Hearing no further discussion or public comment, the public testimony portion of the process has closed and the 60-day clock to issue a decision begins. The Selectboard has to issue a written decision by the end of the 60 days (about 9 November, 2012).

Toby Talbot made a motion to adjourn at 6:47pm. The motion was seconded, voted and carried 4-0.

Respectfully submitted,

Scott Bassage  
Selectboard Member