

## SELECTMEN MEETING MINUTES

**October 24, 2016**

**PRESENT:** Board of Selectmen: Scott Littlefield, Dan Gay, Jarod Harriman;  
Treasurer/Selectmen Clerk Angela Cushman, CEO Jim Roberts, Town Attorney David Ordway

**ABSENT:**

**OTHERS PRESENT:** Alfred Selectmen Tony Palminteri, Nate Poissant

**ADMINISTRATIVE:**

*Selectman Scott Littlefield declared the meeting at 7:22 PM.*

*Selectmen approved agenda.*

**EXECUTIVE SESSION:**

N/A

**APPOINTMENTS:**

N/A

**OLD BUSINESS:**

1. Federal Land. Alfred Selectmen Tony Vigue was present to see if the Town of Dayton was interested in obtaining some Federal Land. The US Forest service owns approximately 3,700 acres within the towns of Alfred (approx. 1,800 acres), Lyman (approx. 1,800 acres), Dayton (approx. 90 acres) and Hollis (approx. 23 acres). Alfred and Lyman have already sent letters to Senator King, Senator Collins and Congresswomen Chellie Pingree with the goal of conveying the lands that make up the Massabesic Forest to the four respective towns in which the acreage lies. The request has made its way to the Head of the US Forest Service in Washington and there is interest in making this happen. Alfred and Lyman are looking for Dayton and Hollis to join in on the effort. Tony communicated that probably there would be some provisions such as the town would need to implement a sustainable harvest plan by a licensed forester. A town forest could potentially be a revenue source and provide educational and recreational opportunities for their residents. There may be some associated legal fees if the land does get conveyed to the town. In Alfred the Conservation Committee has carved some trails for the public to use and have some volunteers to help with any trash that is disposed in the forest. The forest would definitely be a revenue source for Alfred and Lyman. Dayton and Hollis support would greatly help with the request. The Selectmen decided to table their decision until the next meeting.
2. Steele Rd. This past Saturday the Selectmen did a site walk on Steele Rd to review possible next steps. David Ordway, Town Attorney, stated that the Selectmen should hold a hearing on damages and receive evidence from the

assessor or determine if an appraiser is necessary and only the abutters of Steele Rd. The frontage is a side issue. The determination of value is the value the day before discontinuance date and the day after the discontinuance date. Basically, you don't get into I could a year from now I could get subdivision approval. What is the impact? The damages to not proceed on the assumption that the town is going to upgrade the road to any particular standard. Jim Roberts, CEO, would need to decide whether he would issue a building permit based on the current condition of the road. The town has no obligation to do anything to keep the road passable. The town could as it did years ago ask the County Commissioners to approve a winter closure which would remove the town's obligation to any snowplowing. All this proceeds on the assumption in fact is now a town way. The town has decided where it is or isn't. The town has taken one of the two ways to determine it and the other way is to determine it is to go to court and ask the court to determine factually whether it is a town way based on maintenance or non-maintenance over a period of time. The town is going the route to formally discontinue the road. If you continue with that route and decide that is what you want to do then you should have a hearing on damages involving just the abutters (the only people titled to make a determination are abutters) and would want to receive evidence or who would be effected by it, evidence from the town's assessor or an appraiser regarding the value of the property the day before and the day after to make your damages determination. The abutters would be only the property owners on the discontinued portion of the road. David stated that the town should probably determine if the road was originally accepted to the "dore" step as mentioned in the public hearing. Then that would be a certain distance and does not require precision but requires a close approximation. Scott Littlefield asked to clarify what the requirements of the road if houses were built. The requirement is that they would need to have an approved private way. The requirements are different for say two houses vs. a subdivision. The next steps would include meeting with Alex Konczal, town assessor, and determining the abutters. David Ordway stated the assessor is a local resource that has some professional qualifications for judging the value of a property. If you think the price tag is too high and the risk to great then the town could discontinue the discontinuance of the road. If you are going to be spending money then you could spend the money by seeking a declaratory judgment that this portion of Steele Rd has been abandoned for non-use or non-maintenance for the requisite period of time – 30 year. Casual use does not count. A town can declare a road abandoned without going to court but the more thorough way is to go to court and have the court sanction your conclusion that it has been abandon. Jarod Harriman stated that what we would like to do is to offer damages and take it to the town for vote. David Ordway stated in the zoning ordinance that an approved private way can be built even in a discontinue road where there is a public easement. It is also a substitute for the frontage on a public way and the upgrades required for an approved way for a single lot or two lots are minimal. Alex Konczal, assessor, will be asked to attend the next Selectmen meeting to give direction on next steps for assessing value.

3. Dan Gay asked if the Board is acting on what was discussed during the site walk this past Saturday. The Selectmen will ask the assessor to assess the value of land

if the town gets an easement for the turnaround planned on Steele Rd. for a particular lot. Then a meeting should occur with the owner of the lot where the turnaround is planned. The easement may improve the value of the lot.

**PUBLIC FORUM:**

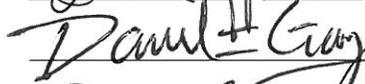
The next Selectmen meeting will be Tuesday, November 1<sup>st</sup> at 7PM.

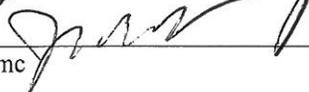
**ADJOURNMENT:**

Dan Gay made a motion to adjourn the meeting at 8:06 PM; 2<sup>nd</sup> Jarod Harriman. Passed 3/0.

\*Minutes may not be verbatim they may have been paraphrased for clarity.

  
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Scott Littlefield, Chair

  
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Daniel Gay

  
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Jarod Harriman

amc