

**Town of Whitefield  
Select Board Meeting Minutes  
April 30, 2013**

**Present: Steve McCormick, Frank Ober, Lester Sheaffer, Tony Marple  
and Dennis Merrill  
Administrative Assistant Aaron Miller**

**Select Board actions**

- 1. The minutes of the April 23 meeting were approved 5-0.**
  
- 1. Quit claim deed. The Board signed a revised deed to replace one signed previously but not recorded. As a result of a divorce proceeding, the ownership of the property has changed hands.**
  
- 1. Town attorney. Peter Drum came in to meet with the Board as a candidate for town attorney. He described his firm's experience, approach to addressing various municipal legal matters and fees. We will meet additional candidates in the next two weeks.**
  
- 1. Tax acquired property. The Board approved a request for proposals from real estate brokers interested in marketing tax-acquired properties. An ad will be run in this week's Lincoln County News and proposals will be due May 10. Aaron will be sending out first class letters to former owners of all tax acquired properties this week.**
  
- 1. Sanitation problem. Aaron reported he has contacted the owner of the rented property on Pittston Road having a trash problem. The owner has taken prompt action to have the mess cleaned up.**
  
- 1. Meeting at Sheepscot General. Tony reported on the meeting held last Thursday at Sheepscot General to discuss ways to encourage more public participation in town affairs. The meeting had good attendance and a number of good ideas came up. There was a follow-up meeting this morning. The possibility of combining or coordinating web sites was discussed, as was a community calendar, a community newsletter and a hiking trail map.**
  
- 1. Bank signature cards. The Board signed new signature cards for Kennebec Savings Bank to update following the March elections.**

- 1. The Board reviewed various correspondence received recently: CMP is doing line transmission line upgrades in Town; a thank-you letter from Kristin Collins, an attorney who met with the Board; a poverty abatement has been received and requires action within 30 days.**

### **Clary Lake Public Meeting.**

**At 7 PM the Board opened a public meeting to receive comments on the pending petition by Pleasant Pond Mill LLC (PPM) for release of ownership of the Clary Lake Dam. This is under the consideration by the State DEP.**

**Tony began the discussion by presenting an overview petition process. A handout copy of this overview is attached. It was noted that the dam ownership matter is independent of the pending process to set a water level in Clary Lake.**

**Prior to opening the meeting for general discussion and questions, the Board considered and signed two letters regarding Clary Lake. The first was to PPM requesting an asking price and costs to the Town should it want to acquire the dam. PPM manager Paul Kelley was present to receive the letter. The second letter was to the State DEP. Dennis reported that the DEP has contacted PPM asking for proof of ownership of the dam's flowage rights and asking such information be submitted by May 13. The Board's letter noted that this turn of events and timing upsets the timeline for the Town to hold a special town meeting by the end of May. The letter asked for prompt determination on the flowage rights issue so as to try to keep process on schedule or to avoid calling of an unnecessary town meeting. In a related matter, the Board decided to move the special town meeting date from May 22 to May 30.**

**In the extensive discussion and questions that followed, many issues and questions came up. These included:**

**Ownership of the building on the dam and would ownership of the dam create a liability issue for the Town. It is owned by a separate company, Aquafortis Associates (AA) and is treated as a structure on but not part of the land. The house can be moved off the dam.**

**The mill building on the other side of the road, owned by AA, is on the National Registry of Historic Buildings. The house on the dam is listed as a "contributing property".**

**There was discussion of DEP's administrative process and how this may affect the Town's obligations and the process going forward.**

**In response to a question, PPM manager Kelley said the dam has no commercial use and represents a cost liability. Its structural condition is unknown as no engineering study has been done. A Clary Lake**

**Association (CLA) representative noted they have requested permission from PPM conduct a study at the Association's expense.**

**PPM discussed the history of ownership for the dam and mill buildings. The history of title to the properties and relationship of owners are complicated.**

**The dam has a mortgage held by a Mr. Arthur Enos.**

**The flowage rights are currently held by AA.**

**CLA stated it would accept ownership of the dam if clear title and flowage rights can be conveyed. They would operate the dam in accordance with a water level order.**

**The role and status of AF going forward is not clear and the Town should attempt to contact AA. AA may have a development interest.**

**In response to a question, the Board stated it is not aware of any illegal acts by PPM.**

**If the Town were to own the dam, it would be possible to fund costs through the use of a special assessment tax applied to real estate taxes. This assessment would be only on lake front property owners. To make such an arrangement equitable, Jefferson would need to participate.**

**Assessor's actions**

**None**