

Town of Machiasport

Public Hearing

February 5, 2024, 6:00 PM

Fort O'Brien Gymnasium

Selectmen: Ryan Sprague, Ryan Maker (Jeff Davis absent)

Support: Stephen Wagner – Town Attorney, Marcia Hayward – Clerk, Ashley Warren – Deputy

Audience: Denise Delory, Kathy Mercer, Bob Mercer, Joyce Smith, Brian Smith, Carmine DeFalco, Danna DeFalco, Christine DeFalco, Paul Sylvain, Vanessa Sprague, Peter Sprague, Joseph Siviski, Tim Pease, Mark Kaplan, Robert Arseneau, Rose Arseneau, Gerald Crispino, Karl Kurz, Jane Wood, Owen Wood, Kevin Woodward, Pam (Rankin) Sawyer, John Sawyer, Robert Boynton, Justin Farnsworth, Jolene Wood, Stephen Wagner, Barry L Wood Sr., Jody Kearney, Kenneth Kearney, Judy Wood, Gerald Wood, Jeanne Day, Vicki Maker, Claire Day, Wade Day, Jim Clark, Jay Maker, Mary Hinerman, Michael Hinerman, Michael Hinerman II, Paula Aschettino, Laurie Jones, Charles Ingalls, Robert Moore, Horace Moore, Jasen Prescott, Beverly Mouradjian, George Mouradjian, Pami Duenas, Donna-Jean Metta, Zach Wood, Hugh McGinley, Eileen McGinley, Paul Holmes, Joseph Dowling, Deborah Huntley, Joyce Howland, Richard Fochesato, Angela Fochesato, Traci Murphy, Mike Murphy Sr., Eric J. Leighton, Mary Gould, Marlene Sprague, Mark Sprague, Molly Sprague, Mark Sprague II, Tara Wood, Madison Wood, Barry Wood Jr., Justin Erickson, LeAnn Hankins, Haley Hankins, Lisa Fochesato, David Wood, Alice Bjornson, Howard Bjornson, Shirley Erickson, Claude Brown, Jamie Pierce, Kaylee Pierce, Erica Famous, Jeff Huntley, Sarah Crosby, Michael Crosby, Harold Sprague Jr., Patricia Silberhorn, Thomas Silberhorn, Alex Holmes, David Cale, Troy Quimby, Shelby Leighton.

1. **Call to Order:** Pledge of Allegiance: Ryan Sprague called meeting to order and led audience in Pledge of Allegiance.
2. **Roll Call:** 2 of 3 Selectmen in attendance, quorum achieved.
3. **Approval of Minutes:** NONE
4. **Adjustments to Agenda:** NONE
5. **Old Business:** NONE
6. **New Business:**
 - a. **Public Hearing concerning eminent domain of a portion of 1759 Port Road** (also known as Tax Map 14, Lot 1) and a portion of 1755 Port Road, (also known as Tax Map 14, Lot 2)

Attorney Wagner made opening remarks and explained the process for the hearing. He also explained the disagreements with property owners regarding Tim Pease being asked to moderate the meeting. Ryan Sprague seconded the motion of Ryan Maker to appoint Tim Pease moderator for the meeting. Attorney Siviski was then allowed to state his objections prior to the vote. Upon completion of his statement, the Selectmen voted to approve Tim Pease as moderator.

Tim Pease made introductory comments and expressed the Town's desire to have all who wish to speak time to do so. In that effort, speakers will be given 3 minutes to comment.

Attorney Wagner directed the audience to public records available for inspection. He explained problems experienced by the Town with respect to maintenance and lack of cooperation from property owners. In 2022 Selectmen asked Rudman-Winchell about eminent domain process. Property owners have presented several options to the Town's proposal, all of which have been considered. In October 2022, the property owners filed suit against the Town citing failure to abide by the 1997 judgment. These cases are still pending. On 12/18 and again on 1/26 Selectmen voted to approve the condemnation order for eminent domain.

Attorney Siviski representing the property owners spoke on their behalf. He explained that extensive permitting will be necessary for a new road in the floodplain and shoreland zone and that the cost would be prohibitive. His opinion is that the \$100,000 acquisition fee and \$300,000 construction estimates are low. He explained that the Town has been offered a 50' R-O-W behind the property owners' residences which would be more cost-effective. He did admit there are many details to sort out. He added that this process has been incredibly quick and asks the Selectmen to defer their decision until all facts can be reviewed.

Selectmen asked Attorney Wagner to respond to Attorney Siviski's remarks. Attorney Wagner explained that there are exceptions to the permitting rules and cites that existing road may be expanded regardless of their location. While the Town will need to obtain permits, the property owners have provided no documentation to support their claims that permitting will not be allowed. The property owners have provided no documentation to support their claims that the Town's appraisal is low. Attorney Wagner lists various alternative proposals offered by property owners however, no contracts or sample deeds have been presented for consideration. They have offered property owned by Mr. Lasley, without having contacting Mr. Lasley or submitting any plans for review. Regarding the drainage easement, it is intended for construction and maintenance only and in no way provides access to the public. As to the comment that the process has been unduly coercive it is highly disingenuous to state that the property owners have only had 22 days to consider when the situation has been ongoing for months.

Tim Pease stated that the Attorney's have explained the situation very well. He asked that all use the microphone and keep comments to 3 minutes. Following the public hearing, Selectmen will deliberate on the condemnation order.

Charles Ingalls – spoke in support of the Town.

Jim Clark - spoke in favor of the property owners.

Kevin Woodward - spoke in favor of the property owners.

Jason Prescott - spoke in support of the Town.

Unidentified - we need to come together, remain calm...

Mary Gould - look at what's best for the future, not just for today.

Road next to the water is not sustainable.

Thomas Silberhorn - What is change in HWM in past years.

Joseph Dowling - If the Town abandons the easement, what is the Town's responsibility to it?

Paula Aschettino - History is important for residents to know (explains judgement)

Ask the Town to give more time.

?????

What happens to the existing road, does it become private property?

Shirley Erickson -

Takes issue with the condemnation order, recommends negotiation.

Has list of questions, suggests postponing.

Lisa Fochesato

- Will she lose her R-O-W if road moves? The people bought the land.

Knowing the road was there, so what is the problem?

Danna DeFalco

- Came here to live off the land, livelihood at stake, this is hurtful,

Tim Pease concluded public comment.

Ryan Maker seconded the motion of Ryan Sprague to close the public hearing at 7:25 PM. All in favor, motion carried.

Attorney Wagner explains motions and options available to Selectmen.

Ryan Sprague - spoke in favor of the Town.

Ryan Maker asked Attorney Wagner to elaborate on the Lasley R-O-W. Attorney Wagner read the response of February 2.

Marcia Hayward, Town Clerk stated that residents beyond Beach Road wrote letters regarding eminent domain. 17 of those responses were in favor, 1 opposed. The reason it has come to this point is the lack of cooperation from the property owners regarding maintenance.

Ryan Maker seconded the motion of Ryan Sprague to approve on Condemnation Order on 1759 Port Road (Also known as Tax Map 14, Lot1) all in favor, motion carried.

Ryan Maker seconded the motion of Ryan Sprague to approve on Condemnation Order on 1755 Port Road (Also known as Tax Map 14, Lot2) all in favor, motion carried.


Ryan Maker seconded the motion of Ryan Sprague to call a special Town Meeting to approve appropriation for condemnation orders of 1759 Port Road (also known as Tax Map 14, Lot1) and 1755 Port Road (also known as Tax Map 14, Lot 2) and to amend the payments an additional \$1.00 as previously discussed. All in favor, motion carried.

Clerk advised that all documents can be found through a link on the Town website, so residents may review and make decisions. (Link has since been removed due to complaints)

Ryan Maker seconded the motion of Ryan Sprague to adjourn. All in favor, meeting adjourned.


Ryan Sprague


Ryan Maker


Marcia L. Hayward / Clerk