

**TOWN OF MILLVILLE
BOARD OF SELECTMEN
Minutes of November 19, 2007
5:00 p.m.**

Members Present: Chairperson Diane McCutcheon, Selectmen Thomas Petrowicz, Charlie Poulin and Karin Furno. Vice Chairman Paul Savage arrived late.

Others Present: Executive Secretary Helen Coffin, Attorney Heather White Kingsbury and Resident Margaret Carroll.

Chairperson McCutcheon called the meeting to order at 5:00 p.m.

The purpose of this Meeting is to review and discuss the title exam prepared in connection with property located at 21 Hope Street. Attorney Kingsbury explains the outcome of the title exam and advises that the result of the title exam is good news for the Town. She advises that the engineered plan for the 46 Hope Street project did not include the boundaries of the passageway at 21 Hope Street. She further explains that if the Board would like, she will provide a legal opinion advising that the resident is not allowed to keep personal property on this site.

The Board asks for the available options.

Attorney Kingsbury explains that a letter could be sent to the resident from Town Counsel addressing the problems and outlining the steps that should be taken to resolve the encroachment issues. Depending on the resident's response, the Board could set up a meeting with the resident. The next step would be to file a complaint with the land court. Discussion follows among the parties concerning what process should be followed.

Coffin will contact the Building Inspector to see if any permits were taken out when the resident paved the driveway and contact the Conservation Commission to see if they have any information on the property.

Attorney Kingsbury will check on the statute of limitations with respect to the resident's use of the property. There is question of a claim of adverse possession because the personal items have been there for so long. However, the Town does have the right to ask the resident to remove his personal property. Discussion follows among the parties concerning the paving of the passageway and installation of the gate/fence.

The Board needs to establish what it would like to request of the resident. One goal is so that people are able to walk through the passageway. Carroll reminds the parties that the deed from the previous owner explicitly shows the passageway. Attorney Kingsbury points out that the boundaries of the passageway are still not perfectly clear.

Petrowicz wants to see the gate/fence removed but the pavement left as is.

Motion by Savage, second by Petrowicz, to take the property back and have Town Counsel send a letter to the resident explaining the matter and asking for a Meeting to discuss the issues. Motion passes by unanimous vote.

Attorney Kingsbury will prepare a letter to the homeowner advising him that the Board will contact him to schedule a meeting to discuss the issues that need to be rectified. Attorney Kingsbury will send a draft of the letter to the Board for review prior to sending.

Respectfully Submitted,

Helen M. Coffin

Diane McCutcheon, Chairperson

Paul Savage, Vice Chairman

Thomas Petrowicz, Selectman

Charlie Poulin, Selectman

Karin Furno, Selectman

APPROVED AND SIGNED 12/3/07