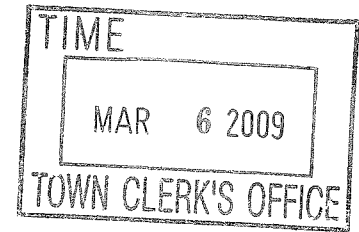


TOWN OF MILLVILLE
BOARD OF SELECTMEN
MINUTES OF MEETING

February 4, 2009
6:00 pm



Board Members Present: Charles Poulin, Jackie Lima and John Laura

Board Members Absent: Ch. Paul Savage and Vice Ch. Tom Petrowicz

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

Selectman Lima opens the Meeting at 6:13 pm at the Longfellow Municipal Center.

The Board meets to discuss the property located on Prospect/Hope Streets, also known as the "Lynch" property or "Manganiello" property.

Attorney Kingsbury provides a brief background of the situation regarding the resident's encroachment on Town-owned land. The Board previously met with Mr. Manganiello but he was not very responsive. Shortly thereafter, the Board voted to file a complaint with the court (which has been drafted and is ready to be filed). However, it was then decided that a survey of the property would be beneficial so that the court could clearly see the boundaries. The Town hired Guerriere & Halnon to perform the survey. A title search had been previously done which confirmed the existence of a passageway.

Attorney Kingsbury advises the Board that it must first prioritize its actions. What is the goal of the Board - access to the passageway, removal of the gate, fence and personal belongings, etc.? Discussion follows as to how the Board should proceed and whether the pavement should be included.

The Board reviews the survey provided by Guerriere & Halnon and the pictures taken of the stakes in the ground.

The Board members further discuss filing a complaint with the Conservation Commission seeking enforcement action against Mr. Manganiello. The Conservation Commission had already taken action on the clearing of land but not the paving of the passageway. After much discussion the Board was in agreement that it would hold off with the Conservation issues at this time. Motion made by Laura, and second by Poulin, to file a complaint with the Conservation Commission, were both duly rescinded.

Attorney Kingsbury suggests sending a letter (final notice) to Mr. Manganiello advising him to remove the gate, fence and his personal belongings otherwise the Town would file

its complaint with the court. She further suggests to be proactive by sending along a copy of the complaint.


The Board decides it would like the gate removed within 10 days as good faith, and then would allow Mr. Manganiello 30 days to remove the remainder of his things (due to the weather), otherwise the complaint would then be filed with the court.

Motion by Lima, second by Poulin, to send the letter to the homeowner requesting the gate be removed within 10 days and the remainder of his things within 30 days, otherwise the complaint would be filed with the court, and if there were any questions with the timeline, he should contact the Town's attorney. Motion passes by unanimous vote.

Motion by Laura, second by Lima, to adjourn the Meeting at 7:00p.m. Motion passes by unanimous vote.

Respectfully submitted,

Helen M. Coffin


Charles Poulin


Jackie Lima


John Laura