

Minutes of The Middlefield BODs
August 1, 2012 Middlefield Town Hall

Present: Alan Vint, Noxen Sumner, Mitch Feldmesser
Also present: Atty. Jonathan Silvestein, Kopelman Paule

Meeting called to order @ 2:45pm. MF was asked to take minutes + agreed.

The first issue was the right-of-way request by Mr. Cafarella through the transfer station. There was a discussion of the site visit, and the plot plan, which showed that the property in question is no longer land-locked and that there is 200' of dry, easily-accessible frontage on Bell Rd. immediately next to the transfer station. Atty J.S., acting as Town Counsel, advised that before taking any action, the board should have the title researched, to see if the ~~rightway~~ ~~was~~ ~~being~~ ~~was~~ ~~valid~~. If it was, but the board still did not feel

the request was reasonable, for the above reasons as well as the cost to the town, ~~would be~~ the disruption at the transfer station, and the liability issues of private parties on town-owned property, there were two legal courses that could be pursued. One was an eminent domain taking of the easement, this would require a 2/3 majority vote at a Town Meeting, plus payment of an appraiser's fair market value of the easement which J.S. estimated as zero. The second approach would be to file a suit in Land Court claiming adverse possession, meaning that since the right-of-way in question

had not been accessed in over 20 yrs,
it was no longer valid.

NS asked Tamarin Laurel-Paine, ~~##~~
as an interested party, whether she has
any questions. She said she did not
know why the town wanted to make
a mountain out of a mole-hill, no one
wanted any fences moved. They just
wanted to be able to get their tractor
through ~~the fence~~, where it was just
wire and anyone could crawl through,
but they couldn't get their tractor
through so they wanted the town
to put up a fence ~~with a lock~~
with a gate with a lock and
give them ~~the~~ a key.

Atty J.S. said that ~~as~~ ^{since} he was acting
as Town Counsel, he could not answer
any questions from a private party.

NS made motion to go into Executive
Session to discuss litigation strategies
regarding both the Wⁿ Harry Pease Rd.
split and the request for access to the
right-of-way through the Transfer Station, and
not to reconvene in open session. AV
2nd. Vote was AV "aye", NK "aye", MF "aye".

Respectfully Submitted,
Mitch Feldmesser