

Town of Hope
Planning Board Meeting
February 10, 2009

Present: Bill Pearse, Jr., Peter Sexton, Tug Kellough, Dick Brodis

CEO: Jon Duke: Not Present

Town Counsel: Paul Gibbons

Meeting Called to Order: 7:03 p.m.

Minutes of Nov. 2, approved as written

Martz/Bagnall issue was the purpose of this special meeting. Both Martz and Bagnall along with Bagnall's attorney were present.

Purpose of meeting was to give final sign-off on the findings of fact concerning Martz and Bagnall.

At the onset of this meeting, it brought to our attention that the easement which was part of the settlement of this issue, is not in place.

Martz contends that the conditions have been changed and the amount of money has gone up.

Bagnall/attorney contend that they want guarantee the storm water run-off will be directed only through the existing channel, for the original \$ figure of \$6500.00. If no guarantee, then they want \$10,000.00 to cover possible future exposure to erosion damage. They added that to date they have already spent over \$14,000.00, so this is not about making money from Martz's problem.

Martz maintains that there is no real problem and doesn't recognize the need for any further guarantees.

Town council Gibbons read again from the most recent DEP document on file which indicates that wetlands could be considered contiguously. This means that although, to this point the wetlands on each piece of property have been considered separately, if this easement agreement can not be worked out, the DEP may end up being called back in. In that case, there is the very real possibility that they will then consider the wetlands contiguously, pushing the area into the next higher category with far stricter regulation and at greater expense and regulation to both parties.

Continued exchanges led no where.

The Board asked Gibbons to re-iterate our options at this point.

Options:

1. Approve lots 1,3,4 but not 2 . Lot 2 would only be approved if the storm water run-off issue was dealt with.
2. Approve the original sub-division if the Board feels that Martz has dealt with the original issues that caused the sub-division review.

Both parties then expressed their dis-satisfaction with either option and both indicated the either choice would probably end up argued in court.

At this point the board chose to go into executive session to ask for legal council. 7:52 p.m. Came out of executive session at the request of Martz/Bagnall at 7:58.

While in executive session, Martz and Bagnall reached an agreement that called for a total payment for the easement of \$8250.00 with no guarantee clause.

This easement agreement was duly submitted to the Board. Now all the conditions of the findings of fact were complete. The Board signed off on the findings of fact. The revised sub-division plan was accepted and signed off.

Motion to adjourn was made, seconded and passed at 8:22 p.m.