

REPORT ON SELECTMEN'S MEETING OF MARCH 27, 2012 - PART 1

Prepared by Rick Freeman

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(2). These are not official minutes -- -- just notes taken by me. Official minutes will be available from the Town Office and will be posted on the Town web site and at the Town Office and other places following Board approval at the next meeting.

(3). Reports of earlier meetings and some supplementary materials are available at my Town Meeting website:

www.singingbridge.net

THE MEETING: There were 7 members of the public present, including two boys who were apparently working on a project for school.

The minutes of the meeting of March 13 were approved.

MOST IMPORTANT/INTERESTING ITEM: In my judgment, the following item was the most important thing covered during the meeting.

The Status of Bruce Poliquin's Tree Growth Lot. Mary McDonald read relevant portions of letters and messages from 5 town property owners. She also reported receiving a copy of a memo from Orlando Delogu, Emeritus Professor of Law at the University of Maine School of Law, to the Maine Attorney General and the District Attorney for Sagadahoc County asking them either working separately or together or with the Selectmen to determine whether Mr. Poliquin meets the eligibility requirements for the tree growth tax law. The Town had also received two memos from the tax assessor Bill Van Tuinen (3/19 and 3/26) regarding the status of Mr. Poliquin's lot.

Mr. Van Tuinen's first memo quoted extensively from Section 573 of the Tree Growth Tax Law. Relevant quotations include: "Land which would otherwise be included ... [as forest land] ... shall not be excluded because of: ... Deed restrictions ... or organizational charters that prevent commercial harvesting of trees ... and that were effective prior to January 1, 1982." He went on to say, "In the case of the Poliquin property that means that .. The restrictive covenants are irrelevant. I state this ... because the land was conveyed to the Nature Conservancy in about 1963." He also stated his belief that the Nature Conservancy's charter prohibited commercial wood harvesting on land owned by them. Based on this information, the Selectmen decided to take no action regarding Mr. Poliquin's tree growth status.

Regarding Mr. Poliquin's request to reclassify his lot as open space, he has responded to the questions raised about his original application. The application has been forwarded to Mr. Van Tuinen for review.

Note added on Friday, March 30: During the past two days I have been reading the deeds and other documents relied on by Mr. Van Tuinen. I disagree with his interpretation and conclusion. The Nature Conservancy did not gain title to any part of the property until 1984; and I can see nothing in the

charter that prohibits the Nature Conservancy from harvesting timber. I will be asking the Selectmen to request that Mr. Van Tuinen review the deeds and other documents and be specific about what language in the deed and charter he believes supports his conclusion. If his conclusion is found to be invalid, then the Selectmen should proceed to an inspection of Mr. Poliquin's forest management plan, as I outlined in my memo to the Selectmen of March 22.

Because of the importance of this matter, I am distributing this part of my Report now. I will be writing and distributing my report of the remainder of the meeting during the next day or two.

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