

Kezar Lake Road Dispute April 7, 2022

The first Kezar Lake Road lawsuit waged against the Town of Stow before the Court of County Commissioners was filed on September 4, 2020. The Hearing before the Court of County Commissioners was on May 21, 2021 using the authority provided by Maine State Law, Title 23 M.R.S.A. Sections 3652 and 3653. The contention of the petitioners was: The Kezar Lake Road was not "safe and convenient" [Please refer to the Town website and the Law]. The Petitioners requested the Town consider investing approximately \$500,000 to repair the Road.

On June 3, 2021 the Court of County Commissioners made the following decisions:

- 1.] Upon Inspection of the Kezar Lake Road on May 21, 2021 the road was "safe and convenient". The vote was 3-0.
- 2.] The Town's budgetary allocations outweigh the concerns of the road deteriorating in the future. The vote was 3-0.
- 3.] The Commission made a finding that the Lake Road may not have been "safe and convenient" at the time of the filing of the petition. The vote was 2-0 with 1 abstention.
- 4.] The motion to have the Town reimburse the County's costs was approved by a vote of 2-1.
- 5.] In addition, they made a finding that the Town would not have done the repairs in a timely manner but for the petition.
- 6.] The Select Board disagrees with Items 3, 4 and 5.

The Select Board hired Attorneys Peter Malia and Jason Dennis of Hastings/Malia Law Firm to defend the Town's interests. The legal costs for Hastings/Malia were \$11,255.14 and \$3,000 for the County's expenses. Total expenses: \$14,255.14. The Board is asking for an additional \$4902.88 to pay the shortfall in the previous year's budget. It is the Board's opinion that the lawyers performed a competent job.

The Town continues to make annual investments in all of our roads. The Board believes that is the fair choice for all Taxpayers. The Town has responsibility for maintaining approximately 9 miles of roads and 2 bridges. The Select Board asked for an increase of more than \$100,000 for road maintenance. The Citizens overwhelmingly supported this investment at the annual Town Meeting. The Town spent \$141,452.32 on road maintenance in 2021. The Town carried over \$14,047.68 for emergency repairs. It invested more than \$20,000 in Lake Road in 2021.

The Town negotiated with Consolidated Communications to move their communications cable back onto the CMP electric poles. The cable is a problem because it was poorly placed on the edge of the pavement and in many places it is very shallow. The Town needs to dig ditches and replace culverts. The present location of the cable makes these repairs financially impossible. Last fall Consolidated Communications agreed to move the cable on the West side of Lake Road at their expense. The Town is waiting for that commitment to take place. Consolidated has been negotiating with CMP.

In November 2021, the Town was served with a second lawsuit before the Court of County Commissioners by residents of the Lake Road. The Commissioners will perform a site inspection of the Road at 9am on June 14, 2022. A Hearing will follow at Expo Center at Fryeburg Fairgrounds. The petitioners allege that the Lake Road is not "safe and convenient". The Town has hired the Hastings Law Firm as legal representation. The Board has asked for additional appropriations for FY 2022 to cover the legal expenses to defend the Towns interests.

Citizens are welcome and encouraged by the Board to attend the Commissioner's Hearing if you are able.