

**THELMA & HARRY LEDDEN vs. TOWN OF FREEDOM**  
**DELIBERATION JULY 11, 2006**  
**11:00 A.M.**  
**(TAPE 1 A)**

**PRESENT:** Commissioners John M. Hyk, Charles G. Boetsch and Amy Fowler.  
Petitioner: Thelma & Harry Ledden, Defendant: Town of Freedom Selectmen, Tim Biggs and Steve Bennett. Also present were Arthur & Carol Richardson from the Town of Freedom, members of the press, County Clerk Barbara Arseneau and Deputy County Clerk Veronica Stover.

Everyone introduced themselves and signed in.

J. Hyk: We are now going to re-open the hearing to the deliberative process. [To the Selectmen]Gentleman, we had the hearing on this matter last month, so we are now at the deliberative point of the hearing. I hope you won't be too disappointed because we will not be taking any further evidence because that part of the process is over.

T. Biggs: We are not allowed to present our opinions on this whole thing?

J. Hyk: No. You certainly were when we had the hearing.

A. Fowler: We are going under State statute.

J. Hyk: This works in a certain way, in other words the evidence has been turned over to the jury; the trial part of it is over.

S. Bennett: Tim was on his way down here last week and his truck broke down.

J. Hyk: He didn't call.

T. Biggs: I didn't call, don't have a cell phone. But that is O.K., if we are not going to testify or anything, then we will go ahead and watch your proceedings, if that is the way it works.

J. Hyk: We can't. I wish we could have had the benefit of the information, but that is not how this process works. This process works like a courtroom.

S. Bennett: So you don't want to listen to us at all then.

A. Fowler: No, it's not that we don't want to, we can't. It is just like in court, you are there that day to present your case and that is it. I really wish that we had known. We actually waited and hung around hoping to get two sides.

S. Bennett: So you don't want to hear anything from us?

A. Fowler: We can't.

S. Bennett: You can't hear anything from us so there is no point in us being here, is there?

J. Hyk: Unless you just want to observe what happens.

A. Fowler: We were presented with one side's evidence. We didn't have anything from the other side.

S. Bennett: You can't re-open to hear our point of view?

J. Hyk: No, not at this point.

S. Bennett: You don't want to look at a map or anything?

J. Hyk: We can't at this point.

S. Bennett: Ok, well there is no point at being here.

J. Hyk: I am sorry, gentlemen.

S. Bennett: I just want to say that if you decide that is wetland, then I hope you are ready to come up and measure all the people that think their land is worth in the town of Freedom. You are going to have quite a few problem people that are going to be interested in showing us that their land is wet.

J. Hyk: Ok, I guess we will have to deal with that when we get there.

S. Bennett: You will have to deal with it because if their land is wet, there is a lot of other wetland down too. I guess it is on your shoulders.

T. Biggs thanked the Commissioners and they both left.

J. Hyk: I should have mentioned to them that they do, in fact, have the option of going to Superior Court. We are at the deliberative stage of the hearing. What do you ladies and gentlemen have to say?

A. Fowler: It is my opinion, and I am trying to block-and I will block out-anything that I just heard this morning. Unfortunately the other side was not here to present their case. They had ample opportunity. I am sorry that Mr. Biggs' vehicle broke down. I wish someone had contacted us because I think that we were more than generous in hanging around, however it is my opinion that where Mr. and Mrs. Ledden were given wetland discount on their property taxes prior too and then all of a sudden it was taken away, or

changed from whatever. **But I would like to make a motion that the said land that was prior to be wetlands be placed back into wetlands with the discount from which it received from before.**

**G. Boetsch: I would second that idea.**

A. Fowler: For discussion, my only question is, in flipping through the papers and I probably looked at it and tripped over it six times I am sure-is it eight or nine acres?

T. Ledden: Eight.

A. Fowler: It is eight, O.K.. I had noted here eight or nine acres.

C. Richardson: I just wanted to correct Amy. As being a selectman before, and she stated this was in wetland, no, they would never let her put it in wetland, she requested it. This is being recorded so I want the truth. She requested wetland, the water was so deep that it was coming into the road and they spent thousands of dollars correcting the road but still would not give her wetland.

J. Hyk: Thank you, I think this is a really important point. We have a motion and a second.

A. Fowler: But it's discussion.

J. Hyk: Right. What I thought the case was that this had previously been classified as wasteland and they had now changed that classification to say it wasn't wasteland. Now my understanding is that it was never wasteland and they have requested it to be wasteland and the town is saying no. If we so chose, we could vote to vote that down. I think we had better know what we are talking about. I think at least I was confused.

G. Boetsch: Let's hold the vote and vote it down, then we can start fresh again. In other words, we will vote down the motion that we thought it was already wasteland taken away. In other words, let's vote that motion down.

J. Hyk: So you want me to call the vote.

J. Hyk asked to make the motion clear as it was unclear.

A. Fowler: The motion I made was to take the 8 acres of land that was, and I think I said previously wetland, and now it was taken out of that classification and give it back to these people.

G. Boetsch: So it was wasteland that was previously wasteland that the selectmen had taken away from them and now the vote would have been, if in the positive, would have been to give them back the wasteland status.

J. Hyk: I am going to call the vote. (J. Hyk had B. Arseneau read the motion back to them.)

B. Arseneau: The motion was, as Amy said, to take the 8 acres of land that were previously classified as wet land and give it back to these people as wet land. That is basically what was said. **Motion failed.**

J. Hyk: I am sorry we are going to have no more discussion. The commissioners are going to decide this at this point, I believe. Unless there is some further clarification you need, if you want to ask questions, I am going to give permission to ask the Plaintiffs questions to clarify. I think this is appropriate.

G. Boetsch: Now, Amy, do we figure the in town of Freedom if they have a wetland/wasteland value for wetland?

A. Fowler: I am under the assumption that Freedom does have taxes for wet lands. But this is not currently one of them, right, nor has it ever been.

G. Boetsch: And because it is under water it must be wetland. So I am still of the mind to go along with that it be classified as the wetland valuation of land in Freedom.

A. Fowler: This is a serious danger area to the road especially in the winter time.

J. Hyk: That is a safety issue, not a tax matter.

G. Boetsch: I guess if someone could ask the question in the right direction, I want to make sure there is a wasteland/wetland valuation of assessment in Freedom and that there is, in fact, that status.

J. Hyk: Well, if they had stayed around or if they had been here when they were supposed to, then you could have asked them.

G. Boetsch: Could we direct that question to the former selectman of the town of Freedom?

J. Hyk: Yes, sure.

G. Boetsch: [To C. Richardson] Is there in fact a valuation of wetland/ wasteland valuation?

C. Richardson: \$100.00 an acre. When I was a selectman, it was \$50.00. Now it is \$100.00.

A. Fowler: Is this property contiguous, in other words, attached in the same area as all the other wetlands in Freedom?

C. Richardson: The owner next to her that owns the adjoining property is wetland and that is why she requested it.

G. Boetsch: The adjoining land owner is in wetland.

C. Richardson: Would you like to have his name?

A. Fowler: I believe I have it. Lester Hodgkins.

C. Richardson: That is right. Lester Hodgkins is the land owner adjoining their land and the same wetland.

G. Boetsch: I will even make a motion; **I move to put these folks Thelma and Harry Ledden's land in the wetland status.**

J. Hyk: Before that is seconded, I would ask you to withdraw because that is not what we are doing. I think that what we need to be doing is we need to take a vote to support their petition. We either approve or disapprove. I think that is what we do here, isn't it Barbara?

B. Arseneau: Yes and did you second this for discussion? If you didn't, you could rescind your motion.

G. Boetsch: **I rescind my motion.**

J. Hyk: Before we make the motion, do you mind if I discuss with Barbara-and it is an administrative matter-the finding, how is it usually found? We don't give lengthy opinions; this is not the Supreme Court. We just vote up or down on the petition. Isn't that correct?

B. Arseneau: I think it would be best if I just read to you what you are supposed to do. (B. Arseneau read Maine Revised Statutes Annotated, Title 36, §844, 1 pertaining to "Appeals to County Commissioners").

J. Hyk: I think that is where we go with this. You see what I am saying?

G. Boetsch: You are absolutely correct.

J. Hyk: You see, in the past where we have had the municipality show up when they are suppose to, we have sometimes been able to send the parties off and say, "Try to go work this out and then come back." That is not how this has worked out. That is where we are.

G. Boetsch: Amy, could you word the motion properly?

A. Fowler: **I guess I would make a motion that we award the abatement as requested for 8 acres.**

**\*\*A. Fowler moved, G. Boetsch seconded to accept the petition and award the abatement of 8 acres of wetland. 2 in favor, J. Hyk opposed.**

A. Fowler: I strongly want to emphasize how unfortunate it was that the town was not here to present their case. As I say, maybe there would have been more to it, maybe it would have been interesting to see some maps. It is unfortunate that Mr. Bigg's vehicle broke down; I guess he has no cell phone or anything.

**\*\*A. Fowler moved, G. Boetsch seconded to adjourn from the tax abatement of Ledden's vs. the Town of Freedom at 11:15 a.m. Unanimous.**

Respectfully submitted by \_\_\_\_\_  
Veronica Stover, Deputy County Clerk