

**TOWN OF LA POINTE
PUBLIC HEARING
AMENDED MINUTES
CHANGES IN ITALICS; DELETIONS SCORED THROUGH
MONDAY, DECEMBER 7, 2009
At 5:30 At Town Hall**

The purpose of this Public Hearing is to hear public input in the matter of the Town taking over Miller Farm Rd. This Public Hearing comes in response to a petition presented by certain residents of Miller Farm Rd. submitted on October 19, 2009. The Class III Notice has been published three times, all adjacent property owners have been notified by certified mail, and the Lis Pendens has been filed by the property owners.

Called to order at 5:32 PM

Town Board members present: Beth Fischlowitz, Ric Gillman, Greg Nelson, Ham Ross, Larry Whalen

What follows is representative segments of discussion:

Sheri Milburn begins the Hearing by thanking all those who have helped the Miller Farm Road Association with their work.

Mike Starck favors this project with conditions:

- The property owners should be responsible for bringing the road up to standard
- The Town should pay for the cost of bringing the road up to standard and assess the property owners over a period of time
- Minimum road standards should be set for future roads.

Charles Brummer agrees with Starck and supports the project but is concerned about design standards. He feels there should be a special assessment to bring the road up to standard. The Town will set a precedent otherwise.

Paul Brummer states that he is not opposed to the project but feels that the people who live there should pay to bring the road up to standard. He asked how much the Town had budgeted for the project and how much has the Town already spent. He also stated that the Public Hearing should have been posted sooner. [The Chair assured him that statute had been followed, and the Clerk apologized.]

Keith Sowl explained that he had asked Nelson Surveyors to ~~go ahead and take a look at the project because they were on the Island anyway.~~ *see how far the road is out of the ROW at the Milburn/Gillman property and the Noha property, and once he (Sowl) realized how much work that would take, he asked them to go ahead and finish mapping the road out.*

Sowl also stated that he had prepared some minimum road standards. He had consulted with Emmer Shields, Ashland County Highway Dept., who was opposed to a 3-rod road there and felt it should be a 66-foot road. He further stated that for nineteen property owners this is a very large financial burden and that historically on the Island all taxpayers have paid for all roads. There has never been a special assessment, and Sowl suggested assessing the property owners for permits, surveying, *engineering*, silt fencing and culverts (*whatever has to be paid out of pocket.*). The Town could provide the gravel and the labor & equipment..

Ham Ross pointed out that the Town Board has previously discussed mollifying the assessment for the property owners.

Greg Nelson stated that as a property owner he will not vote on the issue, but has a history of improving roads. The Penny Lane project turned out to require no special assessment.

Paul Brummer pointed out that North and South Shore Roads were improved at Town expense because they were/are through roads. Miller Farm Rd. is not.

Ric Gillman pointed out that the Miller Farm Rd. Association has never stated any opposition to an assessment. He further stated that twice a year emergency service vehicles are very nearly prohibited from accessing the homes on Miller Farm Rd., and that this could be a liability risk for the Town. *Gillman also stated that he would not be voting on this issue.*

Jen Croonborg agreed with Gillman's statement about emergency services. She stated that a couple of the lots on Miller Farm Rd. may be divided by the new proposed road thus creating non-conforming lots, but that there are solutions to this problem.

Greg Nelson agreed that the route of the new proposed road could violate Town ordinance by creating non-conforming lots.

Zach Montagne stated that most of the residents of Miller Farm Rd. are long-time residents of the Island. He also stated that there is tourist traffic on the road in the summer.

Ham Ross asked how many lots would be divided.

Greg Nelson answered: two, McCafferty and ~~Cherry~~-*Noha*.

Ham Ross asked if this is an Ashland County problem or a Town problem.

Jen Croonborg answered: both.

Beth Fischlowitz asked how a road could not be a "Town road?" She state that the Town has moral and ethical obligation to give safe access to people that the Town allows to build there. *Fischlowitz pointed out that people living on Miller Farm Rd. are regulated as though they lived on a town road: permits are required from them.*

Ham Ross agrees.

Charles Brummer asked if the Town would be inviting developers to put in sub-standard roads in the hope that the Town would take them over and improve them.

Greg Nelson pointed out that the petition states that the petitioners will pay an assessment as long as it is spread out over ten years.

Keith Sowl repeated that Emmer Shields says that Miller Farm Rd. is not an existing road but a new one. Sowl urges standards for all roads and suggests that it may be an issue for the Zoning department to look into.

Jen Croonborg agreed that there may need to be an ordinance for private road standards.

Jackie ~~Cherry~~ *Noha* asked if the solution to her divided lot would be for the Town to take away the small section.

Jen Croonborg responded that ~~Jackie would have~~ *according to the Ashland County Subdivision Ordinance, the new Town road may divide the Cherry Noha property into a substandard lot and an outlet. Jackie would have a lot and an outlet with* A variance from the Town *would be required* to do so. Or that ~~Cherry Noha and McCafferty could share~~ *apply for a Certified Survey Map and swap lots, putting both properties wholly on each side of the road.*

Greg Nelson stated that the Certified Survey Maps could be done without cost as a part of the laying out of a road.

Mary Ross asked what road standards would be applied to Miller Farm Rd.

Keith Sowl responded that it would be a 20-foot road with a three-foot ~~easement~~ *shoulder* on either side for a total of 26 feet.

Motion to adjourn. Mike Starck/Keith Sowl
Adjourned at 6:25 PM

Submitted by Patty Hobin, Town Clerk

Approved as amended on December 29, 2009
Patty Hobin, Town Clerk