

ROAD PETITION DECREE

WALDO, SS.

COUNTY COMMISSIONERS COURT
PETITION #1-2007
August 28, 2007 ADJOURNED SESSION
TO WIT: September 26, 2007

CLIFFORD H. BENNETT VERSUS TOWN OF BROOKS:

On August 28, 2007, the three Waldo County Commissioners, John M. Hyk, Chairman; Amy R. Fowler, and Donald P. Berry, Sr. held a hearing at the request of Petitioner Clifford H. Bennett regarding sections of the South Brooks Road his residence at 117 South Brooks Road in Brooks, Maine.

Present with the Commissioners were Petitioner Clifford H. Bennett, accompanied by his son, Matthew Bennett. Also present were road contractor Clayton Larrabee; Defendants Brooks Selectmen Raymond Shute, Linda Lord, Benjamin Lufkin, Town of Brooks legal counsel Michael Clisham and Court Reporter Lisa Fitzgerald. Recording minutes for the Waldo County Commissioners was County Clerk Barbara Arseneau.

The Petitioner requested that the County Commissioners order the Town of Brooks Selectmen to do the following on the South Brooks Road: From Power Pole 37 to Pole 41, add gravel, estimated at one and one-half feet on the road surface. From Pole 41 to driveway of 117 South Brooks Road, another one and one-half feet of gravel was requested. Furthermore, the Petitioner requested a set schedule of road maintenance to be set up for all the roads in the Town of Brooks. The Petitioner submitted photographs of the road conditions after rains and during late winter/early spring.

The Defendants cited reports of work that had been performed on the sections of the South Brooks road in question and informed the Commissioners that a grant had been applied for to do more work to the road, including installing a new culvert. The Defendants submitted cited Maine Revised Statutes Annotated Title 23, Chapter 313, Liability for Damages, § 3651 and 3652. Notice of defect; hearing on petition, along with excerpts from case law *Perkins vs. Fayette*.

After hearing the testimonies of the Petitioner and Defendants, the County Commissioners voted as follows:

****A. Fowler moved, D. Berry, Sr. seconded to deny Clifford H. Bennett's petition.
Unanimous.**

Signed this Twenty-sixth day of September, 2007 by the Waldo County Commissioners:

John M. Hyk, Chairman

Amy R. Fowler, Associate

Donald P. Berry, Sr., Associate

Attest: _____
Barbara L. Arseneau, Waldo County Clerk