

**Appleton Select Board  
July 28, 2020**

1. Convene, via Zoom, 6:30 p.m. (Beckett, Costigan, Fenner, Garrigan, Gould)
2. Reminder: Meetings are recorded.
3. Re-Do of 1962 Forestry Truck Acceptance. Fenner: Motion to accept the donation of 1962 Forestry Truck. Costigan: Second. Beckett: Yes. Costigan: Yes. Fenner: Yes. Gould: Yes. Re-do of July 21, 2020 vote to adjourn. Costigan: Second. Beckett: Yes. Costigan: Yes. Fenner: Yes. Gould: Yes.
4. Warrants signed and approved earlier in the week.
5. Fenner: Motion to approve the minutes of July 21, 2020 meeting. Gould: Second. Beckett: Yes. Costigan: Yes. Fenner: Yes. Gould: Yes.
6. Public Comment: None.
7. Road Commissioner: Not present.
8. Appleton Historical Society Request: Fred Bucklin, chair of Appleton Historical Society: At the town meeting March 13, 1971 under Article 17, I've sent minutes of the meeting, the town voted to transfer the title of the Union Church to the Appleton Historical Society and it was approved at town meeting. On October 5<sup>th</sup> 1971 selectmen agreed to sign a deed turning over the Appleton Union Church to the Appleton Historical Society. In the annual report 1972 cover story that indicates what actually happened concerning a tax lien and that it became owner by a vote at 1971 town meeting. We got into the title of this (building) and the historical society never received a deed. We went back to 1970 and forward to 1974 and there was no deed recorded for the five years we are talking about. Fred Bucklin indicated he looked under both the Appleton Union Church and The Appleton Historical Society and there was no deed recorded and we are requesting of the board that we issue a deed to go forward. Historical society have been the stewards of the building. We don't own it. The town does. So, if in future generations we need to recognize it we don't have title to the property and we need title to go forward on this. Requesting that the board issue a deed so we can go forward. When I am fundraising and asking for money, I'm asking for money for something we don't even own. WE have been stewards but I don't think the majority know we don't own it; the town owns it. If we had to refinance the property, we don't have title.  
Fenner: I think there were some minutes from a selectmen meeting in one of the files you attached. Bucklin: Pam actually went through the minutes and there were three minutes that I didn't send over. I didn't see anything in there about the Appleton Historical Society. The meeting after that there was no mention of anyone signing the deed and turning it over to the Historical Society.  
Costigan: Who went through the minutes?  
Bucklin: Pam did. All we know is they were going to draw the deed and give this to us.  
Fred: Pam went through the minutes and certified the minutes. October 5, 1971 Pam certified those minutes and I think she certified where the minutes were involved. Obviously, I will send those over but the point of origin is the town hall.  
Costigan: The point of origin?

**Costigan:** How did you learn if this?

**Bucklin:** (Donald) Burke told me.

**Beckett:** Do we have a deed that says the town owns this?

**Bucklin:** In 1971 the town foreclosed on the property. The issue here is to be able to give us the deed we need to prove the town had title to the property.

**Bucklin:** Even if you are going to draw a deed we have to make sure you have title to the property so it will require a title search and this may run into an expense. If there is a cost on that I am limited in funds. There was a family that put \$70,000 that put their money in to make this work.

**Bucklin:** I think I'd like to work on the town with this and not just ask for a handout.

**Costigan:** Was he a selectman?

**Fenner:** Yes.

**Bucklin:** I think I'd like to work on the town with this. There were screwups with this and we have to make it right. I can't go to people and ask for money for this.... it's dishonest.

**Costigan:** Did you go looking for a deed. I'm confused how this came to your attention.

**Bucklin:** No registry records for grantor/grantee. Burke told me about it.

**Beckett:** What are you asking for, then.

**Bucklin:** The easiest thing is the town issues the deed. Having said that, we don't know who owned it.

**Costigan:** Appleton became the only town in America to foreclose for nonpayment of taxes on a religious organization?

**Fenner:** The town has no authority to tax a church. Did they tax it? Was it legal? The other issue is a vote at town meeting is good for one year.

The selectmen on October 5, 1971 in their meeting said at the next meeting we will sign the quitclaim deed.

**Costigan:** Where did these minutes come from?

**Bucklin:** They came from the town office and they were certified by Pam.

**Fenner:** These were held at the town office?

**Bucklin:** I think that they were. You would have to ask Pam about that.

**Fenner:** If we found that the selectmen actually issued a deed. If there is some proof they actually did. Without any proof of issuance of a deed I don't see where we are going with this.

**Bob Bocko:** The historical society has claim to adverse possession over anyone else and I'm not persuaded the town couldn't offer a quitclaim deed.

**Bucklin:** Legal expenses involved when we have limited funds to begin with. Attorney Hanscom believed quickest route was to go to the town. I'm not going to raise any money until this is cleared up.

**Costigan:** How exactly did you find out you didn't own it?

**Bucklin:** Donald Burke told me and then he and Pam went through the minutes and that's what we have. If this is not put together in a reasonable time I'm just going to walk away. I'm not going to be the only one carrying the ball on this. If the town wants to see this renovated. I'm dealing with something where the town dropped the ball and I'm a private citizen trying to make this right.

**Costigan:** Welcome to the club.

**Fenner:** We have a budget of \$5000 and we are already engaged in serious legal work at the moment and the town has very few resources raised and appropriated for this.

**Bucklin:** If you do nothing than that is exactly what you are going to get.

**Garrigan:** A title search is \$400.

**Costigan:** I would remind you that this was the board that helped you put a fundraising effort together for the annual town report and made sure you got full and the best coverage you could get for that effort. From the perspective of a board member and someone responsible for the town funds my initial interest is making sure the town even had authority to move the deed in any way, shape, or form. I have not heard of a church being taken for nonpayment of taxes so I need more information.

**Fenner:** We are going to need to examine those minutes which are supposedly held at the town office, which is a vast surprise to me. We have things to look at.

**Garrigan:** We need to make sure the town had authority.

**Bucklin:** I'll get my board to approve a title search and we will go to that. If Pam and Burke have already researched the minutes they might already know what is there. It would be interesting to see what Pam had to say. She went through these minutes when they were highlighting what she thought was important. I'll work on the titles search can someone ask Pam what she found?

**Fenner:** I'll ask Pam. I'm interested to see what she has to say about that.

9. **Election Update:** Phone conversation with our attorney and we went back and forth on possible legal remedies and we are going to discuss it further tomorrow morning. Our present approach which we think is maybe the most possible is to try to convince the state to help us with this because it is their machine and its results that are at the root of the question. **Garrigan:** I went to the town office today and talked with the town clerk and she said she talked to the assistant secretary of state yesterday and the margin of error is like 3 in 10 million. So that is what the clerk had to say about the efficacy of the machinery to try to convince the state might be challenging. **Costigan:** Did you make sure you and Emily and anyone who filled out the ballot correctly will you forward the names to the select board. **Fenner:** We wouldn't publicly disclose how anyone voted but it may be necessary if we need affidavit as part of a process if they are willing to give one but if we don't know who to contact it makes it more difficult. Under the law we lack standing. We need to find someone who didn't get elected to challenge and that court case the person who didn't get elected would have to pay for it. That's why we are moving toward getting the state to inspect their machine. We need to present this information to the state because it is very important you present the right problem. It's not the machine counting it's the machine dealing with write-in votes. You have to find someone with standing. **Bocko:** Would you summarize the issue: **Garrigan:** There are a number of people who voted for myself, yet I won the position with a total of 2 votes. The machine is supposed to take a photo 7 total signatures photographed and 1 with my name and 1 write in with a hand-counted ballot that couldn't go through the machine. **Fenner:** We have anecdotal evidence of a much larger number of people who wrote in Charles Garrigan

for selectmen than the machine updated. The problem leads people to believe their votes were not counted. We don't want to be headed into fall with the perception people's votes are not being counted.

10. Committee Reports: None. Tri-County Solid Waste Management meets Thursday.
11. Fire Truck Bids: Frank Corchoran, \$527, David Gould: \$575.75, Steve Marriner, \$600, Steve Marriner: \$800. Garrigan: Motion to accept Steve Marriner's bid of \$800 on 7/28/2020. Beckett: Second. Beckett: Yes. Costigan: Yes. Fenner: Yes. Garrigan: Yes. Gould: Yes.
12. Appointments: Fenner: Motion to appoint Elizabeth Lee, Appleton, fire department; Bruce Libby, Appleton, sexton; Patricia Chapman, Appleton, webmaster; Robert Wall, Appleton, health officer; Donovan Bowley, Edward Carroll, Lorie Costigan, Charles Garrigan, Donald Mansius, Sid Quarrier, Sue Ellen Roberts, Gary Roberts, Diane Schivera, Susan Sherman, Andrew Staples, all of Appleton, to the comprehensive plan committee. Gould: Second. Beckett: Yes. Costigan: Abstain. Fenner: Yes. Garrigan: Yes. Gould: Yes. 4-1
13. Pettengill Bridge: Tidewater's telecommunication cables were not recorded in Dig Safe records. Service Restored. Garrigan: Zero water flow and bridge is scheduled to be delivered tomorrow. Fenner: Engineer indicated Tidewater had been contacted and did not note the utility. The phone company was properly notified.
14. Bocko: I think I heard someone earlier say they knew the original leader of the Appleton Historical Society. Fenner: The chairman of the board of selectmen was Earl Paxman. The records I am sure we have at the town office are the town reports, and that page Bucklin sent along from the town report would show who was the head of the society at that time. Bocko: If it's possible to see the town records in 1970 to see in what name that property was held. Costigan: Peter you are there with her now perhaps she could look it up now. Bocko: Public Service Announcement: Meeting at the school at 8 a.m. to talk about the different plans for a green, yellow, or red health risk indicators.
15. Garrigan: Motion to adjourn by unanimous consent. Costigan: Second. Adjourned by unanimous consent.