

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
NOVEMBER 1, 2006**

President Jim Bracewell called the special council meeting to order at 7:30 PM EST. Present in addition to Bracewell were John Boden Jr., Pete Carroll and Debbie Lindley. Bob Grim was not in attendance.

OLD BUSINESS:

President Bracewell told the audience that the first item of business was to rescind a resolution to vacate a portion of East McKean Drive. He said that the council had received new information from the Village Attorney that definitely effects the recommendation to rescind the resolution.

Village Attorney Sara Bell explained that new information shows that a quit-claim deed had been completed in 1975. The Village gave a quit claim deed to the previous owners of the Kerhoulas property for the 15 foot portion of the street that is in question. She said that the legal effect of this is that we are still talking about rescinding the ordinance, but we are not going to do so at this time. She stated that the parties are still working on a resolution and the Village feels that in light of the new information, it is better to hold off on making a decision to rescind the resolution until the parties have determined whether they can or can not come to a resolution. She added that we are still pursuing the parties completing the full process of resolving the situation before the Village wants to act. This new information encourages the Village to allow the parties to facilitate a solution, rather than the Village being a facilitator according to Bell.

Bracewell added that the new information changes the direction of the council's course of action and as a result, the council will not submit the resolution to a vote tonight. He said that Larry Frankle was unable to attend the meeting as he was attending another meeting, but that he wanted to publicly state that he truly respects his efforts in everything that he has tried to do with the proposed agreement. He said that progress has been made, but we do not have everyone's signature regarding the agreement. He added that based on the situation, we have identified the fact that the Village has maintained this property since 1973 and the Village will continue to access the property and will repair the damaged drain and remove the posts.

Bracewell told the audience that the Village will do what it is empowered to do.

The council directed Clerk Mary Robertson to send a letter to Michail Kerhoulas giving him seven days to remove the posts from the property, repair the curb that was cut and repair damage to the drain. If he does not take care of this, the Village will complete the job and bill him for the expense.

NEW BUSINESS:

The council did not take action on an agreement between the Scalettas and the Kerhoulas', as they did not submit a signed agreement.

Attorney Dan Trainor, representing the Scalettas told the council that he had spoken on the telephone with Mr. Taubman who represents the Kerhoulas' title insurance company and that he indicated that he felt that Mr. Kerhoulas did not agree to what was contained in the agreement from Larry Frankle. Trainor added that he does not believe that the

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neighbors are any closer to reaching an agreement, but stated that this has never been a question of ownership, but of access to the Scaletta property.

J. Bracewell moved, with support from J. Boden Jr. that when the resurfacing work is done in Sun Valley Falls that a portion of McKean East adjacent to the Scaletta and Kerhoulas property be widened as far south as possible without incurring the necessity of a DEQ permit. Motion carried unanimously 4-0.

Joe Scaletta told the council that the entrance to his property is hard packed sand and it will be difficult to plow and he encouraged the Village to have the work done before the snow flies. The council told him that it depends on the asphaltting company, but they would do their best to complete the project before winter. If it is not completed by winter, the resurfacing and widening of the road will take place in the spring.

Next on the agenda was a lot split request from Larry Frankle on behalf of his clients, Jacqueline and Charles Barlow. They had originally applied for a variance on lot 24 in the Dunes of Grand Beach in order to allow for their house to remain on the property line. They wanted to sell lot 25, but by doing so lot 24 would become non-conforming. The council asked them to try and take other measures to make the property conforming.

J. Bracewell moved, with support from P. Carroll to approve a request for a lot split between lots 24 and 25 in the Dunes of Grand Beach as submitted. Motion carried unanimously 4-0. The lot split would split 15 feet off of the east side of lot 25 and add those 15 feet to lot 24, making both lots conforming.

Bracewell moved, with support from J. Boden to adjourn.

With no further business, the meeting was adjourned at 7:50 PM EDT.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer