

----- Forwarded Message

From: David Burke <dwburke@olearyburke.com>

Date: Mon, 5 Oct 2009 09:07:09 -0400

To: Mike Deweese <mdeweese@ccsuvt.org>, Paul O'Brian <pobrian@ccsuvt.org>

Cc: Linda Waite-Simpson <linda.simpson7@comcast.net>

Subject: RE: 9046 - Saxon Hill Park

Mr. Deweese: Thank you for your reply. Mr. LeClair and I are meeting this Friday with his Attorney, Carl Lisman and will discuss the same. I apologize for using "pending" instead of "existing", I agree, it was just that I'm an Engineering Consultant, not an Attorney. Could you possibly verify you're below third and fourth sentences for me? I read them as conveyance requires Voter approval and the same (Conveyance to?) was previously requested and denied? You'll have to excuse me, as I'm still coming up to speed with an Intent to help move things forward.
Please advise!

David

From: Mike Deweese [<mailto:mdeweese@ccsuvt.org>]

Sent: Thursday, October 01, 2009 10:50 AM

To: Paul O'Brian; David Burke

Cc: Linda.simpson7@comcast.net

Subject: Re: 9046 - Saxon Hill Park

Mr. Burke,

Regarding your recent e-mail requesting a meeting with the Prudential Committee over the lawsuit filed by Mr. LeClair against the Essex Junction Prudential Committee. It is important to note that the suit is existing, and not "pending."

As such, while currently addressing an active lawsuit, it is fully inappropriate for the Prudential Committee to meet with you as one of Mr. LeClair's representatives in this matter. My office has discussed this matter with Chair Waite-Simpson of the Prudential Committee, and she is in concurrence.

As you are aware, conveyance of school district property is not within the powers of the school board under state law. Further, past related action by voters on this property matter was rejected.

A conversation between Mr. LeClair and the Prudential Committee about Mr. LeClair's interests is more viable upon his dropping his active lawsuit against the district. It would be a gesture of good faith on Mr. Leclair's part to drop his lawsuit so we can talk meaningfully.

Respectfully,
Dr. Michael Deweese, Superintendent

>>> "David Burke" <dwburke@olearyburke.com> 9/24/2009 2:10 PM >>>

Mr. Deweese: We are writing to you in regards to a pending lawsuit regarding a "90 Acre parcel" owned by the Essex Junction School District, but located in the Town of Essex, off Saxon Hill Road. We are requesting a meeting with the Essex Junction Prudential Committee to discuss the same. In an attempt to summarize the background information, please see the following:

Our firm was recently hired by Hector LeClair, the owner of Saxon Hill Corp. off Allen Martin Drive in the Town of Essex to perform Land Planning, Surveying and Engineering Services. In our initial review, we questioned the purpose of the pending Appeal against the Town of Essex and the Essex Junction School District in regards to the "90 Acre parcel" at the easternmost side of the parcel (access via Saxon Hill Road). Mr. LeClair informed us that he wanted the land to be conveyed back to him and in turn to convey the land to the Town of Essex for passive recreational purposes. With that in mind, we've convince Mr. LeClair, that the lawsuit should be dropped pending an Agreement for the same.

In case you're not aware, Forestdale Heights, Inc. (now Saxon Hill Corp.) obtained the 90 acres in 1978 as part of a large tract of land from the Village of Essex Junction. Said conveyance came with a stipulation that the "90 Acre parcel" be re-conveyed to the Essex Junction Graded School District for conservation/recreation and educational purposes only.

Apparently the lawsuit is due to a 25 year lease in 2005 from the Essex Junction School District to the Town of Essex. Whatever the reason(s), it appears that we can clean up the mess at this point, if the Essex Junction School District (dba Essex Junction Prudential Committee) agrees with the above and below logic.

We corresponded with Todd Odit (former Assistant Town Manager) and Pat Scheidel (Town Manager) to see if we could proceed with dropping the lawsuit with the Essex Junction School District contingent upon a direct conveyance to the Town. We were informed that the Town would like the parcel, but the conveyance should be to Mr. LeClair who would then convey the same to the Town following Development approval of his other lands off Allen Martin Drive / Thompson Drive. This sequence will avoid the Town's necessity to be a co-applicant on Mr. LeClair's other lands. We were further informed that Pat Scheidel would state the same if contacted by a representative of the Essex Junction School District.

Mr. LeClair has had an initial conversation with Paul O'Brian, Legal Support in regards to the above. It is our understanding that should the above be agreeable, it will remove the current liability of the Village of Essex School District. I have copied Paul O'Brian, Linda Waite - Simpson (Prudential Committee Chair), Pat Scheidel (Town Manager) and Hector on this e-mail.

Thank you in advance for your review and response to the above.

David W. Burke

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