Maine Abandoned and Discontinued Roads Commission December 14, 2022

Meeting Minutes

In Attendance: Corp. Kris Maccabe, Brian Bronson, John Monk, Catherine Nadeau, Karla Black, Roberta Manter, Jim Katsiaficas, Vivian Mikhail, Peter Coughlan, Ryan Pelletier (via Zoom), Steve Young (via Zoom), Rebecca Graham (via Zoom)

The meeting was called to order by Chair Jim Katsiaficas at approximately 10:05 am, followed by a roll call of the members present.

The Commission unanimously accepted the minutes of the November 17, 2022, meeting, based on a unanimous roll call vote.

Jim opened the meeting, first directing the attention of the Commission and members of the public who were present to the proposed remote meeting participation policy. Vivian offered background about the Commission's previous consideration and tentative/unofficial approval of it, noting that it was made available to the public in postings about the meeting. No members of the Commission had further comment. Jim invited public comment, and only David Manter of Fayette wished to be heard. Mr.

Manter was in favor of the policy and deemed it a legitimate way for people to participate. Vivian made a motion to institute the remote participation policy, which Roberta seconded. A unanimous roll call vote formalized acceptance of the policy.

Jim and Vivian then gave an update about efforts to establish the Commission's online presence, with the following being the current information status:

-YouTube authorized the Commission channel but it's hard to find due to character limits on the channel name. Vivian will work on that.

-Jim and Vivian were in touch with OIT about the prohibitive $500/month cost. Still waiting for further word about that, and any other way to go about this via maine.gov without a budget.

-Public notices in the KJ cost hundreds of dollars per notice, depending on length.

-The MPBN Community Calendar seems to be one no-cost option.

Pete gave a demonstration/walk-through of the MDOT map view tool. He will share his slides as a PDF. Pete noted that the information in the system/tool comes from TOWNS, and that the color coding is important to pay attention to. Additionally, the "town way'' label is in the process of changing to "town­ maintained way" because that is the significance of the label- it is not meant to convey the actual legal status of a road. DOT's query to town managers is "What do you maintain?", and that's the information that ends up in the system.

The addressing officers are the source of the DOT tool's information currently. DOT only reviews in certain circumstances when they are in the field; otherwise, the addressing officer makes changes, which populate to both the 911 and DOT systems. Pete ran through examples of how the tool is useful and shows information from towns. He noted that DOT also has 911 data that includes private roads, too, although DOT is not concerned with those. If blue on the DOT viewer, a road is maintained by the town and probably public.

Pete encouraged anyone with questions to contact him at Peter.Coughlan@maine.gov.

Jim then opened the Public Hearing by introducing the Commission's four areas of consideration, as set out in the Public Notice.

Steve mentioned that his organization paid *Fiddlehead Focus* and the *St. John Valley Times* to run ads to get the public notice out.

Public Testimony:

David Manter- Fayette Jennifer Grady- Whitefield

John Rasmussen- Perham (by Zoom)

Timothy Johns & lldiko Mizak- East Dixfield (by Zoom) Larry Daggett- Abbot (by Zoom)

Greg Hodgkins- Whitefield

Tom Wheeler- East Dixfield (by Zoom)

Steve Grady- Whitefield (read by Jennifer Grady)

Some of the individuals above had also submitted written testimony. Jim explained the Commission will accept written comments for one additional week, advised of the Commission's info.abandonedroadscommission@maine.gov email for submission, and then closed the Public Hearing at 11:45 am.

After a break, Jim reopened the Public Hearing at 12:04 pm to allow people who'd been in the Zoom waiting room to testify. Spencer Harjung of Troy testified, then Jim closed the hearing again at 12:09 pm.

Jim said we may form subcommittees after identifying priorities, as we decide how to approach work that will flow from our first/progress/priorities report to the legislature.

Brian noted his surprise at how much conflict there is among landowners themselves and said that includes debate about who actually is the landowner. He wondered if tweaks that have happened or could happen will even be enough, and that towns could just step up and fix certain roads, but that no one wants to hear that. Jim reminded that the current state of the law would not even allow that on private roads.

The 2017 real estate disclosure came up, and Roberta said we need a way to educate realtors about where to find information so that transactions can be based on accurate information. She gave several examples, including a discontinued road that was stated to be a private road and was in fact a patchwork of private land owned by each of the abutting landowners. Jim said realtors might just default to checking "Unknown", to which Roberta said it is incumbent on the buyer to do the research. Jim said that hits the nail on the head that buyers have to undertake due diligence.

Roberta said title insurers theoretically also should be interested in accurate facts. Jim asked if realtors have continuing education, and Pete said DOT has presented to the Maine Association of Realtors on certain issues. Kris has also spoken to realtors on hunting and fishing issues. Pete suggested getting on their agenda, and Steve responded that the DOT tool is the number one thing to promote while people are buying property, with the community itself being the weakest information link (records not always up to date and/or accurate).

Rebecca said there was a bill proposed to require towns to inventory all roads, which MMA deemed an unfunded mandate impossible to fulfill because of expense and records being unavailable. The legislature concluded that towns must keep records and the bill failed.

Roberta suggested towns start with what they do have and mentioned VT's efforts to identify and address problems.

Jim's concern is that the DOT tool indicates what towns maintain, not legal rights/status- so what can towns be required to inventory? Roberta said Pete said it's not a problem for DOT if the 487 towns all request their information. Pete clarified that towns should start with the DOT tool and print information from there, and then call with follow-up questions.

Roberta suggested towns can add missing roads, and if some should be off the list, perhaps hold a hearing. It might be a case-by-case basis to look at disputed ones- for example, how to determine is a road is abandoned with a public easement or abandoned without a public easement?

Brian noted that the easy part to start with could be realtors and towns identifying roads that are publicly maintained, and, for those that are not, that's' a big red flag to buyers to figure out from there. Towns would have to be willing, though, and as of now it seems they want the access out there but not to have to maintain (i.e., have their cake and eat it, too). Realtors should have to check publicly maintained or not publicly maintained, at least as a starting point. Brian then gave the example of a California buyer who outbid by $50,000 without any due diligence for a property.

Roberta again asked: shouldn't title insurers care about having accurate information? Pete said he will ask his nephew who just got his real estate license if his curriculum included road status. Cathy said her daughter has been in real estate for two years and does her own homework on any land and property, and that the owner of the agency double checks. Jim said we should find out if the realtor licensing curriculum includes road status. Pete did add that his nephew did not know about the DOT tool until Pete told him about it and that it was a huge help.

Steve raised that such efforts will not protect current owners from their property issues. Rebecca said court involvement may be necessary, even though it can be a huge lift. She also asked: when does it become a community responsibility? While it's the buyer's responsibility to do deed research, that is an expensive undertaking, and the community has information about town maintenance. Roberta said deed research can also be confusing and conflicting, so it would be helpful to get the DOT tool into people's hands (coupled with town reports to check for votes of discontinuance).

Rebecca noted the democratic process can be frustrating, but it is the town that decides what to spend money on in terms of maintenance. Ryan said that in unorganized territories (including plantations), there is no authority over land use. (Aroostook and six or seven other counties have unorganized territories.) Oftentimes a house is built by the time the question about road use even comes up. Pete said 10 out of 16 counties have public roads. Ryan explained there are varying levels of road maintenance, and trouble comes up when someone builds their own road maintained by the County in the summer, but it is closed to winter maintenance by vote, or when building happens just beyond the boundary of a maintenance area.

After that discussion and recap of matters considered since the Commission started meeting in October, Brian said we must flag communication as an issue in the Commission's February report. Roberta asked if we could look to her "Small Tweaks" document. Jim asked that we start with each Commission member identify three top issues/tweaks/things to pursue based on the testimony received.

Municipalities may also forward their input by 12/30. Those areas will become the list the Commission uses to decide how to proceed. The Commission members' lists are due to Vivian by January 4, and she will compile them for review before the January 11 meeting.

Brian moved to adjourn the meeting, seconded by John. The meeting was adjourned at approximately 3:20 pm.