**TERMS COMMITTEE MEETING MINUTES**

September 7, 2023

Remote Meeting

Meeting called to order at 1:02 p.m.

Attended: Jim Katsiaficas, Ryan Pelletier, Peter Coughlan, Roberta Manter.

There was a motion made by Peter to adopt the minutes and seconded by Ryan. Motion carried unanimously. Minutes adopted.

Jim opened the meeting by discussing the work to be done by the Terms Committee, reviewing the statutes for the four terms – private way, public way, private roads, and public easements – and establishing what the law does, issues these terms create, and solutions to resolve these issues. The members of the Terms Committee will present their findings at the Commission meeting on September 12, 2023.

Jim and Roberta discussed the issues with the inconsistent definitions of Public Easements, how they are created and whether it should be one definition.

Roberta felt that they need to be two separate terms because they are too different.

Ryan raised his situation where a public easement was created because the town wanted to make a private road into a public easement; the town provided funding for the road association and accepted the public easement. Ryan then briefly discussed what he sees as the issue with the two types of public easements (one from farm roads and one from discontinued and abandoned roads). He stated if you don’t know the status of the road it is hard to know what is allowed on those roads (ATVs, snowmobiles, golf carts).

Roberta responded with detailed response of background on why, when, and how certain types of vehicles are excluded and on the types of roads.

Ryan asked Roberta if she had a magic wand and could fix the problem with her road what would she want to see happen?

Roberta answered a town should have to specify what is the purpose of the public easement. If the easement is retained so the public can regularly reach public land or water, then the town/public should maintain or provide support for maintaining the road. However, if the public easement is to get out of the necessity of maintaining the road or compensating the landowners for using the road or there really isn't any public purpose for the road, that road should not be a public easement and residents of the road should be allowed to petition to discontinue the public easement. In addition, Towns should not have final say if residents on the road have come to an agreement on how to maintain the road and all easements are in place. Town should only maintain a public easement in cases where residents can not agree or form a road association.

A brief discussion between Peter and Jim on how to present information to the Commission. It was decided that each person would present the issue, inconsistencies, and solutions. Peter will talk about public ways; Jim will talk about public easements and Roberta will talk about private ways and private roads. Ryan will have the opportunity to speak from his experience.

There was a follow up discussion on the public easements and the issue of how police officers or a municipal official would know what vehicles are allowed on a road if the road status isn’t clear.

Roberta raised that the agricultural mediation program will work with those who are affected by abandoned and discontinued roads when it applies to agricultural. She also mentioned that she had spoken with the Family and Community mediation program for those other cases that do not involve agriculture. They were interested in learning more about how to help resolve some of the issues around abandoned and discontinued roads ongoing disputes. They are interested in speaking with the Commission to see if they could help and should they reach out to her or Jim?

Jim responded that he would be happy to speak with them; however, they must be careful that they aren’t committing the Commission to any group. As long as Commissioners aren’t representing the Commission or aren’t speaking for the Commission, it is okay to work with groups and share knowledge. He mentioned that the Commission received a FOAA request as a result of Roberta’s recent appearance before a select board. Roberta did not say that she represented the Commission at the meeting and did nothing wrong. However, these are issues that may arise and therefore the Commissioners must be careful.

Heather is to send out the updated agenda for next week, the minutes for the Committee and their charts to the whole Commission.

There was a brief discussion about winter road closings by towns and the issues and risks to residents and towns on liability.

Move to adjourn, seconded, and carried.

Meeting ended at 1:50 p.m.