**ABANDONED AND DISCONTINUED MEETING DRAFT MINUTES**

**January 3, 2024**

**Remote Meeting**

**In attendance**: Jim Katsiaficas, Roberta Manter, Brian Bronson, Peter Coughlan, Kris MacCabe, Catherine Nadeau, Steven Young, Karla Black, Ryan Pelletier, and John Monk

**Absent**: Rebecca Graham and Vivian Mikhail

The meeting was called to order by Chair Jim Katsiaficas at 12:02 pm.

Jim opened the meeting.

Unanimous Roll call Vote to adopt the December 6, 2023, minutes with changes Roberta recommended.

Unanimous Roll call Vote to adopt the December 21, 2023, minutes with changes Roberta and Jim recommended.

Jim discussed Karla’s suggestion to a fourth priority and accompanying language to the Commission’s Report to the Legislature, to read: “The Commission recognizes that one of the biggest areas of conflict on discontinued and abandoned roads is the unfettered use of public easements by those who do not need to use the easement to access their property by necessity. The result is those that need to use the property end up maintaining the road for the general public, but do not have the authority to control access or use. The Commission will continue to discuss solutions to this important problem.”

There was brief discussion on the language and a discussion of maybe adding a fifth priority of access by Jim, Brian, Karla, and Roberta.

There was a question about leaving in the word “unfettered” and its impact by Jim, Steve, and Roberta.

Karla stated that in the spirit of working with others she was happy to remove “unfettered” from the proposed language.

Motion was made by Jim to add a fourth priority to the report with the following language: “The Commission recognizes that one of the biggest areas of conflict on discontinued and abandoned roads is the use of public easements by those who do not need to use the easement to access their property by necessity. The result is those that need to use the property end up maintaining the road for the general public, but do not have the authority to control access or use. The Commission will continue to discuss solutions to this important problem.” Seconded by Kris.

Roll Call Vote Breakdown:

|  |  |  |
| --- | --- | --- |
| **Name** | **Yes** | **No** |
| Karla Black | x |  |
| Brian Bronson | x |  |
| Peter Coughlan | x |  |
| Rebecca Graham | ABSENT | ABSENT |
| James Katsiaficas | x |  |
| Kris MacCabe | x |  |
| Roberta Manter | x |  |
| Vivian Mikhail | ABSENT | ABSENT |
| John Monk | x |  |
| Catherine Nadeau | x |  |
| Ryan Pelletier | x |  |
| Steve Young | x |  |
|  |  |  |
| **TOTAL** | **10** | **0** |

Motion carried, 10 in favor. Commission will add the above language as the fourth priority in their report to the legislature and continue discussion on the issues.

Jim brought forward the fifth priority for the report access over Abandoned and Discontinued Roads where there is no Public Easement or where the Public Easement is not recognized.

Motion was made by Brian on adding access over Abandoned/Discontinued Roads or where a Public Easement is not recognized as the fifth priority to the report, seconded by Ryan.

Discussion followed by Roberta, Brian, Karla, and Jim.

Roll Call Vote:

|  |  |  |
| --- | --- | --- |
| **Name** | **Yes** | **No** |
| Karla Black | x |  |
| Brian Bronson | x |  |
| Peter Coughlan | x |  |
| Rebecca Graham | ABSENT | ABSENT |
| James Katsiaficas | x |  |
| Kris MacCabe | x |  |
| Roberta Manter | x |  |
| Vivian Mikhail | ABSENT | ABSENT |
| John Monk | x |  |
| Catherine Nadeau | x |  |
| Ryan Pelletier | x |  |
| Steve Young | x |  |
|  |  |  |
| **TOTAL** | **10** |  |

Motion Carried unanimously with two absent. Commission will add access over abandoned and discontinued roads or unrecognized Public Easements as the Fifth priority.

The meeting turned to a discussion on Maine Woodland Owners’ point of concern of whether the recommended changes recommended limit a town’s ability to maintain Public Easements in Title 23, Subchapter 2 section 3105 A.

Jim said it does not, town authority is implied but he suggested adding the following language to 3105 A to clarify and recognize a town’s existing legal authority to work on Public Easements “within such town or village corporation to plow, maintain and repair such public easements to the extent as directed by the legislative body.”

A Brief discussion followed by Brian, Peter, Roberta, Ryan, Steve, and Jim.

Peter was concerned about the language of highway equipment in 3105 A.

Jim responded that shouldn’t be an issue as no one has raised it.

Motion made by Jim to change the language in fourth sentence in Title 23, Subchapter 2 section 3105 A, seconded by Ryan.

Roll Call Vote :

|  |  |  |
| --- | --- | --- |
| **Name** | **Yes** | **No** |
| Karla Black |  | x |
| Brian Bronson | x |  |
| Peter Coughlan | x |  |
| Rebecca Graham | ABSENT | ABSENT |
| James Katsiaficas | x |  |
| Kris MacCabe | x |  |
| Roberta Manter | x |  |
| Vivian Mikhail | ABSENT | ABSENT |
| John Monk | x |  |
| Catherine Nadeau |  | x |
| Ryan Pelletier | x |  |
| Steve Young | x |  |
|  |  |  |
| **Total** | **8** | **2** |

Motion carries 8 in favor and 2 against with 2 absent. Commission will recommend changing language in section 3105 A.

Brief discussion on Commission’s voting procedures followed by a Motion by Roberta to reconsider vote on Title 23 Section 9, Subchapter 2, sections 3101-3106. Seconded by Catherine.

Brief Discussion by Roberta, Kris, and Ryan

Roll Call Vote”:

|  |  |  |
| --- | --- | --- |
| **Name** | **Yes** | **No** |
| Karla Black | x |  |
| Brian Bronson | x |  |
| Peter Coughlan | x |  |
| Rebecca Graham | ABSENT | ABSENT |
| James Katsiaficas | x |  |
| Kris MacCabe | x |  |
| Roberta Manter | x |  |
| Vivian Mikhail | ABSENT | ABSENT |
| John Monk | x |  |
| Catherine Nadeau | x |  |
| Ryan Pelletier | x |  |
| Steve Young | x |  |
|  |  |  |
| **TOTAL** | **10** |  |

Motion carries unanimously. Commission will reconsider the vote on Title 23, Subchapter 2, sections 3101-3106.

Jim then moved for a revote on Title 23, Section 9, subchapter 2 section 3101-3106. Seconded by Ryan.

A revote was then taken for the draft legislation to change language in 23 MRSA Sections 3101-3106 from “Private Ways” to “Public Easements”; to allow those on Public Easements to form Road Associations to aid with maintaining the road where towns are not maintaining their Public Easements with a footnote asking for an Opinion of the Justices of the Maine Supreme Court on the Constitutionality of requesting private individuals to spend their private funds over and above their taxes, at penalty of a possible lien against their property, to maintain a road for the public’s use; and to incorporate the clarification and recognition of a town’s existing legal authority to work on Public Easements “within such town or village corporation to plow, maintain and repair such public easements to the extent as directed by the legislative body” as previously approved in this meeting.

Roll Call Vote

|  |  |  |
| --- | --- | --- |
| **Name** | **Yes** | **No** |
| Karla Black |  | x |
| Brian Bronson | x |  |
| Peter Coughlan | x |  |
| Rebecca Graham | ABSENT | ABSENT |
| James Katsiaficas | x |  |
| Kris MacCabe | x |  |
| Roberta Manter |  | x |
| Vivian Mikhail | ABSENT | ABSENT |
| John Monk | x |  |
| Catherine Nadeau | x |  |
| Ryan Pelletier | x |  |
| Steve Young | x |  |
|  |  |  |
| **TOTAL** | **8** | **2** |

Motion carries, 8 in favor, 2 against. Commission will recommend 23 MRSA Sections 3101-3106 be amended with footnote.

Roberta brought forward that the report should include all the tangible progress that has been made. The Commissioners discussed that the report should include the following progress:

1)Pete Coughlan’s efforts in getting road information more readily available to the public through the Map Viewer tool in the Maine DOT Website.

2)Heather being able to establish a website, You Tube page and listserv so that the public can be kept up-to-date on the Commission’s activities, past meetings, agendas, and reports.

After a brief discussion, there was Unanimous agreement to include those items in the Report.

Meeting Adjourned by unanimous agreement at 1:16 pm.