**ABANDONED AND DISCONTINUED ROADS COMMISSION MEETING MINUTES**

**October 25, 2024**

**HYBRID MEETING**

**In Attendance**: Jim Katsiaficas, John Monk, Roberta Manter, Karla Black, Peter Coughlan, Vivian Mikhail, Steven Young.

The meeting was called to order by Jim Katsiaficas at approximately 10:05 am.

The commission after a correction pointed out by Peter Coughlan, unanimously accepted the amended minutes of September 23, 2024, meeting, based on a roll call vote.

Jim opened the meeting by asking if there were any updates.

Heather mentioned that she had received five calls this month from interested parties who have issues living on abandoned or discontinued roads.

Karla notified the Commission that this will be her last meeting. She has resigned her position with Maine Woodland Owners and is moving on to another position. She is unsure who will be appointed in her place to the Commission but will make sure Heather is cc’d.

The Commission thanks Karla Black for her valuable input and time that she invested in the Commission. Karla provided thoughtful suggestions on solutions and issues that the Commission was trying to solve. She will be missed.

Jim reminded the Commission that the report to the legislature is due February 1, 2025, and that he is currently working on a draft. He hopes to have a draft ready for review by the next meeting.

Jim then asked if everyone received his email of the draft proposal for minimum maintenance roads and language to remove private ways where needed.

He stated that the best way forward is incremental changes recommended to the legislature and that with the new legislators, we need to do more outreach, advocacy and information training for the new legislators.

Jim moved on to the next item on the agenda and briefly explained that the Terms subcommittee has discussed changing language in section 3105-A from Private way to public easement.

Jim then gave an overview of the Public Use Subcommittee’s work on minimum maintenance roads and draft proposal. The draft includes a basic minimum level of care with annual grading and plowing after a foot of snow when it occurs in a 24-hour period. It would allow towns to do more but no less. The minimum maintenance road would be posted by the town as such, and the town or municipality would be immune from liability for maintenance on the road.

Roberta raised her concern that this is still only an option that the towns/municipalities are not mandated to help people on these roads.

Jim replied that the town has the option and if they agree to maintain it, the road will be maintained until the town votes to terminate maintenance of the road.

Roberta thinks there should be more of a guarantee. She would like MMA to send out a survey to towns to see which towns are maintaining public easements and how much.

Rebecca stated that MMA can maybe send something out after the election, but it would have to be tight, thoughtful questions.

Rebecca added that she would recommend that the draft provisions on minimum maintenance roads include that only homeowners could only request help from the town if they have a homestead exception that way the resources are used for actual Mainers and not those who are not residents. Also, that for these type of roads maybe there should be a road fund established by the legislature.

Peter added that the draft should include an option for voters to decide whether a road is designated as a minimum maintenance road in the town.

Peter and Rebecca had a brief discussion on the law of public ways and how it applies to summer or winter roads by the town. Ultimately, Rebecca pointed out that seasonal roads are important because, especially in northern Maine, that are too many miles and not enough staff to maintain roads. It is a bigger issue in Northern Maine.

Roberta raised the idea that perhaps seasonal roads should also be included in the real estate disclosure form to eliminate the issue of people moving on to these roads that are not maintained year-round.

Jim and Roberta then had a discussion of disclosure law, public easements and winter road closures.

Peter brought the focus back to minimum maintenance roads and made the following language suggestion on Jim’s draft. That throughout the draft where it state municipal officers it should also include” or a village Corporation”

Peter then asked how would someone petition to have the public easement be considered for a minimum maintenance status?

There was a discussion between Jim, Roberta, Rebecca and Peter on the best way forward. It was resolved by them agreeing that it should be a standard petition.

Peter asked what does year-round maintenance or passable mean in the definition.

Jim, Rebecca and Roberta held a discussion on what does passable road mean. After a robust discussion, it was resolved by changing the language to “may include grading repair and replacement as required to keep the road reasonably passable.” They felt it would give the municipalities an option. It would be for the municipalities to decide when and how much to maintain the public easement. They also decided to remove the snow removal language.

As for signage, Roberta and Peter will give Jim the language they have for proper signage which would warn when a road is a public easement and people would enter at their own risk.

Jim will work on the suggested changes and get the revised draft out for the commission to review before our next meeting in November.

Jim then brought forward the idea of proposing an ombudsman for abandoned and discontinued roads.

The Commissioners discussed the idea and whether an ombudsman could point individuals and municipalities toward the necessary information that would be helpful to them or help resolve the issue.

Jim suggested perhaps it be hosted in the MDOT.

Peter doubted that MDOT under the Local Road Center would allow an Ombudsman program to go forward under the MDOT.

There was suggestion for OAG office to host as they have mediation programs.

Vivian stated however it would not work as those are for consumer protection. The OAG doesn’t represent individual Mainers.

There was a brief discussion by the Commission of what happens when Peter and Roberta retire as there will be a dearth of knowledge with no one to fill the void or guide those who need assistance.

Rebecca suggested perhaps an ombudsman program under the executive branch office of Community Affairs whose purpose is to be a Community Advocate within state government pulling together those disparate pieces that interact with Municipal governments including grants and access to resiliency funds that might be necessary to maintain some of these spaces and even planning land use.

The idea was tabled.

Jim then asked if the Commission wanted to discuss the current issues surrounding the Real Estate Disclosure law and form.

Roberta suggested that road closures due to winter maintenance should be added to the form, and she discussed the history of the Real Estate disclosure law.

After a brief discussion around the law and letter sent to MEREDA. Heather will follow up with MEREDA and see if they were able to share it with their members.

Karla brought forward the she felt the Commission should carefully review the focus of LD 2264 and be prepared to answer the questions and need for proposals suggested by the legislature. She stated the Commission has yet to discuss a right of way template.

Jim reassured Karla that the draft he is working on has pulled in all those requirements from that LD, so they'll be front and center.

Roberta then raised the issue of the constitutionality of Public Easements being maintained by private funds.

Jim disagreed and felt that the law had been settled. The court has ruled the municipalities do not have to maintain public easements based on the New Sharon case.

Jim requested Heather to update the Commission on our budget request.

Heather responded that a budget was submitted with the OAG budget but was denied by DAFS. The reason given was that the Commission has never been funded and is only funded with $500/yr in a special fund. Heather pointed out that last year the Commission had put forward to the legislature to fund the Commission out of the general fund, so expenses could be paid. It was decided that the Commission should continue to try to get the legislature to switch our funding to the general fund category so we can be funded.

Jim would like the Commission to be funded. The Commissioners put in the time to attend the meetings and drive to said meetings should be reimbursed for mileage and time at the very least.

There was a suggestion by Rebecca that all submissions to the Commission be in memo form and state who is the drafter of the documents. It will make it easier for public records.

The Commission then heard from Margaret Cardoza from Windham. (Please see attached)

Jim will work on the narrative and draft legislation, Heather to set up a doodle poll for a meeting in November where the Commission will go over the narrative and draft legislation or proposals to the legislature.

The meeting ended at 12:00 pm after unanimous agreement.