

**FAYETTE  
BOARD OF SELECTMEN  
MEETING**

**January 24th, 2023  
6:15 pm (following the Public Hearing)**

**Roll Call of Members – Mike Carlson, Lacy Badeau, Brian Holman, Jon Beekman and Toby Pond**

**Attending members of the public –** Chris Lynch of Matrix Design Group, Roberta Manter, Brent St.Clair, Mark Jarrell, Marty Maxwell, Joseph Maxwell, Holly York, and Belinda Bothwick.

**Pledge of Allegiance – Stated**

**Public Comments –** Roberta Manter asked the BOS if they had a chance to read what she had sent. What we are trying to figure out is why there are Towns all across the state that using Title 23 section 3105A to authorize plowing of private roads because they have been declared as public easements and yet Young Road a public easement road that is not maintained by the public but the public gets to use it. The rest of the state is using the aforementioned statute to plow roads all winter not just in an emergency. Our mail carrier recently had an accident and discontinued delivery because of the condition of the road. The Town of Glenburn has Ohio Road and they refuse to plow a public easement. A person died on that road because the EMT's arrived 30 to 40 minutes after the call because of the condition of the road. That kind of thing is going to happen if the law does not get applied the way it is supposed to be. Roberta further stated that she wanted to sit down with the Town Manager to address the peoples attitude toward them that they knew what they were getting into when they bought the property. We would like to explain what we knew back then when we bought it. The information was not there. Some of the laws that were applied to make it a public easement did not exist until 1976 and the property was purchased in 1971. We could not have known that it would be a public easement. Roberta stated that the Town Managers deed to his personal property has an easement from route 17 to his property. It does not say it was a public road but now the Town maintains it with public funds. Ours gets nothing. Lacy stated that road was accepted at a Town Meeting. Roberta stated that it was not accepted correctly.

It has to go through a process of dedication and acceptance. Lacy Badeau asked are you asking for a meeting with the Board of Selectmen or Mark. Roberta thought that would be a big step forward along with the Selectmen will need to consider whether 3105A can be applied to plow and sand the road so long as you don't use salt because it is bad for David's equipment and the service dogs paws.

One pass in and out with sand (not salted) and one pass in and out with the wing plow is all we are asking for a little bit of help. We are not asking the Town to take full year-round maintenance. We are just asking for a little help and we are consistently refused. We have been told by some people that as long as Manter lives there the Town will do nothing for the road. What kind of way is that to treat your neighbor? Just because you don't like him does that mean you should treat him that way? Toby Pond asked did somebody here say that? Roberta said yes. I am not going to name names but that is what we have been told. The person who said it as far as he was concerned it was never going to happen or they were saying that was the attitude of the Town's people. But he did not ever see it happening. That's what we were told. That's the attitude of the Town. Lacy Badeau said I guess we will possibly schedule a meeting. Roberta stated that would be great in the meantime encouraged the BOS to check out the ROADWAYS facebook page and website where there is a ton of information on other people all across the State that are struggling and impacted by this issue of public easements in our view they are unconstitutional. There was a court case in 1971 Jordan vs Town of Canton in which the court said a public road with no public maintenance will inevitably be destroyed and destroy property access and that constitutes a taking which requires due process and just compensation. You cant make just compensation one time when you

discontinue a road and keep a public easement. Because every time the public uses that public easement there is a new taking. A new taking every time someone from the public drives down the road. It may not be visible when 1 person from the public uses it but over the course of time all times of day and throughout the year. Even in mud season when we are trying to stay off the road. We are constantly battling to keep the road so it does not fall into a state where we cant use it.

Brent St.Clair stated that he inquired about Solar for the school. Also the State is removing the language of scenic view out of future comprehensive plans.

## **New Business**

**23-07 Matrix Fiber to the Home Broadband Update**-Chris Lynch of Matrix design group gave the BOS an update. Chris encouraged the BOS to review and consider the Maine Connectivity Authority request for the BOS to approve a Memorandum of Understanding with Matrix and letter of support. Jon Beekman stated we will need a special meeting next week to approve the MOU and letter. Whereas the MCA is requiring it by February 3<sup>rd</sup>.

**Committee Reports** – Toby Pond addressed Norms snowbank concerns. Mike Carlson reported on the last solid waste committee meeting and anticipated increase in solid waste disposal.

## **Town Managers Report-Passed**

### **23-08 Town Meeting Timeline**

The Town Manager reviewed the timeline with the BOS. There were no changes to the draft provided to the Board.

### **23-09 Pole Permit Approvals**

Mark Robinson -We have another pole permit request. These require Board of Selectmen signatures. Motion to approve and authorize the Town Manager to sign in behalf of the BOS by Jon Beekman Motion seconded by Toby Pond Vote on pole permits – 4 in favor 1 opposed (Holman).

### **23-10 Warrants**

Motion to approve Town and School Accounts payable/payroll warrants #13.  
Motion to approve #15 made by Brian Holman, seconded by Jon Beekman.  
All in favor, unanimous.

### **23-11 Minutes**

Motion to approve Board of Selectmen minutes for January 10th, 2023, made by Brian Holman seconded by Jon Beekman  
Vote all in favor – unanimous.

### **23-12 Board of Selectmen Comments**

Toby Pond addressed the issue of Norm Carriers snow pile. Mark explained the loader will be down tomorrow to clean out. Toby asked if the Town should bill Mr. Carrier regarding the snow removal? Mike Carlson asked to have snow removed at the school parking lot and island of snow left at the T of Jackman Mills and East Road and Watson Heights. Mark stated he would pass along. Brian Holman commented that Campground Road and intersection have been well maintained. Lacy also complimented the work the crew has done.

**22-13 Executive Session regarding a personnel pursuant to MR.S.A. Title 1 §405** The BOS

will enter executive session pursuant to M.R.S.A. Title 1 §405. (Section **6. Permitted deliberation.**  
Deliberations on only the following matters may be conducted during an executive session: Legal matter.

Motion to enter Executive Session made by Michael Carlson seconded by Toby Pond vote 5 in favor 0 opposed

In at 7:20 p.m. Out at 8:15 p.m. No action taken.

Jon Beekman motioned to adjourn seconded by Toby Pond Vote 5 in favor 0 opposed