



## **PUBLIC HEARING NOTICE**

### **COUNTY OF AROOSTOOK**

Pursuant to and in accordance with MRSA 23, Chapter 313 a Public Hearing will be held on Wednesday, August 7, 2024 at 4:00 p.m. at the Grand Isle Town Office located at 366 Main St, Grand Isle, ME.

The purpose of the Public Hearing is for the Aroostook County Commissioners to hear petitioners on their allegation of the defective conditions of Grivois Road, Grand Isle. The Commissioners will meet with the town officials, petitioners, and interested parties to view the town-way alleged to be out of repair, followed by a hearing.

Paul J. Underwood, Chair  
Aroostook County Commissioners

ATTEST: A True Copy:  
Ryan D. Pelletier  
County Administrator

**Excerpt from County Commissioner Meeting Minutes of June 18, 2024**

ART. 9. Mr. Ryan Pelletier presented for consideration a petition pursuant to MRSA 23 Section 3651 for the Grivois Road in Grand Isle. Petitioners Cynthia Payne and David Arnold expressed their concerns. Selectman Raylan Lagasse provided some history and current maintenance challenges. The Commissioners agreed to hold a Public Hearing in Grand Isle on August 7, 2024 at 4:00 pm.

No motion necessary.

# County of Aroostook

COMMISSIONERS' OFFICE

COPY

## COUNTY ADMINISTRATOR

RYAN D. PELLETIER



## COUNTY COMMISSIONERS

PAUL J. UNDERWOOD  
PRESQUE ISLE

NORMAN L. FOURNIER  
WALLAGRASS

WILLIAM T. DOBBINS  
HOULTON

May 13, 2024

Board of Selectmen  
Town of Grand Isle  
PO BOX 197  
Grand Isle, ME 04746

Cynthia Payne  
770 Grivois Road  
Grand Isle, ME 04746

Re: Grivois Road Petition

Greetings in the name of the Court of County Commissioners of Aroostook County, Maine:

You are hereby notified that the County Commissioners have received a petition from at least 3 residents of Grand Isle pursuant to MRSA 23 § 3652 setting forth such facts, who, if satisfied that such petitioners are responsible for the costs of the proceedings, shall fix a time and place near such defective way for a hearing on such petition and cause such notice thereof to be given to the town and petitioners as they may prescribe.

A copy of the petition, photographs, and relevant statutes are enclosed for your information.

The Commissioners will take up this matter on Tuesday June 18, 2024 at 1 pm in the Administrative Hearing Room of the Caribou Courthouse, 144 Sweden Street, Caribou ME 04736. At this time the Commissioners will review the petition and determine if a hearing will be granted.

You are welcome to attend this meeting and provide any facts relative to this matter.

If you have any questions, please contact me at 207-493-3318 or by email at [ryan@aroostook.me.us](mailto:ryan@aroostook.me.us)

Sincerely,

Ryan D. Pelletier  
County Administrator  
pc: County Commissioners

**PETITION FOR THE REPAIR OF GRIVOIS ROAD**

We, the Undersigned, hereby petition the County Commission of Aroostook, Maine, to repair Grivois Road in the town of Grand Isle.

We State or Believe:

- (1) Grivois Road is a public road under the jurisdiction and responsibility of the township of Grand Isle, Maine.
- (2) The town of Grand Isle has neglected its responsibility to properly upkeep and maintain Grivois Road to the point where it is no longer safe or convenient for travelers, as required by 23 MRSA 3651.
- (3) The entirety of the road is plagued with potholes. There is no crown on the road and water flows down it rather than into proper ditches. While grading is done approximately once per year, it results in no improvement and is often to the detriment of what little drainage the road has.
- (4) On the day of March 10th, 2024, approximately six inches of snow fell after a prolonged thaw that caused deep mud ruts along significant portions of the last mile of Grivois. The town refused to plow this portion of the road for fear of getting the town's vehicle stuck and/or damaged. Two full-time residents, both families with school-aged children, live on this section and were stranded for several days until the snow melted enough for their motor vehicles to egress.
- (5) Since early March 2024 through the writing of this petition (April 24th, 2024), the Grand Isle Post Office has refused to deliver along their established mail route to the last mile of Grivois, for fear of getting stuck or damaging their vehicles. See 23 MRSA 3202.
- (6) On March 27th, 2024, during a town meeting, numerous residents of Grand Isle implored the town selectmen to address their concerns. Selectmen acknowledged that residents had the same concerns at a town meeting two years prior and admitted that no plans had been made to address the safety issues for travelers and residents. Letters were also mailed in the Fall of 2023 to advise town leadership of the hazardous conditions of Grivois Road. No relief was promised then or now.
- (7) With neither the federal post office nor the local plow able to access the last sections of Grivois, emergency services are unable to access large sections of the road. This includes multiple families with small children who live on these sections year-round and puts the residents of Grivois in significant danger in the event of an emergency.
- (8) Residents have no faith that this immediate risk to their safety will ever be resolved through petitioning the town, due to years of the local government ignoring the issue.

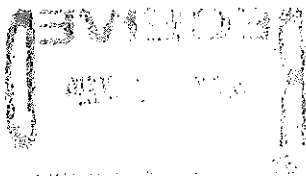
The attached photographs span the first approximate 3.5 miles of Grivois Road, all of which serves as the sole access to dozens of full-time residents. All photos were taken during the months of March and April, 2024.



PETITION FOR THE REPAIR GRIVOIS ROAD

The Undersigned:

Print Name	Signature	Address	Date
Cynthia Payne	<i>Cynthia Payne</i>	770 Grivois Rd	4/27/24
Josiah Lovich	<i>Josiah Lovich</i>	770 Grivois Rd	4-27-24
Titus J Greenawalt	<i>Titus</i>	647 Grivois rd.	4-27-24
Dunya D Greenawalt	<i>dunya d. greenawalt</i>	647 Grivois rd.	4/27/24
Danielle Segon	<i>Danielle Segon</i>	320 Parent. Rd	4/28/24
THOMAS SEGEN	<i>Thomas Segon</i>	320 PARENT RD.	4/28/24
DENNIS CYP	<i>Dennis Cyp</i>	152 GRIVOIS RD	5/3/24
DAVID P. AERIAN	<i>David P. Aerian</i>	471 GRIVOIS RD.	5-3-2024
Randy R. Violette	<i>Randy R. Violette</i>	594 GRIVOIS Rd	5-3-2024
Kim Hebert	<i>Kim Hebert</i>	231 Grivois Rd	5-3-24
Brian Rossignol	<i>Brian Rossignol</i>	231 Grivois Rd	5-3-2024











**Title 23: TRANSPORTATION**  
**Part 3: LOCAL HIGHWAY LAW**  
**Chapter 313: LIABILITY FOR DAMAGES**

## **§3651. Failure to provide safety and convenience**

Highways, town ways and streets legally established shall be opened and kept in repair so as to be safe and convenient for travelers with motor vehicles. In default thereof, those liable may be indicted, convicted and a reasonable fine imposed therefor. [PL 1977, c. 363, §5 (AMD).]

1. **Legal objects not defects.** Trees, structures, utility poles and facilities and other things that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in [Title 35-A, section 2502, subsection 3 \(../35-A/title35-Asec2502.html\)](#).

[PL 2019, c. 128, §1 (AMD).]

### SECTION HISTORY

PL 1977, c. 363, §5 (AMD). PL 1987, c. 583, §1 (AMD). PL 2019, c. 128, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.

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**Title 23: TRANSPORTATION**  
**Part 3: LOCAL HIGHWAY LAW**  
**Chapter 313: LIABILITY FOR DAMAGES**

## **§3652. Notice of defect; hearing on petition**

When a town liable to maintain a way unreasonably neglects to keep it in repair as provided in [section 3651](#) ([./23/title23sec3651.html](#)), after one of the municipal officers has had 5 days' actual notice or knowledge of the defective condition, any 3 or more responsible persons may petition the county commissioners for the county, setting forth such facts, who, if satisfied that such petitioners are responsible for the costs of the proceedings, shall fix a time and place near such defective way for a hearing on such petition and cause such notice thereof to be given to the town and petitioners as they may prescribe. At the time appointed, the commissioners shall view the way alleged to be out of repair and hear the parties interested, and if they adjudge the way to be unsafe and inconvenient for travelers, motor vehicles, horses, teams and carriages, they shall prescribe what repairs shall be made, fix the time in which the town shall make them, give notice thereof to the municipal officers and award the costs of the proceedings against the town. If they adjudge the way to be safe and convenient, they shall dismiss the petition and award the costs against the petitioners. If they find that the way was defective at the time of presentation of the petition, but has been repaired before the hearing, they may award the costs against the town, if in their judgment justice requires it.

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**Title 23: TRANSPORTATION**  
**Part 3: LOCAL HIGHWAY LAW**  
**Chapter 313: LIABILITY FOR DAMAGES**

## **§3653. Manner of presenting petition**

The petition provided for in [section 3652 \(../23/title23sec3652.html\)](#) may be presented to the county commissioners at any of their sessions, or in vacation to their chairman, who shall procure the concurrence of his associates in fixing the time and place in the order of notice and cause the petition to be entered at their next session. They shall make full return of their proceedings on the petition and cause the same to be recorded as of their next regular term after the proceedings are closed.

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**Title 23: TRANSPORTATION**  
**Part 3: LOCAL HIGHWAY LAW**  
**Chapter 313: LIABILITY FOR DAMAGES**

## **§3654. Failure to comply with commissioners' order; warrant of distress**

If the town neglects to make the repairs prescribed by the commissioners under section 3652 ([./23/title23sec3652.html](https://legis.maine.gov/23/title23sec3652.html)), within the time fixed therefor in such notice to the town, they may cause it to be done by an agent, not one of themselves. Such agent shall cause the repairs to be made forthwith and shall render to the commissioners his account of disbursements and services in making the same. His account shall not be allowed without such notice to the town as the commissioners deem reasonable. When the account is allowed, the town becomes liable therefor, with the agent's expenses in procuring the allowance of his account and interest after such allowance, and said commissioners shall render judgment therefor against the town in favor of the agent. If a town neglects to pay such judgment for 30 days after demand, a warrant of distress shall be issued by the commissioners to collect the same.

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**Part 3: LOCAL HIGHWAY LAW**  
**Chapter 313: LIABILITY FOR DAMAGES**

## **§3655. Personal injury actions; limitations; damages; notice**

A person who receives any bodily injury or suffers damage in the person's property through any defect or want of repair or sufficient railing in any highway, town way, causeway or bridge may recover for the same in a civil action, to be commenced within one year from the date of receiving such injury or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county or the municipal officers or road commissioners of such town or any person authorized by any commissioner of such county or any municipal officer or road commissioner of such town to act as a substitute for either of them had 24 hours' actual notice of the defect or want of repair, but not exceeding \$6,000 in case of a town. If the sufferer had notice of the condition of such way previous to the time of the injury, the sufferer cannot recover of a town unless the sufferer has previously notified one of the municipal officers of the defective condition of such way. Any person who sustains injury or damage or some person in the person's behalf shall, within 180 days thereafter, notify one of the county commissioners of such county or of the municipal officers of such town by letter or otherwise, in writing, setting forth the person's claim for damages and specifying the nature of the person's injuries and the nature and location of the defect that caused such injury. If the life of any person is lost through such deficiency, the person's executors or administrators may recover of such county or town liable to keep the same in repair, in a civil action, brought for the benefit of the estate of the deceased, such sum as the jury may determine reasonable as damages, if the parties liable had said notice of the deficiency that caused the loss of life. In any action against a town for damages for loss of life permitted under this section, the claim for and award of damages, including costs, against a town and its employees must be disposed of as provided under Title 18-C, section 2-807 ([./18-C/title18-Csec2-807.html](#)), but may not exceed \$25,000 for each claim and \$300,000 for any and all claims arising out of a single occurrence. No damages for the loss of comfort, society and companionship of the deceased may be allowed in an action under this section. At the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged when it would materially aid in a clear understanding of the case. [PL 2017, c. 402, Pt. C, §74 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

### SECTION HISTORY

PL 1977, c. 2, §§3,5 (AMD). PL 1977, c. 578, §7 (AMD). PL 1977, c. 591, §§4-6 (AMD). PL 1979, c. 68, §§3,5 (AMD). PL 1979, c. 663, §138 (AMD). PL 2017, c. 402, Pt. C, §74 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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