

AGENDA

ROAD CLOSURE APPEAL – WYNES VS TOWN OF HODGDON

SEPTEMBER 8, 2023 - 1:00 PM

SHERIFF'S OFFICE BUILDING – 25 SCHOOL ST, HOULTON

2ND FLOOR CONFERENCE ROOM

ROAD CLOSURE HEARING

- ART. 1. CALL TO ORDER.
- ART. 2. APPROVAL OF AGENDA.
- ART. 3. TO CONSIDER AN APPEAL OF THE CLOSURE OF LONDON ROAD IN THE MATTER OF TIMOTHY WYNES & DEBORAH JAGOW WYNES VS. THE TOWN OF HODGDON.
- ART. 4. ADJOURNMENT.

**INITIAL NOTICE TO APPEAL FROM RUDMAN
WINCHELL ON BEHALF OF THEIR CLIENT(S)
TIMOTHY WYNES & DEBORAH JAGOW WYNES**

RECEIVED: JULY 12, 2023



CARIBOU COURTS
JUL 12 '23 PM 1:37

July 11, 2023

Aroostook County Commissioners Office
ATTN: Ryan D. Pelletier, County Administrator
144 Sweden Street
Suite #1
Caribou, Maine 04736

RE: Hodgdon Seasonal Road Closure of London Road

Dear Mr. Pelletier:

My name is Kristi Trafton and I am an Attorney at Rudman Winchell in Bangor. I am writing to you on behalf of my clients, Deborah L. Jagow Wynes and Timothy Wynes. The Wynes' are appealing the June 14th, 2023 decision made at the Hodgdon Town Meeting to approve the following article:

“Article #8. To see if the Town will vote to approve “Order of Closing #7 dated June 7, 2023 for a section of the London Road.”

This appeal is being made under 23 M.R.S. §2953 (5), which requires a petition signed by a minimum of seven legal voters of the municipality to be delivered to the county commissioners of the county in which the municipality lies, no more than 30 days after the final determination is made. Please find enclosed a petition to appeal the decision, which has been signed by eight legal voters of Hogdon.

We look forward to hearing from you as we move forward in this appeal process and schedule a hearing date. We do have additional information about the road closure to share with the Commissioners when the time comes.

Very truly yours,

Kristi C. Trafton

KCT/jmde
Enclosure

Cc: Deborah L. Jagow Wynes and Timothy Wynes


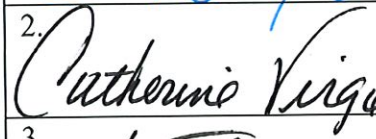


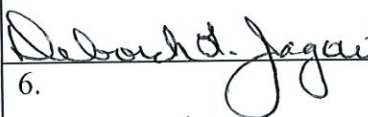
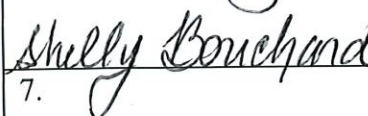


PETITION FOR APPEAL OF WINTER ROAD CLOSURE OF LONDON ROAD IN HODGDON, MAINE

To the Aroostook County Commissioners –

We, Deborah Wynes and Timothy Wynes, along with the undersigned legal voters of Hodgdon, Maine, hereby appeal the decision, made at the June 14th, 2023 Hodgdon Town Meeting, to approve the following article:

Article #8. To see if the Town will vote to approve “Order of Closing #7 dated June 7, 2023 for a section of the London Road.”

We hereby make this appeal under 23 M.R.S. §2953 (5), and retain and preserve our right to submit evidence and other supporting information, as necessary, to the Commissioners in advance of their meeting to consider this appeal.

Signature	Printed Name	Street and Number	Residence Town
1. 	BART VIRGIE	1221 CALAIS RD	Hodgdon
2. 	Catherine Virgie	1221 Calais Rd	Hodgdon
3. 	James Tash	170 WESTFORD HILL RD	Hodgdon
4. 	Timothy Wynes	126 London Rd.	Hodgdon
5. 	Deborah L. Jagow Deborah Wynes	126 London Rd.	Hodgdon
6. 	Shelly Bouchard	910 Bangor Rd	Hodgdon
7. 	JEFFREY Bouchard	910 BANGOR RD	Hodgdon
8. 	Shawn Tash	170 Westford Hill	Hodgdon
9.			
10.			

PETITION FOR APPEAL OF WINTER ROAD CLOSURE
OF LONDON ROAD IN HODGDON, MAINE

Signature	Printed Name	Street and Number	Residence Town
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

PETITION FOR APPEAL OF WINTER ROAD CLOSURE
OF LONDON ROAD IN HODGDON, MAINE

CIRCULATOR'S OATH

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is a resident of the municipality named in this petition. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence. I further verify that at the time of circulation I was a resident of Maine and a registered voter in Hodgdon.

Deborah L. Jagow Wynes
Signature of Circulator

7-8-2023
Date

Deborah L. Jagow Wynes
Printed Name of Circulator

126 London Rd.

Hodgdon, ME 04730
Address of Circulator

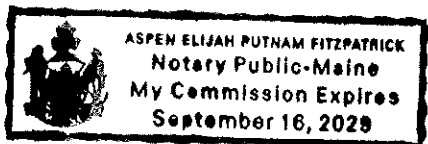
STATE OF MAINE
COUNTY OF Armsstrong

Subscribed and sworn before me on this date: 7-8-2023

Aspen Elijah Putnam Fitzpatrick
Signature of Notary

Aspen Elijah Putnam Fitzpatrick
Printed Name of Notary

Date my commission expires: September 16, 2029



STATE OF MAINE ROAD CLOSURE GUIDELINES

Title 23: TRANSPORTATION
Part 3: LOCAL HIGHWAY LAW
Chapter 301: GENERAL PROVISIONS
Subchapter 6: MISCELLANEOUS

§2954

§2953. Closing of roads in winter

1. Announcement of winter closing of roads. The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time between May 1st and October 1st of any year, set forth that any road or roads, or portion thereof, in the municipality are so located with reference to population, use and travel thereon, that it is unnecessary to keep the road or roads maintained and open for travel during the months of November, December, January, February, March and April or any part of these months.

[PL 1981, c. 215 (NEW).]

2. Notice and hearing. Prior to an announcement under subsection 1, the municipal officers shall hold a hearing on the proposed winter closing of a road or roads or portion thereof. The municipal officers shall place a written notice of the hearing in some conspicuous, public place in the municipality at least 7 days before the hearing.

[PL 1981, c. 215 (NEW).]

3. Order of closing. After a hearing under subsection 2, the municipal officers shall file with the municipal clerk any order specifying the location of the road, the months or portions thereof for which it is to be closed and for how many years, not to exceed 10, the closing shall be operative. The legislative body of the municipality shall by vote either approve each order or provide that orders so made by the municipal officers shall be a final determination.

[PL 1981, c. 215 (NEW).]

4. Alteration of order. The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time subsequent to one year from the date of a final determination, after notice and hearing, annul, alter or modify the original determination. The municipal officers shall file with the municipal clerk an order specifying any decision to annul, alter or modify, which shall not become final until the legislative body of the municipality by vote either approves each order or provides that orders so made by the municipal officers are a final determination.

[PL 1981, c. 215 (NEW).]

5. Appeal. The final determination by the legislative body or the municipal officers may be appealed to the board of county commissioners of the county in which the municipality lies, upon petition by 7 legal voters of the municipality within 30 days after the final determination is made. In an appeal before a board of county commissioners, the decision of the commissioners shall be governed by the standards set forth in this section.

[PL 1981, c. 215 (NEW).]

SECTION HISTORY

PL 1979, c. 410 (RPR). PL 1979, c. 597, §§1,2 (AMD). PL 1981, c. 215 (RPR).

Closing Roads

Sometimes the best way to maintain or repair a road is to close it or limit its use. Three laws address this subject.

The winter closing process contains four steps: (1) list roads for closing; (2) public hearing; (3) order; (4) vote.

Closing Roads to Winter Maintenance.²²

The legislative body of the municipality may designate that certain roads (or portions) be closed to winter maintenance. Under this law, maintenance of a road can be discontinued for a specific number of months from November to April, inclusive. The winter closing process requires four steps. The law specifies that some of these steps be taken between May 1 and October 1. To be safe, we recommend that the entire process be done in that time period.

- First, the municipal officers themselves, or upon petition of at least seven voters, draw up a list of roads proposed to be closed. The issue is whether it is “unnecessary” to maintain a road in view of its population, use and travel in winter.
- Second, the municipal officers schedule a public hearing to discuss the list of proposed winter closings. They must place written notice of this hearing in some conspicuous public place at least seven days before the hearing.
- Third, after the public hearing the municipal officers file with the clerk an order specifying the road (or portion thereof) to be closed to winter maintenance. This order also must specify the months of non-maintenance and the number of years the closing order will be in effect. A winter closing can run from one to ten years; if the order fails to specify, it is for one year only.
- Fourth, the legislative body must vote to approve each order, or vote to provide that each order made by the municipal officers is a final determination. In a town meeting town, this step will require a town meeting vote.

Sample orders and articles pertaining to this process are included in Appendix G.

A winter closing order can be altered, but only *after* one year from the date the legislative body has approved it. Alteration of an order can be proposed by the municipal officers or upon petition of seven voters. The steps in the alteration process are the same as those in the initial approval process. Any order by the municipal officers to annul, alter or modify a road closure shall not become final until the legislative body approves the order or makes all such orders by the municipal officers a final determination.

A winter closing order or alteration order may be appealed to the county commissioners within thirty days of this final determination by the legislative body. The appeal must be brought by petition of seven voters to the county commissioners. The county commissioners will conduct a *de novo* hearing on the appeal of the order, and so the municipality should be prepared to prove that the road closing or alteration meets the statutory standard.

There is some confusion about who can use roads that have been closed to winter maintenance. It is not uncommon for private citizens to volunteer to plow a closed road at their own expense, in order to use the road for logging or some other purpose, but we recommend that the municipality not authorize or condone plowing such roads for easier access. The reason for this advice is that a plowed road may appear open and safe to passersby, when in fact it is poorly plowed and hazardous to travel. The municipality would likely be sued in the event of an injury, and even if not liable it would incur legal fees in defending itself. The safe approach is to disallow closed roads to be privately plowed.²³

Snowmobiles and allterrain vehicles (ATVs) are a different matter. In both cases, snowmobiles and ATVs may operate on any public way which has been closed for winter maintenance.²⁴ Maine law is silent about whether other vehicles may use snowbound roads that have been closed for winter.

Winter Road Closures - The Time to Act Is Now

Date Published: April, 2009

Spring may seem an odd time to be thinking about closing roads to winter maintenance, but here's a timely reminder: Winter road closure orders must be approved between May 1st and October 1st. In other words, to close a road to winter maintenance next winter, a municipality must act well before winter returns.

Winter road closure orders must be approved by the municipal legislative body unless it has delegated this authority to the municipal officers. Closure orders may be operative for up to 10 years if so specified. Orders may be altered on the initiative of the municipal officers or upon the petition of seven voters at any time after one year following the original approval.

For more on closing roads to winter maintenance, see 23 M.R.S.A. § 2953 or Chapter 5 of our Municipal Roads Manual, available on our website at www.memun.org. (By R.P.F.)



1

Winter Road Closures: Vote Required by Oct. 1

Date Published: October, 2010

Here's a reminder to local officials responsible for winter road maintenance: Winter road closure orders may be approved only between May 1 and Oct. 1. In other words, to close a road to maintenance from November through April of the next winter, a municipality must act no later than Oct. 1.

Winter road closure orders must be approved by the municipal legislative body (the voters in a town meeting form of government) unless this authority has been delegated to the municipal officers (selectmen). The following warrant article would accomplish the latter:

Article __. To see if the Town will vote that the orders made by the Municipal Officers pursuant to 23 M.R.S.A. § 2953 to close roads to winter maintenance, or annul, alter or modify such orders, are and shall be a final determination.

Unlike winter road closure orders, which (again) may be approved only between May 1st and October 1st, a warrant article delegating final authority to the municipal officers may be approved at any time of year.

Winter road closure orders, by whomever made, may be operative for up to 10 years if so specified. Orders may be altered on the initiative of the municipal officers or upon the petition of seven voters at any time after one year following the original approval.

For more on closing roads to winter maintenance, see MMA's Municipal Roads Manual, available free to members at www.memun.org. (By R.P.F.)



0

**REQUEST FOR DOCUMENTATION FROM TOWN OF
HODGDON**

SENT VIA CERTIFIED MAIL: JULY 13, 2023

County of Aroostook

COMMISSIONERS' OFFICE

COUNTY ADMINISTRATOR

RYAN D. PELLETIER



COUNTY COMMISSIONERS

PAUL J. UNDERWOOD
PRESQUE ISLE

NORMAN L. FOURNIER
WALLAGRASS

WILLIAM T. DOBBINS
HOULTON

COUNTY OF AROOSTOOK

WINTER ROAD CLOSURE APPEAL APPLICATION PURSUANT TO M.R.S.A 23 § 2953(5)

Date: July 13, 2023

To the Municipality Of: **Hodgdon, ME**

The County of Aroostook has received a petition initiated by the following individual(s):

Deborah L. Jagow Wynes and Timothy Wynes pursuant to MRSA 23 § 2953(5) regarding the final determination by the legislative body or the municipal officers to close to winter maintenance a section of the London Road in the Town of Hodgdon.

In order to prepare for an appeal hearing, the following information is required by the Aroostook County Commissioners. Please complete the following and provide any necessary or required information within 14 days of receipt of this letter to:

Ryan D. Pelletier, County Administrator
County of Aroostook
144 Sweden Street, Caribou, ME 04736
ryan@aroostook.me.us

1. Please validate if the individuals listed on the attached petition (Attachment A) are legally registered voters within the municipality. This can be accomplished by having the Registrar of Voters initial each signature that is a valid voter or crossing a line through each signature that is not a valid voter and returning said petition as part of this evidence collection process.
2. Please provide evidence of a notice of hearing on the proposed winter closing of roads or portion thereof. This evidence must also include proof that the notice of hearing was placed in some conspicuous place in the municipality at least 7 days before said hearing.
3. Please provide documentation of the announcement of winter closing of road(s) that would have contained reference or mention of a section of London Road at anytime between May 1st and October 1st of any year in the last 10 years commencing in 2023.

4. Please provide a copy of the record or vote of the legislative body (Town Meeting) or municipal officers approving an Order of Closing of said London Road and a copy of the Order if one exists that was filed with the Municipal Clerk.

If the municipality has additional information that it wishes to provide as part of the appeals hearing, please include said information with the requested information at the time of submission. Any information provided after the fact will not be considered by the County Commissioners.

If you have any specific questions regarding this request, please contact Ryan D. Pelletier, County Administrator at 207-493-3318 or by email at ryan@aroostook.me.us

Thank you for your time and cooperation in this matter.

AROOSTOOK BOARD OF COUNTY COMMISSIONERS

Paul J. Underwood, Chairman

Norman L. Fournier

William T. Dobbins

pc: Kristi C. Trafton, Rudman & Winchell
Deborah L. Jagow, Wynes & Timothy Wynes, Appellants

Attachment "A"


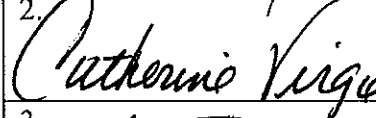
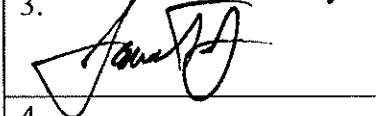
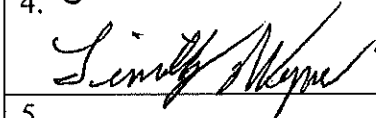
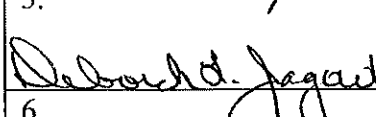
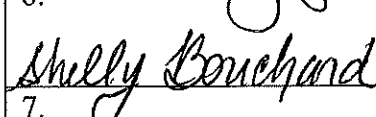
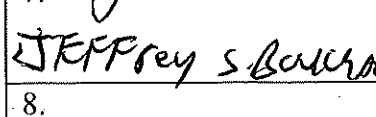
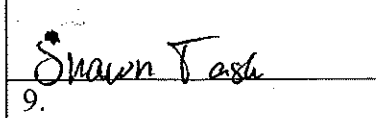
PETITION FOR APPEAL OF WINTER ROAD CLOSURE OF LONDON ROAD IN HODGDON, MAINE

To the Aroostook County Commissioners –

We, Deborah Wynes and Timothy Wynes, along with the undersigned legal voters of Hodgdon, Maine, hereby appeal the decision, made at the June 14th, 2023 Hodgdon Town Meeting, to approve the following article:

Article #8. To see if the Town will vote to approve "Order of Closing #7 dated June 7, 2023 for a section of the London Road."

We hereby make this appeal under 23 M.R.S. §2953 (5), and retain and preserve our right to submit evidence and other supporting information, as necessary, to the Commissioners in advance of their meeting to consider this appeal.

Signature	Printed Name	Street and Number	Residence Town
1. 	BART VIRGIE	1221 CALAIS Rd	Hodgdon
2. 	Catherine Virgie	1221 Calais Rd	Hodgdon
3. 	James Tash	170 WESTFORD HILL RD	Hodgdon
4. 	Timothy Wynes	126 London Rd.	Hodgdon
5. 	Deborah L. Jagow	126 London Rd.	Hodgdon
6. 	Shelly Bouchard	910 Bangor Rd	Hodgdon
7. 	JEFFREY S Bouchard	910 BANGOR RD	Hodgdon
8. 	Shawn Tash	170 Westford Hill	Hodgdon
9.			
10.			

PETITION FOR APPEAL OF WINTER ROAD CLOSURE
OF LONDON ROAD IN HODGDON, MAINE

CIRCULATOR'S OATH

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is a resident of the municipality named in this petition. If any voter was unable to sign due to a physical disability, I hereby verify that the voter authorized another voter to sign at the voter's direction and in the voter's presence. I further verify that at the time of circulation I was a resident of Maine and a registered voter in Hodgdon.

Deborah L. Jagaw Wynes
Signature of Circulator

7-8-2023
Date

Deborah L. Jagaw Wynes
Printed Name of Circulator

126 London Rd.

Hodgdon, ME 04730
Address of Circulator

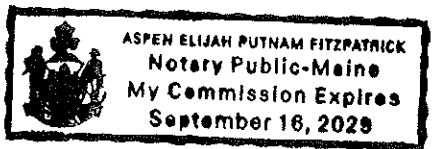
STATE OF MAINE
COUNTY OF Acworth

Subscribed and sworn before me on this date: 7-8-2023

Aspen Elijah Putnam Fitzpatrick
Signature of Notary

Aspen Elijah Putnam Fitzpatrick
Printed Name of Notary

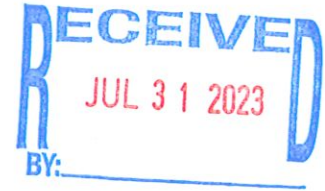
Date my commission expires: September 16, 2029



**SUPPORTING DOCUMENTATION FROM THE TOWN
OF HODGDON**

RECEIVED: JULY 31, 2023

TOWN OF HODGDON
179 HODGDON MILLS ROAD
HODGDON, ME 04730
207-532-6498



July 27, 2023

Aroostook County Commissioners' Office
ATTN: Ryan D. Pelletier, County Administrator
144 Sweden St., Suite 1
Caribou, ME 04736

VIA CERTIFIED MAIL

RE: Timothy and Deborah Wynes (Appellants) vs. Town of Hodgdon (Appellee)
Winter Road Closure Appeal
London Road, Hodgdon, Maine

Dear Mr. Pelletier:

In response to your letter dated July 13, 2023 and received via certified mail on July 17, 2023, relating to the above-captioned matter, I reply as follows:

1. All eight (8) signatures on petition have been verified as legally registered voters in the Town of Hodgdon and I have attached a copy of said verification as Exhibit "1".
2. A copy of evidence of a notice of hearing on the proposed winter closing of roads or portion thereof which includes proof that the notice of hearing was placed in some conspicuous place in the municipality at last 7 days before said hearing is attached as Exhibit "2".

Also attached to Exhibit "2" is a copy of the ad regarding the meeting that ran in the Houlton Pioneer Times (our local newspaper) on June 7, 2023.

3. A copy of documentation of the announcement of winter closing of road(s) that would have contained reference or mention of a section of London Road at anytime between May 1st and October 1st of any year in the last 10 years commencing in 2023 is attached as Exhibit "3".

The Appellants had also filed various FOAA requests with regard to this matter and I have attached to Exhibit "3" copies of responses to 2 of those requests (April 19, 2023 and June 2, 2023) along with any pertinent attachments.

4. A copy of the record or vote of the legislative body (Town Meeting) or municipal officers approving an Order of Closing of said London Road and a copy of the Order that was filed with the municipal clerk is attached as Exhibit "4".

Also attached to Exhibit "4" is a copy of all records pertaining to both the public hearing (held June 7, 2023) and the town meeting (held June 14, 2023) including a copy of the sign-in sheet for the June 7th hearing.


We had 203 registered voters attend the town meeting on June 14, 2023 and I have attached as a part of Exhibit "4" a copy of the Incoming Voter List.

I have provided a copy of this response and attachments to Kristi C. Trafton, Esq., (Attorney for the Appellants).

If you have any questions or need anything further, please let me know. Otherwise, we will await a hearing date.

Thank you for your consideration.

Sincerely,



Darcy L. Oliver, Manager
Town of Hodgdon
Enc.

Cc Kristi C. Trafton, Esq. (VIA regular mail)
Selectmen, Town of Hodgdon (w/out enclosures; via regular mail)

Timothy and Deborah Wynes (Appellants)

vs.

Town of Hodgdon (Appellee)

Winter Road Closure Appeal

London Road, Hodgdon, Maine

EXHIBIT "1"

Attachment A

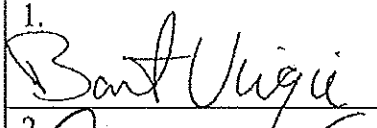
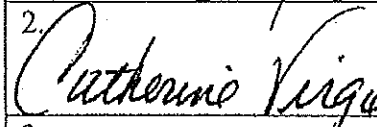

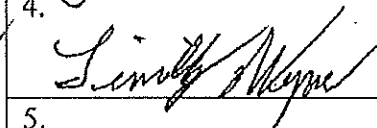
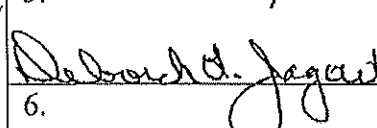
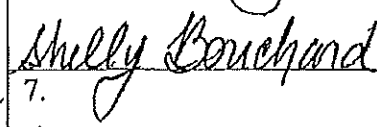
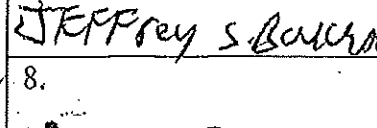
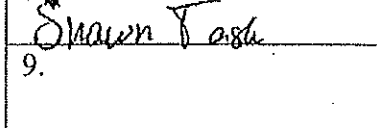
PETITION FOR APPEAL OF WINTER ROAD CLOSURE OF LONDON ROAD IN HODGDON, MAINE

To the Aroostook County Commissioners –

We, Deborah Wynes and Timothy Wynes, along with the undersigned legal voters of Hodgdon, Maine, hereby appeal the decision, made at the June 14th, 2023 Hodgdon Town Meeting, to approve the following article:

Article #8. To see if the Town will vote to approve “Order of Closing #7 dated June 7, 2023 for a section of the London Road.”

We hereby make this appeal under 23 M.R.S. §2953 (5), and retain and preserve our right to submit evidence and other supporting information, as necessary, to the Commissioners in advance of their meeting to consider this appeal.

Signature	Printed Name	Street and Number	Residence Town
✓ 1. 	BART VIRGIE	1221 CALAIS Rd	Hodgdon
✓ 2. 	Catherine Virgie	1221 Calais Rd	Hodgdon
✓ 3. 	James Tash	170 WESTFORD HILL RD	Hodgdon
✓ 4. 	Timothy Wynes	126 London Rd.	Hodgdon
✓ 5. 	Deborah L. Jagow	126 London Rd.	Hodgdon
✓ 6. 	Shelly Bouchard	910 Bangor Rd	Hodgdon
✓ 7. 	JEFFREY S Bouchard	910 BANGOR RD	Hodgdon
✓ 8. 	Shawn Tash	170 Westford Hill	Hodgdon
9.			
10.			

Timothy and Deborah Wynes (Appellants)

vs.

Town of Hodgdon (Appellee)

Winter Road Closure Appeal

London Road, Hodgdon, Maine

EXHIBIT "2"

**HODGDON
SPECIAL TOWN MEETING
WARRANT**

To: Vaughn Farrar, resident of the Town of Hodgdon, County of Aroostook, State of Maine.

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Hodgdon, qualified to vote in Town affairs, to assemble at the Hodgdon (Mill Pond) Elementary School Gym on Wednesday, June 14, 2023 at 7:00 p.m. to act on the following articles, to wit:

Article 1. Elect a moderator to preside at meeting.

Article 1a. To see if the Town will vote to provide that orders so made by the municipal officers are a final determination.

Article 2. To see if the Town will vote to approve "Order of Closing #1 dated June 7, 2023 for a section of the Green Road".

Article 3. To see if the Town will vote to approve "Order of Closing #2 dated June 7, 2023 for a section of the Green Road".

Article 4. To see if the Town will vote to approve "Order of Closing #3 dated June 7, 2023 for a section of the Horseback Road".

Article 5. To see if the Town will vote to approve "Order of Closing #4 dated June 7, 2023 for a section of the Ingraham Road".

Article 6. To see if the Town will vote to approve "Order of Closing #5 dated June 7, 2023 for a section of Lindor Lane".

Article 7. To see if the Town will vote to approve "Order of Closing #6 dated June 7, 2023 for a section of the Little Road".

Article 8. To see if the Town will vote to approve "Order of Closing #7 dated June 7, 2023 for a section of the London Road".

Article 8A. Should the Town vote to open the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate to upgrade/prepare/build the road. The Selectmen recommend \$ \$148,800.00 and those funds shall be raised by reserve/tax increase/loan.

Article 8B. Should the Town vote to no longer close the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate for the cost of plowing that portion of the London Road. The Selectmen recommend we withdraw \$13,500.00 from reserve for the 1st year of plowing and, additionally, the plowing contract will have to be negotiated for the next 2 years until the current plowing contract expires.

Article 9. To see if the Town will vote to approve "Order of Closing #8 dated June 7, 2023 for a section of the London Road".

Article 10. To see if the Town will vote to approve "Order of Closing #9 dated June 7, 2023 for a section of the McGillicuddy Road".

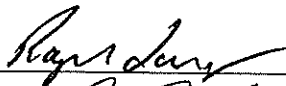
Article 11. To see if the Town will vote to approve "Order of Closing #10 dated June 7, 2023 for a section of the South McIntyre Road".

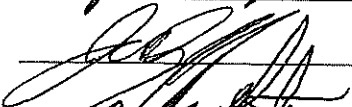
Article 12. To see if the Town will vote to approve "Order of Closing #11 dated June 7, 2023 for a section of the South Town Line Road".


Article 13. To see if the Town will vote to approve "Order of Closing #12 dated June 7, 2023 for a section of the White Settlement Road".

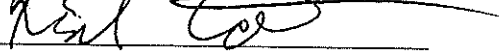
The Selectmen give notice that the Registrar of Voters will be at the Town Office from 8:00 AM to 4:00 PM on the 14th day of June 2023 for the purpose of registering new voters.

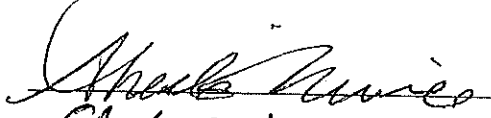
Selectmen of Hodgdon












Clyton Out



CONSTABLE'S RETURN

Pursuant to the within Warrant to me directed, I have notified the Inhabitants of the Town of Hodgdon, qualified as therein expressed to meet at the time and place for the purpose therein, by posting attested copies of the Warrant at the Hodgdon Town Office and T&S Market in Hodgdon, the same being public and conspicuous places in said Town.

Dated at said Hodgdon this 7th day of June, 2023.

Attest:



Vaughn Farrar

Resident of Hodgdon

Timothy and Deborah Wynes (Appellants)

vs.

Town of Hodgdon (Appellee)

Winter Road Closure Appeal

London Road, Hodgdon, Maine

EXHIBIT "3"

TOWN OF HODGDON

Winter Road Closing

"ORDER OF CLOSING"

Order of Closing of Roads for Winter Maintenance May 21, 2018

Order of Closing #1

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.23 mile section of Green Road (TW1357), beginning at address 96 Green Rd. continuing 0.23 miles north on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #2

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.21 mile section of Green Road (TW1357), beginning at the intersection of the White Settlement Rd and Green Rd. continuing 0.21 miles south on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #3

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 2.6 mile section of Horseback Road (TW1363), beginning just beyond address 131 Horseback Road continuing south 2.6 miles on the Horseback Rd. to address 189 Oliver road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #4

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.37 mile section of Ingraham Road (TW1389), beginning at address 118 Ingraham Rd. continuing east 0.37 miles on the Ingraham Rd to the intersection with the Horseback Road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #5

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.50 mile section of Lindor Lane (TW1107), beginning at address 52 Lindor Lane continuing easterly to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #6

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of Little Rd. (TW1410), beginning at the intersection of the Walker Rd. continuing east 0.39 miles to address 20 Little Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #7

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.60 mile section of London Road (TW1506), beginning at the intersection of the Westford Hill Rd continuing east 0.60 miles on the London Rd. to address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #8

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.24 miles section of London Road (TW1506), beginning at the intersection of the Green Rd. west 0.24 miles on the London Rd. to address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #9

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of McGillicuddy Road (TW2134), beginning at address 110 McGillicuddy Rd. westerly 0.39 miles on the McGillicuddy Rd. to the intersection with the North Town Line Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #10

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.6 mile section of South McIntyre Road (TW1339), beginning at the intersection of the Little Road continuing northerly 1.6 miles on the South McIntyre Rd. to the address 296 McIntyre Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #11



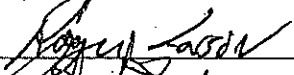


Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the section of South Town Line Road (TW1959), beginning at address 159 South Town Line Rd continuing southerly on the South Town Line Rd. to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #12

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.20 mile section of White Settlement Road (TW1331), beginning at address 1146 White Settlement Rd. continuing south and westerly 1.2 miles on the White Settlement Rd. to the intersection with the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Selectmen of Hodgdon signed the 21 day of May 2018

Selectmen

 _____	 _____
 _____	_____
 _____	_____
 _____	_____

6/24/13

Town Vote

SPECIAL TOWN MEETING HODGDON

To: Vaughn Farrar, resident of the Town of Hodgdon, County of Aroostook, State of Maine.

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Hodgdon, qualified to vote in Town affairs, to assemble at the Hodgdon Elementary School Gym on *Monday June 24, 2013* at 7: 00pm to act on the following articles, to wit:

Article 1. Elect a moderator to preside at meeting.

Article 2. To see if the Town will vote to approve "Order of Closing #1 dated June 4, 2013 for a section of the Green Road.

Article 3. To see if the Town will vote to approve "Order of Closing #2 dated June 4, 2013 for a section of the Green Road.

Article 4. To see if the Town will vote to approve "Order of Closing #3 dated June 4, 2013 for a section of the Horseback Road.

Article 5. To see if the Town will vote to approve "Order of Closing #4 dated June 4, 2013 for a section of the Ingraham Road

Article 6. To see if the Town will vote to approve "Order of Closing #5 dated June 4, 2013 for a section of Lindor Lane.

Article 7. To see if the Town will vote to approve "Order of Closing #6 dated June 4, 2013 for a section of the Little Rd.

Article 8. To see if the Town will vote to approve "Order of Closing #7 dated June 4, 2013 for a section of the London Rd.

Article 9. To see if the Town will vote to approve "Order of Closing #8 dated June 4, 2013 for a section of the London Rd.

Article 10. To see if the Town will vote to approve "Order of Closing #9 dated June 4, 2013 for a section of the McGillicuddy Rd.


Article 11. To see if the Town will vote to approve "Order of Closing #10 dated June 4, 2013 for a section of the South McIntyre Rd.

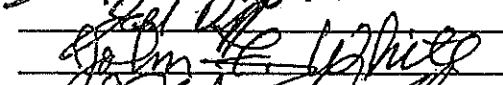
Article 12. To see if the Town will vote to approve "Order of Closing #11 dated June 4, 2013 for a section of the South Town Line Rd.

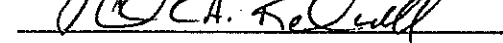
Article 13. To see if the Town will vote to approve "Order of Closing #12 dated June 4, 2013 for a section of the White Settlement Rd.

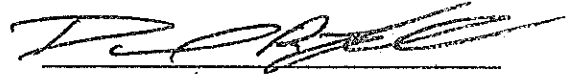
The Selectmen give notice that the Registrar of Voters will be at the Town Office at 1:00PM on the 24th of June 2013 for the purpose of registering new voters

Selectmen of Hodgdon









CONSTABLE'S RETURN

Pursuant to the within Warrant to me directed, I have notified the Inhabitants of the Town of Hodgdon, qualified as therein expressed to meet at the time and place for the purpose therein, by posting attested copies of the Warrant at the Hodgdon Town Office, Harrington's Service Station, and T&S Market in Hodgdon, the same being public and conspicuous places in said Town.

Dated at said Hodgdon this 14th day of June

Attest: 

Vaughn Farrar
Resident of Hodgdon

TOWN OF HODGDON
179 HODGDON MILLS ROAD
HODGDON, ME 04730
207-532-6498

April 19, 2023

Tim and Deb Wynes
126 London Road
Hodgdon, ME 04730

RE: FOAA Request

Dear Mr. and Mrs. Wynes:

Your request was as follows:

"Enclosed are the road closing lists from 1998 to 2018. After reviewing these documents, there appear to be 3 instances where the road has been extended to include winter maintenance. The roads are as follows:

- 1. Town Way 1363 - Horseback Rd. from the address of Gaylin Quint (house number 119) to Robert and Gregory Palmer (house number 131)*
- 2. Town Way 1357 - Green Rd. from the intersection with Westford Hill Rd. to the address of Chet and Lisa McNeil (house number 96)*
- 3. Town Way 2134 - McGillicuddy Rd. from the address of the McGillicuddy farm (house number 95) to the address of Brian and Jody Williams (house number 110).*

All of these changes occurred between 1998 and 2008.

Tim and I would like to request any and all public documents pertaining to these road extensions including the cost for such improvements and turn arounds, selectmen meeting minutes and whether or not a town vote was held to determine these changes.

At the October 4, 2022 selectmen meeting, the selectmen at first denied that any road extensions were ever previously approved but Sheila later stated the McGillicuddy Rd. had been extended. She stated, "there was an agreement and somebody put money in towards it." She did not specify who the agreement was between or how it was negotiated or what amount of money was paid by whom or to whom it was paid. We are requesting all town records and documentation including receipt of the payment related to this road extension.

We would also like information about the costs and nature of repairs and/or upgrades made to the Winship Road, Sprucewood Road and Barton Road including costs of turn-arounds."

In response, I provide the following response and/or documents:

Road closing up to 1998 and from 1998 to 2008 were under the following order taken at Annual Town Meetings: 1998 Annual Town Meeting April 6, 1998 Article 40. To see if the Town will voter to establish that orders of the Municipal Officers which close specific roads or portions thereof to winter maintenance pursuant to 23MRSA Section 2953, and their orders annulling altering, or modifying orders of such road closings, shall constitute final determinations, and shall thus require for their validity and effectiveness no town meeting action during the period covered by those orders for a period of 10 years.

Documents pertaining to these extensions:

1. Town Way 1363 - Horseback Rd. - Opened by Selectmen at the October 2, 2000 Selectmen meeting.
2. Town Way 1357 - Green Rd. - Opened at the Town meeting on July 21, 2008
3. Town Way 2134 - McGillicuddy Rd. - Opened by selectmen at the July 21, 2008 meeting

All extensions were accepted at the Special Town Meeting dated August 5, 2008 by default (not being on road closures list).

Cost of such improvements and turnarounds:

There is no documentation available as financial record retention requirements for this information is only 6 years and, therefore, no longer in our possession.

Whether or not a town vote was held to determine these changes.

The Town vote was held at the Special Town Meeting date August 5, 2008 by not being listed on a road closure request.

Requesting all town records and documents including receipt of the payment related to this road extension.

Relating to the McGillicuddy Rd. – there was no payment received for any road extensions.

Information about the cost and nature of repairs and/upgrades made to the Winship Road, Sprucewood Road, and Barton Road including costs of turnarounds.

This request is too vague/open ended – if you could please provide a more specific time frame, we will work to get you the proper information.

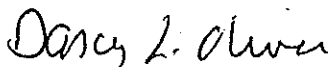
Cost of attorney fees for the 2008- Article 41 dispute.

The cost was \$600.00.

I have enclosed a copy of any documentation retained by the Town Office relating to these requests.

If you have any questions, please contact me at the Hodgdon Town Office above address, phone (207) 532-6498 or email dlohodgdon@pioneercable.net.

Sincerely



Darcy L. Oliver, Manager
Town of Hodgdon

Enc.

TOWN OF HODGDON PUBLIC HEARING

Road Closures for Winter Maintenance

There will be a **Public Hearing on Closing Roads for Winter Maintenance** on Wednesday May 22, 2013 in the Hodgdon (Mill Pond) Elementary School Gym at 7:00 PM. The meeting will be to hear input on which roads the Town wishes to remain closed during specific winter months and for how long, not exceeding 10 years.

Road or sections of roads under consideration

- a. 0.44 miles of the Green Road (TW 1357) from 96 Green Rd. to the intersection with the London Rd. and White Settlement Rd. (TW1331).
- b. 2.6 miles of the Horseback Road (TW 1363) from just past 131 Horseback Rd. south to 189 Oliver Rd.
- c. 0.37 miles of the Ingraham Road (TW 1389) from 118 Ingraham Rd east to the intersection with the Horseback Rd. (TW 1363)
- d. 0.50 miles of Lindor Lane (TW 1107) from 52 Lindor Lane easterly to the end.
- e. 0.39 miles of the Little Road (TW 1410) easterly from the Walker Rd. to 20 Little Rd.
- f. 0.84 miles of the London Road (TW 1506) from the intersection of the Green Road west to the Westford Hill Rd.
- g. 0.39 miles of the McGillicuddy Road (TW 2134) from 110 McGillicuddy Rd. westerly to the intersection with the North Town Line Rd. (TW1959).
- h. 1.6 miles of the South McIntyre Road (TW 1339) from the intersection of the Little Road northerly to 296 McIntyre Rd.
- i. South Town Line Rd. (TW 1959) From 159 South Town Line Road southerly to the end.
- j. 1.20 miles of the White Settlement Road (TW 1331) from 1146 White Settlement Rd. south and then west to the intersection with the Green Rd (TW1357).

Other roads or sections of roads may be discussed

MINUTES
PUBLIC HEARING
Closing Roads for Winter Maintenance
May 22, 2013

Selectmen of Hodgdon held a Public Hearing pursuant to Title 23 MRSA 2953 (2) on closing roads for winter maintenance. The hearing was held at 7:00 pm Wednesday May 22, 2013 in the Hodgdon (Mill Pond) Elementary School Gym.

Individuals attending were issued a list and description of roads being discussed and a map showing their location.

Brittany Benn was asked to serve as a moderator for the Public Hearing

Road

a. Green Rd. 0.44 miles section of Green Rd. (TW 1357) from 96 Green Rd. to the intersection with the London Rd. and White Settlement Rd. (TW1331)

Comments:

-- Wes Tabb: stated that he planned to build a house on the land he owns on the Green Rd next summer and would put in a U shaped driveway to make it easy to plow. He would like to see the section plowed

-- Chet McNeil stated he would like to see it plowed.

-- Alex Hutchinson asked if there was an amount on the cost of building the road and maintaining it. What would the increase in taxes do on a home valued for \$ 100,000.00? *Answer* Cost would be \$ 12,000.00 to build up the road to the Tabb property.

-- Mr. & Mrs. Wynes stated the town needs more new homes

b. Horseback Rd. 2.6 miles of the Horseback Road (TW 1363) from just past 131 Horseback Rd. south to 189 Oliver Rd.

-- Are all these roads suppose to be opened or just talked about to close them? *Answer* We will be talking about all roads that are being considered to remain closed.

c. Ingraham Rd. 0.37 miles of the Ingraham Road (TW 1389) from 118 Ingraham Rd. east to the intersection with the Horseback Rd. (TW 1363).

-- no comments

d. Lindor lane 0.50 miles of Lindor Lane (TW 1107) from 52 Lindor Lane easterly to the end.

-- Arthur Sloat Is it plowed in as far as Robert & Margaret Smiths? *Answer* Yes, the road is considered abandoned do to no maintenance by town for 30 years.

e. Little Rd. 0.39 mile of the Little Road (TW 1410) easterly from the Walker Rd. to 20 Little Rd.

-- Greg Sherman stated that salt/sand would not be good for well that the Houlton Water Co. owns. HWC would like to keep road closed.

f. London Rd. 0.84 miles of the London Road (TW 1506) from the intersection of the Green Rd. west to the Westford Hill Rd.

-- Mr. & Mrs. Wynes stated they had built a home 3 years ago, moved in recently and would like to have the road plowed to get to their property. That is why we are here.

-- Alex Hutchinson What is the dollar figure for opening this road and how much to plow it? *Answer* Dollar amount to build road to the new home will be \$ 85,000.00 and \$ 4000.00 annually to plow.

-- Arthur Sloat Would it be easier to plow down the Green Rd. and make a trail through the woods to the London Rd? *Answer* That is a possibility if the old trail through the woods could be purchased.

-- David Ingraham Wasn't this an old town road at one time? *Answer* No

-- Mr. & Mrs. Wynes Couldn't we go straight up the London Rd. since there are power lines there? Nothing has been done on the road for 10 years why? *Answer* Money has been spent on Town roads that are opened year round. 10 years ago before we purchased the land asked about possibility of plowing and were encouraged, but no improvements on the road have been done. The Green Rd. has been worked on. Where do the Selectmen see themselves as to the State law about closing roads do to population and travel. Where is the liability here? *Answer* The legal staff at MMA, advised the Town that it has no liability if the road is closed for winter maintenance.

-- Ken Foster You were told the road was closed. I do not believe Jim told you the road would be opened.

-- David Ingraham How many years did the town plow Henderson Rd. before homes were built? *Answer* Old Smith house was built before roads were plowed.

-- Comment: People move in, build houses, and then contribute to cost in taxes.

-- Comment: Cost a lot to keep town going, more people move in helps pay taxes.

-- William Dobbins How do you decide which roads or portions of roads to closed? Based on the past road closings

-- Alex Hutchinson How much is in the contingency fund for Selectmen? *Answer* \$ 2000.00.

-- Mr. & Mrs. Wynes Do you feel that this Town and the Selectmen are working with us? We appreciate that everyone is here tonight. When the road was up for review in 2008; why was the answer No?

-- Tim McAfee Are voters going to give the Selectmen the authority to open road when voted on in June? *Answer* No the Town's people will be voting

-- Tim O'Donnell Isn't there a sign on these roads that says the road is closed for a certain time? *Answer* Yes sign states road closed to winter maintenance from November to May.

-- Mr. & Mrs. Wynes proposals for building the road where they both for the amount of \$ 80,000.00? *Answer* No Robert Quint & Son was \$ 69,000.00 and Steelstone Industries was for \$ 83,150.00.

-- Richard Sloat How much work will be needed to keep the road open and is it feasible to keep open? *Answer* Plowing will be \$ 4,000.00 per year and there will be times it will be hard to keep open do to the blowing snow.

-- How can you get up the hill in mud season? *Answer* Road will be built to eliminate the mud in spring.

-- Will contracts for plowing go up in the future? *Answer* Yes if hard sections of road are added to contracts.

-- Mr. & Mrs. Wynes Working on this for 10 years, appreciate open mind, no improvements on road in last 10 years, were issued a legal building permit that said we could build a house, two years ago the town put 2 loads of gravel, have paid taxes every year, house will be standing a lot of years. In 2008 Town illegally closed roads at Annual Town Meeting Article # 41.

-- Comment: Town corrected the issue in 2008 to make it legal.

-- Comment: If we open we will be opening all roads if someone moves in on road.

-- Do not have money to maintain current open roads.

-- Has the summer roads budget gone up? *Answer* Has been up and down over past years

-- If Governor get his way it will be harder.

-- Hard to build roads, if no money.

-- 80% of taxes go to someone else with only 20% going to town.

-- 1 or two houses will not pay for road

-- Years ago roads looked like short cut.

-- Is there a sign up, sign is not forever.

-- Which roads have formal request to open? *Answer* London Rd., Green Rd., and know of an individual on South Town Line Rd.

g. 0.39 miles of the McGillicuddy Road (TW2134) from 110 McGillicuddy Rd. westerly to the intersection with the North Town Line Rd. (TW 1959).

No comments

h. 1.6 miles of the South McIntyre Road (TW 1339) from intersection of the Little Road northerly to 296 McIntyre Rd.

No comments

i. South Town Line Rd. (TW 1959) from a point 0.7 miles south of the intersection with the Hodgdon Mills Rd. (SA# 3) southerly to the end.

No comments

j. White Settlement Road (TW 1331) from 1146 White Settlement Rd. south and then west to the intersection with the Green Rd. (TW 1357) 1.20 miles

No comments

k. Other roads or sections of roads may be discussed

No other comments

Before closing other comments were received

What is the feasibility of keeping the London Road open

Snow blows bad, would be one of the worst roads to keep open

Dangerous to plow

If trees were cut would that help? No trees help stop drifting the contractors like-trees to block wind.

Will the Town meeting ask that the London Road be opened the total length, when only a sections needs to be open. *Answer* Will try to section off for Town meeting.

True Copy

*Attested James D. Griffin
Town Clerk*

SPECIAL TOWN MEETING HODGDON

To: Vaughn Farrar, resident of the Town of Hodgdon, County of Aroostook, State of Maine.

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Hodgdon, qualified to vote in Town affairs, to assemble at the Hodgdon Elementary School Gym on *Monday June 24, 2013* at 7: 00pm to act on the following articles, to wit:

Article 1. Elect a moderator to preside at meeting.

Article 2. To see if the Town will vote to approve "Order of Closing #1 dated June 4, 2013 for a section of the Green Road.

Article 3. To see if the Town will vote to approve "Order of Closing #2 dated June 4, 2013 for a section of the Green Road.

Article 4. To see if the Town will vote to approve "Order of Closing #3 dated June 4, 2013 for a section of the Horseback Road.

Article 5. To see if the Town will vote to approve "Order of Closing #4 dated June 4, 2013 for a section of the Ingraham Road

Article 6. To see if the Town will vote to approve "Order of Closing #5 dated June 4, 2013 for a section of Lindor Lane.

Article 7. To see if the Town will vote to approve "Order of Closing #6 dated June 4, 2013 for a section of the Little Rd.

Article 8. To see if the Town will vote to approve "Order of Closing #7 dated June 4, 2013 for a section of the London Rd.

Article 9. To see if the Town will vote to approve "Order of Closing #8 dated June 4, 2013 for a section of the London Rd.

Article 10. To see if the Town will vote to approve "Order of Closing #9 dated June 4, 2013 for a section of the McGillicuddy Rd.


Article 11. To see if the Town will vote to approve "Order of Closing #10 dated June 4, 2013 for a section of the South McIntyre Rd.

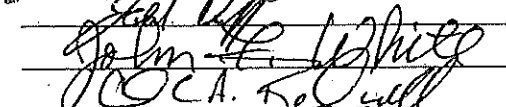
Article 12. To see if the Town will vote to approve "Order of Closing #11 dated June 4, 2013 for a section of the South Town Line Rd.

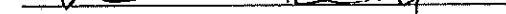
Article 13. To see if the Town will vote to approve "Order of Closing #12 dated June 4, 2013 for a section of the White Settlement Rd.

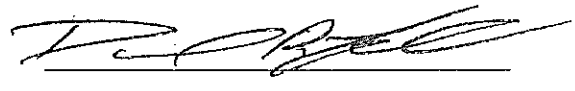
The Selectmen give notice that the Registrar of Voters will be at the Town Office at 1:00PM on the 24th of June 2013 for the purpose of registering new voters

Selectmen of Hodgdon









CONSTABLE'S RETURN

Pursuant to the within Warrant to me directed, I have notified the Inhabitants of the Town of Hodgdon, qualified as therein expressed to meet at the time and place for the purpose therein, by posting attested copies of the Warrant at the Hodgdon Town Office, Harrington's Service Station, and T&S Market in Hodgdon, the same being public and conspicuous places in said Town.

Dated at said Hodgdon this 14th day of June

Attest: 

Vaughn Farrar
Resident of Hodgdon

MINUTES
SELECTMEN MEETING
June 4, 2013

Present:

Blaine Lincoln
Dan London
Charles Rockwell

Sheila Murchie
Joel Duff
John White

Others

Timothy & Deborah Jagow Wynes
Jim Griffin

1. Treasurers Warrants # 45 - 48.

Selectmen reviewed and signed Warrants.

Revisit Warrant # 39. The Fire Department debt payment was not listed on the warrant # 39 when the selectmen review the warrant in May. Reviewed and signed updated Warrant # 39.

2. Selectmen Meeting Minutes.

May 7, 2013 Selectmen Meeting.

Motion made and seconded to accept the May 7, 2013 Selectmen Minutes as presented.

Passed

3. Trial Balance

Jim informed board that excise tax was up over last year.

4. Ration Declaration & Reimbursement Application

Certify Homestead exemptions.

The latest State review has the Town of Hodgdon's ration declaration up to 74%. This allows the Town to use a certification ratio of 81.4%, which is the maximum of 10% over the declared ration.

Motion made and seconded to set the Certification at 81.4%. Passed

5. Closing of Roads to Winter Maintenance

a. Order of Closing for winter roads specifying the location, months closed, and for how many years. Discussion of how long roads would be closed

Comments:

Roads not in question could be closed for 10 years while others for 5 years.

With 2 families one currently living on a road and one going to build, should you close the road for 5 years.

With the economics, taxes not going down anytime soon, and if you can not take care of the current roads why would the Town take on more.

Town currently has a 5 year plan on road improvement.

The 5 year plan does not include any of the roads currently closed for winter maintenance

Deborah Wynes requested a copy of the 5 year plan.

More people may move in on the road if it is opened.

10 years is a long time to close the roads, with 5 years being long enough.

Written Record

Motion made and seconded to close sections of specific roads for a period of 5 years. Passed

Selectmen signed a Written Record document of Road Closings for Winter Maintenance.

Order of Closing

Chairman, Blaine Lincoln, read the "Order of Closing".

Motion made and seconded to issue and sign the "Order of Closing" of roads for Winter Maintenance. Passed

b. Set time and date for Town Meeting

Motion made and seconded to have Special Town meeting on closing roads for winter maintenance on June 24, 2013 at 7:00pm. Passed

c. Develop Warrant for Town Meeting

Selectmen reviewed a draft warrant for a Special Town Meeting.

Motion made and seconded to issue and sign the Warrant for a Special Town Meeting for June 24, 2013. Passed

Request by Mr. & Mrs. Wynes to discuss some discrepancies in the April 2, 2013 Selectmen meeting minutes.

Chairman, Blaine Lincoln, requested the discrepancies be submitted in writing and instructed Jim Griffin to place item on next months agenda.

Mr. & Mrs. Wynes commented on the Public Hearing held on May 22, 2013. The comment about needing 60 homes to pay for plowing- what requires a population 60 or one- statement was made about economics do you want to open the road or not. The informational meeting was not all facts.

6. Summer Road Projects

-- Jackin Settlement Rd needs culverts replaced on the asphalt section- right of way needs to be cut the total length of road. Build up section of Jackin Settlement rd from the end of the asphalt to the Green Rd.

-- North Town Line Rd needs to be built up the total length of the Hodgdon section.

-- Henderson Rd needs a new culvert and gravel at the end of the road.

Jim was instructed to work up bid specification and request bid proposals from Robert O. Quint & Son and Steelstone Ind. to be opened at the July Selectmen meeting.

Blaine Lincoln and Charles Rockwell requested to review the bid specification before issuing.

7. Application for Veteran Exemptions

Received Veteran Exemption application from Carleton Tidd. Mr. Tidd is eligible for the Veteran exemption.

Motion made and seconded to accept Carleton Tidd's Veteran's application and issue the exemption. Passed

8. Warrant and Notice of Election MSAD#70

Budget validation referendum

The open meeting on the MSAD#70 school budget will be June 18, 2013 with the Validation Referendum scheduled for June 25, 2013.

Motion made and seconded to sign and issue the Warrant and Notice of Election MSAD#70. Passed

9. Request for a children playing sign on the Calais Rd down by intersection of Westford Hill and Corner Rd. Requested by resident concerned about high traffic speeds.

Requested Jim to contact Maine DOT and if they would furnish a sign we could but it up.

10. Other Business.

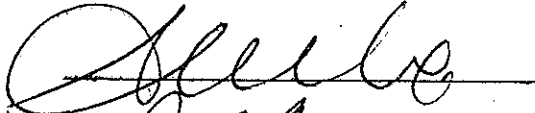

-- Clarissa Porter would like to have the opportunity to bid on the plumbing inspector and code enforcement officer position for the Town of Hodgdon

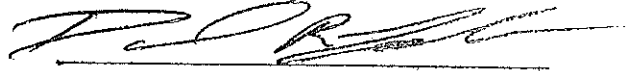
Selectmen consensus was to put the position out to bid to Clarissa Porter and Wade Hanson.

-- Request from the American Legion Post to be able to sell liquor at a wedding function in Hodgdon. They had the required license from the State of Maine but needed permission from the Town of Hodgdon and signatures on an application. Request was made 2 days before the Selectmen meeting.

Jim had contacted MMA legal and was instructed not to sign the application until they checked with the State License Board as to the position the Town as voted on liquor sales in the past. Consensus was not to make a decision until Jim Griffin had time to determine the Town's responsibility.

11. Adjourn



John F. White
COCL. Reed



TOWN OF HODGDON

Winter Road Closing

"ORDER OF CLOSING"

Order of Closing of Roads for Winter Maintenance June 4, 2013

Order of Closing #1

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.23 mile section of Green Road (TW1357), from the address 96 Green Rd. 0.23 miles north on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #2

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.21 mile section of Green Road (TW1357), from the intersection of the White Settlement Rd and Green Rd. 0.21 miles south on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #3

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 2.6 mile section of Horseback Road (TW1363), just past the address 131 Horseback Road south 2.6 miles on the Horseback Rd. to the address 189 Oliver road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #4

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.37 mile section of Ingraham Road (TW1389), from the address 118 Ingraham Rd. east 0.37 miles on the Ingraham Rd to the intersection with the Horseback Road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #5

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.50 mile section of Lindor Lane (TW1107), from the address 52 Lindor Lane easterly to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #6

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of Little Rd. (TW1410), from the intersection of the Walker rd. 0.39 miles east to the address 20 Little Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #7

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.60 mile section of London Road (TW1506), from the intersection of the Westford Hill Rd 0.60 miles east on the London Rd. to the address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #8

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.24 miles section of London Road (TW1506), from the intersection of the Green Rd. 0.24 miles west on the London Rd. to address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #9

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of McGillicuddy Road (TW2134), from the address 110 McGillicuddy Rd. 0.39 westerly on the McGillicuddy Rd. to the intersection with the North Town Line Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #10

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.6 mile section of South McIntyre Road (TW1339), from the intersection of the Little Road northerly on the South McIntyre Rd. to the address 296 McIntyre Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

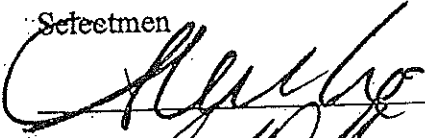
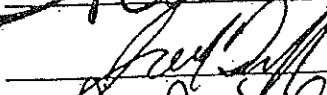
Order of Closing #11


Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the section of South Town Line Road (TW1959), from the address 159 South Town Line Rd southerly on the South Town Line Rd. to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #12

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.20 mile section of White Settlement Road (TW131), from the address 1146 White Settlement Rd. 1.2 miles on the White Settlement Rd. to the intersection with the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Selectmen of Hodgdon signed the 4th day of June 2013

Selectmen


John F. White
D.C.A. [unclear]



TOWN OF HODGDON
179 HODGDON MILLS ROAD
HODGDON, ME 04730
207-532-6498

June 2, 2023

Tim and Deb Wynes
126 London Road
Hodgdon, ME 04730

RE: FOAA Request

Dear Mr. and Mrs. Wynes:

Your request was as follows:

"Tim and I would like to request just a little more information about the following:

1. *Copy of the recent request for bids that were discussed at the May 2, 2023 selectmen meeting and sent to contractors for the Benn Hill Rd. and London Rd. as well as a copy of the cover letter that accompanied the bids that were mailed.*
2. *Copy of the recent bids that were discussed at the May 2, 2023 selectmen meeting and sent to contractors for the replacement of culverts as well as a copy of the cover letter that accompanied the bids.*
3. *Copy of the list of contractors who received the above bid requests.*
4. *Copy of the public hearing minutes for the 2018 Public Hearing for Road closings*
5. *Copy of the selectmen meeting minutes that occurred prior to the Public hearing that include any discussion about the proposed road closings."*

In response, I provide the following response and/or documents:

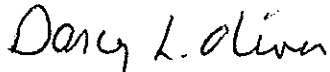
1. A copy of the request for bids was provided to Tim in hand on May 9, 2023.
2. A copy of the request for bids was provided to Tim in hand on May 9, 2023.
3. The contractors that were mailed the bid forms are as follows:
 - a. Robert Quint & Son Construction
 - b. Brown Construction
 - c. Gogan Construction
 - d. Steelstone Industries
 - e. Nickerson Construction
 - f. J. McLaughlin Construction

4. A copy of the handwritten Warrant for the Special Town Meeting held on June 4, 2018 and Public Hearing held on May 21, 2018. NOTE: These documents are contained in a book that cannot be easily copied so I took pictures with my phone and tried to make it as readable as possible and enclose 2 versions of the same documents so that you can hopefully read them. However, please feel free to stop by at any time to review them in person if you need more clarity.
5. Copy of the minutes for the Special Selectmen Meeting of May 21, 2018.

Due to the fact that I didn't have to spend more than 2 hours doing the research and there were minimal copying fees, there will be no bill associated with this request for information.

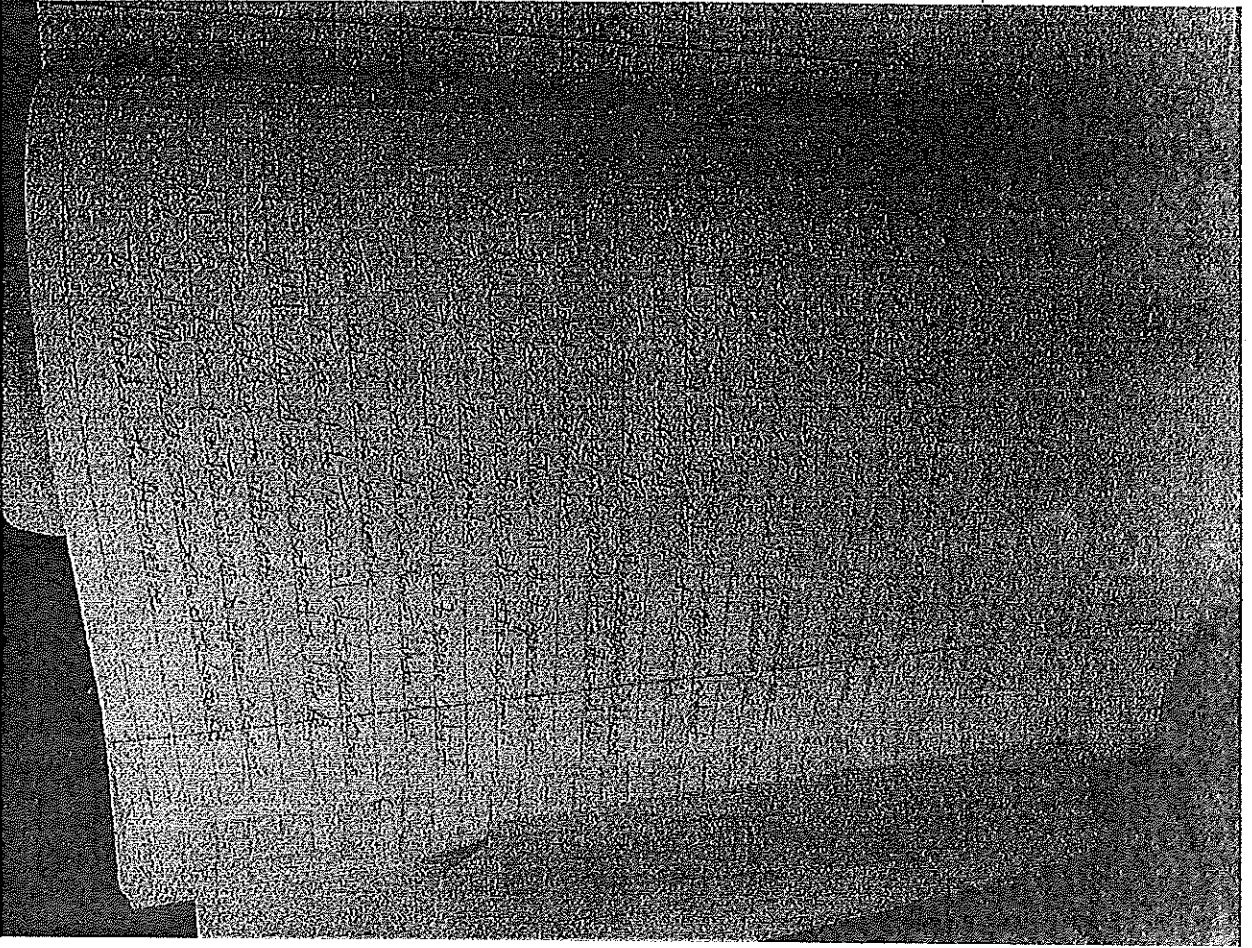
If you have any questions, please contact me at the Hodgdon Town Office above address, phone (207) 532-6498 or email dlohodgdon@pionercable.net.

Sincerely



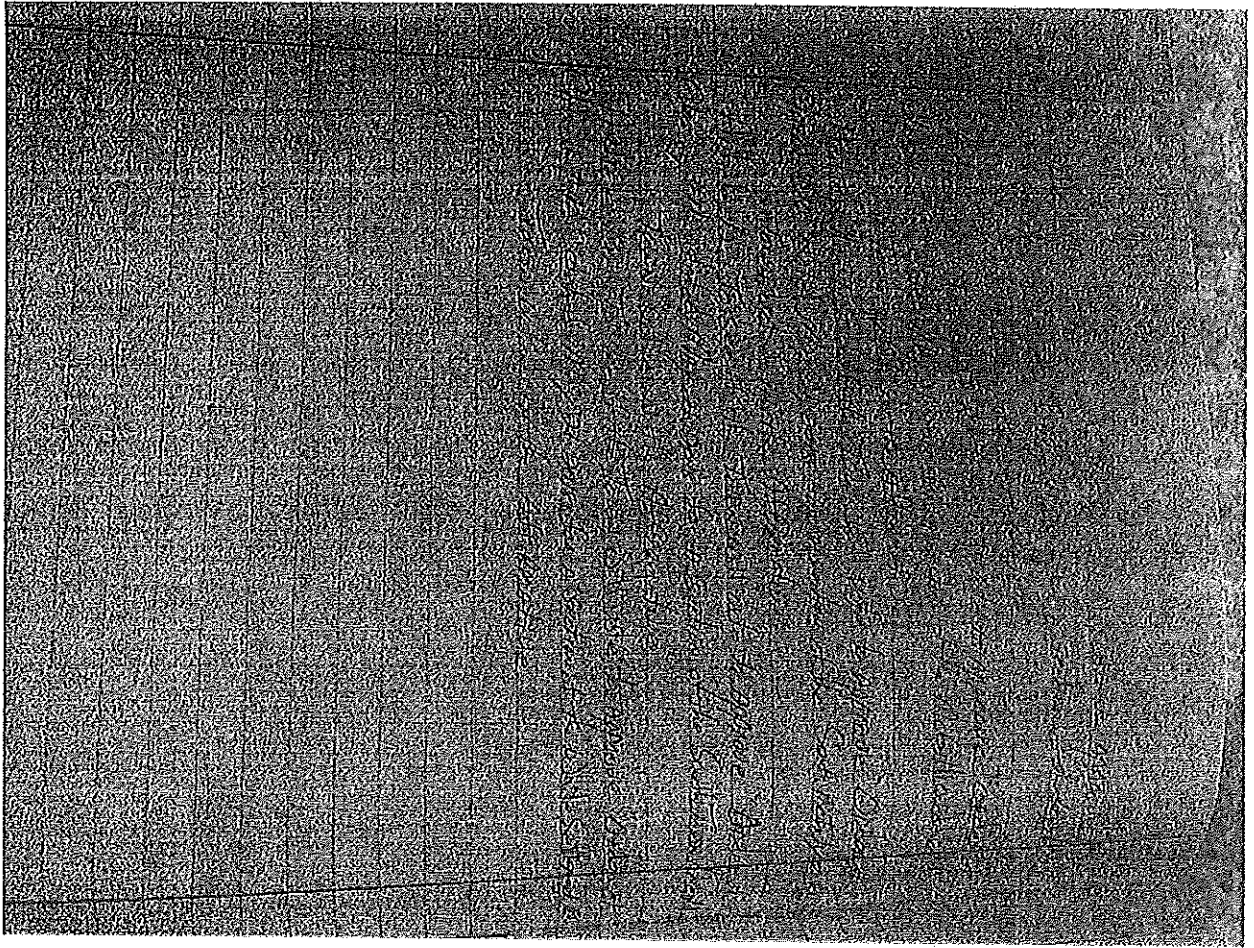
Darcy L. Oliver, Manager
Town of Hodgdon

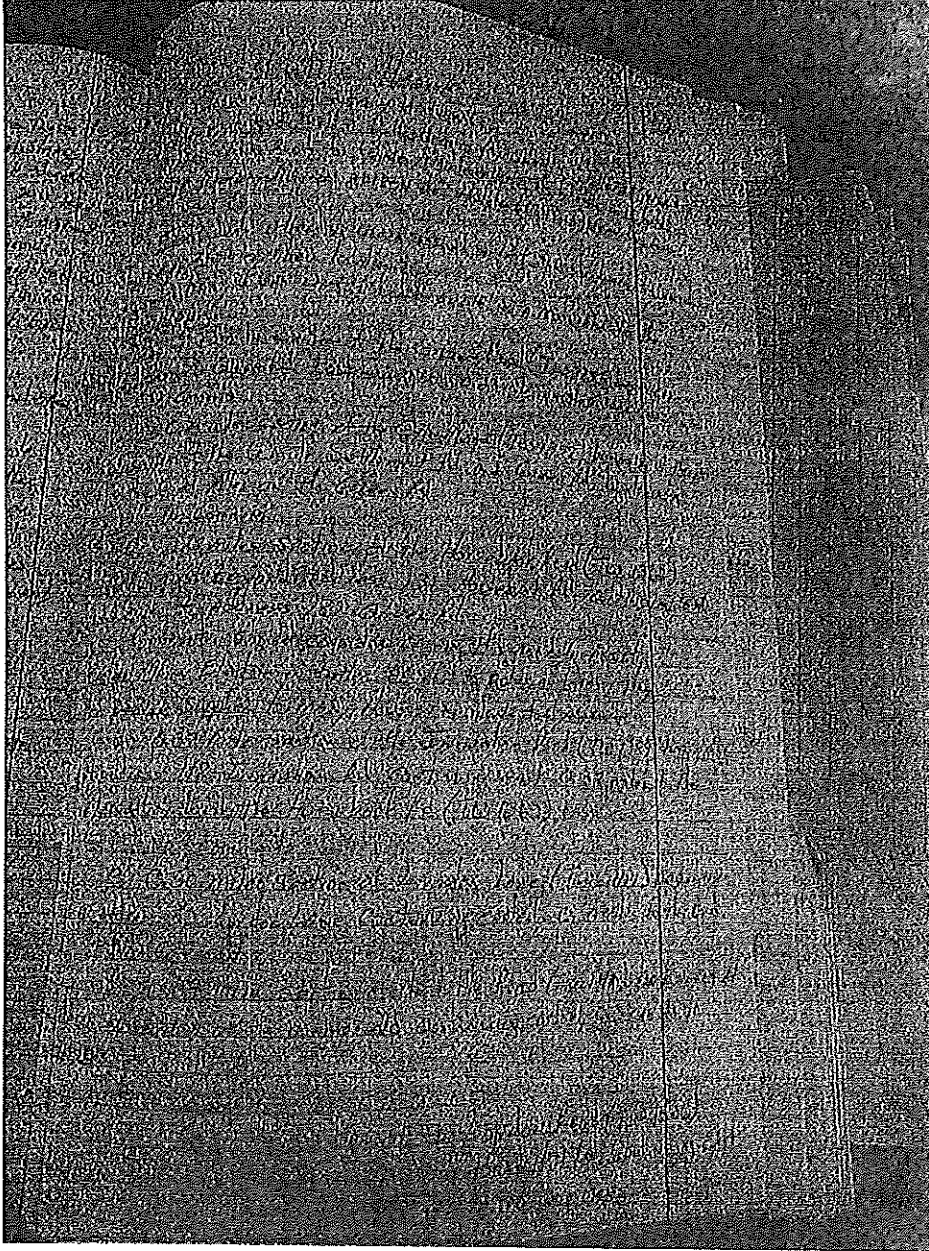
Enc.



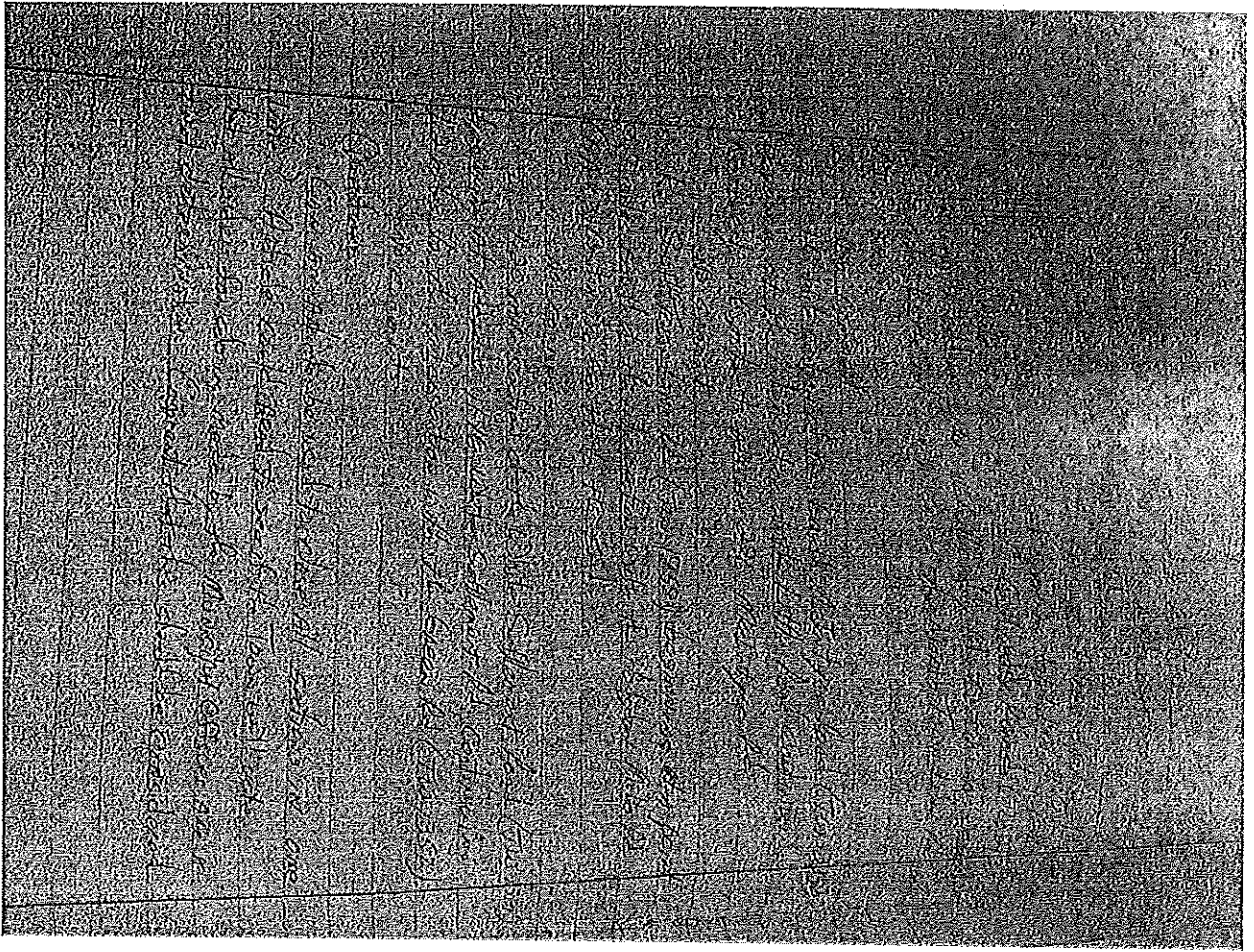
Warrant

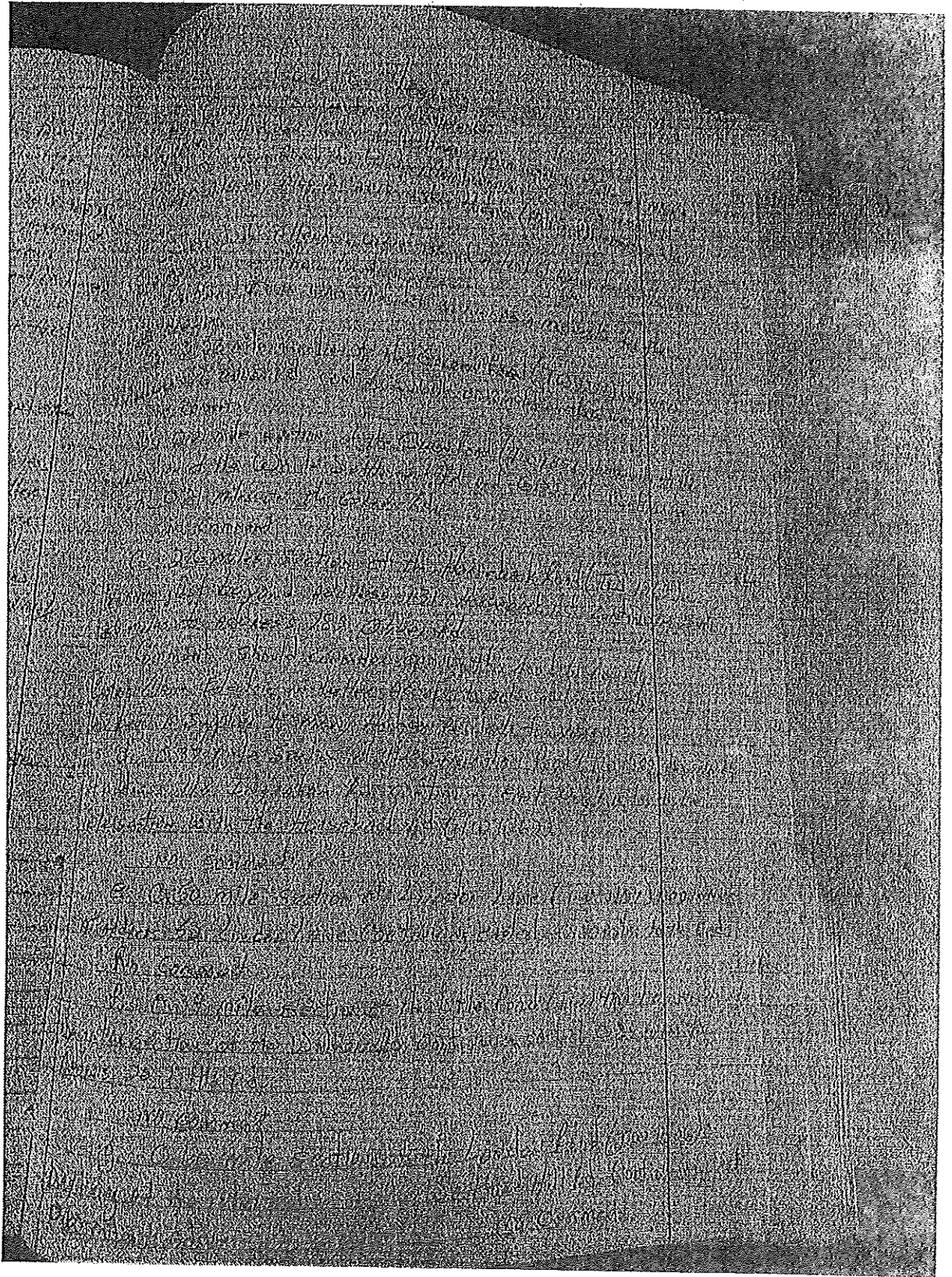
Special Town Meeting
June 4 2018

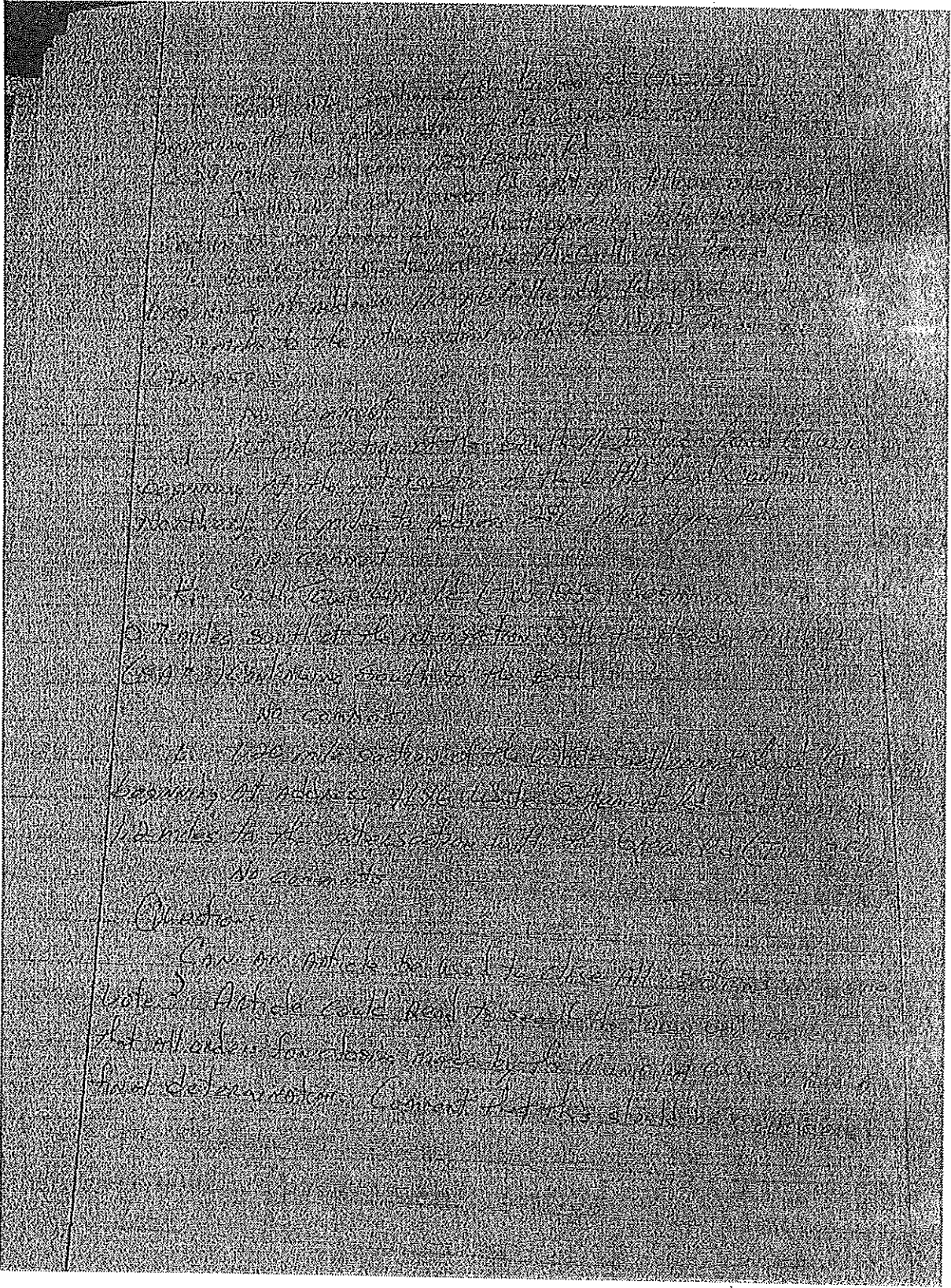


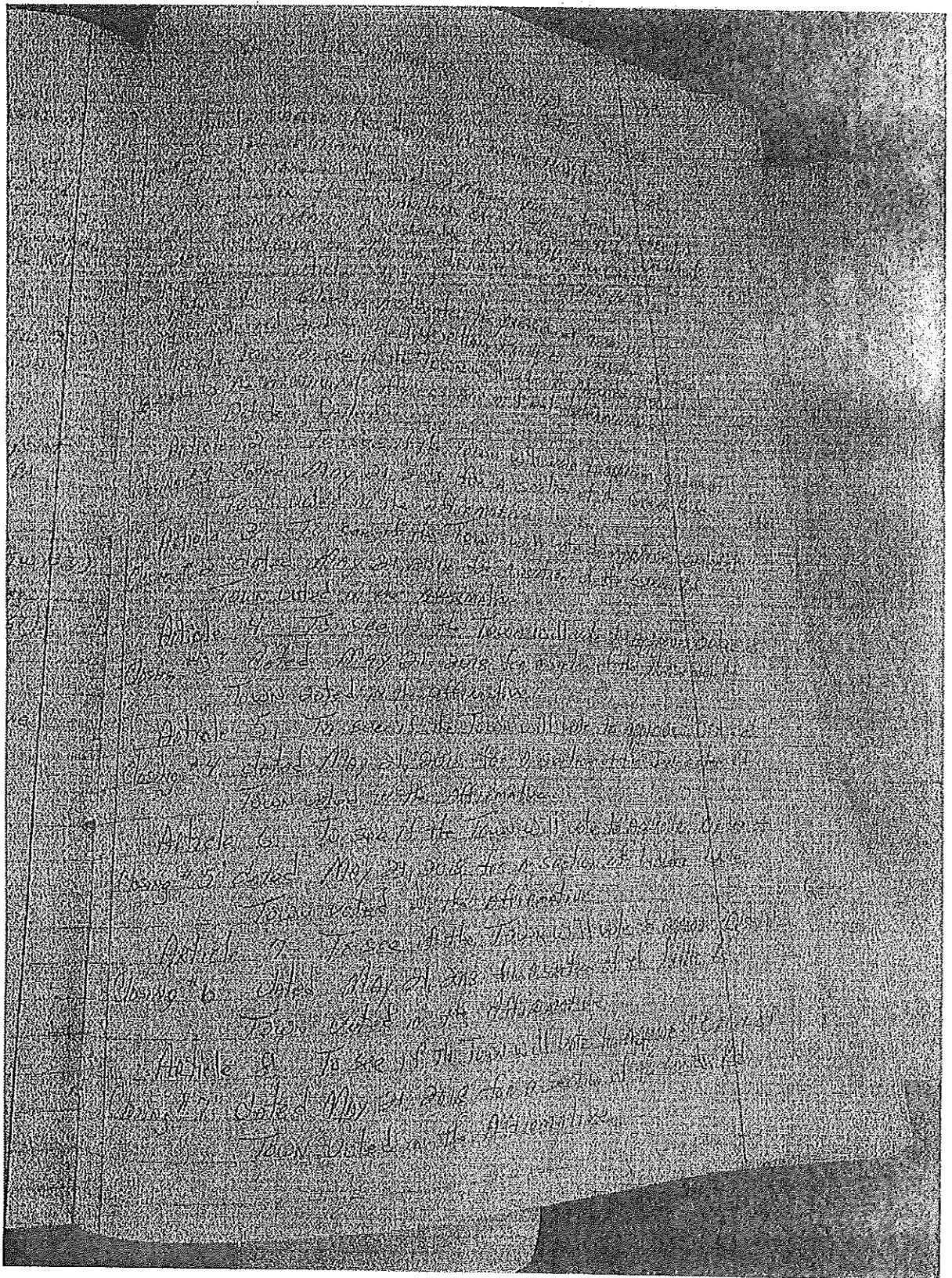


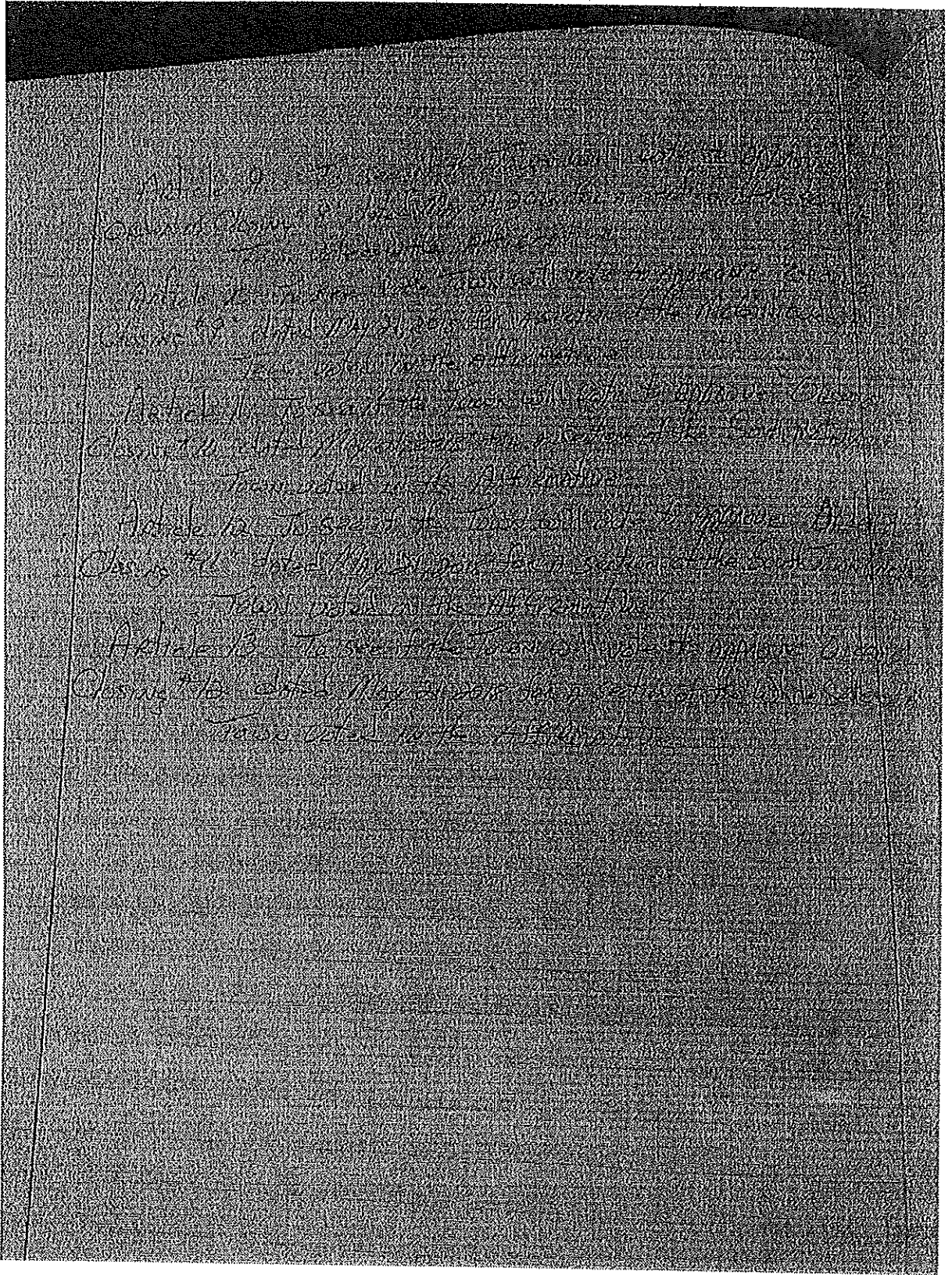
Public Hearing
5/2/12











SPECIAL SELECTMEN MEETING
MINUTES
MONDAY MAY 21, 2018

Present

Rick Tidd

Clayton Quint III

Roger Larson

William Dobbins

Sheila Murchie

Joel Duff

Jim Griffin

1. Public Hearing

No comments

2. File with clerk an order of closing of roads to winter maintenance.

Selectmen discussed information heard at the Public Hearing. Information concerned opening the Horseback Rd., to accommodate Eastern Maine Electric a better access to electrical poles, and the idea of voting all the road closings in one article. Board decision was to close the roads currently close for another five years.

Motion made and seconded to issue a written record closing roads for winter maintenance for 5 years. Passed

To facilitate a town meeting the selectmen issued an "Order of Closing" of roads to winter maintenance to the town clerk.

Motion made and seconded to issue the town clerk an "Order of Closing" of roads to winter maintenance. Passed

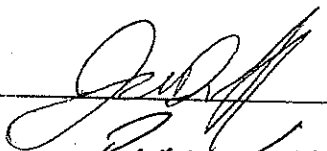
3. Warrant for a Special Town Meeting on road closures to winter maintenance.

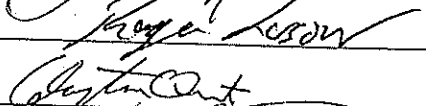
Selectmen reviewed a sample of a town meeting warrant that closed each road with a separately article. Board wanted to look at a warrant that would close all the roads in one article. After discussion an article was drafted as follows:

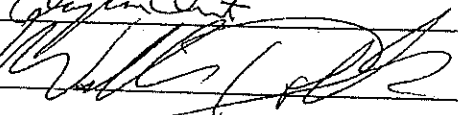
Article 1a. To see if the Town will vote to provide that orders so made by the municipal officers are a final determination.

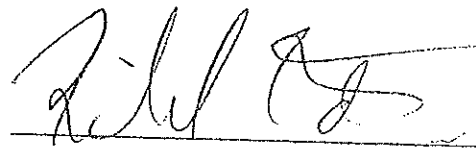
Motion made and seconded to issue a Special Town Meeting Warrant to close roads to winter maintenance including Article 1a. Passed

Adjourned









Timothy and Deborah Wynes (Appellants)

vs.

Town of Hodgdon (Appellee)

Winter Road Closure Appeal

London Road, Hodgdon, Maine

EXHIBIT "4"

**HODGDON
SPECIAL TOWN MEETING
MINUTES
JUNE 14, 2023**

Meeting was opened at 7:20 P.M. (started late due to high attendance and registering) at the Mill Pond Elementary School to act on the following articles:

Article 1. Elect a moderator to preside at meeting.

Motion was made and seconded to elect Brittany Benn as moderator. With no other nominations put forth, a vote was taken on Brittany Benn as moderator. Passed.

Article 1a. To see if the Town will vote to provide that orders so made by the municipal officers are a final determination.

Passed

The Moderator stated that Articles 2-7 could be combined in one vote and the voters voted in the affirmative to combine Articles 2-7.

Article 2. To see if the Town will vote to approve "Order of Closing #1 dated June 7, 2023 for a section of the Green Road".

Article 3. To see if the Town will vote to approve "Order of Closing #2 dated June 7, 2023 for a section of the Green Road".

Article 4. To see if the Town will vote to approve "Order of Closing #3 dated June 7, 2023 for a section of the Horseback Road".

Article 5. To see if the Town will vote to approve "Order of Closing #4 dated June 7, 2023 for a section of the Ingraham Road".

Article 6. To see if the Town will vote to approve "Order of Closing #5 dated June 7, 2023 for a section of Lindor Lane".

Article 7. To see if the Town will vote to approve "Order of Closing #6 dated June 7, 2023 for a section of the Little Road".

Articles 2-7 Passed

Article 8. To see if the Town will vote to approve "Order of Closing #7 dated June 7, 2023 for a section of the London Road".

Motion was made to approve the article as written. Hearing and seeing no other motions or comments, the vote was completed and passed with 5 nays.

Article 8A. Should the Town vote to open the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate to upgrade/prepare/build the road. The Selectmen recommend \$ \$148,800.00 and those funds shall be raised by reserve/tax increase/loan.

N/A as article 8 was passed.

Article 8B. Should the Town vote to no longer close the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate for the cost of plowing that portion of the London Road. The Selectmen recommend we withdraw \$13,500.00 from reserve for the 1st year of plowing and, additionally, the plowing contract will have to be negotiated for the next 2 years until the current plowing contract expires.

N/A as article 8 was passed.

The Moderator stated that Articles 9-13 could be combined in one vote and the voters voted in the affirmative to combine Articles 9-13.

Article 9. To see if the Town will vote to approve "Order of Closing #8 dated June 7, 2023 for a section of the London Road".

Article 10. To see if the Town will vote to approve "Order of Closing #9 dated June 7, 2023 for a section of the McGillicuddy Road".

Article 11. To see if the Town will vote to approve "Order of Closing #10 dated June 7, 2023 for a section of the South McIntyre Road".

Article 12. To see if the Town will vote to approve "Order of Closing #11 dated June 7, 2023 for a section of the South Town Line Road".

Article 13. To see if the Town will vote to approve "Order of Closing #12 dated June 7, 2023 for a section of the White Settlement Road".

Articles 9-13 Passed.

Meeting Adjourned

**TOWN OF HODGDON
SPECIAL SELECTMEN'S MEETING
WEDNESDAY – JUNE 7, 2023**

AGENDA

LOCATION: MILL POND ELEMENTARY SCHOOL AT 7:00 P.M.

- 1. Public Comment**
- 2. File with clerk an Order of Closing of Roads to winter maintenance.**
- 3. Warrant for a Special Town Meeting on road closures to winter maintenance.**
- 4. Adjourn**

There will be a Special Town Meeting held on Wednesday, June 14, 2023 at 7:00 p.m. at the Mill Pond Elementary School Gym for the purpose of voting on the Closing of Roads for Winter Maintenance.

**SPECIAL SELECTMEN MEETING
HODGDON**

The Selectmen of Hodgdon will be meeting June 7, 2023, immediately following the closing of the Special Public Hearing, in the Mill Pond Elementary School Gym.

- Agenda:
1. File with the clerk an order of closing of roads to winter maintenance.
 2. Warrant for a Special Town Meeting on road closures to winter maintenance.

TOWN OF HODGDON PUBLIC HEARING

Road Closures for Winter Maintenance

There will be a **Public Hearing on Closing Roads for Winter Maintenance** on Wednesday, June 7, 2023 at 7:00 P.M. at the Mill Pond Elementary School Gym. The meeting will be to hear input on which roads the Town wishes to remain closed during specific winter months and for how long, not exceeding 10 years.

Road or sections of roads under consideration

- a. 0.23 mile section of the Green Road (TW 1357) beginning at address 96 Green Rd. continuing north 0.23 miles on the Green Road.
- b. 0.21 mile section of the Green Road (TW 1357) beginning at the intersection of the White Settlement Rd and Green Rd., continuing south 0.21 miles on the Green Rd.
- c. 2.6 mile section of the Horseback Road (TW 1363), beginning just beyond address 131 Horseback Rd. continuing south 2.6 miles to address 189 Oliver Rd.
- d. 0.37 mile section of the Ingraham Road (TW 1389) beginning at address 118 Ingraham Rd continuing east 0.37 miles to the intersection with the Horseback Rd. (TW 1363)
- e. 0.50 mile section of Lindor Lane (TW 1107) beginning at address 52 Lindor Lane continuing easterly 0.50 miles to the end.
- f. 0.39 mile section of the Little Road (TW 1410) beginning the intersection of the Walker Rd. continuing easterly 0.39 miles to address 20 Little Rd.
- g. 0.60 mile section of the London Road (TW 1506) beginning at the intersection of the Westford Hill Rd. continuing east 0.60 miles to address 126 London Rd.
- h. 0.24 mile section of the London Rd. (TW1506) beginning at the intersection of the Green Rd continuing west 0.24 miles to address 126 London Rd.
- i. 0.39 mile section of the McGillicuddy Road (TW 2134) beginning at address

110 McGillicuddy Rd. continuing westerly 0.39 miles to the intersection with the North Town Line Rd. (TW1959).

- j. 1.6 mile section of the South McIntyre Road (TW 1339) beginning at the intersection of the Little Road continuing northerly 1.6 miles to address 296 McIntyre Rd.
- k. South Town Line Rd. (TW 1959) beginning at a point 0.7 miles south of the intersection with the Hodgdon Mills Rd. (SA# 3) continuing south to the end.
- l. 1.20 mile section of the White Settlement Road (TW 1331) beginning at address 1146 White Settlement Rd. continuing 1.2 miles to the intersection with the Green Rd (TW1357).

Other roads or sections of roads may be discussed.

TOWN OF HODGDON
Winter Road Closing

“ORDER OF CLOSING”

Order of Closing of Roads for Winter Maintenance

June 7, 2023

Order of Closing #1

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.23 mile section of Green Road (TW1357), beginning at address 96 Green Rd. continuing 0.23 miles north on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #2

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.21 mile section of Green Road (TW1357), beginning at the intersection of the White Settlement Rd and Green Rd. continuing 0.21 miles south on the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #3

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 2.6 mile section of Horseback Road (TW1363), beginning just beyond address 131 Horseback Road continuing south 2.6 miles on the Horseback Rd. to address 189 Oliver road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #4

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.37 mile section of Ingraham Road (TW1389), beginning at address 118 Ingraham Rd. continuing east 0.37 miles on the Ingraham Rd to the intersection with the Horseback Road, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #5

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.50 mile section of Lindor Lane (TW1107), beginning at address 52 Lindor Lane continuing easterly to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #6

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of Little Rd. (TW1410), beginning at the intersection of the Walker Rd. continuing east 0.39 miles to address 20 Little Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #7

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.60 mile section of London Road (TW1506), beginning at the intersection of the Westford Hill Rd continuing east 0.60 miles on the London Rd. to address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #8

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.24 miles section of London Road (TW1506), beginning at the intersection of the Green Rd. west 0.24 miles on the London Rd. to address 126 London Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #9

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 0.39 mile section of McGillicuddy Road (TW2134), beginning at address 110 McGillicuddy Rd. westerly 0.39 miles on the McGillicuddy Rd. to the intersection with the North Town Line Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #10

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.6 mile section of South McIntyre Road (TW1339), beginning at the intersection of the Little Road continuing northerly 1.6 miles on the South McIntyre Rd. to the address 296 McIntyre Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #11

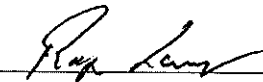
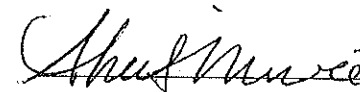


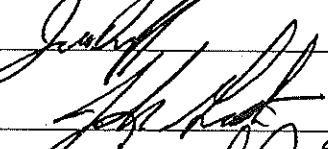
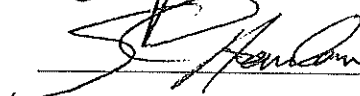
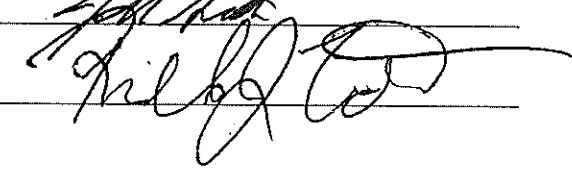
Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the section of South Town Line Road (TW1959), beginning at address 159 South Town Line Rd continuing southerly on the South Town Line Rd. to the end, closed for a period of 5 years during the months of November, December, January, February, March, and April.

Order of Closing #12

Following a public hearing pursuant to Title 23 MRSA 2953 (2), the undersigned selectmen of the Town of Hodgdon hereby order the 1.20 mile section of White Settlement Road (TW1331), beginning at address 1146 White Settlement Rd. continuing south and westerly 1.2 miles on the White Settlement Rd. to the intersection with the Green Rd., closed for a period of 5 years during the months of November, December, January, February, March, and April.

Selectmen of Hodgdon signed the 7th day of June, 2023.

Selectmen

 _____	 _____
 _____	 _____
 _____	 _____
 _____	_____

TOWN OF HODGDON
Winter Road Closing

WRITTEN RECORD

"Following a public hearing pursuant to Title 23 M.R.S.A. 2953(2), and due deliberation, it is the opinion of the municipal officers of the Town of Hodgdon that the roads designated below are so located with reference to population, use and travel thereon, that it is unnecessary to keep them maintained and open for travel during the months of November, December, January, February, March and April or any part of these months for a period of 5 years"

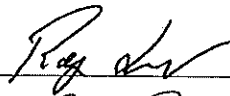
Road or sections of roads to be closed:


- a. 0.23 mile of the Green Road (TW1357) From 96 Green Rd. 0.23 miles north 0.23 miles on the Green Rd,
- b. 0.21miles of the Green Road(TW1357) From the intersection of the White Settlement Rd and Green Rd 0.21 miles south on the Green Rd..
- c. 2.6 miles of the Horseback Road (TW 1363) from just past 131 Horseback Rd. south 206 miles to 189 Oliver Rd.
- d. 0.37 miles of the Ingraham Road (TW 1389) from 118 Ingraham Rd east 0.37 miles to the intersection with the Horseback Rd. (TW 1363)
- e. 0.50 miles of Lindor Lane (TW 1107) from 52 Lindor Lane easterly to the end
- f. 0.39 miles of the Little Road (TW 1410) easterly from the Walker Rd. easterly 0.39 miles to 20 Little Rd.
- g. 0.60 miles of the London Road (TW1506) From the intersection of the Westford Hill Rd. east 0.60 miles to 126 London Rd.
- h. 0.24 miles of the London Road (TW1506) From the intersection of the Green Rd. west 0.24 miles to 126 London Rd
- i. 0.39 miles of the McGillicuddy Road (TW 2134) from 110 McGillicuddy Rd. westerly to the intersection with the North Town Line Rd. (TW1959).

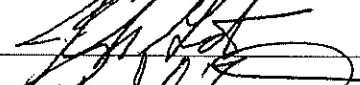
- j. 1.6 miles of the South McIntyre Road (TW 1339) from the intersection of the Little Road northerly 1.6 miles to 296 McIntyre Rd.
- k. South Town Line Rd. (TW 1959) From 159 South Town Line Road southerly to the end.
- l. 1.20 miles of the White Settlement Road (TW 1331) from 1146 White Settlement Rd. south and then west to the intersection with the Green Rd (TW1357).

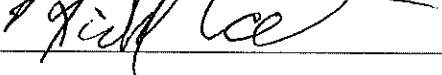
Selectmen of Hodgdon signed the 7th day of June, 2023.

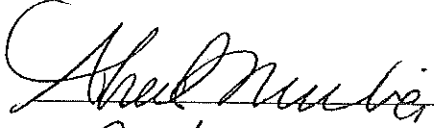
Selectmen

















**HODGDON
SPECIAL TOWN MEETING
WARRANT**

To: Vaughn Farrar, resident of the Town of Hodgdon, County of Aroostook, State of Maine.

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Hodgdon, qualified to vote in Town affairs, to assemble at the Hodgdon (Mill Pond) Elementary School Gym on Wednesday, June 14, 2023 at 7:00 p.m. to act on the following articles, to wit:

Article 1. Elect a moderator to preside at meeting.

Article 1a. To see if the Town will vote to provide that orders so made by the municipal officers are a final determination.

Article 2. To see if the Town will vote to approve "Order of Closing #1 dated June 7, 2023 for a section of the Green Road".

Article 3. To see if the Town will vote to approve "Order of Closing #2 dated June 7, 2023 for a section of the Green Road".

Article 4. To see if the Town will vote to approve "Order of Closing #3 dated June 7, 2023 for a section of the Horseback Road".

Article 5. To see if the Town will vote to approve "Order of Closing #4 dated June 7, 2023 for a section of the Ingraham Road".

Article 6. To see if the Town will vote to approve "Order of Closing #5 dated June 7, 2023 for a section of Lindor Lane".

Article 7. To see if the Town will vote to approve "Order of Closing #6 dated June 7, 2023 for a section of the Little Road".

Article 8. To see if the Town will vote to approve "Order of Closing #7 dated June 7, 2023 for a section of the London Road".

Article 8A. Should the Town vote to open the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate to upgrade/prepare/build the road. The Selectmen recommend \$ \$148,800.00 and those funds shall be raised by reserve/tax increase/loan.

Article 8B. Should the Town vote to no longer close the section of London Road referred to in Article 8 above, to see what sum of money the Town will vote to raise and appropriate for the cost of plowing that portion of the London Road. The Selectmen recommend we withdraw \$13,500.00 from reserve for the 1st year of plowing and, additionally, the plowing contract will have to be negotiated for the next 2 years until the current plowing contract expires.

Article 9. To see if the Town will vote to approve "Order of Closing #8 dated June 7, 2023 for a section of the London Road".

Article 10. To see if the Town will vote to approve "Order of Closing #9 dated June 7, 2023 for a section of the McGillicuddy Road".

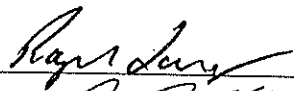
Article 11. To see if the Town will vote to approve "Order of Closing #10 dated June 7, 2023 for a section of the South McIntyre Road".


Article 12. To see if the Town will vote to approve "Order of Closing #11 dated June 7, 2023 for a section of the South Town Line Road".


Article 13. To see if the Town will vote to approve "Order of Closing #12 dated June 7, 2023 for a section of the White Settlement Road".

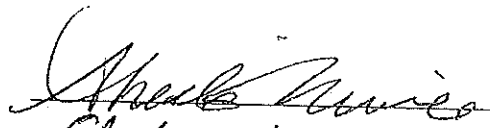
The Selectmen give notice that the Registrar of Voters will be at the Town Office from 8:00 AM to 4:00 PM on the 14th day of June 2023 for the purpose of registering new voters.

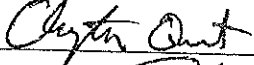
Selectmen of Hodgdon















CONSTABLE'S RETURN

Pursuant to the within Warrant to me directed, I have notified the Inhabitants of the Town of Hodgdon, qualified as therein expressed to meet at the time and place for the purpose therein, by posting attested copies of the Warrant at the Hodgdon Town Office and T&S Market in Hodgdon, the same being public and conspicuous places in said Town.

Dated at said Hodgdon this 7th day of June, 2023.

Attest:


Vaughn Farrar
Resident of Hodgdon

78 Adults
9 Childs

June 7th, 2023

Anita and Larry Williams

Sam Henderson

Dee + Jim Wygant

Clayton Quint III

Bon Sillobay, Jr

Mark Sloat

Geyer Quint

Andrew Sloat

Tom Quint

Richard Sloat

Ben Wells

Arion Quint

Yvonne Duff

Robert Brewster III

Jeff Lamb

Luc P. Williams

Kenneth Foster

Roy Larson

Dan London

Tim Quint

Jacob Lopez under 18

Bart Virgie

Laura + Joshua

Art Sloat

Lucas + Afae

Mimi Sloat

David Quint

Samuel Quint

Kristen Wells

Melissa Duff

David Wells

Wayne Duff

Gemma Wells

Abigail Duff

Briane Lincoln

Daniel McAndrews

John Jensen

Daniel McAndrews

John Benn

Loren Quint

Brittany Benn

Andy Christ

Mike Benn

Ed Mitchell

Walter Duff

Kate Duff

Andrea Fidd

Paul Duff

Michelle Duff

John GARDNER

Melissa Duff

Paul Spivey

John Duff

Christina Duff

Gill + Max Duff

Christina Duff

June 7 2033

~~Kim~~

~~Tim McPhee~~

Shrek Mucko

Kurt Munnie

~~Donna Suttant~~

Rachel McGaughey

Brian McGaughey

Chad Jeff

BRYAN WILLIAMS

Sarah Quint

Crayton Quint

Kerfelson

Jayden

Stephanie Conder

Salon Rusk

Jill Quint

Donna Carr

ALICIA T QUIRION

Fred Gresham

Mason Fitz

**SUPPORTING DOCUMENTATION FROM RUDMAN
WINCHELL**

RECEIVED: AUGUST 15, 2023

Stephen W. Wagner
(207) 992-4414
swagner@rudmanwinchell.com

August 15, 2023

VIA U.S. MAIL & EMAIL (ryan@aroostook.me.us)
Aroostook County Commissioners Office
ATTN: Ryan D. Pelletier, County Administrator
144 Sweden Street
Suite #1
Caribou, Maine 04736

Re: Hodgdon Seasonal Road Closure of London Road

Dear Mr. Pelletier:

This office represents Deborah L. Jagow Wynes and Timothy Wynes regarding their 23 M.R.S. § 2953(5) Petition appealing the June 14, 2023, decision by the Hodgdon Town Meeting to approve the following article:

Article #8. To see if the Town will vote to approve “Order of Closing #7 dated June 7, 2023 for a section of the London Road.

Per the Commission’s request, the Town has since verified the petition and submitted the Town meeting records.

Enclosed with this letter is a position statement. As this is a de novo hearing and the Town has the burden to prove the road was lawfully closed. Additionally, the Wyneses reserve the right to reply to any submission by the Town and introduce evidence and testimony at the hearing.

Sincerely,

/s/ Stephen W. Wagner

Stephen W. Wagner
SWW/leb
Enclosure

cc: Town Clerk, Town of Hodgdon
Deborah L. Jagow Wynes and Timothy Wynes

RUDMAN • WINCHELL

TO: Aroostook County Commissioners
FROM: Deborah L. Jagow Wynes and Timothy Wynes
RE: 23 M.R.S. § 2953(5) Appeal of London Road Winter Closure
DATE: August 15, 2023

POSITION STATEMENT

Before the Commissioners is a timely and verified Petition appealing the decision of the Hodgdon Town Meeting on June 14, 2023, to approve the Select Board's order to close for winter maintenance the following section of town way: 0.60 mile section of the London Road (TW 1506) beginning at the intersection of Westford Hill Rd. continuing east 0.60 miles to address 126 London Road (the "Petition"). For the following reasons, which will be further supported with additional evidence and testimony at the hearing, the Wyneses respectfully request the Commissioners find, pursuant to 23 M.R.S. § 2953(5), that it is necessary to maintain and open for travel during the months of November through April the 0.60 mile section of London Road; grant the Petition; and reverse the vote on Article 8 of the June 14, 2023, Town of Hodgdon Town Meeting.

Background¹

The Wyneses purchased their first property on this section of London Road in 2002, which is identified as 126 London Road. At the time of their purchase, this section of London Road was closed for winter maintenance and the Wyneses understood from conversations with the then Town Manager that they could expect year-round maintenance the more London Road was developed. In 2008, the Wyneses requested the Town review the closure of London Road for winter maintenance every 5 years, as opposed to every 10 years. After some debate, this request was eventually granted.

The Wyneses subsequently built a house on this property in 2010, intending to use it as a summer home until their retirement, at which point they intend to live in the home year-round. In 2012, Mrs. Wynes accepted a teaching job in Houlton and moved to Aroostook County from New York. Since May of 2013, the Wyneses have lived in their house on London Road full time from May until November. During the winter months, the Wyneses access the road on regular occasions to check on the house.

Development on this section of London Road has since gradually increased. In 2011, the Wyneses cut trees and installed power lines along the north side of the London Road. The Wyneses then acquired another property on London Road, on which is located a structure used for the Wynes Trailside Popcorn Business.

In 2013, the Wyneses moved to Hodgdon and requested that when London Road came up for review concerning winter maintenance the Town vote to keep it open, maintained, and plowed

¹ We reserve the right to introduce additional evidence and testimony at the *de novo* hearing. Witnesses will include, but may not be limited to, Deborah L. Jagow Wynes. The background summary provided herein will be supported by testimony from Mrs. Wynes.

RUDMAN • WINCHELL

during the winter months. The Town received two bids for road improvements for London Road, one for \$69,000 and one for \$83,150. It also stated the cost of plowing would be \$5,000, an amount nearly twice as much as other Town roads. At a Select Board meeting prior to the Town Meeting, the Wyneses were asked intrusive and irrelevant questions as follows by the Select Board: "how old are you"; "how much did you pay in taxes"; "do you think you will live long enough to the Town for the cost of the road." The Town meeting voted in favor of closing London Road for winter maintenance. This decision was upheld upon appeal to the County Commissioners.

Development on London Road has since increased. In 2019, Bob Burgess built a home for summer use on this section of London Road. Upon information and belief, Mr. Burgess was also informed that the London Road would likely be maintained year-round if more homes were built. In 2022, the Wyneses began construction on a new building on this section of London Road, consisting of a commercial kitchen and apartment for a member of the Wyneses' family.

In light of the increased population and traffic on this section of London Road, the Wyneses in September of 2022 again exercised their legal right to request the Town lift the winter closure order and plow this section of London Road.

The Select Board subsequently formed a Road Committee, which created new road specifications for improving and plowing this section of London Road. The Wyneses participated in most if not all meetings of the Road Committee and Select Board concerning London Road. The Select Board frequently rejected the Road Committee's recommendations concerning London Road, insisting that the road needed to be wider than the Road Committee recommended, which resulted in a much more expensive road improvement project. The Select Board also added additional expenses to the London Road project, many of which were not required for other roads and not supported by any clear evidence or explanation, such as: requiring acquisition of a turn-around across from the Wyneses property; purchasing a truck with a switch blade at the cost of \$60,000; and adding an addition "just in case" cost of 25% of the London Road improvements².

In May of 2023, the Select Board put out a request for bids for roadwork on London Road according to the new specifications. Bids were opened on June 6, 2023, and three bids were received: one for \$148,800, one for \$207,003, and another for \$218,994.50. Also on June 6, the Town renewed their current plow contract which was set to expire August 2023. This contract called for payment of \$5,400 per mile and negotiation for any new roads added in the future.³ The contractor requested \$13,500 to plow the .6 mile section of London Road if it were to be opened. The Town shared these expenses at the Town Meeting, indicating the Select Board believed costs were relevant to the Town Meeting's decision concerning London Road. The Wyneses maintain such costs were inflated. This is supported by a comment at the Town Meeting by Road Committee Chairman, Arthur Sloat, that London Road is plowable as it is now, without the improvements called for in the bids, and could just use some work on the corner and ditching. The Town meeting was also led to believe maintenance was unnecessary. At the

² See February 7, 2023 Selectmen Meeting Minutes, attached as Exhibit A

³ See Town of Hodgdon Winter Maintenance Contract dated June 6, 2023, attached as Exhibit B.

RUDMAN • WINCHELL

meeting, there was debate about private plowing of the road and it was stated by the Select Board that the “road closed” sign releases the Town from liability of others plowing the road as well as their own plowing requirement.

The Selectboard’s emphasis on cost also undoubtedly influenced the Town Meeting vote. Before the meeting began, the Town made an inflammatory Facebook post, announcing the meeting and insinuating the high cost associated with keeping the London Road open.⁴ The post states that “THERE HAS ONCE AGAIN BEEN A REQUEST TO OPEN THE LONDON ROAD AND THE COSTS ASSOCIATED WITH THIS REQUEST WILL BE DISCUSSED AT THIS MEETING.”⁵ As a result of that post and other comments made by Town officials, the Wyneses believe that many of the residents had already decided how they were going to vote before hearing any discussion and that their vote was influenced substantially, if not exclusively, by cost.

Jurisdiction and Standard of Power

Having received verification from the Town that at least seven legal Hodgdon voters of the municipality signed the Petition, the Commissioners have jurisdiction to consider this appeal pursuant to 23 M.R.S. § 2953(5).

Section 2953(5) states the Commissioners shall decide this appeal by applying the standard for closing roads for winter maintenance. That standard requires the Town prove that it is "with reference to population, use and travel thereon, . . . unnecessary to keep the roads or roads maintained and open for during the months of November, December, January, February, March and April or any part of these months." 23 M.R.S. § 2953(1).

Argument

The Commissioners should reverse the Town's decision to close the section of London Road on appeal because the Town has not and cannot demonstrate that winter maintenance is unnecessary. Therefore, the decision to close the road for winter maintenance is unlawful.

Maine law requires that town ways be kept open and in repair so as to be “safe and convenient” for travelers with motor vehicles. 23 M.R.S. § 3651. Additionally, if a town way is “blocked or encumbered” with snow, it must be opened and made passable within a reasonable time. *Id.* § 3201. The only exception is when a road is closed pursuant to 23 M.R.S. § 2953.

To sustain on appeal the decision to close a town way for winter maintenance, a town must prove and the commissioners must determine that winter maintenance on the way is unnecessary. *Id.* § 2953(5). However, the statute defines necessity narrowly by reference to three factors only: population, use, and travel. *Id.* § 2953(1). The statute does not authorize consideration of cost, which the evidence will show was the single largest motivating factor behind the Select Board's order and very likely influenced the Town Meeting vote.

⁴ It appears the Town has since deleted the Facebook post.

⁵ See printout of Facebook posts attached as Exhibit C.

The record summarized above, which will be further supported by evidence and testimony at the hearing, demonstrates there is sufficient population, use, and travel on the relevant section of London Road to legally prohibit the Town from closing it for winter maintenance. There are three seasonal residential structures and one seasonal commercial structure located on this section of London Road. This includes at least two families. This population requires use and travel on the road year round because the Wyneses regularly must check on their properties throughout the winter. As demonstrated in the attached decision from the Knox County Commissioners, maintenance is necessary if there are seasonable structures that must be accessed in the winter by owners or caretakers. **See Exhibit D.** Moreover, the Wyneses intend to locate to the property year-round, meaning that the roads needs to be maintained and the snow cleared year-round. This also means the population, use, and travel will increase. Intensity of use may also increase further because of the improvements the Wyneses have made to the land and the possibility that the existing lots may be further subdivided.

By failing to provide winter maintenance to town ways with properties that owners seek to access during the winter, the Town, intentionally or unintentionally, is encouraging private property owners to perform their own winter maintenance.⁶ This means the Town is encouraging violation of Maine law that provides private individuals have no right to repair, reconstruct, or maintain town ways because such work may only be done by the municipality or a person acting with authority of the municipality. *See* Maine Municipal Association, *Guide to Municipal Roads Manual* at p.43 (Nov. 2009 Ed.) (cited cases omitted). In fact, such private maintenance has occurred on London Road and town ways closed for winter maintenance in Hodgdon. This potentially exposes the Town and the private owners to liability.

The record is clear that the Select Board's decision to close this portion of London Road to winter maintenance focused almost exclusively on the cost of said maintenance, which is not a relevant factor for determining the necessity pursuant to 23 M.R.S. § 2953(1). The Select Board routinely overruled the recommendations of the Road Committee concerning London Road and arbitrarily increased the anticipated cost of upgrading the road to facilitate winter maintenance and the cost of plowing. The Facebook post and materials included at the Town Meeting also likely influenced voters to make their decisions on London Road based almost exclusively on cost. In short, the Select Board itself acted unlawfully when it considered cost, and it then mislead the Town Meeting to do the same by framing the issue before the voters as a question of cost and providing estimated costs for maintaining London Road that are arbitrary and unsupported by substantial evidence.

This is not to say that a town can never factor in the cost of maintaining roads. Of course it can. But the law is clear that a town can only close a town way for winter maintenance if winter maintenance is not necessary because of population, use, or travel. If a town cannot financially support maintenance of a town way for which winter maintenance is necessary under current conditions, it can discontinue the way, thereby converting it into a private way and putting the

⁶ The statement by the Select Board that the "road closed" sign released them from liability of others plowing the road suggests at the very least the Select Board knows of the private maintenance of London Road. The Town can but has not taken additional steps to discourage or prohibit private maintenance.

RUDMAN • WINCHELL

burden of maintenance onto the private owners. Discontinuing a road is governed by a formal statutory procedure whereby formal notice is provided and damages are paid to abutters per a statutory formula that accounts for the loss of fair market value of abutters' property as a result of the loss of a municipality maintained road. 23 M.R.S. § 3026-A. By considering cost in determining whether a town road should be closed for winter maintenance, the Town has effectively partially discontinued this section of London Road without providing proper notice and damages.⁷

Finally, the Commissioners should note that it would be inequitable for the Town to continue to close this road for winter maintenance because both the Wyneses and the Burgesses were informed by the then Town Manager that London Road would likely be maintained year-round if more homes were built. Speaking at least for the Wyneses, these assurances factored into the investments they have made on London Road. Since as early as 2010, the Wyneses have repeatedly and consistently expressed their belief that winter maintenance of the road is necessary. Therefore, it would be inequitable to allow the Town to continue to deny winter maintenance despite making such assurances and issuing permits for multiple developments on London Road.

Conclusion

For the above mentioned reasons, the Wyneses respectfully request the Commissioners find, pursuant to 23 M.R.S. § 2953(5), that it is necessary to maintain and open for travel during the months of November through April the 0.60 mile section of London Road; grant the Petition; and reverse the vote on Article 8 of the June 14, 2023, Town of Hodgdon Town Meeting.

⁷ The Wyneses allege such actions also violate their due process rights under the state and federal constitutions. This is noted here for purposes of preserving this issue for potential future litigation, recognizing that the County Commissioners do not have authority to decide constitutional issues.

**SELECTMEN MEETING
Minutes
February 7, 2023**

A. London Rd.

Present:

Rick Tidd
Clayton Quint III
Sam Henderson
John Gaddis

Sheila Murchie
Roger Larson
Joel Duff

Other: Darcy Oliver
Deborah Wynes
Arthur Sloat

1. Public comments - none
2. Treasurers Warrants #28-31 **Reviewed and Signed.**
3. Selectmen Meeting Minutes of January 10, 2023 and January 18, 2023 **Motion made and seconded to accept the selectmen meeting minutes of January 10, 2023 and January 18, 2023 as presented. Passed.**
4. Financial statements - **reviewed and approved.**
5. Old Business
 - a. Office Flooring – Sean Fitzpatrick is planning on beginning this project on March 23, 2023 and expects to have it completed in 2 days. We'll need to have as much help as possible at the office the evening of March 22nd to get everything moved.
 - b. Insurances - Sam Henderson has looked into this and Darcy is to follow up ASAP.
 - c. Tax acquired property – Dean Mack – Darcy explained that there had been an error in processing a payment made by Melissa Harris (the other owner's wife) back in May. She had called in a credit card payment to take care of those 2 years, but it had erroneously been applied towards the 2022 taxes and showed a credit. Darcy has resolved the payment issue and a discharge of lien will be filed. The only payment remaining is for the 2022 taxes.
6. Other Business –
 - a. Aroostook County Management – shelter update letter request. After review, selectmen indicated that this isn't anything the town participates in and nothing further is required.
 - b. MMA Town & County Magazine notice – delivery request. After discussion, it was decided that instead of paying for the paper magazine, we would have it emailed to Darcy and she forward it to everyone from there. Also need to update the records to show that Bill Dobbins is no longer a member and add Sam Henderson. Also noted that Zeke wasn't on the list so we need to make sure they know that he is also a member.
 - c. Concealed Weapons Permit – Carleton C. Tidd - **reviewed and approved.**

- d. Tree Growth Application – Kirk Wilson - reviewed and approved.
- e. ACO reports – discussion to be had re: recent activity at shelter and summons.

The issue with regard to an incident that occurred on the evening of January 18th was discussed. Darcy has spoken with the Penobscot Humane Society and discussed the event and the perceived threat. Everything should be good now. They will mail up the key to give to Royce and we need to make sure we call them BEFORE going down to make sure that they have a kennel and try to have someone there as well. If no one is able to meet them, we can use our key and we have to make sure we follow the instructions to make sure that the animal is taken care of and the correct paperwork is completed. She said that they try to make sure they have at least one empty kennel for each contracted town but there may be a time when they are just overloaded and cannot take a dog. She said that should that happen, we would have to call law enforcement. Darcy and the Selectmen all agreed that that wouldn't have any affect as law enforcement doesn't want to get involved. Should that happen again, we will have to address it and figure out another solution.

Bart Virgie had come in and spoken with Darcy about another incident in which there were dogs left abandoned at an apartment in Hodgdon but when the landlord contacted our ACO, he was told that there was nothing that could be done as PVHS wasn't taking dogs. He was very concerned about this. Darcy explained to Bart about the situation and that there shouldn't be any issues in the future. Bart did say that should the HHS end up with a dog from Hodgdon, they charge \$50.00 for the first day and he thinks \$15-25 per day after that for up to 6 days. After that, they can put the dog up for adoption. That fee DOES NOT get charged to the Town, but to the owner. Royce had filed a report with regard to this incident and there's a copy in the file.

Discussion was also had with regard to Art Sloat and Brad Sloat's dogs. They have been reported again to be at Jordan Benn's house and Royce had contact Arthur who indicated that he's watching his dog closely and using an electric collar. However, there have been many sightings of these dogs just recently and something needs to be done before anything more serious happens. Darcy is to write a letter to Arthur and Brad letting them know that if it continues to happen, a summons will have to be issued.

With regard to Jason Merritt's dogs, Royce served a summons on him and provided us with a copy. However, the summons wasn't filled out correctly and the ADA's office returned it to us. Royce will need to reserve him and fill out the summons correctly. Zeke suggested that Royce have a sheriff go with him to assist in completing the summons. It would still be served by Royce but the sheriff could just help to make sure it's filled out properly. Darcy to talk to Royce.

f. Road Committee

i. **Grader Blade** - Arthur said that they had gone down and looked at the blade for the grader that Matt Cox has for sale. The Road Committee thinks it's a great deal for \$600.00 and it will save a lot of wear and tear on our grader. It's 3½' tall and 40" long and will easily attach to our grader. The committee strongly recommends purchasing this. **Motion made and seconded to purchase the blade. Arthur has permission to complete the paperwork to purchase the blade and will contact Darcy when he needs a check.**

ii. **Hillview Ave.** - Arthur asked about the Hillview Avenue issue and if the selectmen had made any decision with respect to replacing the culvert when Joel has the road dug up when he is putting in his irrigation pipes. The selectmen haven't made any decision but will look into it more.

iii. **London Road**

The bid spec received from Brown Construction was discussed. Jim Brown had used Arthur's 1/11/23 sheet and made changes and suggestions.

With regard to fabric material, the reason Arthur's was less is because there's a lot of ledge that you don't need to use fabric on. However, after discussion, it was decided to use the higher amount as recommended by Brown's to be safe.

The selectmen decided that we do not need to test the soil in the pit. It was noted that if we did need to use gravel other than ours, Juggy Benn has Knowles Pit and he charges \$1.00/yard for no matter what type of gravel we take.

The selectmen also decided that we don't need to mulch and seed the disturbed areas.

With regard to the size of the road, it was decided that it needs to be 20', not 16-18 as suggested. Deb Wynes questioned what we needed more and it was explained that it was a safety issue and that if a plow meets a car on a smaller road, it could be a dangerous situation and that if we're going to do this, it's going to be done correctly.

Lastly, it was pointed out that the language with regard to making sure the entrance of the road needs to be leveled up so that the plow truck doesn't need to have to try to go uphill from a complete stop on a blind corner. (this was in the original Phase 1 revised 12/26 but didn't get included in the updated version).

Deb questioned the need for a turnaround as she's looked into how the plow trucks turn around right now on all the other roads and that they usually just back into a driveway to turn around so she didn't know why we would have to add that expense to this project. It was explained that yes, there are some roads where they back into a driveway to turn around. However, those are all established and were basically "grandfathered" in. If

she wanted to give us a written statement stating that they would allow the plow trucks to use her driveway as a turning point and would not hold us responsible for any damage done to the driveway/yard, we would consider that. Deb didn't understand what she would have to sign a statement when no one else ever had. It was explained that we have to protect the Town.

Deb asked about the language stating a 3' ditch and everyone agreed that there would be places where the ditches wouldn't be that big.

Arthur is going to figure out approximately what he thinks we'll need and add 25%, make the recommended changes and get it to Darcy. It will then go to Joel to be given to the contractors to get some bids.

iv. Road closing – pursuant to MRSA 23 §2953, you can only address the opening/closing roads between May 1st and October 1st. Therefore, the London Road issue cannot be addressed at the April Town Meeting. It will be addressed at the special meeting sometime between May and October. A copy of the statute was presented to all parties. More specifics regarding this meeting will be discussed at a later selectmen's meeting.

g. Contracts

- i. Aroostook County Sheriff - \$2911.70 (presented at last meeting but Selectmen needed to sign and didn't) **Reviewed and signed.**
- ii. Quint's contract (original draft)

Deb questioned what Andy's justification was for asking for more money to plow her road and also more money to buy special equipment to plow her road. Arthur explained that it's a very difficult road and that it was up to the contractor to tell us how much he is going to charge. The selectmen also stated that the special equipment purchase was not going to be a part of the contract as we're building the road correctly and, therefore, the switchblade wouldn't be needed. It was also stated that we are building the road to the Town's specs for safety issues and not to Andy's requests.

Arthur advised the selectmen about a different way to address the fuel surcharge requested by Andy. He provided Darcy with the link to find the information and explained how it works. After discussion, it was decided that it would be easier to stick with the way we had discussed at the last meeting.

After review, a couple of changes need to be made.

Paragraph 2A, 4th line down "and additional mileage... contract period." Needs to be removed.

We need to add a paragraph to the contract under Paragraph 2 that should a new road be opened, a contract price will be negotiated or put out to bid, which will be effective until the next contract time period.

Once those changes are made, we can send to Andy for review. It can't be signed until after the town meeting. Darcy to make the changes and get it to Andy.

- h. Fire Department Grant – Darcy and Megan have been asked to assist in typing up a grant for the Fire Department from Paul Stewart. It's a very rush job as it has to be filed by February 10th. We indicated that we have no issues with typing but when Paul had come in, it sounded like he wanted Megan and I to actually assist in putting together the information (numbers etc.). As neither of us has any experience with grants, we wanted to make sure that one of the Board members that was also on the Fire Department knew what we were doing and that they would be reviewing the entire grant before filing. Roger, Joel and Rick all agreed that Megan and Darcy shouldn't be changing or modifying any of the factual information and/or numbers and that at least one of them would be available Friday afternoon to review and approve before submitting.

7. Budget

- a. proposed 2023-2024 – discussions had and Darcy to make the requested changes and, once completed, send to the Budget Committee and selectmen.
- b. set Budget Committee meeting date – Going to be February 15, 2023 at 6:00 P.M. at the Fire station.
- c. Darcy needs to find out exactly how the warrant articles need to be written so that the amounts can be changed. (i.e., can they decide they want more or less than what the selectmen and/or budget committee recommends)

8. Adjourn at 10:45.

**TOWN OF HODGDON
WINTER MAINTENANCE
CONTRACT**

TOWN Hodgdon
COUNTY Aroostook

This agreement entered into this 6th day of June, 2023 and executed by and between the Inhabitants of the Town of Hodgdon, by the Selectmen duly authorized in accordance with the vote at Town Meeting held on April 3, 2023, hereinafter referred to as the "Town" and Robert O. Quint Construction Inc. of 360 Hodgdon Mills Rd. Hodgdon, Maine 04730, hereinafter referred to as the "Contractor" Witnesseth, that in consideration of mutual covenant herein the parties agree as follows:

1. Independent Contractor

You and your agents and employees, during the performance of this contract, shall act in an independent capacity and not as officers or employees of the Town. Any manpower needed to fulfill the obligations of this contract shall be employed by you and shall be solely responsible for complying with applicable state and federal laws. As an independent contractor you are responsible for maintaining your equipment in a safe, operable and legal condition.

2. Maintenance Requirements

- A. You will remove snow and control ice on SA#2, SA#3, SA#4, SA# 7, & SA#9 of State Aid Highway, TW1107, 1114, 1308, 1331, 1353, 1339, 1355, 1356, 1357, 1363, 1389, 1410, 1481, 1494, 1498, 1500, 1506, 1949, 1959, 1963, 2070, 2134, 1959 north and Sprucewood Drive., of Town ways, all bus & plow turnarounds. Starting in August 2023 the mileage being 33.11 miles of State Aid Highway and accepted Town Ways in the Town of Hodgdon for the winter season beginning in 2023 and ending 2026, according with the snow removal and ice control laws. Contract will begin at first snow or ice and end at last snow or ice of the season.

Should any new road be opened during the term of this contract, a contract price for said road(s) will be negotiated with the current contractor. If the current contractor and the Town cannot negotiate an agreed upon price, the new road(s) will be put out for bid for the remaining term of this contract.

- B. You will commence plowing operations at any time snow or slush has accumulated on the above-described ways either from actual snowfall or drifting caused by wind to a depth of 2 inches and continue until all the above mentioned roads are properly cleared of snow provided, however, after cessation of storm and drifting conditions the above ways shall be cleared of accumulated snow.

- C. Snow on the above ways shall be removed to the outside edge of the shoulders of the roads and when directed by the town manager the snow shall be removed beyond the outside edges of the shoulders at designated locations to permit proper drainage of the road surfaces. To minimize drifting and provide storage for future storms the snowbanks at the outside edges of the shoulders shall be “winged back” when directed by the Municipal Officers.
- D. Apply sufficient salt and sand for operation of all vehicles and school buses within a reasonable length of time. Particular attention to sanding hills, curves, and intersections. The Town will supply required salt and sand.
- E. Remove snow and ice buildup from bridges.
- F. Plow all school bus turnarounds.
- G. Sand access to Dry Fire Hydrants.
- H. Sand the Hodgdon Fire Station by the Contractor required to sand the Hodgdon Mills Rd.
- I. Keep salt/sand pile plowed out and cleaned up.
- J. That this work shall be done to the satisfaction of the Road Commissioner or Municipal Officers. The judgment of the Municipal Officers shall be final.
- K. To furnish adequate and satisfactory equipment and manpower to efficiently perform the work.
- L. To have a minimum of (3) plow trucks, (2) sanders, and (1) loader available to maintain roads during slippery and storm conditions.
- M. Any use of the Town grader or truck to move snow off shoulders of roads, plow roads, or turnarounds will be reimbursed by the contractor at \$90.00 per hour for grader and \$45.00 for truck and deducted from the contractor’s payment. Scraping ice is exempt from grader charge.
- N. Should any resident plow snow across the road or in the road to the extent it interferes with Contractor’s plowing duties, the Contractor is responsible for calling the local law enforcement to address the issue.

3. Insurances

You agree to maintain during the contract period the following:

- A. General Liability Ins. with a minimum coverage of \$500,000 each occurrence.
- B. Automobile Liability Ins. on all vehicles with a minimum coverage of \$500,000 combined single limit.
- C. Workers Compensation and Employee’s Liability Insurance
- D. All insurances must list the Town of Hodgdon as additionally insured.

E. Certificates for the above-mentioned insurance requirements must be delivered to the Town of Hodgdon by August 28th of each year.

4. Breach of Contract

If you fail to perform according to the terms of this contract at the time and in the manner specified, that failure shall be a breach of contract. In the event of a breach, the Town (through its Road Commissioner or Town Manager) shall immediately give oral notice to you. You will then be required to perform to the terms of the contract within a specified time. In the event that you still do not perform your duties in the time stated, the Town shall have the following option:

Terminate This Contract: We may terminate the contract by sending you a written notice, stating the reasons for termination. You will be paid for all work which is satisfactorily done at that time, but the remainder of the money due you under this contract and bond or letter of credit will be used to obtain another contractor to maintain the roads.

5. Payment Schedule

The Town will pay to the contractor a sum per mile of road to which snow is removed and salt/sand applied. Said mileage is to be determined by the Town. It is further agreed that payment dates to the Contractor shall be as follows:

- A. At a rate of \$ 5,400.00 per mile for a total of **\$178,794.00**.
 - \$ 29,799.00 of the contract amount on December 1st.
 - \$ 29,799.00 of the contract amount on January 1st.
 - \$ 29,799.00 of the contract amount on February 1st.
 - \$ 29,799.00 of the contract amount on March 1st.
 - \$ 29,799.00 of the contract amount on April 1st.
 - \$ 29,799.00 of the contract amount on May 1st.

This schedule of payments may be modified in the event of a breach of contract.

B. FUEL ADJUSTMENT CLAUSE

The Town agrees to adjust the payment for services provided under this contract in the following schedule:

The price of diesel fuel base for this contract is \$5.50 per gallon. Fuel adjustment payment will be the number of gallons used for sanding and plowing operations on the roads specified in this contract multiplied by the difference in price paid per gallon to replace the fuel used and the base price per gallon as specified above. Contractor to provide documentation of fuel usage per individual piece of equipment and documentation of fuel replacement cost per gallon on the first of each month. Any fuel adjustment will be paid by separate check at the time of the monthly contract payment for the previous month.

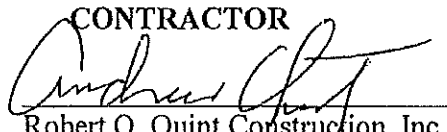
6. **Contract**



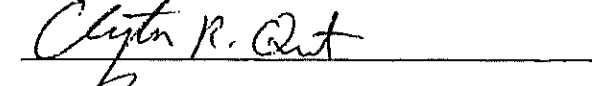
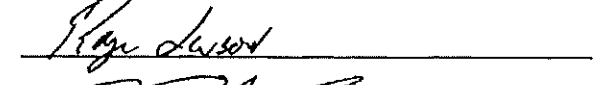



Contract must be signed and returned within 10 working days of date of issue.

7. **Amendment, severability, jurisdiction**

If any part of this contract is declared by a court to be void or unenforceable, the rest of the contract continues to be valid and effective.


IN WITNESS WHEREOF The parties of this agreement have executed the same on this day and date foresaid.

CONTRACTOR

Robert O. Quint Construction, Inc.
BY: Andrew Quint
ITS: President


SELECTMEN OF HODGDON









4:57

at LTE


<  hodgdon town office

All Posts People Groups Photos Videos

 Open Mondays 8:30 - 4:00 Tuesdays - Friday 8:00 - 4:00

 4 posts in the last 2 weeks

Following

 **Hodgdon Town Office** ...

PUBLIC INVITED & ENCOURAGED TO ATTEND

TOWN OF HODGDON
PUBLIC HEARING

Road Closures for Winter Maintenance
 There will be a Public Hearing on Closing Roads for Winter Maintenance on Wednesday, June 7, 2023 at 7:00 p.m. at the Mill Pond Elementary School Gym. The meeting will be to hear input on which roads the Town wishes to remain closed during specific winter months and for how long, not exceeding 10 years. A special Selectmen's Meeting will be held immediately following the public hearing and is open to the public.

PLEASE NOTE: THIS HEARING IS TO DISCUSS ALL CLOSED ROADS. THERE HAS, ONCE AGAIN, BEEN A REQUEST TO OPEN THE LONDON ROAD AND THE COSTS ASSOCIATED WITH THIS REQUEST WILL BE DISCUSSED AT THIS MEETING.

 4 To share:

KNOX COUNTY COMMISSION

Special Meeting

Tuesday – November 24, 2015 - 9:00 a.m.

A special meeting – work session of the Knox County Commission was held on Tuesday, November 24, 2015, at 9:00 a.m., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Carol L. Maines, Commissioner District #1, and Roger A. Moody, Commissioner District #3. *Commissioners not present: Richard L. Parent, Jr., Commissioner District #2.*

County staff present included: Administrator Andrew Hart, and Administrative Assistant Candice Richards.

Others present: County Attorney James Katsiaficas (*via teleconference*); Vinalhaven Town Manager Andrew Dorr, and Vinalhaven resident Jessica MacDonald Martin.

Special Meeting – Agenda

Public Hearing:

Petitions for Appeal From Seasonal Road Closing Final Determinations by the Town of Vinalhaven Pursuant to 23 M.R.S.A. §2953

Tuesday – November 24, 2015 – 9:00 a.m.

- | | | |
|-------------|-------------|--|
| I. | 9:00 | Meeting Called To Order |
| II. | 9:01 | Petitions for Appeal From Seasonal Road Closing Final Determinations by the Town of Vinalhaven: <ol style="list-style-type: none"> 1. One Petition, Dated October 19, 2015, Filed by Seven Legal Voters of the Town of Vinalhaven, Appealing From the Seasonal Closure of a Portion of Zeke’s Point Road. <ol style="list-style-type: none"> a. Public Hearing b. Commission Chair Closes Public Hearing. c. Act on Petition for Appeal From Seasonal Road Closing Final Determination by the Town of Vinalhaven Pursuant to 23 M.R.S.A. §2953 for a Portion of Zeke’s Point Road. 2. One Petition, Dated October 20, 2015, Filed by Nine Legal Voters of the Town of Vinalhaven, Appealing From the Seasonal Closure of a Portion of Crockett’s River Road. <ol style="list-style-type: none"> a. Public Hearing b. Commission Chair Closes Public Hearing. c. Act on Petition for Appeal From Seasonal Road Closing Final Determination by the Town of Vinalhaven Pursuant to 23 M.R.S.A. §2953 for a Portion of Crockett’s River Road. |
| III. | 9:30 | Adjourn |

I. Meeting Called to Order

Commission Chair Roger Moody called the special meeting of the Knox County Commission to order at 9:00 a.m. He noted that the notice was sent to the news media and sent to the Town of Vinalhaven and to all of the petitioners.

II. Petitions for Appeal from Seasonal Road Closing Final Determinations by the Town of Vinalhaven:

1. One Petition, Dated October 19, 2015, Filed by Seven Legal Voters of the Town of Vinalhaven, Appealing from the Seasonal Closure of a Portion of Zeke’s Point Road.
 - a. Public Hearing
Commission Chair Roger Moody opened the public hearing at 9:03 a.m.

Administrator Hart explained that Attorney Jim Katsiaficas was participating via teleconference and introduced Vinalhaven Town Manager Andrew Dorr, who was present at the public hearing.

Administrator Hart briefly listed the items that were in the packet that was mailed out to the Commission, and copied to the town manager and all of the petitioners:

1. Cover memo
2. Agenda
3. Outline for Special Commission Meeting
4. Notice of Public Hearing & Copies of Petitions
5. Town of Vinalhaven's Selectmen's Order (Including 9 28 2015 Selectmen's Meeting Minutes)
6. Town of Vinalhaven Town Meeting Minutes
7. Copies of Correspondence from Residents/Individuals
8. Memo from Andrew Dorr, Vinalhaven Town Manager – Winter Road Closure by the Board of Selectmen Votes of 10/26 & 11/9/2015. Email Providing Facts on Road Population, Use & Travel on Each Road.
9. Maps of Zeke's Point Road and Crockett's River Road Showing E-911 Roads & Observed Structures.

Administrator Hart explained for the record that because of the statute, the County Commission is the only governing body with the authority to overturn the Town of Vinalhaven's decision within one year of the Town's decision having been made. The Town is not able to change their action until after one year.

Town Manager Dorr explained that the Vinalhaven Select Board changed its position after seeing the petitions, but is unable to change their ruling because of the statute. There is no one living on Zeke's Point Road during the winter but there is construction going on and property owners are concerned about people being able to get to the property if there is a security alarm that goes off or needs to do some other kind of maintenance to the property. The decision to close the road was because it's difficult to maintain, and since there was no one at the hearing to speak against it, the selectmen voted to close the road. Manager Dorr noted that he had sent out a memo in an email explaining that the Select Board had changed their minds.

Vinalhaven resident Jessica MacDonald Martin explained that she is a caretaker and personal secretary for one of the families that own property on the island, and she also checks on property owned by a few other families. She said she knew the Select Board meeting was going on but wasn't able to attend. She added that most of the families are not on the island in the wintertime. She felt that closing the road off and not allowing access would open up the town to liability since she and other property caretakers have to go to those properties every day to check the alarm systems and the generators. These property owners would lose their insurance if the insurance companies found out that emergency personnel were unable to get to the property in a timely manner because the road is closed.

Commissioner Maines commented that she had seen in one of the letters that the condition of the road is poor to begin with and asked if that makes it harder to maintain in the winter. Ms. MacDonald Martin said that she and the other caretakers realize it's not a priority road and that it's not going to be plowed first. They just care that the Town is making an effort.

Manager Dorr noted that the biggest issue is the very steep hill on that road, which is what makes it so hard to maintain. The Town contracts out the plowing for that road, but if a contractor isn't willing to do it, the Town has to do it with its own equipment. Ms. MacDonald Martin showed the commissioners on the map where homes were in relation to the "hill of doom". She noted that sometimes the caretakers try to help plow.

Commissioner Moody asked about whether the Town had gotten out a notice letting residents know the road closures were going to be voted on by the Select Board. Manager Dorr answered that the Town has a "paper" that goes out weekly and the notice was in that. Copies were also posted around town.

- b. Commission Chair Closes Public Hearing
Commission Chair Roger Moody closed the public hearing at 9:22 a.m.
- c. Act on Petition for Appeal from Seasonal Road Closing Final Determination by the Town of Vinalhaven Pursuant to 23 M.R.S.A. §2953 for a Portion of Zeke’s Point Road.
Commissioner Maines briefly went over the main concerns citizens had for the road closure.

The commissioners took a 2-minute break to review the Order on Petition emailed to the administrative assistant. Commissioners relayed some edits to attorney Katsiaficas on the phone so he could make the changes and email a revised Order.

STATE OF MAINE
KNOX, SS

COUNTY COMMISSIONERS
November Term, 2015

IN THE MATTER OF:

PETITIONS FOR APPEAL FROM	)	ORDER ON PETITION
SEASONAL ROAD CLOSING FINAL	)	APPEALING FROM FINAL
DETERMINATIONS BY THE TOWN OF	)	DETERMINATION ON
VINALHAVEN PURSUANT TO	)	SEASONAL CLOSURE OF A
23 M.R.S.A. §2953	)	PORTION OF ZEKE’S POINT ROAD

Following public hearing and deliberation upon the above-captioned Petition Appealing from Final Determination on Seasonal Closure of a Portion of Zeke’s Point Road (“Petition”), the Knox County Commissioners find, conclude and order as follows:

JURISDICTIONAL FACTS

We, the County Commissioners of the County of Knox, State of Maine (the “Commissioners”), find the following facts upon which to base our jurisdiction in the above matter:

1. The Petitioners, Jessica MacDonald Martin, Daniel Martin, Christine Martin, Bruce R. Young, Roberta E. Hall, Walter Day and Lance E. Morton, are legal voters of the Town of Vinalhaven, Maine.
2. The Petitioners filed their Petition dated October 19, 2015, appealing from the Vinalhaven Board of Selectmen’s September 28, 2015 final determination approving a seasonal closure of a portion of Zeke’s Point Road, to the Commissioners on October 19, 2015.
3. The Vinalhaven Board of Selectmen had jurisdiction to make such a final determination under 23 M.R.S. §2953 and under Article 53 passed by the Vinalhaven Town Meeting on June 24, 2015.
4. The Petitioners’ filing of their Petition was within 30 days of the final determination appealed from and so is timely.

NOTICE OF HEARING

Pursuant to the order of the Commissioners dated November 10, 2015 (“Order”), legal notice was given to all interested parties of our intention to consider the matters set forth in the Petition at a hearing scheduled for November 24, 2015 at 9:00 am at Knox County Courthouse. Notice of said Petition and Order was duly made by causing true copies thereof to be mailed to the following persons and entities by certified mail, return receipt requested:

Clerk of the Town of Vinalhaven,

Petitioners Jessica MacDonald Martin, Daniel Martin, Christine Martin, Bruce R. Young, Roberta E. Hall, Walter Day and Lance E. Morton.

An Affidavit of Knox County Administrative Assistant Candice Richards evidencing: the

provision of notice to and receipt of return receipts from each of the persons above described, the posting of notice and the publishing of attested copies of said Petition in the *Rockland Courier-Gazette* has been received and entered into the record of this proceeding.

HEARING

On November 24, 2015 at 9:00 am, a hearing was commenced on the Petition appealing from the seasonal closure of a portion of Zeke's Point Road as scheduled in said Order.

Present at the hearing were: the Commissioners; Knox County Administrator Andrew Hart, Town of Vinalhaven Town Manager Andrew Dorr and Jessica MacDonald Martin.

The Petitioners, in their Petition, had expressed concern that police, fire and ambulance would not be able to access the properties in a timely manner to respond to emergencies at any of the homes or constructions sites because of unplowed snow if this portion of Zeke's Point Road were closed to winter maintenance. By email to the County Commissioners dated October 29, 2015, Peter Codella of PC Builders in Vinalhaven stated that his company is in the middle of a construction project for Mary Gooderham and Andrew Cohen on Zeke's Point Road, and that it would be difficult to continue the project if the road is not plowed. By letter to the County Commissioners dated November 1, 2015, Mary Gooderham explained that she was having construction work done along the closed section of road asked the County Commissioners to keep the road open and maintained in all seasons; a letter from property co-owner Andrew Cohen to the County Commissioners dated November 2, 2015 raised similar points. By letter to the County Commissioners dated November 12, 2015, Harvey Geiger noted that the Cohen residence is being constructed and stated that the decision to close this portion of Zeke's Point Road to winter maintenance creates "a potentially dangerous situation for all homeowners, contractors and caretakers, along with emergency service responders, including fire and EMS personnel." By letter to the County Commissioners dated November 12, 2015, Michael S. Hudner, the owner of a home at 216 Zeke's Point Road, objected to the seasonal closing determination, stating that he and other homeowners make limited demands on the Town, but depend "upon the Town to keep the roads open throughout the year to facilitate access by contractors, caretakers and emergency service providers."

At the hearing, Mr. Dorr explained that there are nine (seasonal) property owners on the portion of this road that was closed to winter maintenance. He also said that the Board of Selectmen has changed its position on seasonal closure of the road and now supports keeping it open year-round. He said that numerous individuals have come forward since the Board of Selectmen's decision to closure this portion of Zeke's Point Road stating their need to access homes year-round. Caretakers have an expectation to check security systems, maintain (albeit limited) the properties, and contractors have work scheduled beyond the closure area. Jessica MacDonald Martin explained that she is a caretaker for the Hudners and other families on the closed portion of the road, and that it is necessary to keep the road open year-round, despite the steep hill, for caretakers and contractors and for liability and insurance reasons.

FINDINGS, CONCLUSION AND ORDER

We, the undersigned County Commissioners for the County of Knox, State of Maine, make the following findings, conclusion and order:

1. Based upon the testimony of Mr. Dorr and the numerous letters from homeowners and contractors, the Commissioners find the following regarding the location of this portion of Zeke's Point Road, of its use and travel upon it: that the owners of property along and accessed by the portion of Zeke's Point Road that was closed have a need for emergency response personnel and for their caretakers and contractors to travel upon this portion of road year-round to access these properties.
2. On the basis of these findings, the Commissioners hereby conclude that this portion of Zeke's Point Road is so located with reference to population, use and travel thereon, that it is necessary to keep this portion of Zeke's Point Road maintained and open for travel

during the months of November, December, January, February, March and April or any part of these months.

3. Therefore, the Commission orders that the Petition appealing from the September 28, 2015 Final Determination of the Board of Selectmen of the Town of Vinalhaven is granted, and that Final Determination is reversed.
4. A copy of the within Order shall be mailed forthwith to the Clerk of the Town of Vinalhaven and to each of the Petitioners.

WHEREFORE, the Knox County Commissioners do hereby issue this Order on Petition Appealing from Final Determination on Seasonal Closure of a Portion of Zeke's Point Road.

Dated at Rockland, Maine this 24th day of November, 2015.

- A motion was made by Commissioner Carol Maines to grant the petition of the Determination closure of Zeke's Point Road, adopt the written Order. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. One Petition, Dated October 20, 2015, Filed by Nine Legal Voters of the Town of Vinalhaven, Appealing from the Seasonal Closure of a Portion of Crockett's River Road.

a. Public Hearing

Commission Chair Roger Moody opened the public hearing at 9:35 a.m.

Town Manager Dorr explained that the Vinalhaven Select Board changed their position after seeing the petitions, but is unable to change its ruling because of the statute. The Town didn't know that there would be someone living on Crockett River Road over the winter. Having heard no issues with the closure at the Select Board meeting on September 28th, the Select Board decided to close Crockett's River Road at Long Cove Road. Manager Dorr showed the commissioners where one petitioner lives on that road. He noted that the Town was unaware that the resident would be living there during the winter. The road has been closed in the past and no one spoke up at the Select Board meeting in September so nobody realized there would be a problem. The Town will maintain the road past the resident's property to until wherever the road crew (Town's crew – not a contractor) can safely turn around.

Commissioner Moody asked if there was any public comment; there was none.

It was noted that there were similar reasons for citizens not wanting this road closed as there was for Zeke's Point Road. There are individuals who will need access to properties on the road, as well as fire and EMS needing access if there is an emergency.

b. Commission Chair Closes Public Hearing

Commission Chair Roger Moody closed the public hearing at 9:38 a.m.

c. Act on Petition for Appeal from Seasonal Road Closing Final Determination by the Town of Vinalhaven Pursuant to 23 M.R.S.A. §2953 for a Portion of Crockett's River Road.

The commissioners took a two-minute break to review the Order on Petition emailed to the administrative assistant. Commissioners relayed some edits to attorney Katsiaficas on the phone so he could make the changes and email a revised Order.

STATE OF MAINE
KNOX, SS

COUNTY COMMISSIONERS
November Term, 2015

IN THE MATTER OF:

PETITIONS FOR APPEAL FROM	)	ORDER ON PETITION
SEASONAL ROAD CLOSING FINAL	)	APPEALING FROM FINAL
DETERMINATIONS BY THE TOWN OF	)	DETERMINATION ON SEASONAL
VINALHAVEN PURSUANT TO	)	CLOSURE OF A PORTION OF
23 M.R.S.A. §2953	)	CROCKETT’S RIVER ROAD

Following public hearing and deliberation upon the above-captioned Petition Appealing from Final Determination on Seasonal Closure of a Portion of Crockett’s River Road (“Petition”), the Knox County Commissioners find, conclude and order as follows:

JURISDICTIONAL FACTS

We, the County Commissioners of the County of Knox, State of Maine (the “Commissioners”), find the following facts upon which to base our jurisdiction in the above matter:

1. The Petitioners, Sylvie M. Lacey, Dallas Anthony, Kristine Davidson, Heather Seawell, Chris Waring, Bruce Hopkins, Suzanne Heller and Priscilla Rosen, are legal voters of the Town of Vinalhaven, Maine.
2. On October 23, 2015, the Commissioners received the Petition dated October 20, 2015, appealing from the Vinalhaven Board of Selectmen’s September 28, 2015 final determination approving a seasonal closure of a portion of Crockett’s River Road.
3. The Vinalhaven Board of Selectmen had jurisdiction to make such a final determination under 23 M.R.S. §2953 and under Article 53 passed by the Vinalhaven Town Meeting on June 24, 2015.
4. The Petitioners’ filing of their Petition was within 30 days of the final determination appealed from and so is timely.

NOTICE OF HEARING

Pursuant to the order of the Commissioners dated November 10, 2015 (“Order”), legal notice was given to all interested parties of our intention to consider the matters set forth in the Petition at a hearing scheduled for November 24, 2015 at 9:00 am at Knox County Courthouse. Notice of said Petition and Order was duly made by causing true copies thereof to be mailed to the following persons and entities by certified mail, return receipt requested:

Clerk of the Town of Vinalhaven,

Petitioners Sylvia M. Lacey, Dallas Anthony, Kristine Davidson, Heather Seawell, Chris Waring, Bruce Hopkins, Suzanne Heller and Priscilla Rosen.

An Affidavit of Knox County Administrative Assistant Candice Richards evidencing: the provision of notice to and receipt of return receipts from each of the persons above described, the posting of notice and the publishing of attested copies of said Petition in the *Rockland Courier-Gazette* has been received and entered into the record of this proceeding.

HEARING

On November 24, 2015 at 9:30 am, a hearing was commenced on the Petition appealing from the seasonal closure of a portion of Crockett’s River Road as scheduled in said Order.

Present at the hearing were: Commissioners Roger A. Moody and Carol L. Maines; Knox County Administrator Andrew Hart, and Town of Vinalhaven Town Manager Andrew Dorr.

Petitioner Sylvia M. Lacey had written in her petition that she is a year round resident who needs this portion of Crockett’s River Road maintained in order to have access to her home.

At the hearing, Mr. Dorr explained that there are five property owners on the portion of this road that was closed to winter maintenance, and that one an individual is living in a home year-

round now that is less than a ¼ mile from Long Cove Road (the proposed turn-around area). He explained that the Selectmen were unaware of the year-round resident when they ordered the closure of this portion of the road. Caretakers have an expectation to check security systems, maintain (albeit limited) the properties, and contractors have work scheduled beyond the closure area. He also said that the Board of Selectmen has changed its position on seasonal closure of the road and now supports keeping it open year-round.

FINDINGS, CONCLUSION AND ORDER

We, the undersigned County Commissioners for the County of Knox, State of Maine, make the following findings, conclusion and order:

1. Based upon the testimony of Mr. Dorr and the petition from Ms. Lacey, the Commissioners find the following regarding the location of this portion of Crockett's River Road, of its use and travel upon it: that the owners of five properties along and accessed by the portion of Crockett's River Road that was closed have a need for emergency response personnel and for their caretakers and contractors to travel upon this portion of road year-round to access the seasonal properties, and that the year-round resident, Ms. Lacey, must be able to access her home and obtain municipal services.
2. On the basis of these findings, the Commissioners hereby conclude that this portion of Crockett's River Road is so located with reference to population, use and travel thereon, that it is necessary to keep this portion of Crockett's River Road maintained and open for travel during the months of November, December, January, February, March and April or any part of these months.
3. Therefore, the Commission orders that the Petition appealing from the September 28, 2015 Final Determination of the Board of Selectmen of the Town of Vinalhaven is granted and that Final Determination is reversed.
4. A copy of the within Order shall be mailed forthwith to the Clerk of the Town of Vinalhaven and to each of the Petitioners.

WHEREFORE, the Knox County Commissioners do hereby issue this Order on Petition Appealing from Final Determination on Seasonal Closure of a Portion of Crockett's River Road.

Dated at Rockland, Maine this 24th day of November, 2015.

- A motion was made by Commissioner Carol Maines to grant the petition of the Determination closure of Crockett's River Road, adopt the written Order. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

III. Adjourn

- A motion was made by Commissioner Carol Maines to adjourn the meeting. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

The meeting adjourned at 9:45 a.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on December 8, 2015.