



**Frenchville Board of Selectpersons Meeting Minutes
Town of Frenchville Town Office
Tuesday September 5, 2017 6:30 pm**

Present: Yvon Dube, Craig Lawrence, Clarence Roy, Ryan Pelletier

Others: Bern Pelletier, David Pelletier, Jeremy Pelletier, Ian Toussaint, Robbie Desjardins

John Ezzy, Anne Ezzy, Dan Pelletier, Nicole St. Peter, Michelle Sirois, Carl Sirois,

Ken Daigle, Paul Bernier, Alain Ouellette, Don Eno, Bruce Ouellette, Verna Cyr

1. **Call meeting to order:** The meeting was called to order by Chairman Craig Lawrence at 6:30PM
2. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
3. **Public Comment Period:**

Time Opened 6:31PM

John Ezzy discussed the proposed Special Town Meeting regarding funding and maintenance of Pelletier Ave.

- 1) Pelletier Ave as built by the Town in 1905 with appropriation documented in the minutes of that year
- 2) The Town has maintained Pelletier Ave year round for the past 20 years or so.
- 3) After three lawsuits were brought against the Town, all were decided in favor of continuing to maintain and improve the road.
- 4) After a recent action brought by the Ouellette family, signed by the Court Justice declaring Pelletier Ave a Public way. Mr. Ouellette was ordered to deed the rights to the road to the Town, and the Town agreed that there would be no restrictions on the road.
- 5) The petition presented to the Town that the selectman to consider tonight to schedule a Special Town meeting to continue maintenance of Pelletier Ave running from Starbarn Ave to the Madawaska Town Line.
- 6) If the Town discontinues funding the road, the Town should compensate the abutting property for the diminished value as a result of the loss of a municipally maintained road.
- 7) **SEE Attached Letter that was read outloud by John Ezzy in Public Comment.**

The chairman Craig Lawrence and Ivon Dube liberated that per the Town of Frenchville Attorney, they are not able to discuss any results or findings while the issue with Pelletier Avenue is still in the Courts. They have 45 days after posting of this meeting to schedule a Special Town Meeting. See Attached letter

Time Closed 6:55PM

4. **August 15th, 2017 minutes:** A motion was made by Yvon Dube, seconded by Clarence Roy to accept the minutes of August 15, 2017. All in favor. APPROVED.
5. **Warrants, expenses, and payrolls:** All the Warrants, expenses and payrolls were approved and signed by the Board of Selectman.
6. **New Business:**
 - A. **TIFF- Discussion on TIFF/Alain Ouellette/Business Owners:** Alain Ouellette suggested that the Town's people to get educated on Tiff and he is willing to set up a class. Meeting was discussed to be on Sept 26th, Tuesday at the Community Center.
 - B. **Pelletier Ave - Update on Challenge and New Vote Needed:** A motion was made by Clarence Roy, seconded by Yvon Dube to schedule a Special Town meeting November 14, 2017.
 - C. **Town Manager Performance Appraisal/Contract Renewal discussion:** A motion was made by Yvon Dube, seconded by Clarence Roy to go into executive session. Time 7:30pm. All in favor. Moved. Executive Session Ended- 7:50pm.
 - D. **Executive Session Personal Matters- 1 M.R.S.A. 405 (6) (A):** To be discussed in executive session. A motion was made by Clarence Roy and seconded by Yvon Dube to go into Executive Session @ 7:51pm. All in Favor. Moved Executive Session Ended @ 8:10pm
 - E. **BOS to sign Bank add/releases /Oaths/Employee Confidentiality Agreements:** Item was discussed and signatures completed as needed. No Motion Needed to complete this agenda item.
 - F. **Public Access Officer:** Board of Selectman appointed Town Manager, Ryan Pelletier as Public Access Officer to the Town of Frenchville effective immediately. A motion was made by Clarence Roy, seconded by Yvon Dube. All in favor. APPROVED.
7. **Other Business:**
 - A. **Camera crew from WOWL left the room after the Pelletier Ave discussions leaving with a disturbance. Town Manager to contact WOWL on this decision to leave mid meeting.**
8. **Meeting Dates:** September 18 , 2017 @6:30pm Frenchville Town Office
November 14, 2017 @6:30pm SPECIAL TOWN MEETING
9. **Adjourn:** Motion by Yvon Dube and Seconded by Clarence Roy to Adjourn- all in favor @8:28pm.

I am here this evening to discuss the proposed Special Town Meeting regarding funding for the paving and maintenance of Pelletier Ave. A lot of time, energy, and money have been wasted by the Town and all concerned parties. It is time to put this issue behind us.

Since the first objections were aired falsely claiming that Pelletier Ave was a private road, many things have come to light proving otherwise.

1. It was discovered that the road was built by the Town in 1905 as a result of an appropriation documented in the minutes of that year's Town Meeting.
2. The Town has continually maintained the road in some fashion since then. For the past 20 years or so the town has been maintaining the road year round as a result of the issuance of 3 building permits and the construction of 3 dwellings on the stretch of road in dispute.
3. Three lawsuits were brought against the Town to try and stop the legal improvement of Pelletier Ave and all were decided in favor of continuing to maintain and improve the road.
4. The most recent action brought by the Ouellette Family resulted in an order signed by Superior Court Justice Stewart finally declaring Pelletier Ave a Public Way. The order goes on to mandate that the Town clear up some drainage issues, Calvin Ouellette was ordered to deed the rights to the road to the Town, and the Town agreed that there would be no restrictions on the future paving or use of the road.
5. The petition presented to the Town that the selectmen are considering tonight asks them to schedule a Town Meeting to see if the Town wants to "continue the paving, improvement, maintenance, and repair of that portion of Pelletier Ave running from Starbarn Ave to the Madawaska Town line".
6. If it should be voted that the town would discontinue funding the road, the Town would have to compensate the abutting property owners for diminished value. The Maine Roads Manual reads: "Damages must be paid to abutting property owners because of the reduction in fair market value of their property as a result of the loss of a municipally maintained road"

If the Town should vote to discontinue funding the road all the property owners, including the Ouellette Family, will need to be compensated for their loss of fair market value. Diminished value formulas dictate that the reduction in value due to the loss of municipal maintenance of the road can vary from 25% to 40% depending on circumstance.

The three existing dwellings on Pelletier Ave have a collective market value of approximately \$1,500,000.00. If the road is defunded as proposed by the petition, that would mean that the Town would have to appropriate somewhere between \$350,000.00 and \$600,000.00 not counting what the Ouellettes would gain from their diminished value.

The Town selectmen recently rejected a petition that was presented due the fact that the wording was off by one day. It would definitely be in their power to act in the best interest of the Town, which they have sworn to do, and reject the petition due to the fact that this could adversely affect all the townspeople with a severe tax increase in order to close a road that is used by hundreds of cars, trucks, and school busses every day.

If the selectmen do not reject the petition and vote to hold a Special Town Meeting as requested in the petition, they had better include an article to fund the loss of fair market value in these properties and appropriate at least \$350,000.00. How will that affect everyone's taxes?

John Ezzy

9-5-17