

OFFICE OF SELECTMEN
MUNICIPALITY OF FREEDOM

P.O. Box _____
FREEDOM, MAINE 04941

Freedom, Maine
Aug. 28, 1992

Sallyann & Charles Hadyniak
218 Washington Ave.
Cartaret, N.J. 07008

Re: Ollie Ward/Beaver Ridge Road, Freedom, Maine

This is a reply to your letter of August 17th. concerning the status of the road leading to your property on Beaver Hill.

On March 3, 1956 the Town of Freedom, at their annual Town Meeting, voted to discontinue the road from Ollie Ward's place to over Beaver Hill.

Mr. Kenneth Reed, President of Land & Log Corp. knew the status of this road before he sold the land to you.

Sincerely,
Selectmen of Town of Freedom

Harold Mitchell

Harold Mitchell

James Phillips

James Phillips

Meldon Turner Jr.

Meldon Turner Jr.

P.S. The road from Ollie Ward's residence to your property on Beaver Ridge would qualify as an abandoned road. the Statutes of a road, any road that hasn't had any maintainance done by the town for thirty five years reverts back to the land owners as an abandoned road. I have been road commissioner and acting commissioner for forty years and I have not done or had any work done on this road.

Sincerely,
Harold Mitchell *Harold Mitchell*
First Selectman & acting Road Commissioner
Town of Freedom, Maine

Freedom, Maine
September 24, 1992

Re: Ollie Ward/Beaver Ridge Road

Mally Ann & Charles Hadyniak
118 Washington Ave.
Cartaret, N. J. 07008

In reply to your letter, I will try to answer your questions, concerning the status of this road.

Question 1: This road was discontinued from Ollie's residence East to junction of road leading to under Beaver Hill Road, which is just down over the hill from the last house on the road. The rest of the road that continues East by your property could be considered an abandoned road. I believe you would have a right to control this road by a gate and permission only signs. Snowmobilers enjoy this route over the hill.

Question 2: The procedure for towns to accept a road for maintenance is; Road must be at least eighteen feet wide, including shoulders, eighteen inches of gravel upon a solid sub. base, also culverts and ditches to make proper drainage. This would have to be okayed by the Selectmen and Planning Board. Then it would be inserted in an article at Town Meeting, to accept or reject.

My thoughts at this time: All towns are in an economy crunch, and I feel that voters would refrain from accepting any new liability at this time. However, I feel that maybe in the future, as more people build, in these abandoned and closed roads, the County Commissioners will demand the towns to reopen these roads to the public.

The name "Flat Landers" for out of stat people got started by some one with big mouth and not much respect for themselves. I believe the most of our citizens sometimes refeer to out of staters as "Flat Landers" but do not mean any disrespect.

I have served in Town Government for fifty plus years and have had some out of staters on various committees for the town, and they are highly respected. I think the people of Freedom and Waldo County will be respectful and you can make many friends. Hope this letter introduces some of the Towns problems that we are now going through.

These are my thoughts:

My thoughts are coming from the mouth of a n eighty two year old man, he is completing forty seven years a selectman, sixty years as a registered game guide and over fifty years as Road Commissioner or acting Commissioner or the selectmen, School Director and various other town committees. As these roads were discontinued in the fifties, I stated at the time that as the town grows these roads will be reopened. Again, I wish you and your son the best of luck on Beaver Ridge. Also would like to say that our natives are friendly caring people.

Sincerely Yours,
Harold Mitchell
Selectman
Town of Freedom

Freedom, Maine
June 20, 1996

Mr. & Mrs. Charles Hadyniak
218 Washington Avenue
Carteret, New Jersey

Dear Charles and Sally:

This letter is to try to clear up the confusion about your road. I will try to explain once again about the status of this road. November 9, 1948, we the Selectmen applied to the County Commissioners to close the road for winter maintenance only. The year of 1956 the Town voted to discontinue this road from Oley Ward's residence, approximately $\frac{1}{2}$ mile to the road leading to under Beaver Hill for summer and winter maintenance only, this does not mean that this prevents the public from using this $\frac{1}{2}$ mile of road. The road leading from this road under Beaver Hill that leads over Beaver Hill, by your property is an abandoned road. Land owners own to the center of this road and the Town has no control over this.

The procedure to accept a road for maintenance: Road must have 18 feet of travel lane, 2 foot shoulder on each side. Road overall would be $2\frac{3}{4}$ feet wide. Culverts must be placed where needed and ditched to satisfaction of Selectmen and planning board. If the Town voted to accept maintenance of this road, it would be controlled by the Town as a public way.

Hope this clears up the confusion.

Sincerely,

Carol Mihalec 1st Selectman

Petitioners' Exhibit 7

Selectmen's Meeting
Town of Freedom
September 9, 1997

Presiding: Harold Mitchell
Present: B. Bolduc, H. Brugger, J. Knowlton, R. Knowlton, E. Lingely, P.

McLain, G. Wood

(Present prior to the meeting were several town residents who left once it was clear that there were no petitions being presented as was rumored.)

1. The third selectman reported receiving a written response from MMA regarding the status of the road. Basically MMA advised the town that the road was now private property and that any abutter could post his or her section of the road. MMA advised the town to leave it to the residents on the discontinued portion of the road to create their own agreements regarding posting signs on one another's property. The first selectman noted that once a road is posted as private the town cannot provide emergency snow removal assistance. The Woods and Hadyniaks will be notified of the MMA opinion.
2. The selectmen assembled and approved the warrant.
3. In a review of correspondence, the second selectman brought forward a letter from the Maine Old Cemetery Association, which called attention to the sorry state of the grave of Thomas Penney in the Penney family cemetery on Mitchell Road. The letter cited legislation on Maine books requiring care of veteran graves in "ancient or public cemeteries." The third selectman volunteered to write to MOCA to see if there is sample article language available. All selectmen were concerned about the liability of not caring for veteran graves but also for the obligation to locate veteran graves in private and potentially inaccessible cemeteries.
4. Gunnar Wood stopped by to ask if there were plans for road work on his portion of Goosepecker Ridge Road. The first selectman said that the only work slated was cutting back some brush to increase visibility. Wood also asked about solid waste disposal for the town. The third selectman explained the system for white goods at the Unity white goods dump, brown goods in town during semi-annual pickups, and the lack of regional solution for tires and demolition debris. The selectmen agreed to have the third selectman contact Sullivan Waste Disposal to set a date for a fall brown goods pickup.
5. The third selectman noted that she is unavailable to meet on Sept. 13 to finalize abatements. The selectmen agreed to meet on Saturday, September 20 instead.
6. There was general discussion as to the cause for the number of excited residents expecting various petitions to be presented at the selectmen's meeting. Reporter for the

Town of Freedom
P.O. Box 88
Freedom, Maine 04941

To: Walter Woods, Sallyann and Charles Hadyniak, Lynn and Chuck Hadyniak ✓
From: Freedom Board of Selectmen
Re: Status of Beaver Ridge Road and Permission to Post Signs
Date: September 16, 1997

Attached is a copy of the opinion rendered by the Maine Municipal Association legal department. The board of selectmen interpret this opinion to mean that the discontinued portion of the road has reverted to the abutting property owners. As you can see by the end of the first paragraph, MMA has advised the town not to take a role in private civil matters regarding the posting of signs, although it makes clear the right of each property owner to post his or her section of the road.

The board of selectmen feel that the spirit and intent of the original article calling for discontinuance in 1956 permitted the continued access to property by using the road, i.e., the private nature of a section of the road would not prevent property owners further along from using the road to access their land. The board also feels that once any discontinued road is posted "as private, the town cannot provide emergency road assistance to residents on the road. Emergency winter road assistance has been rendered in the past in a "neighborly" fashion, but such action could not continue on a posted way.