

November 30, 2023

Trails Committee: Legal Trails to Class 4?

Meeting to order at 6:03 pm

Trails Committee- Elisse Gabriel, Jonathan Bicknell, Rudi Ruddell, Susan Salster, Thornton Hayslett

Public: Peter Hayden, John Echeverria, Betty Brown, Allison Ericson, Amy Frost, Matt Frost, Brenda Field, Lydia Flanagan, Maureen McCullough, Margaret Rogers, Ellen Hosford, Mariah Lawrence, Michael Sacca, Liz Williams, Sarah Heminway, Cal Heminway

Emails received from several parties (Anita Abbott on behalf of Priscilla Farnham), Cal Heminway,...

Only Legal Trail landowner feedback so far on LT reclassification to Class 4 has all been opposed, for varying reasons

John Echeverria presents at least 5 points:

says 'eminent domain', not simple redesignation; vehemently opposed and feels town effort to do this would fail; threatens that this would incur further costs (issue of eminent domain questioned by others afterwards, and no resolution or verified clarification came during meeting)

Peter Hayden 'agree to disagree with everything you have said', essentially boils down to obstruction of public's right to use the trails, now leading to deterioration due to lack of maintenance. Other residents (including Alisson Ericson, Amy and Matt Frost) voice agreement and note desire to pursue whatever means necessary to maintain public right of way

Amy (with support from others) notes climate change has some concerned about increased extreme weather patterns and flooding in the valleys. Access to high roads is important for recreation but should be available for contingency planning into the future. There is encouragement to get feedback from the road crew and emergency personnel on past, current and future needs.

Brenda Field notes that response following July 2023 flooding did not include the Legal Trails to any significant extent and is not sure this is really a pertinent issue

Ellen Hosford has submitted a letter to Jonathan Bicknell, highlights perceived disrespect of landowners, lists at least ten items of complaint with what this procedure would do – wants mediation/arbitration; cites 'no trust in public process'

Matt Frost echoes Peter Hayden's sentiments; not about trails, its about reclassification of a public right of way; notes Ordway upgrades after designation as Class 4; meets all of Ellen Hosford's checkboxes for quiet road; how do we maintain useable rights of way? Believes threats of eminent domain and other threats are smokescreen

Jonathan reads letter from Cal Heminway – opposed to this effort, feels it is 'overkill'

Anita Abbott email – relays info from Priscilla opposing efforts to reclass – thinks it would be expensive, not the best option; hopes other options are more practical

Ellen Hosford agrees to read poem from Mel Goetz concerning beauty and peace of Orchard Rd

Fern Strong opposes reclassification to Class 4, feels fragility would be exacerbated

Maureen McCullough (with support from others) notes complaints that the SB has not handled discussion well, and after several years it continues to be a divisive topic. Betty Brown disappointed selectboard didn't act in beginning, 'same info round and round'.

Rebuttal from others focused on ongoing litigation driving this journey, feel the complaints are misplaced, and SB should not be blamed. George White notes SB has been respectful, bent over backward to accommodate and hear out multiple perspectives

Other opinions pushing for a more collaborative approach to bring this to a mutually agreed upon conclusion

Comment that Class 4 are unmaintained roads, but may be worth reclassification if ambiguity is resolved on public rights. Several comments reflecting worry over costs to maintain or upgrade, but Peter Hayden notes huge range of levels of maintenance on class 4 roads.

VT Statutes 19 V.S.A. § 310 (b): "Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town, or may be reclassified..."

Sarah Heminway – welcome folks to walk on their land on Falls Hill, but feels Class 4 would invite vehicle traffic and opposes this option

John Echeverria: hoping for legal dispute over whether case is ripe to decide who has authority over maintenance of Legal Trails to be resolved in the next few weeks (basis? Case has gone to Supreme Court but has no date set at this point)

John claims he has never advocated for throwing up the trail – but is vehemently opposed to bikes

George White pushes back on this, John concedes this wasn't always his position, shifts discussion to re-routing bike trail

Cal logs on, feels charge to reclassify to Class 4 is overkill

Ellen Hosford and Lydia Flanagan note trail users like to go on trails that have no vehicles.

Sue Salster (as Trails Committee member): is this all Trails, or just Orchard Rd? Differing opinions offered in response; no consensus on whether reclassification would apply to all Legal Trails

Clarification desired on whether the SB is considering all legal trails to be reclassified as class 4 or just the Orchard Trail. This clarification has an impact on overall public reaction. Some also feel that if only Orchard trail then one landowner is being targeted in this decision.

Meeting adjourned at 6:50 pm