

April 11, 2024

Trails Committee

Elisse Gabriel, Brenda Filed, Betty Brown, Ellen Hosford, Maureen McCullough, Sue Salster, Thornton Hayslett, Jonathan Bicknell, dan ruddell; online: Kevin Rose, John Echeverria

Meeting start 6:04 pm

Public Comment

Elisse: doing a good job, notes sign on Drew Lot has held up well (yay Brenda!)

Brenda seconds

Jonathan:

\$600 from The Ranger annual donation

Penfield Chester has reached out about an easement to Strawberry Hill; working on language, would then go before selectboard

Elisse suggests some of funds could go to a memorial plaque on Strawberry Hill trail for Chesters

RTP has finally been signed off, and Town Garage Lot is now Wicopy Woods;

Renaming event to come in fall: Town Forest Committee, Trails Committee, Conservation Commission, Planning Commission, WRVHS students, TCS students

Sue wonders if clearing brush and general maintenance is in the works for spring on Wicopy Woods; Brenda encourages this

Kevin willing to help put up signs, offers Brenda help; also enthusiastic about getting out on trails-public, private, exploring possibilities

Elisse seconds Kevin's comments, wants to get more folks out and familiar

Loop back to public comment from John E

John questions opening trails, notes he submitted comments via email

Doesn't feel opening trail furthers planning

John wonders if Falls Hill could be an agenda item for planning this spring

Jonathan responds that selectboard video includes offer of Trails Committee to play a role, but suggests they would do so at request of SB

Next meeting third Thursday, May 16 (delay a week so we are after May 14 selectboard meeting)

Meeting adjourned 6:42 pm

On Thursday, April 11, 2024 at 01:16:29 AM EDT, John Echeverria <jecheverria@vermontlaw.edu> wrote:

Dear Trails Committee,

John will attempt to join the Trails Committee meeting this evening, assuming he can overcome his internet challenges. In any event, here are a few comments in advance of the meeting.

It is our understanding that the committee is considering attempting to open some trails, including Orchard Trail, to walking. We also understand that neither the committee nor the Town more generally intends to intrude upon our claim to exclusive landowner authority to determine whether and how to maintain or repair the legal trails, including cutting or removing downed trees and branches in the trails, pending resolution of the litigation.

Changing the status quo (Orchard Trail closed to public use) and attempting to open Orchard Trail to walking in advance of court resolution of the pending litigation is a bad idea and we oppose it. The Orchard Trail is currently not passable for walking (or other public uses) due to the downed trees and branches in the trail. Certainly no one could contend that it offers a convenient, pleasurable or safe recreational experience. We are also concerned that individual trail users would be tempted to engage in ad hoc trail maintenance and trespass onto our private property rights, fomenting yet more conflict in this already contentious debate. To reiterate our longstanding position, we believe that the Town lacks the legal authority to conduct or authorize any trail maintenance or repair without landowner permission and any trail maintenance or repair by individuals without landowner permission would constitute a trespass.

Based on our last look at the Cross Road, that trail is certainly no less potentially passable to walkers than the Orchard Trail, raising the prospect of unwarranted discrimination.

As you know, we and the O'Briens "share" a portion of the Orchard Trail. In informal conversation, John O'Brien (copied on this message) told me that his father and Edgar Dodge had an understanding that the boundary line between the two properties was in the center of the trail. Preliminary title research John E. performed did not reveal anything contradicting this understanding. We are not yet clear in our own minds how landowner trail maintenance authority plays out in these circumstances, but we insist on maintaining our position with respect to trail maintenance along this shared boundary to the extent authorized by law.

Hopefully soon, the courts will resolve the legal dispute over trail maintenance and repair authority. In the meantime, we would be happy to resume maintaining and repairing the Orchard Trail, including removing downed trees and branches obstructing use of the trails, and embrace use of the trails for all manner of pedestrian activity and horseback riding, if the town can see its way clear to an agreement to reroute bicycle traffic around our farmyard.

Best,

John Echeverria and Carin Pratt