

Beaver Ridge Road Hearing 2-4-2025

Unedited AI generated transcription 2-4-2025
Corrections to Names were made on 2-17-2025

(Each comment is time stamped. Please refer to the recording if further clarification is needed)

WEBVTT

21

00:07:03.630 --> 00:07:08.219

Town of Freedom: Hi, folks, if you were here last week, you know my name is Bill Kelly, I'm your town attorney.

22

00:07:08.656 --> 00:07:36.170

Town of Freedom: Briefly, I think there's a few new faces, just so you know. The rules of the road, so to speak. We're here with the Select Board to gather information regarding Beaver Ridge Road or Beaver Hill Road, pretty much the entire length of it. There are some maps here that were part of the notice. If anybody hasn't had one. We had several folks who got them last week. If you haven't seen one of these, you can get a copy and see what we're talking about.

23

00:07:36.580 --> 00:07:37.840

Town of Freedom: are we there?

24

00:07:49.830 --> 00:07:55.420

Town of Freedom: Thank you. Anybody else back there? Anybody have not seen the map before?

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00:07:55.650 --> 00:08:02.979

Town of Freedom: Okay, it looks like. Maybe I'll leave a couple over here as well.

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00:08:05.039 --> 00:08:10.529

Town of Freedom: Hand it out

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00:08:12.050 --> 00:08:26.769

Town of Freedom: alright. So same thing rules as last time, please. One person is gonna speak at a time. I'll recognize you when I hear about each other. We're here to hear each person's story about 2 particular issues. They're pretty big issues. One is the use

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00:08:26.870 --> 00:08:38.370

Town of Freedom: of the Beaver Hill or Beaver Ridge Road in the last? As long as you know about it? No personal knowledge about anything else anybody ever told you anybody from the town official.

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00:08:38.470 --> 00:08:45.269

Town of Freedom: We've heard some conflicting comments about one of my staff in our last meeting.

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00:08:46.020 --> 00:08:57.790

Town of Freedom: so the road is important as to what did happen? What didn't happen, whether you were blocked when you were turned away when you went through the blockage? In other words, if it stoped you. But if you say no, I'm going through anyway.

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00:08:58.427 --> 00:09:26.030

Town of Freedom: Those are. That's your own personal story. That's what we're here to understand in terms of the public use of the road. The second issue we have is under a statute that talks about if the road has not been maintained by the town for their stretch of time or more, and the road was kept impassable to vehicles. We're gonna hear anything you have to say about the passability of the road in your own personal experience. What did you do? Could you go through there? Did you not go through there? Did you not go through a portion of it.

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00:09:26.160 --> 00:09:40.859

Town of Freedom: And we've got these maps to use for reference. There's a red section on these maps. Just so, you know, that's the section in contention. That's the section that some folks have filed a lawsuit about saying that the public has no more right to use that red section.

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00:09:40.870 --> 00:10:00.479

Town of Freedom: So that's a section we're particularly interested in hearing you talk about your own personal knowledge about you. Have any documents, photographs, notice that are related to use, or what you did up there, we'd like to see those as well. We'll take one person at a time. Please don't interrupt. You may disagree. You probably do disagree

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00:10:00.520 --> 00:10:03.509

Town of Freedom: with one side or the other's view of it.

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00:10:03.570 --> 00:10:07.670

Town of Freedom: But we're not here to argue over here to the select Board to share the information.

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00:10:08.273 --> 00:10:28.960

Town of Freedom: The last comment is, if you take a look at the notice that was sent out for this meeting, it referenced the possible determinations that the Select Board could make about what they believe in their capacity to select board members has or has not occurred up on the Beaver Ridge Road, and what the road status is at this point in time. Is there a public easement there, is there not?

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00:10:29.110 --> 00:10:33.969

Town of Freedom: That's what they have to decide, based on the information that they gather from all of you.

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00:10:34.522 --> 00:10:52.319

Town of Freedom: I think that's about it. We all just continue. Did a great job last time. Everybody was polite. Everybody quite expressed their own personal experiences up there, and we'll continue with that. We're supposed to be dealing with the alphabet today. It's everything after the letter L through. Z. So

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00:10:52.480 --> 00:11:15.859

Town of Freedom: with that. (Laura Greeley) Yeah, I just want to say a couple of things. I want to make a clarification from last week's meeting. I made a habit of asking all of the abutters if they would be open to foot traffic if we did some sort of agreement that way. And so I just want to say that that

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00:11:15.940 --> 00:11:26.759

Town of Freedom: wasn't my interest or my goal. I am gathering information. Afterwards. I had some, you know, voice thier opinion to me that

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00:11:26.840 --> 00:11:50.630

Town of Freedom: well, you know what I really think I should be able to use a 4-wheeler to, to maybe get to the backside of my land, or I let you know, friends, access that to go do jobs and whatnot. So again, I'm just saying what we're here doing. Is gathering information. And that was information I was gathering to see if there was some sort of compromise to save money.

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00:11:50.960 --> 00:11:55.230

Town of Freedom: and so, having said to save money,

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00:11:56.640 --> 00:12:08.645

Town of Freedom: because of that, and then, coupled with the fact. That we've had either some plaintiffs, or you call it people of interest or people of interest.

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00:12:09.350 --> 00:12:38.269

Town of Freedom: I am really making a lot of effort to reach out and talk to residents about the cost of this, and, in my opinion, spreading a little misinformation about what the select Board could do to end this quickly and save tax dollars. As I ended a 40 min conversation with a resident last week, correcting some of the misinformation he was given. I realized that in the full spirit

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00:12:38.410 --> 00:13:06.499

Town of Freedom: of transparency this select board has failed to inform residents of another option that could indeed end this quickly and with a

much smaller tax burden. It's something that's been presented to us a few times. And because we personally normally do not like this course of action. We dismissed it.

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00:13:07.022 --> 00:13:31.057

Town of Freedom: But I realized this weekend as I was reflecting on the hearings and realizing we represent you, and would be failing at that if we didn't offer you the option of this following solution, or at least giving it to you so that you could think on this and ponder this

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00:13:32.060 --> 00:13:41.126

Town of Freedom: eminent domain is something that I don't think all 3 of us are normally supportive of

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00:13:42.434 --> 00:13:55.525

Town of Freedom: we originally voiced that when this option was given to us that we didn't think that the you know freedom residents would go for that

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00:13:56.140 --> 00:14:19.362

Town of Freedom: However, for the following reasons, we want to put this out there. And this is something we'll discuss later on. The 1st reason is, of course, it's your decision. We're here to represent you. And if there is a solution that the majority of the residents in town are in favor of, we're here to represent that

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00:14:19.900 --> 00:14:36.439

Town of Freedom: Also, from the testimonies that we've heard and that we've read. It seems like the majority of residents in town already think that this road is theirs. It is the town road and not as if

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00:14:36.440 --> 00:15:00.609

Town of Freedom: we're taking someone's personal property. Number 3. The largest is the tax dollars spent. This is the reason that I've had my phone ring the most, or I've had personal conversations with a lot of folks. And you know I said this before, before the suit started. Tyler, as a resident in a conversation with me, told me that

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00:15:00.610 --> 00:15:26.380

Town of Freedom: I could save the town a couple 100,000 and years of litigation if I would just give this road to them once the suit started, I think that we've all been told that continuing on with this suit could bankrupt. Those were the words, the town, and so again, this off option would most definitely

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00:15:26.810 --> 00:15:39.792

Town of Freedom: answer those concerns. And although personally and in normal situations, I do not choose eminent domain.

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00:15:41.110 --> 00:16:10.950

Town of Freedom: I think it's fair to give out, because I think that there might be some of you in this room. That when we were doing the transmission line were actually very open when it came to eminent domain going through your neighbors' properties. And so I think that it's only fair that we present this option, and we're notifying you of this now. So you can be thinking of it, and we will be definitely sharing any

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00:16:10.950 --> 00:16:18.899

Town of Freedom: information on that in the near future. I'd just like to keep that. Have you, keep that in your mind as you're hearing testimony tonight.

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00:16:19.090 --> 00:16:21.700

Town of Freedom: So now, whoever

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00:16:23.960 --> 00:16:35.029

Town of Freedom: do you have no question. (Lissa Widoff) Yeah, sure. So I have been involved have not been following this issue closely other than the fact that it's been an ongoing issue in some fashion for 20 plus years.

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00:16:35.310 --> 00:16:43.300

Town of Freedom: So I just want to be clear about the purpose of this meeting. The Select Board is gathering information about this, that it would help the town in its

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00:16:43.380 --> 00:17:07.570

Town of Freedom: response to a lawsuit. And when somebody, some like I'm just trying to understand, like you're collecting data about the elements of this road. And I'm you know, I'm probably not going to testify, because I don't have a stake in it in the same way. But I just want to be really clear on, like what this board is doing and what the legal issue is that we are we are using going to be using this data to resolve.

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00:17:07.690 --> 00:17:14.909

Town of Freedom: (Atty Kelly) So if you look at the notice that was presented, for this meeting.

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00:17:15.030 --> 00:17:17.359

Town of Freedom: which was under a particular statute.

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00:17:17.569 --> 00:17:35.260

Town of Freedom: and that is historically a statute. It's had many iterations. It's been amended many times most recently in 2021. But it's the statute through which select boards have added authority at the local level to gather information, have a hearing, and determine the status of a public record.

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00:17:35.510 --> 00:17:40.190

Town of Freedom: And so that's what we're doing, and that's, of course, very fact driven.

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00:17:40.640 --> 00:18:04.840

Town of Freedom: because certain aspects of the law will provide. If the town population has not used the road for a period of time, and the town has not invested any money into it for a period of time resulting in impassible, and there are 2 different theories of what are called abandonment, common law, abandonment, statutory abandonment that apply. But they're very fact driven.

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00:18:05.180 --> 00:18:12.220

Town of Freedom: So, as I said at the last meeting, we're not here to argue about what statutes mean. We're really here to hear about facts and personal

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00:18:12.470 --> 00:18:30.190

Town of Freedom: people's personal experiences and what they did and didn't do, so that we have a record that can be relied upon by the select board as they apply the law, so it keeps it quite simple. We just want to know what people have done what they haven't done, what they've experienced and over what period of time, and of course, over which portion?

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00:18:30.360 --> 00:18:55.309

Town of Freedom: So that's the that's the reason we're here. It's a it's an authority that the Select Board has under a particular statute. It's the authority that if enough residents come forward and presented a petition. That's another way that this hearing can be conducted if if the select Board didn't decide to do it. And residents did they have that option under the statute to sort of force this year.

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00:18:55.510 --> 00:18:59.530

Town of Freedom: This was not forced by anybody who's chosen to be done by this cycle.

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00:18:59.880 --> 00:19:13.360

Town of Freedom: It's a separate issue from the lawsuit separate issue from in the domain or any other possible ways. Down we look at this right now. We're just trying to figure out what the facts are over. As long a period of time as people have known

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00:19:15.530 --> 00:19:33.110

Town of Freedom: any questions about the process. (Meredith Coffin) Well, what about what you just said? Everybody talks about eminent domain, and I always in the back with LS. Power. It was like the Power Company would take our land by

eminent domain. So it's how it how is.

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00:19:33.650 --> 00:19:44.477

Town of Freedom: How do you see this? Would the selectmen take our land by eminent domain? How? What does this mean? (Atty Kelly) I think what Laura was saying was, she's just putting that idea out there because there have been,

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00:19:45.420 --> 00:20:06.569

Town of Freedom: there have been comments made by folks in favor of finding that the road is abandoned that have been quite public, and the only purpose that Laura has tonight is to put out the idea that that may be an issue that the public may want to consider. But we're not talking about it in domain tonight, in any way, shape or form.

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00:20:07.090 --> 00:20:12.990

Town of Freedom: It's just something to consider in the future. So we're not going to get into that many domain, (Lissa Widoff)and that has nothing to do with the lawsuit.

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00:20:13.120 --> 00:20:16.550

Town of Freedom: (Atty Kelly)No, that would be a whole separate process.

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00:20:16.910 --> 00:20:41.500

Town of Freedom: We've got 2 other hands up. (Phil Bloomstein) Yes, sir, and the plan I was supposed to be at the other meeting, but we were away last week, so I'll start since I got a ping you from my 1st meeting.(Atty Kelly) I just want you to hang on one second in case there's another procedural question. (Kyle Price) Yes, I'm just curious. Which statute you mentioned. There's various statutes, which one is this particular hearing process falling?(Atty Kelly)If you look at the notice that went out.

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00:20:41.500 --> 00:20:48.680

Town of Freedom: it's 3 0, 2, 8 a. It's title 23, section 328. A hasn't. Prior to this it was 3 0, 2,8 a right.

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00:20:48.680 --> 00:20:52.489

Town of Freedom: and had many iterations, and

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00:20:52.780 --> 00:21:22.190

Town of Freedom: one of these statutes may well apply in this matter outside of this hearing, but this hearing is under 3028 a. Because that's all there is right. Now arguing about the law tonight (Kyle Price) I thought Judge Larson had pointed out that it wouldn't qualify under 3028 a. Because that only applies to discussions on road abandonment from 2021 on October 2021 on Judge Lawson, in the context of a motion to dismiss, which is, when he looks at all the facts in the complaint as if they are true

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00:21:22.440 --> 00:21:36.780

Town of Freedom: said, there's no allegation under section 3, 0, 2, 8. So it wasn't. It wasn't part of what the judge is going to be looking at when he hears the facts that has nothing to do with this Board's authority to proceed.

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00:21:37.660 --> 00:21:47.470

Town of Freedom: What they wrote in their complaint does not limit the authority of this Board to act in that statute any other procedural questions. We're just not

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00:21:49.210 --> 00:22:08.980

Town of Freedom: alphabet wise. You're saying you weren't here last time, sir. Yeah, what's your last name? Okay? So we're going to hang on for you because we had the hearing last time for that alphabet. I inform them I couldn't be here, and they said I could come to this meeting. Okay, well, you did that. Oh, yes, you okay, if Mr. Bloomstein starts.

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00:22:09.880 --> 00:22:20.569

Town of Freedom: that's it. That's fine, as far as I'm concerned. If you advance notice. So why don't you start? (Heather Donahue) Is it possible I'm d? And I was here last week, and I didn't have time to make my presentation.

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00:22:21.150 --> 00:22:23.119

Town of Freedom: Mr. Bloomstein. How long do you have?

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00:22:23.730 --> 00:22:25.189

Town of Freedom: (Phil Bloomstein)How long do I have

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00:22:25.460 --> 00:22:46.719

Town of Freedom: you mean tonight. Not very long. I I was told we were here to talk about how we've used that, how we've experienced that (Atty Kelly) can you give me a sense of how long you think you'll take (Phil Bloomstein) no more than

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00:22:46.850 --> 00:22:59.043

Town of Freedom: 5 min less? (Atty Kelly) Why don't we start with that? Okay, and then move on from there. (Phil Bloomstein) So we moved here in 1975. So we're relatively new to freedom.

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00:23:00.440 --> 00:23:10.869

Town of Freedom: and when we came here we we live on the other end of Beaver Hill. It was actually called Beaver Hill then, but then, when 9 and one came along

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00:23:10.980 --> 00:23:14.699

Town of Freedom: selling it any ideas to it, and so we're there now.

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00:23:15.348 --> 00:23:23.900

Town of Freedom: But I, my section of the road is discontinued, and we maintain it ourselves, and in 50 years we've been here.

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00:23:24.050 --> 00:23:33.769

Town of Freedom: we but anyone who wants to walk up and down and drive up and down. They're free to do it. We haven't stopped anyone. I don't know if we could, but we've never tried to.

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00:23:34.130 --> 00:23:42.650

Town of Freedom: thanks to the generosity of Steve Bennett and Ron Price, we've enjoyed walking in the fields and the woods up there.

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00:23:43.310 --> 00:23:54.271

Town of Freedom: Oh, literally thousands of times in the last 50 years, almost daily, as Ron once pointed out, we've worn out about 6 dogs up there.

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00:23:54.940 --> 00:24:08.879

Town of Freedom: and I would like to see it open. I would like to see it open for walking. Personally, I really appreciate snowmobiles, because then, when I walk in the winter, they made a bath for me, or for skiing

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00:24:09.343 --> 00:24:18.269

Town of Freedom: Atv's, I know, can be a little more destructive. But, I don't actually have anything personally against them. They've never done anything to our road.

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00:24:18.440 --> 00:24:32.929

Town of Freedom: and so I just like my sentiment is I like to see it maintained and stay open. I've ridden my mountain bike from my house up there through there, down the Hadyniak's Road, across and all the way to Lake Saint George, on all the abandoned roads. And so

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00:24:33.450 --> 00:24:41.949

Town of Freedom: it's a great asset for our community to be able to walk up there and enjoy those, the the hills, and everything else about it, and come back.

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00:24:42.770 --> 00:24:58.379

Town of Freedom: (Atty Kelly) the map there in front of you. I do. You see the red section I do. Is that the section you rode your bike through? (Phil Bloomstein) Well, I could not ride the entire red section, because on my bike I've walked that section. But that section there's 1 section for about

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00:24:58.900 --> 00:25:04.580

Town of Freedom: oh, I don't know. Maybe a half mile. No, what I normally do. We? We cut up into Ron's property

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00:25:04.810 --> 00:25:18.409

Town of Freedom: Prices and then cut across back to the road, but walking and snowshoeing, I've watched the entire red section many times over.

(Atty Kelly) What period of time (Phil Bloomstein) last 50 years, (Atty Kelly) and how often

100

00:25:18.886 --> 00:25:24.520

Town of Freedom: (Phil Bloomstein) the red section? Not as often, but I don't know. (Atty Kelly)How many times would you say we walk up there in the course of a year.

101

00:25:24.780 --> 00:25:26.940

Town of Freedom: couple times a week at least.

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00:25:27.100 --> 00:25:31.570

Town of Freedom: Okay, yeah. So I would say, you know, hundreds of times.

(Atty Kelly) Thank you.

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00:25:41.730 --> 00:25:54.089

Town of Freedom: (Atty Kelly) We didn't get to have it last time as A. D. Is there anything else? (Heather Donahue) My name is Heather. I live on Beaver Ridge Road. I bought my land on Beaver Ridge Road in 2020

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00:25:54.210 --> 00:26:05.679

Town of Freedom: (Atty Kelly) members who will not be voting.

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00:26:05.860 --> 00:26:10.699

Town of Freedom: presenting for a couple reasons, one she feels strongly about

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00:26:10.810 --> 00:26:21.710

Town of Freedom: the use of the road, and she was the primary investigator for the select board when this started. So she's not going to be a fact finder. She is essentially presenting as a citizen tonight.

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00:26:21.870 --> 00:26:26.350

Town of Freedom: and in case you weren't here last time we clarified that

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00:26:27.981 --> 00:26:33.790

Town of Freedom: (Heather Donahue) I bought my land in 2020 then I moved to freedom in 2022

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00:26:34.526 --> 00:26:47.653

Town of Freedom: I started using the road from the time I 1st got here. In 2022. I walked the road weekly. I was pretty psyched when I moved here because I had trails at the door, which was

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00:26:48.310 --> 00:26:51.660

Town of Freedom: kind of amazing, and something I was really looking for in a piece of land.

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00:26:52.450 --> 00:26:59.300

Town of Freedom: I saw the No Trespassing Signs up there, but I also had the Gazetteer, which showed that as a totally open road.

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00:26:59.450 --> 00:27:14.159

Town of Freedom: So I was just walking it, and no one stopped me, and then I became friends with Lynn. I thought we were becoming friends, and then she said it was by permission only, and I was like, Oh, that's that's not what it looks like on the map.

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00:27:14.340 --> 00:27:19.529

Town of Freedom: So I was just I continued to walk it. But I didn't really realize

114

00:27:19.760 --> 00:27:24.329

Town of Freedom: there was a problem until I kind of got deeper into what happened in the town.

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00:27:26.610 --> 00:27:35.170

Town of Freedom: (Samantha Turner)No Internet connection on you, just as an option, anyway.

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00:27:36.200 --> 00:27:36.890

Town of Freedom: (Heather Donahue) Right?

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00:27:37.880 --> 00:27:39.320

Town of Freedom: Oh, that would be such a bummer.

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00:27:40.540 --> 00:27:42.159

Town of Freedom: (Ryan Willette) Do we need to go through a hotspot.

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00:27:42.450 --> 00:27:46.120

Town of Freedom: (Heather Donahue) No usually screen sharing works here.

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00:27:47.230 --> 00:27:57.369

Town of Freedom: It's (Samantha Turner) the projector says, I believe that there is no Internet connection through the projector of that. I don't know if it needs to be connected to a dongle or something usually.

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00:27:57.940 --> 00:27:59.870

Town of Freedom: Oh, that's hard. Sorry.

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00:28:02.880 --> 00:28:07.589

Town of Freedom: Yeah, I did. It was on.

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00:28:08.350 --> 00:28:20.158

Town of Freedom: (Atty Kelly) okay, you want to work on your technical issue while we

have someone else on that fix your problems.

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00:28:21.040 --> 00:28:24.729

Town of Freedom: Who's next? Who else would like to speak or did not speak last time.

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00:28:25.260 --> 00:28:35.779

Town of Freedom: looking at new sources that I'm Samantha Turner. I live on the north. Although I was born in Waterville, I like to say that I was born and raised in Freedom.

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00:28:36.230 --> 00:28:37.816

Town of Freedom: I have

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00:28:39.350 --> 00:28:52.040

Town of Freedom: in middle school around the year 2008, through completing a school project, did utilize this road as we were recreating that, so the town that we were living in to present to our classes.

128

00:28:52.427 --> 00:29:03.870

Town of Freedom: So that did involve being transported up there by parents to different roads across the town, finding out where there were bridges where there was streams, things like that. So that was around 2,008

129

00:29:04.261 --> 00:29:24.480

Town of Freedom: later on in high school. I don't know the exact year I was doing an advanced art class in which we were providing cameras by the school to print. I decided to carry on with doing local town related stuff. I did take photos in this area. I do not go back to them.

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00:29:26.530 --> 00:29:53.990

Town of Freedom: That was accessed primarily through the side of Beaver Hill. I do not know at what point it was impassable. I do know. However, we did get out of the vehicles did not put in the town had gone out, and I believe we may have even done a videography thing at that point in time. I do not know if the geography part was on this end of Beaver Hill or the

131

00:29:54.691 --> 00:30:13.239

Town of Freedom: Later on, around 2018 2019, I did some photography for family members in the area where I did try to access both sides of Beaver Hill, both on the side, that is where the live and off of Sidley Road.

132

00:30:13.653 --> 00:30:35.266

Town of Freedom: I think, around 2014. All the way through 2019, there were multiple times. That I and a sibling of mine did. Walking from the end of Sibley through. I don't know how far we were able to get one. I do

know that we did try to go up there. There were paths that we were able to walk through.

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00:30:36.300 --> 00:30:44.300

Town of Freedom: just did it because it was a road that was part of the town didn't feel that we need information because we were staying on the road to our side of the town.

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00:30:47.020 --> 00:30:48.990

Town of Freedom: Around 2019.

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00:30:50.940 --> 00:31:00.859

Town of Freedom: I was going through some personal stuff. I found that driving on the roads in the town was very helpful. It was a way to listen to music cope with different things that were happening in my life.

136

00:31:01.343 --> 00:31:23.219

Town of Freedom: I took many back roads. There were multiple times that I went down the Beaver Hill Road where the Hadyniak's are talking about.

I don't remember seeing any private property signs at that time, however, I do know that there was a part in the road that would become impossible, so I would just park my car up down the road into whatever driveway that was there, so that I could go straight down the rest of the road.

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00:31:26.600 --> 00:31:49.780

Town of Freedom: I this year. Actually, this summer, before any of this was brought up. After doing Yoga classes, I would take back roads home. And I remember thinking, Oh, I wonder what the sunset would look like and what it's like up there. So I decided to go down the road, and that was the 1st time that I consciously remembered seeing the private property signs at that point in time. I respected that, and I backed down

138

00:31:50.130 --> 00:31:53.289

Town of Freedom: the rest of the way. or turned around in a driveway.

139

00:31:53.861 --> 00:32:07.460

Town of Freedom: Because I just believed that if it was private property nobody would put those signs up if it wasn't private property, and out of respect for neighbors and being involved in town stuff at that time I wanted to do so.

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00:32:09.140 --> 00:32:21.739

Town of Freedom: I know, last week on the Facebook video, I think it was Bob Kanzler. Is that how you say his name? Kanzler spoke to the trails, the Atv trails that he was referring to.

141

00:32:22.450 --> 00:32:47.669

Town of Freedom: I don't remember what years it was that we had. But I do

remember using some of the trails that went through town, and the fact that we did use some of the discontinued roads that were still maintained by the town, and I have spoken to other people who are not there tonight, so I won't speak on their behalf. But that is what Bob described was with the people that I was talking to remember as the trails that were being utilized.

142 (Atty Kelly) Do you know what part of the road you were on?

00:32:48.080 --> 00:33:06.499

Town of Freedom: (Samantha Turner) I don't know. I'm not geographically inclined. And at that point, in my time, when we had 4 wheelers, I didn't have glasses or contact, so I wouldn't be able to clarify one thing we mentioned.

143

00:33:07.166 --> 00:33:11.569

Town of Freedom: (Atty Kelly) So it's clear you might remember, but it wasn't clear you said

144

00:33:12.520 --> 00:33:21.939

Town of Freedom: 2,014 road, or from the June Hadyniak road.

145

00:33:22.290 --> 00:33:25.830

Town of Freedom: and we did it because we stayed on roads marked by the town.

146

00:33:26.409 --> 00:33:37.600

Town of Freedom: What do you have for information about how (Samantha Turner) we just pulled up? (Atty Kelly)This road was marked by the town? (Samantha Turner) No, it was just pulled up on the gps right? And I do remember

147

00:33:38.150 --> 00:33:47.420

Town of Freedom: because what was it? It was 2014 that I graduated high school. I bought this State Gazette. Is that what? The old paper?

148

00:33:48.014 --> 00:34:10.980

Town of Freedom: Again? Not geographically inclined multiple times when trying to learn how to drive. I use my GPS to figure out how to get home, and I've lived here my whole entire life. It's not very hard to get to my house when not you, but I still needed that access, so we utilize that the person that I am discussing we utilize that

149

00:34:11.550 --> 00:34:24.499

Town of Freedom: it shows, I believe, fully as a road and the other end the part opposite with Park, where it stops you out front of the meetings house, where the bus can turn around, and that's where we would park our cars in there when we would get out.

150

00:34:27.280 --> 00:34:30.230

Town of Freedom: (Atty Kelly) Yeah. So we're keeping.

151

00:34:32.138 --> 00:34:38.680

Town of Freedom: What is your you mentioned you're on the North Palermo Road??

152

00:34:41.800 --> 00:34:56.089

Town of Freedom: All set. Okay, who's next? (Heather Donahue) I have some of my technical difficult.

153

00:34:57.570 --> 00:35:08.550

Town of Freedom: (Atty Kelly) Okay? So we are backhere, right, sit, stand to the side.

154

00:35:09.960 --> 00:35:14.889

Town of Freedom: Well, I'm trying to screen share. So why is this not working?

155

00:35:15.640 --> 00:35:16.530

Town of Freedom: (Heather Donahue) Oh, yeah.

156

00:35:17.480 --> 00:35:25.329

Town of Freedom: (Atty Kelly) And alright. So while everything technical difficulties.

157

00:35:28.070 --> 00:35:50.840

Town of Freedom: you gotta tell us your name and your name.

158

(Dave Pottle) I'm actually from Albion but both of my parents grew up in Freedom.

00:35:50.950 --> 00:35:59.220

Town of Freedom: It was then it was Mister Clarks, and and my grandfather was Ben McFarland and

159

00:35:59.610 --> 00:36:08.549

Town of Freedom: probably from time I was 6 to the time I was 13 we used to go up through the red spots and burn them

160

00:36:09.500 --> 00:36:18.400

Town of Freedom: not every night, but every other, and sometimes the road was passable, and sometimes you had musical.

161

00:36:19.840 --> 00:36:23.189

Town of Freedom: Maybe the times that we turn around because of the Covid.

162

00:36:24.380 --> 00:36:29.520

Town of Freedom: but I actually own property on the Beaver Ridge road.

163

00:36:30.240 --> 00:36:32.390

Town of Freedom: just below the Hadyniak's of the address.

164

00:36:33.420 --> 00:36:37.260

Town of Freedom: Always been nice people, the nearest neighbor.

165

00:36:37.590 --> 00:36:43.900

Town of Freedom: and since then I haven't been through there since maybe in the 70's

166

00:36:44.640 --> 00:36:52.070

Town of Freedom: since. Probably I bought the land, maybe in the seventies and eighties.

167

00:36:52.540 --> 00:37:07.760

Town of Freedom: and went through it once or twice with a 4 wheel, and got down to Mr. Price's fields, and the road wasn't kind of heated out there. I didn't want to drive in his field. (Atty Kelly) So I just so. The record's clear. What year would be the last time you did that?

168

00:37:08.310 --> 00:37:13.680

Town of Freedom: (Dave Pottle) Oh, probably 2,016, maybe.

169

00:37:16.000 --> 00:37:19.529

Town of Freedom: like you say the road heated out down there, Mr. Bennett's.

170

00:37:19.810 --> 00:37:32.689

Town of Freedom: and maybe it was washed out, or something to come up here if you would.

(Atty Kelly) Do you have the map with you, just so we are clear on where you are referring to)

171

00:37:33.430 --> 00:37:42.660

Town of Freedom: because we have several of these from last week. Could you just come up here? And I want to Mark, I think I know what you mean by Ron Prices field. But you would mark in yellow.

172

00:37:43.120 --> 00:37:56.370

Town of Freedom: using that 2016 date. Where did you stop when you went up the Beaver Ridge Road and turned around because the road was not possible after that, you know. (Dave Pottle) It's hard to remember exactly where it was, but it was it was down.

173

00:37:56.400 --> 00:38:14.970

Town of Freedom: It was down into here. It seems like when I was a kid going up through there in 63, maybe the road was actually a road, maybe in the late sixties or seventies. The fields got moving on so it's kind of took the road out, and I don't moved it up.

174

00:38:23.156 --> 00:38:43.480

Town of Freedom: Don't know, so must have been needed all right. (Atty Kelly) So

175

00:38:43.480 --> 00:39:09.400

Town of Freedom: you've marked. Yes, just if you do the yellow you come

up through the Hadyniak's up that way. (Atty Kelly) That's what you're saying. So everybody can see, this is what you would drive up.

176

00:39:09.560 --> 00:39:12.609

Town of Freedom: Last time was 2,016,

177

00:39:12.950 --> 00:39:22.780

Town of Freedom: (Dave Pottle)and probably in 68. The scouts went up there a lot. Get permission and stay up in camp for a couple of days.

178

00:39:23.550 --> 00:39:27.541

Town of Freedom: but that would walk. (Atty Kelly) It

179

00:39:34.460 --> 00:39:39.230

Town of Freedom: made 16 to age 13. Walk there every other night, kind of thing, or whatever

180

00:39:39.490 --> 00:39:51.999

Town of Freedom: I don't know. Can you put the years on? (Dave Pottle) That's 63 to 70? Okay, 71.

181

00:39:55.010 --> 00:40:02.200

Town of Freedom: (Atty Kelly) Alright at least it gives us a timeframe. Is there anything else you want to tell us? (Dave Pottle) The only thing I have is an opinion. On closing the road

182

00:40:02.820 --> 00:40:07.809

Town of Freedom: the town of Freedom roughly has around 13,000 acres.

183

00:40:08.359 --> 00:40:22.010

Town of Freedom: There's a big portion of land between the North Palermo land North Palermo Road and the Greeley Road, and I don't know how many acres in there, I'm guessing maybe 1,300 acres or something.

184

00:40:22.550 --> 00:40:31.799

Town of Freedom: but as far as fire protection, those roads, if they're kept open a piece of fire equipment, could go down through them.

185

00:40:32.040 --> 00:40:42.180

Town of Freedom: and almost all the people in the town with the 13,000 acres is woodland, so I mean the people that own that land. Their value is in the wood.

186

00:40:42.990 --> 00:40:50.670

Town of Freedom: and just last month the State of California lost 17,000 acres in less than 6 days.

187

00:40:51.090 --> 00:40:57.999

Town of Freedom: so the times really wouldn't stand much of the Phoenix, and we do get dry weather from April to

188

00:40:58.430 --> 00:41:05.589

Town of Freedom: when it starts leaving out. You know, we get winds, and that hill is known for its winds. That's why the wind builds up there.

189

00:41:08.280 --> 00:41:16.569

Town of Freedom: (Atty Kelly) Okay, anything else you'd like to say? (Dave Pottle) That's basically like, I say, I'm on the road, and I don't think it really affects me other than that.

190

00:41:17.560 --> 00:41:26.940

Town of Freedom(Atty Kelly) And how do you get to your house? You're below. You're further towards the Greeley Road from the Hadyniak house. (Dave Pottle)Yeah, I'm the next property down from the Hadyniaks. Okay.

191

00:41:27.250 --> 00:41:34.160

Town of Freedom:(Dave Pottle) on the as you're going up the hill, it's on the left hand side of the road. (Atty Kelly) Okay, thank you. Anything else you did.

192

00:41:36.541 --> 00:41:44.550

Town of Freedom: Thank you very much. Are you okay? Again?

193

00:41:44.981 --> 00:41:56.650

Town of Freedom: (Heather Donahue) So this is the map that I looked at when I bought my property. I've highlighted it in red. You can see the Beaver Ridge Road goes from Greeley to Sibley, and you can see where the discontinued part becomes a dirt road.

194

00:41:56.880 --> 00:42:21.180

Town of Freedom: so I guess I didn't really real. I didn't start discussing it with Tyler until the power line situation was happening, and when he said. He supported eminent domain for the power line to come through. I said, well, isn't that a little odd? Since you're barricading a public way and taking more than your share. Why would you want people's legitimate private property to be taken?

195

00:42:21.900 --> 00:42:23.010

Town of Freedom: (Atty Kelly) So

196

00:42:23.140 --> 00:42:28.770

Town of Freedom: let's see. And just for the record, because we're seeing a video. (Heather Donahue) This is the 2015 Gazetteer. Yeah.

197

00:42:29.390 --> 00:42:38.450

Town of Freedom: (Atty Kelly) And are you going to have paper copies of all these?(Heather Donahue) I can print out any of this that you want. (Atty Kelly) Yeah, I think everything you

show if you would file it afterwards, so that we have it as part of the okay? (Heather Donahue) Sure.

198

00:42:38.850 --> 00:42:53.050

Town of Freedom: So that's the 2015 Gazetierre, and then this is the 1st known map of freedom ever. This is from 1810, so, as you can see, there is no easement to Beaver Bridge Road here. This is the last known time in Freedom's history that there was actually not an easement to Beaver Ridge Road.

199

00:42:53.530 --> 00:43:14.480

Town of Freedom: Then we have the 1818 map. This map is significant, because this is actually the roads that were taken as soon as the town was founded. As you can see, Beaver, Beaver Ridge Road, or Beaver Hill Road, at that time connected Montville and Palermo, so you can see the.at the top is the Sibley Gate and the.at the bottom. There is Greeley Road, and you see the road looks much as it does now.

200

00:43:15.760 --> 00:43:45.739

Town of Freedom: This is what was taken. It says the Annex Commission have laid out a road or highway 4 rods wide. Now this is significant because 4 rods wide is 66 feet, so that is, the easement is 66 feet, as originally taken. Oh, this is actually, when the county paid damages to all of the landowners for this easement to take the road. This is the document from 1832 that was used to take the road initially.

201

00:43:45.870 --> 00:43:48.940

Town of Freedom: (Atty Kelly) 1832 or 8, 23, 0, sorry.

202

00:43:49.570 --> 00:44:00.059

Town of Freedom: (Heather Donahue) 1832. I'm feeling very just. I'm a little. There's so much for me to get through, and I want to be as clear as possible. 1823. (Atty Kelly) I just want you to slow down a little bit.

203

00:44:00.740 --> 00:44:04.539

Town of Freedom: Where did you find this document? (Heather Donahue) This came from the DOT archives.

204

00:44:04.650 --> 00:44:15.150

Town of Freedom: and it was also part of the road commission that we had in town, that Sally Ann Hadyniak and Steve were also both on, so they should have been aware of these documents.

205

00:44:19.950 --> 00:44:34.970

Town of Freedom: (Atty Kelly) So we know what we're looking at.(Heather Donahue) Yes, so this is obviously, I went through and transcribed this entire 7 page document. And as you can see, it's very tiny writing, but I think, for our purposes, to not get bogged down. The significant part is that it's a

poor road, 66 feet wide

206

00:44:35.740 --> 00:44:48.380

Town of Freedom: also, just like as a fun bit of tribute to the historical significance of this road. Revolutionary War soldier, Levi Temple, as you see, is buried in Beaver Hill Cemetery, and we still haven't really been able to locate his grave.

207

00:44:49.460 --> 00:44:54.720

Town of Freedom: Here's the close up of the 1818 section that goes from Greeley to Sibley.

208

00:44:55.740 --> 00:44:59.357

Town of Freedom: and then here's (Atty Kelly) can you go back? (Heather Donahue) Sorry.

209

00:45:00.160 --> 00:45:03.830

Town of Freedom: (Atty Kelly) This is from the 1818 map. (Heather Donahue) This is a close up from the 1818 map

210

00:45:06.110 --> 00:45:08.299

Town of Freedom: of the part that we're talking about here.

211

00:45:12.350 --> 00:45:23.779

Town of Freedom: (Meredith Coffin) Those are sections owned by people, the blocks there that. (Heather Donahue) Actually, no, they hadn't been actually all owned by people yet. That was the Massachusetts Colony distributing the land. (Meredith Coffin) Okay.

212

00:45:25.670 --> 00:45:36.590

Town of Freedom: (Heather Donahue) so here's the map that Steve brought in last week that he couldn't identify. It's the 1916 USGS map. And, as you can see, Beaver Ridge Road looks much as it did in the 1818.

213

00:45:39.030 --> 00:45:45.190

Town of Freedom: Here's the 1926 USGS map. And again, Beaver Ridge Road looks just as it did in the 1818 map.

214

00:45:45.640 --> 00:45:47.630

Town of Freedom: Same with 1942

215

00:45:48.030 --> 00:45:54.880

Town of Freedom: same with 1950. And then you'll remember that from last week that the 1956 vote discontinued

216

00:45:55.580 --> 00:46:11.149

Town of Freedom: a portion of Beaver Hill Road from Ob. Ward's house to the road over Beaver Hill. Okay. So this is shown then, in the 1961 map how we go from a solid line. And now we're in this dashed line to show the discontinuance that the town voted on

217

00:46:11.800 --> 00:46:13.929

Town of Freedom: with the retention of the public easement.

218

00:46:14.730 --> 00:46:30.590

Town of Freedom: Here's 2011 USGS map. We start to see it appear again, and then in the 2018 map is the 1st sign that we might have that. I guess the Hadyniak's had been there for 10 years by then, and the harassment had started to pay off. So we do start to see a sense of abandonment in there.

219

00:46:30.590 --> 00:46:44.618

Town of Freedom: (Charles Hadyniak) Can we do away with the editorializing, please, please. Heather (Atty Kelly) well, I agree with editorializing, but I do think it's important in terms of

220

00:46:45.240 --> 00:47:12.339

Town of Freedom: Factually, if statements were made, you can relate what the statements were. (Heather Donahue) Yes, I was reporting from the survey that the town did about the Beaver Ridge Road, and that was testimony from different residents that was reported in the Survey. (Atty Kelly) Yeah, I mean, just don't characterize what they say, whether it's good, bad, and different, or whatever. I'm just saying, if they said something that's part of your presentation, that's important, because they're voters, and they're making their own allegations. And

221

00:47:12.410 --> 00:47:15.459

Town of Freedom: what they said to you may be important, but not

222

00:47:15.760 --> 00:47:25.560

Town of Freedom: we don't want you to characterize what we think about what they say, just what they say. Okay, and sorry. This 2,018 is from what? (Heather Donahue) Now, this is also a USGS map.

223

00:47:29.070 --> 00:47:48.680

Town of Freedom: And then here is the hike, the walk that I went on last weekend, when I was accused of trespassing. As you can see, my hiking app actually allows historical maps to be overlaid on the GPS tracking. So I was able to use actually, the 1926 USGS map to track my steps, to stay in the original easement.

224

00:47:51.180 --> 00:47:55.030

Town of Freedom: But let's look closer at the 2025 USGS map the current map.

225

00:47:55.300 --> 00:48:06.340

Town of Freedom: Here we see after 200 roads, 200 years of this road being intact, we now see where Steve built his road off of the road, and

now we have this gap where the brushy section is.

226

00:48:07.570 --> 00:48:15.969

Town of Freedom: and where I was accused of trespassing was a driveway that actually runs parallel to this that overlaps the 66 foot easement.

227

00:48:18.010 --> 00:48:21.630

Town of Freedom: (Atty Kelly) This is again a USGS map. (Heather Donahue) Yes, this is the current USGS map

228

(Charles Hadyniak) Excuse me Heather what is?

00:48:21.920 --> 00:48:39.549

Town of Freedom: (Atty Kelly) hang on. I don't want questioning back and forth. (Heather Donahue) It's the USGS not accurate detention.

229

00:48:40.720 --> 00:48:45.590

Town of Freedom: So here's a closer up where the driveway is versus where the driveway actually overlaps

230

00:48:45.700 --> 00:49:03.900

Town of Freedom: the public easement, and then you see a close up where that does indeed go off Steve's daughter's property. This is actually from a hunting app, because it shows the where the property lines are supposed to be or around where they're claimed to be. And then you see where the gap is?

231

00:49:04.600 --> 00:49:18.379

Town of Freedom: Right there, that is the brushy section. And you see that's right beyond the road that Steve built to divert the town way that had been there for 200 years. (Atty Kelly) So this is a program called Map Box. (Heather Donahue) This is a hunting app. (Atty Kelly) What's it called?

232

00:49:19.070 --> 00:49:22.169

Town of Freedom: (Heather Donahue)OS, actually, what is it called onyx on x?

233

00:49:25.940 --> 00:49:26.750

Town of Freedom: Yeah.

234

00:49:28.610 --> 00:49:35.870

Town of Freedom: And then, so let's we'll have a little. This is a photograph of where the the

235

00:49:36.710 --> 00:49:41.209

Town of Freedom: the culvert was taken out, and this is looking northbound

236

00:49:41.450 --> 00:49:44.529

Town of Freedom: from where that diverted road begins.

237

00:49:45.310 --> 00:49:53.890

Town of Freedom: So these are blazes that I made that are under 30 and 30 feet apart. So they're well within the center line of the 66 foot easement.

238

00:49:54.320 --> 00:50:01.449

Town of Freedom: And, as you can see from this picture, none of those trees are older than about 15 years old, if you're to judge by tree circumference.

239

00:50:03.650 --> 00:50:07.639

Town of Freedom: So that's fairly recent growth. Not certainly not 80 years old.

240

00:50:09.050 --> 00:50:10.410

Town of Freedom: So then, if we look

241

00:50:11.030 --> 00:50:28.409

Town of Freedom: turn to the left. So we're facing north here toward the Sibley Gate, and then we turn to the left. This is the road that Steve built off, and so you can see that it actually creates a berm that retains water into the public easement, guaranteeing that it will actually continue to hold water and be impassable by motor vehicle.

242

00:50:31.170 --> 00:50:34.430

Town of Freedom: Let me come back to the 1956 town vote.

243

00:50:34.660 --> 00:50:44.489

Town of Freedom: where we, it clearly says, to see if the town will vote to discontinue the following roads as town ways now and forever, but opened as public ways.

244

00:50:44.680 --> 00:51:12.940

Town of Freedom: and E. Here is from Ob Ward's house to the discontinued road over Beaver Hill, and, as you can see, somebody over history marked it, Bloomstein, which would be, according to Mr. Bloomstein's testimony on Deer Hill Road, so the next thing I did, because I'm like, Okay, well, then, where is the discontinued road over Beaver Hill? Let's go to the County Commissioner's records and look at every road record that's ever been listed for freedom. This is how I spent my summer vacation. So there was less kayaking than I hoped.

245

00:51:13.100 --> 00:51:14.590

Town of Freedom: So here is

246

00:51:15.150 --> 00:51:21.899

Town of Freedom: the records from the County Commissioner's office.

Historic Freedom road records. So here we finally find it.

247

00:51:22.070 --> 00:51:28.630

Town of Freedom: Here is the road over Beaver Hill, from McDonald's Corner, over Beaver Hill to Sibley's 4 Corners.

248

00:51:29.470 --> 00:51:32.040

Town of Freedom: (Atty Kelly) Hang on a second. Go back to that, please. Awesome

249

00:51:32.430 --> 00:51:40.049

Town of Freedom: (Heather Donahue) repairs were ordered in 1931 in August. (Samantha Turner) It doesn't show

up on that. (Heather Donahue) Oh, shoot! Hang on!

250

00:51:40.555 --> 00:51:41.590

Town of Freedom: There we go!

251

00:51:44.430 --> 00:51:55.009

Town of Freedom: So this is repairs ordered, and the road this is the only road over Beaver Hill listed in the county records anywhere. So over Beaver Hill to Sibley's 4 Corner.

252

00:51:56.260 --> 00:52:10.069

Town of Freedom: (Atty Kelly) you all know where McDonald's corner is. (Heather Donahue) It was actually

that corner that we actually are struggling that we were trying to figure out this year because we maintained it's over on the other side of Gunner Woods Place, on the Montville border, because Beaver Hill Road initially connected Montville and Palermo.

253

00:52:14.910 --> 00:52:21.410

Town of Freedom: so of course, I wanted to know more about the description of that road. So I went to the original source. That's referenced here in this chart.

254

00:52:22.530 --> 00:52:23.680

Town of Freedom: which is

255

00:52:24.330 --> 00:52:32.239

Town of Freedom: the highway leading from McDonald's corner, so-called over Beaver Hill in a westerly direction to Sidley's 4 Corners, and being a mail route.

256

00:52:32.610 --> 00:52:40.980

Town of Freedom: Okay, so let's let's look even closer. This is from the original county document that was referenced in that chart that I just showed you.

257

00:52:41.330 --> 00:52:46.939

Town of Freedom: So here's the list of all the road things. And then here's the actual petition from the County Commissioners records
258

00:52:50.360 --> 00:52:51.400

Town of Freedom: I have a map.
259

00:52:54.850 --> 00:53:01.260

Town of Freedom: and being a male route, so it was still a male route in 1931, (Atty Kelly) and you all might have understood this. But just for my notes.
260

00:53:01.380 --> 00:53:07.209

Town of Freedom: Are you saying with McDonald's corner, you mentioned it in relation to Montville, is it on the Montville line?
261

00:53:08.270 --> 00:53:17.239

Town of Freedom: (Heather Donahue) That's to to my, as far as I can figure out. Yes, that's where McDonald's corner would be either that or it's closer to where like where Deer Hill comes down now
262

00:53:17.450 --> 00:53:20.179

Town of Freedom(Atty Kelly) i'm just trying to understand the document,
263

00:53:21.260 --> 00:53:28.622

Town of Freedom: (Heather Donahue) but you'll see for the next method Steve brought in last week, the traffic Atlas. It shows its compatability.
264

00:53:29.150 --> 00:53:33.699

Town of Freedom: So keep in mind that this 1931, 1938 road, Atlas
265

00:53:34.620 --> 00:53:44.140

Town of Freedom: was made by the State, who had just at great expense, built us North Palermo Road as a State Aid Road, so probably they don't want us to.
266

00:53:44.700 --> 00:54:03.120

Town of Freedom: that wouldn't be considering the old Beaver Hill Road as a primary traffic place, because you see now where North Palermo Road is. You see the split, and here you can see the road over Beaver Hill. It's coming from that corner over there. It's the only road that's coming in a westerly direction over Beaver Hill to Sibling 4 Corners.
267

00:54:05.110 --> 00:54:06.960

Town of Freedom: That's the road over Beaver Hill.
268

00:54:08.000 --> 00:54:16.030

Town of Freedom: (Atty Kelly) You're saying the yellow marking is the road that is the road over Beaver hill, and the the section that Steve was talking about

that's broken

269

00:54:16.270 --> 00:54:26.700

Town of Freedom: is not the Beaver Hill Road, (Heather Donahue) that is, that is the Beaver Hill road. Yeah. And you see, the road over Beaver Hill now is part of that original 1818 taken? (Atty Kelly) Oh, okay.

270

00:54:26.880 --> 00:54:27.790

Town of Freedom: good.

271

00:54:28.000 --> 00:54:33.229

Town of Freedom: (Heather Donahue) That's what we're calling Deer Hill now that section. (Atty Kelly) Yes I know. (Heather Donahue) Yes, okay.

272

00:54:35.130 --> 00:54:52.990

Town of Freedom: when I'm finished. And so the plaintiffs have claimed that the road has been abandoned for over 80 years, and that would be 1944 from the time they filed their complaint. So here are the appropriations from 1944 for the town of freedom.

273

00:54:53.450 --> 00:55:07.169

Town of Freedom: appropriations for 1944 improve Beaver Hill road. \$400 now, before you think \$400 isn't a lot that's over \$7,000 in purchasing power today. So that's \$7,000 into a road that clearly was not abandoned.

274

00:55:08.240 --> 00:55:15.969

Town of Freedom: So the next, the next we have 1948. So the plaintiffs have contested that the road

275

00:55:16.030 --> 00:55:39.979

Town of Freedom: stops the easement. Stop a half a mile from Ob Ward's house. Now the only document at all anywhere mentioning anything a half a mile from Ob Ward's house is this which ceases winter maintenance only a half a mile before, after Ob Ward's house. That would imply rationally that the that the town was actually doing maintenance on the rest of the road until that time.

276

00:55:40.840 --> 00:55:43.399

Town of Freedom: and you see, there's nothing about this

277

00:55:43.520 --> 00:55:54.689

Town of Freedom: winter winter roads portion stopping at a discontinued road. It doesn't have it stopping at a road over Beaver Hill. It just has it. Stopping a half mile past Obi Ward's house

278

00:55:58.000 --> 00:55:58.930

Town of Freedom: next?

279

00:55:59.570 --> 00:56:05.039

Town of Freedom: What did the Hadyniak's buy? This is the map of the Logland Subdivision

280

00:56:05.270 --> 00:56:12.920

Town of Freedom: that the Hadyniak's purchased their land from. You'll see these little red sections. Let's go in on that. That's where the property line pins are

281

00:56:14.960 --> 00:56:17.090

Town of Freedom: so. Oh, hold on!

282

00:56:18.120 --> 00:56:35.150

Town of Freedom: Let's look closer here. You see, the property line pins are not in the middle of the road to the center line. They're on the edge of the roadbed. Unfortunately, the Log and land Corporation has this incorrectly marked, because they only give 25 feet to the center of the road, where actually it should be 33 feet.

283

00:56:36.130 --> 00:56:43.350

Town of Freedom: And this is the same PIN on every lap, because it's in a 60. It's a 4 rod road in a 66 foot easement. So that should actually be 33 to the center line.

284

00:56:43.970 --> 00:56:50.550

Town of Freedom: Okay, okay, no.

285

00:56:52.620 --> 00:57:00.699

Town of Freedom: And so next, we have the Hadyniak's have purchased their land. And here's a letter from Red Mitchell in September of 1992,

286

00:57:03.150 --> 00:57:27.739

Town of Freedom: he says, I believe you would have a right to control this road by a gate, and permission only signs, and then snowmobilers enjoy this route over the hill. Now Red was not an attorney. Nobody on this board is really an attorney, but we understand that there are now 3 different legal categories we're looking at. There's discontinuance of maintenance. There's abandonment of a road, and then the 3rd category is the public easement.

287

00:57:27.960 --> 00:57:56.669

Town of Freedom: Clearly there's some assumption here that I mean. I guess you can post it. But here's the thing. Snowmobilers enjoy this route over the hill, and this is further kind of elucidated by him, saying, all towns are in an economy crunch, and I feel that voters should refrain from accepting any new liability. At this time, however, I feel that maybe in the future, as more people build on these abandoned and closed roads. The county commissioners will demand the towns. Reopen

these roads to the public. Why? Because there's a public easement retained. That'd be the only way you'd be able to do that

288

00:57:56.930 --> 00:58:12.919

Town of Freedom: he further elucidates. 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 family the best of luck on Beaver Ridge. Also, I would like to say that our natives are friendly caring people, I'd be inclined to agree

289

00:58:13.210 --> 00:58:14.170

Town of Freedom: all right.

290

00:58:15.730 --> 00:58:43.799

Town of Freedom: And then here, after several more letters, we have the 1996 letter from Red Mitchell to Sally Ann Hadyniak, which clearly says he's cutting to the chase now, not really frosting it anymore, saying, the road the road still remains under the selectman's control. I don't know how much clearer you can get than that the road still remains under the selectman's control. That's from 1996. So then, the next year, in 1997. We have this letter from MMA. That the plaintiffs have suggested shows that the select board took some kind of action.

291

00:58:44.210 --> 00:58:51.789

Town of Freedom: They didn't even take a vote on this. So let's see who wrote the letter. Okay, Charles and Sally Hadyniak, Charles, and Lynn Hadyniak.

292

00:58:52.050 --> 00:58:54.370

Town of Freedom: And then it's also signed by the Select board.

293

00:58:54.610 --> 00:59:01.789

Town of Freedom: Now, this is actually a refreshing, more refreshing than the litigation before us now, because this does actually have some true facts

294

00:59:02.180 --> 00:59:10.579

Town of Freedom: until here. These are the facts as agreed upon by the town of freedom and the residents of Beaver Ridge Road after Ollie Ward's place. Okay?

295

00:59:11.300 --> 00:59:18.709

Town of Freedom: Well, until March 3, rd 1956, the town of Freedom maintained the entire length of Beaver Ridge Road. That's true.

296

00:59:19.210 --> 00:59:25.089

Town of Freedom: On March 3, rd 1956, the town of Freedom voted to discontinue Beaver Ridge Road from Ollie Ward's place.

297

00:59:25.210 --> 00:59:28.500

Town of Freedom: Well, now, we know by now that there are 2 key pieces missing. From this

298

00:59:28.670 --> 00:59:36.929

Town of Freedom: they voted to discontinue the Beaver Ridge Road from Ollie Ward's place to the road over Beaver Hill and retain a public easement.

299

00:59:37.060 --> 00:59:41.039

Town of Freedom: Okay, so let's look at MMA's response to this.

300

00:59:41.710 --> 00:59:42.660

Town of Freedom: Okay.

301

00:59:43.540 --> 00:59:51.079

Town of Freedom: you said that the portion from Ollie Ward property to the upper end was discontinued by vote of the 1956 annual town meeting.

302

00:59:51.940 --> 00:59:58.209

Town of Freedom: This would have resulted in a reversion of all public interest in the road to the respective abutting property owners to the center of the way.

303

00:59:58.270 --> 01:00:25.410

Town of Freedom: And this is his emphasis, not mine, unless otherwise stated in the order of discontinuance, and then he even follows up to reiterate this, the 1956 town meeting records should be checked. To make sure this is not the case. Well, as we all know now, it was absolutely the case that the town retained an easement, and that is why I think the Select Board never even voted on this. There's not actually one select board vote in the entire history of the town that supports a claim to public property on this easement.

304

01:00:26.080 --> 01:00:54.889

Town of Freedom: (Atty Kelly) What do you mean that supports a there is no, there is nothing, so there's nothing that supports a claim of public claim that it is their private property. Just listen to the question. Yes, you just said, there's nothing that supports a claim of public rights on the property. (Heather Donahue) No, no, there's all of this supports a claim of public rights. Okay? Oh, I'm sorry. I'm sorry. I'm so like there's so much to get through. (Atty Kelly) Okay, because we want to make sure the record's active. That's why. Okay, I'm sorry. Yes, thank you. Thank you for clarifying. All right. Thank you.

305

01:00:54.920 --> 01:01:09.110

Town of Freedom: Okay, so Steve has testified that the road he has says

he has affidavits that the road was abandoned in the twenties and thirties, and yet he put this article on the town meeting warrant in 2,011, and it has some very interesting wording in it

306

01:01:09.160 --> 01:01:14.849

Town of Freedom: to see if the town will vote to authorize an action by the Select Board to discontinue, and you'll see there, it says.

307

01:01:15.420 --> 01:01:22.369

Town of Freedom: Can't use abandoned as requested. Well, that's kind of odd. A portion of the Beaver Ridge Road.

308

01:01:22.590 --> 01:01:32.129

Town of Freedom: beginning at its intersection with the Sibley Road, thence traveling in a westerly direction to its intersection with another formally discontinued road, approximately 8 8,000 feet. Now, why

309

01:01:32.490 --> 01:01:37.519

Town of Freedom: would you not? Why would Steve not want you to use the word abandonment and have to use discontinuance?

310

01:01:37.650 --> 01:01:53.419

Town of Freedom: Because, MRSA, 3,028 that was enacted at this time would, in the case of abandonment, preserve the full public easement. Now Steve was saying he was trying to give the town something, but, in fact, he was trying to reduce the easement that the town already retained.

311

01:01:55.600 --> 01:02:18.369

Town of Freedom: This is from Steve's testimony just this past weekend that was filed recently as part of a motion for, like summary judgment, or one of the things, and he says, in 2011, I spearheaded an effort to make the disputed portion of Beaver Ridge Road, formerly declared abandoned, actually discontinued, so he could limit it to only footwear rights foot traffic, but would have only had a foot traffic easement.

312

01:02:18.500 --> 01:02:31.399

Town of Freedom: and this is the part that's interesting to me. I thought the road had much value as a recreational trail across the axis of town. I couldn't agree more, and I think probably so did the residents in 1956, which is why they voted to retain the easement.

313

01:02:33.190 --> 01:02:38.939

Town of Freedom: (Steve Bennett) No, you want to comment on that. (Heather Donahue) No, not yet. I'm not finished, you know.

314

01:02:40.040 --> 01:02:57.550

Town of Freedom: This is actually from the. This is from this weekend's

affidavit that got filed. This is from literally this weekend's affidavit. This was just filed on Friday. This was just listening to this.

315

Cindy Abbott: Point of order, point of order.

01:02:58.260 --> 01:03:02.589

Town of Freedom: (Atty Kelly) We've had 4 or 5 disturbances. We don't need that.(Steve Bennett) ... truth.

316

01:03:02.760 --> 01:03:14.810

Town of Freedom: (Heather Donahue) So the plaintiffs allege that the general public has not used the road

317

01:03:14.880 --> 01:03:38.499

Town of Freedom: for at least the past 20 years, and, in fact, for at least the past 80 years. I mean, this is just patently untrue. I don't know how else to address it. Additionally, the complaints, allegations regarding the Select Board's action in September, 1997 as well. Okay, let's take that part first. We've already gone through the MMA letter. That is, the Select Board actions that they're alleging happened in 1997, which didn't even result in a vote

318

01:03:38.760 --> 01:03:44.969

Town of Freedom: as well as the allegation that the town never interfered with the plaintiffs posting the road as private property.

319

01:03:45.250 --> 01:04:06.070

Town of Freedom: Okay. Now, when all this got started, I called MMA to see if we could ask to take their No Trespassing signs down, and then they made it clear to us that we could not touch their personal property so essentially, they can put those no trespassing signs up that doesn't make the road their personal property. I can put up Christmas lights. It doesn't make it Christmas. That's not how it works.

320

01:04:06.300 --> 01:04:10.850

Town of Freedom: And so next we have. Here's this road that has allegedly been abandoned for 80 years.

321

01:04:11.240 --> 01:04:19.820

Town of Freedom: You can also see I was hiking up there and then. You can also see the snowmobile tracks that are not for me. I'll have a snowmobile, but they do definitely make it much more pleasant to walk up there.

322

01:04:20.360 --> 01:04:23.080

Town of Freedom: and this is around the southernmost windmill.

323

01:04:23.830 --> 01:04:27.553

Town of Freedom: And then here again, this is around the area of the southernmost windmill.

324

01:04:28.180 --> 01:04:30.110

Town of Freedom: This is from the court order.

325

01:04:30.380 --> 01:04:59.210

Town of Freedom: The absence of facts asserting that the municipality disclaimed its interest in a public easement at the time of abandonment indicates that the road may still be subject to a public easement, and therefore the plaintiff's complaint does not support their request for a judgment, declaring that the road is now their private property. Well, those facts don't exist, so there's no way for the plaintiff to present any facts that the municipality ever disclaimed its interest in a public easement at the time of abandonment, or any other time in the entire history of the town.

326

01:05:00.130 --> 01:05:05.290

Town of Freedom: And then we have this from the filing. I think Tyler's filing from yesterday

327

01:05:05.490 --> 01:05:28.500

Town of Freedom: since January 25.th Now, mind you, this, these are the same people saying that there's no public use of this road, right? No public use. And yet, since January 25, th 2025, there have been no less than 4 incidents involving members of the public using the disputed portion of Beaver Ridge Road in a manner which could be deemed a public nuisance. Well, let's look at one of those encounters.

Heather Donahue played a recording:

328

01:05:31.390 --> 01:05:32.450

Town of Freedom: But is there?

329

01:05:37.540 --> 01:05:38.949

Town of Freedom: That's pretty sure.

330

01:05:39.060 --> 01:05:45.329

Town of Freedom: Now watch out, watch out, chuck, chuck! Excuse me

331

01:05:49.420 --> 01:05:51.809

Town of Freedom: yourself. This is dangerous.

332

01:05:53.070 --> 01:05:55.989

Town of Freedom: Step 2 step 2 side.

333

01:05:56.890 --> 01:06:02.739

Town of Freedom: Yes, I don't know who you think you are. Move to the side right now.

334

01:06:04.360 --> 01:06:13.389

Town of Freedom: You can have a conversation another time. This is ridiculous, Chuck, please. I'm passing in a fair, safe manner on the road. I'm allowed to.

335

01:06:14.500 --> 01:06:16.220

Town of Freedom: I love listening to it.

336

01:06:20.580 --> 01:06:23.720

Town of Freedom: Huge picture, sure.

337

01:06:23.980 --> 01:06:24.640

Town of Freedom: So

338

01:06:34.120 --> 01:06:41.748

Town of Freedom: (Atty Kelly) get context for the record. When was that? (Heather Donahue) That was from

this weekend?(Atty Kelly) Okay, thank you.(Heather Donahue) And you can see

339

01:06:42.300 --> 01:06:56.769

Town of Freedom: There's new barricades that have been put up in the way that do create a danger to snowmobilers. And we actually have some of the best snowmobile conditions. In about 3 years. Certainly, since I've been here right now for those snowmobilers over the hill that Red Mitchell mentioned back in 1992

340

01:06:59.790 --> 01:07:06.150

Town of Freedom: going on. I would really dislike the harassment of our residents and illegal takings by trusted public officials to stop

341

01:07:06.750 --> 01:07:08.250

Town of Freedom: (Atty Kelly) anything else. Heather Donahue) Nope.

342

01:07:08.640 --> 01:07:29.690

Town of Freedom: (Atty Kelly) all right. And you're gonna make copies of all that. So we have all that. Okay. Who's next? Who hasn't spoken from last week, would like to speak now? Yes.

343

(Carrie Bennette)

01:07:33.230 --> 01:07:37.669

Town of Freedom: My house is 63 months, not moving back into it. So

346

01:07:47.160 --> 01:07:53.920

Town of Freedom: so I've been out of town for 2 years. I didn't realize there were an issue until recently.

347

01:07:54.590 --> 01:08:00.260

Town of Freedom: when my own daughter, who just went so full life on the hill, always access that road.

348

01:08:00.550 --> 01:08:03.109

Town of Freedom: Our understanding is that it's always been

349

01:08:03.330 --> 01:08:05.999

Town of Freedom: available. We've all walked it so we'll build it.

350

01:08:06.360 --> 01:08:08.970

Town of Freedom: We used to always go up the side, though.

351

01:08:09.570 --> 01:08:13.249

Town of Freedom: we didn't go through Beaver Ridge,

352

01:08:14.170 --> 01:08:20.150

Town of Freedom: My house is down from this. We used to go now. It's on.

353

01:08:20.350 --> 01:08:22.680

Town of Freedom: So those Rick Martin films.

354

01:08:25.010 --> 01:08:30.110

Town of Freedom: But my daughter and I'm not gonna mean who it was with, but it was

355

01:08:31.029 --> 01:08:36.569

Town of Freedom: someone involved in wanting to privatize my daughter, and her boyfriend has had a very similar

356

01:08:36.800 --> 01:08:38.979

Town of Freedom: confrontation a couple of months ago.

357

01:08:39.840 --> 01:08:44.479

Town of Freedom: and that's how I found out about it. She called me and said, What is going on?

358

01:08:44.970 --> 01:08:48.300

Town of Freedom: like I don't know. I didn't know if anyone was trying to close the road again.

359

01:08:50.350 --> 01:08:54.400

Town of Freedom: but all I've known the whole time I was up there is it was a public

360

01:08:56.899 --> 01:09:04.399

Town of Freedom: here. I walked it. I was driving horses on it. We used to always turn around at the tree line on your end because I knew it upset anymore.

361

01:09:06.000 --> 01:09:07.810

Town of Freedom: But it was open.

362

01:09:08.040 --> 01:09:11.279

Town of Freedom: She and I talked about it, but I wrote my voice.

363

01:09:13.040 --> 01:09:23.300

Town of Freedom: and she acknowledged it was. She said it gave her anxiety, and I loved your mom, so we would only ride to a point when we did that.

364

01:09:23.850 --> 01:09:28.580

Town of Freedom: but we didn't turn around because we weren't allowed to be there we were being respectful

365

01:09:30.540 --> 01:09:33.490

Town of Freedom: and like I said, my daughter's been there her whole life

366

01:09:34.720 --> 01:09:39.110

Town of Freedom: and to be confronted like that when she had permission

367

01:09:39.550 --> 01:09:42.979

Town of Freedom: and and like, I said, I'm not gonna know who did it. They know who did it.

368

01:09:43.819 --> 01:09:49.610

Town of Freedom: and then, being told that she was a liar when she said the Prices had given her permission to get there, she calls every year.

369

01:09:51.960 --> 01:09:56.860

Town of Freedom: My daughter's never once disrespected anybody's there, everyone.

370

01:09:57.700 --> 01:10:01.089

Town of Freedom: and it gets outrageous that this is the new attitude

371

01:10:01.610 --> 01:10:06.449

Town of Freedom: over a discontinued road. I've seen people walk on it, snow shoe on it.

372

01:10:06.980 --> 01:10:11.969

Town of Freedom: Ski on it. I've seen people I don't know up there. When I was up there I wasn't worried. They were doing anything.

373

01:10:12.190 --> 01:10:16.820

Town of Freedom: They were just walking, and the only time I've ever known about any problems

374

01:10:16.990 --> 01:10:25.749

Town of Freedom: was some teenagers left in 2,015, and only property damage was square one. But whatever the trucks and that.

375

01:10:27.110 --> 01:10:32.309

Town of Freedom: And then there were problems. The 1st couple of years. They're turbines with everybody and their dog

376

01:10:32.680 --> 01:10:34.849

Town of Freedom: wanted to get close to a turbine.

377

01:10:35.870 --> 01:10:36.350

Town of Freedom: But

378

01:10:37.590 --> 01:10:44.560

Town of Freedom: and I mean, you guys can all fight it out. All you want. All I'm saying is, my- my 20 years up there I walked it.

379

01:10:45.760 --> 01:10:51.289

Town of Freedom: I have my horse on it, snowmobiled on it. Used to drive my truck all the way through.

380

01:10:51.820 --> 01:10:54.090

Town of Freedom: Take my kids over to

381

01:10:54.780 --> 01:10:59.000

Town of Freedom: The kids all called it the up and over. They loved it because they were on the back of the truck all over.

382

01:10:59.540 --> 01:11:01.430

Town of Freedom: and then it did wash out

383

01:11:02.770 --> 01:11:07.040

Town of Freedom: after they had added their section. I'm not blaming them. That's just the timeline.

384

01:11:08.130 --> 01:11:12.550

Town of Freedom: But and then you couldn't access that end section anymore.

385

01:11:12.690 --> 01:11:17.839

Town of Freedom: And then the section between the end of Sibley over to Deer Hill, washed out.

386

01:11:22.287 --> 01:11:27.150

Town of Freedom: Think that was around 2,012 after just horrendous rains.

387

01:11:27.270 --> 01:11:30.639

Town of Freedom: and you could still pass through with horses 4 wheelers.
388

01:11:31.410 --> 01:11:33.789

Town of Freedom: You just weren't taking the truck through anywhere.
389

01:11:35.490 --> 01:11:40.639

Town of Freedom: but never once riding horses through when Barb used to come right over my mountain.
390

01:11:41.060 --> 01:11:46.140

Town of Freedom: Was she ever confronted by anyone, and told she was on private property.
391

391

01:11:46.430 --> 01:11:48.690

Town of Freedom: Everyone called it the Over the Beaver.
392

01:11:48.790 --> 01:11:50.870

Town of Freedom: Everybody knew people walked it.
393

01:11:54.200 --> 01:11:56.580

Town of Freedom: and I think it's sad because it's come up again.
394

01:11:57.320 --> 01:12:00.399

Town of Freedom: This is like as long as I lived here I've heard about.
395

01:12:00.720 --> 01:12:04.490

Town of Freedom: Oh, it's coming up again. That's the only reason I was
396

01:12:04.730 --> 01:12:06.919

Town of Freedom: told for sure that it was open.
397

01:12:07.410 --> 01:12:12.620

Town of Freedom: was, I believe it was in. It was either the end of oh, it was either fall of oh, 6, or spring of oh, 7!
398

398

01:12:13.410 --> 01:12:18.019

Town of Freedom: Was the 1st time I talked to Sally in about it, and she was upset when we came through on horses.
399

399

01:12:18.890 --> 01:12:23.219

Town of Freedom: She wasn't mean. She was just upset. She and I had a lengthy conversation.
400

400

01:12:23.830 --> 01:12:29.539

Town of Freedom: She said she knew that it was open. They didn't want it to be open when it upset her.
401

401

01:12:30.310 --> 01:12:34.830

Town of Freedom: You know, I said we we would stop the trees. It was not a big deal

402

01:12:41.200 --> 01:12:44.459

Town of Freedom: if anybody can help me walk through.

403

01:12:45.250 --> 01:12:49.569

Town of Freedom: and we never did go all the way through on your side, but we use the rest of it.

404

01:12:50.910 --> 01:12:54.539

Town of Freedom: And so for my daughter. Now, who does live up there?

405

01:12:55.480 --> 01:13:00.029

Town of Freedom: She confronted all. She she crossed over a section of it

406

01:13:00.180 --> 01:13:02.919

Town of Freedom: where it meets up with Ron's field.

407

01:13:03.210 --> 01:13:07.560

Town of Freedom: I mean, it goes over to your guys's land because you gave him permission to add them yearly

408

01:13:08.620 --> 01:13:11.759

Town of Freedom: my daughter's boyfriend, and he was being confronted.

409

01:13:12.480 --> 01:13:15.379

Town of Freedom: but they were trespassing, and they were called liars.

410

01:13:15.670 --> 01:13:18.609

Town of Freedom: I think she called Travis. I don't know if she called him

411

01:13:18.930 --> 01:13:21.279

Town of Freedom: to get permission to just cross over.

412

01:13:21.890 --> 01:13:25.220

Town of Freedom: But she had permissions and everything, and it turned into this.

413

01:13:25.620 --> 01:13:28.710

Town of Freedom: otherwise I would not have driven all the way up here from Prospect.

414

01:13:29.840 --> 01:13:34.060

Town of Freedom: because I don't go up there anymore. I haven't heard years.

415

01:13:34.320 --> 01:13:56.309

Town of Freedom: (Atty Kelly) Can you just help us with the timeframe because you talked generally about what timeframes did you let me start with a more specific question? You said you drove up through meaning from Sibley 4th corner down to the Hadyniak's for the vehicle. No, we used to go like I said so, Rick Martin. He used to own the whole strip. Running up next to my, he built a road all the way up

416

01:13:56.990 --> 01:14:05.319

Town of Freedom: we would go right up that road, turn onto the over the Beaver, go all the way through, down and over on Deer Hill

417

01:14:05.700 --> 01:14:09.110

Town of Freedom: and take our kids while we're diving lines, or

418

01:14:09.760 --> 01:14:17.660

Town of Freedom: they they would ride their 4 wheelers over. We did that for years and years. Never once did anyone say.

419

01:14:17.880 --> 01:14:24.409

Town of Freedom: Don't do that, (Atty Kelly) and that's the part that I need to ask next. Can you just please be clear. What years did you do this.

420

01:14:24.550 --> 01:14:30.209

Town of Freedom: This usage that you just described, (Carrie Bennett) the 1st time I ever drove all the way through would have been

421

01:14:30.710 --> 01:14:35.460

Town of Freedom: the end of November of 2,000. When I moved here, and my son took me through.

422

01:14:38.300 --> 01:14:40.000

Town of Freedom: (Atty Kelly) and how often would you do that?

423

01:14:40.790 --> 01:14:44.179

Town of Freedom: (Carrie Bennett) Never in the winter, in the summer once.

424

01:14:45.220 --> 01:14:48.350

Town of Freedom: Oh, let's see how old are your kids? 4.

425

01:14:49.310 --> 01:14:51.500

Town of Freedom: Yeah. So

426

01:14:52.230 --> 01:15:06.170

Town of Freedom: 16 years that we would go back and forth that way? 16 years. Yeah. Daughters and friends. (Atty Kelly) And what years are we talking about? 16 years, 2,000 2,016, or sometime before that? Just so we know (Carrie Bennett) we

stopped going up.

427

01:15:07.760 --> 01:15:10.519

Town of Freedom: Think the last time I ever went up through

428

01:15:11.340 --> 01:15:13.579

Town of Freedom: would have been in 2,016.

429

01:15:15.510 --> 01:15:19.160

Town of Freedom: (Atty Kelly) Just so we're clear you've seen in that one

430

01:15:19.918 --> 01:15:25.620

Town of Freedom: you're talking about going through the red area. (Carrie Bennett) And that was

431

01:15:27.180 --> 01:15:33.459

Town of Freedom: also when I did that I have permission here wrong, because I skipped over

432

01:15:33.840 --> 01:15:40.579

Town of Freedom: onto Ron's road to come out of the gate. Okay, because it was messed up where the new driveway

433

01:15:41.754 --> 01:15:47.739

Town of Freedom: wasn't gonna go out down their driveway

434

01:15:48.020 --> 01:15:51.019

Town of Freedom: (Atty Kelly) for the 16 years you're talking about. You didn't blow enough.

435

01:15:51.950 --> 01:15:57.419

Town of Freedom: You went up in Ron's field when you got high enough off. (Carrie Bennett) No, no, I said, the last time it went through.

436

01:15:58.420 --> 01:16:02.299

Town of Freedom: Yeah, you said when was last time, and I said, 2,016,

437

01:16:02.410 --> 01:16:05.470

Town of Freedom: but at that time I diverted.

438

01:16:05.830 --> 01:16:11.610

Town of Freedom: and you're still. You still go on the over the Beaver, and then you come out, and

439

01:16:13.010 --> 01:16:16.749

Town of Freedom: there's an outcropping that comes out in the middle of one of his large fields.

440

01:16:17.620 --> 01:16:27.930

Town of Freedom: (Atty Kelly) Alright, can you help us out here? Let's go and mark what you're talking about when you go up through. And then initially.

441

01:16:31.456 --> 01:16:39.724

Town of Freedom: So here's the.

442

01:16:42.980 --> 01:16:54.249

Town of Freedom: So this is the latest.

443

01:16:59.269 --> 01:17:21.319

Town of Freedom: I'm looking for something specific.

444

01:17:21.320 --> 01:17:23.315

Town of Freedom: Yeah.

445

01:17:38.120 --> 01:17:46.579

Town of Freedom: Anyway, there's a world that runs up.

446

01:17:46.920 --> 01:17:50.210

Town of Freedom: Let's assume that where it kind of challenges.

447

01:17:51.230 --> 01:17:56.020

Town of Freedom: That's true. That's where you would come off.

448

01:17:56.510 --> 01:18:07.749

Town of Freedom: Otherwise you would go all the way through, and a new row came in.

449

01:18:08.200 --> 01:18:09.210

Town of Freedom: And it's just

450

01:18:21.830 --> 01:18:47.430

Town of Freedom: okay. So this is gonna be, I would say.

451

01:18:55.236 --> 01:19:02.490

Town of Freedom: would not go through and hit no

452

01:19:09.360 --> 01:19:18.290

Town of Freedom: folks. If there's a side talk in the Transcript. It's not going to work. So we need you to be quiet and not have side conversations. Please, Bill, yeah.

453

01:19:18.480 --> 01:19:20.920

Town of Freedom: welcome. Thank you.

454

01:19:27.740 --> 01:19:36.140

Town of Freedom: This section make a section here, down through that, if

you want to which side all the way down.

455

01:19:38.190 --> 01:19:39.519

Town of Freedom: But I mean we were growing

456

01:19:47.560 --> 01:19:53.190

Town of Freedom: (Atty Kelly) all right. So summary folks is that Perry is saying she used the section in yellow

457

01:19:53.310 --> 01:19:54.640

Town of Freedom: used to live here.

458

01:19:55.130 --> 01:19:58.610

Town of Freedom: That's her property. This is she. Come down from here

459

01:19:58.740 --> 01:20:25.690

Town of Freedom: that you go down that way. Stop with it! And he actually come back, and she'd also at times go this way, which is through the area that's had some testimony about it, and she also came down to the round hills Ron Price's field at times. And that's the permission you're talking about. Is there anything else you'd like to tell us?(Carrie Bennett) No, that's all. Okay. And I hope that I hope this round puts it to bed because

460

01:20:25.730 --> 01:20:29.789

Town of Freedom: something's gonna happen. Yeah, I hope you have a wonderful night, though.

461

01:20:32.040 --> 01:20:35.780

Town of Freedom: All right.

462

01:20:36.080 --> 01:20:49.843

Town of Freedom: (Atty Kelly) Anybody else from Prospect, just in case

463

01:20:52.130 --> 01:21:20.689

Town of Freedom: (Jason Wade) I have been in freedom as a landowner since 2,001, and probably a bit before that in 98 I've been here primarily as a son-in-law and a husband, and most importantly, a deer hunter. So I spent probably as much time on what land that Steve owns, and I own Hadyniak's own and Holtham Rick Martin. And then how we own.

464

01:21:20.770 --> 01:21:25.729

Town of Freedom: It's about probably I mean, I can't guarantee that. But a lot of time in the works.

465

01:21:26.294 --> 01:21:37.990

Town of Freedom: I can't say no one's ever been up that road, but for many years there have been trees across it, there have been limited access. I have seen tracks, I have seen periodic use of that.

466

01:21:38.180 --> 01:21:41.859

Town of Freedom: What I can attest to is that between the road that we built.

467

01:21:42.030 --> 01:21:48.140

Town of Freedom: which is the trail that has the bridge over it, which was sometime after 2,001.

468

01:21:49.440 --> 01:21:53.120

Town of Freedom: The road from there to Sibley Road

469

01:21:54.650 --> 01:22:02.019

Town of Freedom: was not passible for any kind of vehicle. Snowmobile Atv. You definitely can do it on foot, and you could do it today on foot.

470

01:22:02.260 --> 01:22:08.900

Town of Freedom: But it's not a lot of fun if you stay in the actual Beaver Hill

471

01:22:11.360 --> 01:22:13.759

Town of Freedom: (Atty Kelly) when you say not passable, you mean for vehicle

472

01:22:13.990 --> 01:22:20.850

Town of Freedom: (Jason Wade) any time of year, any decade before, I mean. And again, I haven't taken a yearly photo but for many years.

473

01:22:21.160 --> 01:22:29.199

Town of Freedom: and I'll say yes, that's probably 2,001 to now, the section from silly road to

474

01:22:30.200 --> 01:22:34.639

Town of Freedom: our trend that has to be done. I don't know what we want to call that, but

475

01:22:35.220 --> 01:22:38.830

Town of Freedom: (Atty Kelly) just clarify that for me you all may know this, but where that

476

01:22:38.950 --> 01:23:03.470

Town of Freedom: trail comes joins what was historically where the where the bridge is, who owns that 1st section is that you?(Jason Wade) I do okay with my wife. And roughly, how much of that road distance wise is it all on your property? No, it transfers over to property that Steve owns near where that bridge is. So the property line is on the

477

01:23:03.700 --> 01:23:20.079

Town of Freedom: easterly side of that bridge. I would say, there's a PIN

that Kyle and I just talked about that is, on the easterly side of the Beaver Hill road, and certainly there could be conversation about the 66 feet or through. I can't. I've never measured from
478

01:23:20.660 --> 01:23:30.320

Town of Freedom: the property line or the rock wall, which is the easterly border of that road to where our trail is. I believe it's under 66 feet, but I can't say that I've ever measured.

479

01:23:30.430 --> 01:23:31.200

Town of Freedom: Thank you.

480

01:23:34.410 --> 01:23:42.749

Town of Freedom: So to me this this certainly is a challenge because Carrie Bennett brings up a story, and that story is the reason that

481

01:23:43.020 --> 01:24:00.679

Town of Freedom: couple was stopped just because they were trespassing on our property. It had nothing to do with the Beaver Hill Road. It had to do with the fact that he had been trespassing on our property for the entire deer season, even after we asked him to stop. So she doesn't have the full story I could tell you because I spoke to him. It was Jason Hughes. He's from Belfast.

482

01:24:01.040 --> 01:24:12.619

Town of Freedom: So that's what that conversation was about. She was never actually, roughly. (Atty Kelly) Roughly, What year was that? So this year?(Jason Wade) 2024

483

01:24:13.580 --> 01:24:25.261

Town of Freedom: last year, until next year season.

484

01:24:27.830 --> 01:24:31.480

Town of Freedom: So so from my standpoint, limited use of the Beaver Hill Road.

485

01:24:31.800 --> 01:24:35.599

Town of Freedom: Okay, I've gone down it with permission, because I've been a landowner.

486

01:24:36.010 --> 01:24:38.889

Town of Freedom: Different portions along the way and had permission

487

01:24:39.110 --> 01:24:43.259

Town of Freedom: from at least one side of abutter the entire time I've been there.

488

01:24:43.782 --> 01:24:54.219

Town of Freedom: Either we are the owners or at any next level obviously go down that road sporadically honored. Their, you know, lack of interest

and a lot of traffic.

489

01:24:56.310 --> 01:25:03.429

Town of Freedom: The bigger issue I have is that this has turned into a big argument about access.

490

01:25:03.600 --> 01:25:14.869

Town of Freedom: We've always been very generous and not have a lot of problem with that. That's changed. We've got people that are, in our opinion, on our property, you know, with an excavator going and marking trees that are.

491

01:25:15.564 --> 01:25:28.499

Town of Freedom: I don't want to get to that, because that's a survey question, and so on, but could never have been the case. In the 1st place, it could have been a conversation, and no one, no one in this room from the Select Board

492

01:25:28.950 --> 01:25:35.049

Town of Freedom: has ever come to my wife and I, and asked us about our property and what we were willing to do or not do.

493

01:25:35.240 --> 01:25:39.620

Town of Freedom: Okay, Steve and Judy were very generous to give that to us for our wedding.

494

01:25:40.810 --> 01:25:42.240

Town of Freedom: We are the owners.

495

01:25:42.530 --> 01:25:48.350

Town of Freedom: Okay? So if there's a question about that section really should come to my wife or I.

496

01:25:49.130 --> 01:25:58.029

Town of Freedom: So that's 1 thing I do want to say. That's really it's disheartening. We've we own 165 acres down on the bottom of the hill. We've always allowed people there.

497

01:25:58.300 --> 01:26:02.089

Town of Freedom: They sometimes ask permission, and sometimes they don't primarily don't

498

01:26:03.590 --> 01:26:05.920

Town of Freedom: And that's it's just just disappointing.

499

01:26:06.780 --> 01:26:27.080

Town of Freedom: I think the in my experience since 2,001, there's been very limited use until just recently, with people walking periodically a

snowmobile here or there. Why, that was I don't know. Often there were significant tree damage. I've cleaned a lot of it up on our section that property too many times.

500

01:26:27.390 --> 01:26:28.100

Town of Freedom: thank you.

501

01:26:28.330 --> 01:26:33.230

Town of Freedom: But I can tell you, on the Sibley end it has been essentially impassable to a vehicle, for

502

01:26:33.530 --> 01:26:36.759

Town of Freedom: at least since 2,000 (Atty Kelly) at the what distance.

503

01:26:37.070 --> 01:26:41.370

Town of Freedom: (Jason Wade) probably 900 to 1,200 feet from the Sibley Road corner up.

504

01:26:41.840 --> 01:26:47.949

Town of Freedom: Oh, you can make an argument above that, but definitely impassable to that point

505

01:26:48.110 --> 01:26:51.039

Town of Freedom: per vehicle. You can pick your way through on foot

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01:26:54.360 --> 01:26:58.789

Town of Freedom: (Atty Kelly) if you clarify one thing for the record you're talking about.

507

01:27:01.581 --> 01:27:13.519

Town of Freedom: going from where your trail road, whatever we're gonna call it, intersects with the traditional view of Bridge Road going down past. Would you go all the way up to Greeley Road? (Jason Wade) Never.

508

01:27:13.670 --> 01:27:21.310

Town of Freedom: I don't have any reason to do that. (Atty Kelly) Okay. And what were you traveling on? (Jason Wade) Either a small wheel or an Atv. With permission?

509

01:27:21.830 --> 01:27:24.210

Town of Freedom: (Aty Kelly) Not a vehicle, not 4 wheel drive.

510

01:27:28.270 --> 01:27:33.480

Town of Freedom: (Jason Wade) I've never been on that road since a bit before, probably 97 98,

511

01:27:33.860 --> 01:27:36.405

Town of Freedom: when Aaron and I got together.

512

01:27:37.700 --> 01:27:46.040

Town of Freedom: I've never been on that with a vehicle where it was comfortably passable. I mean, you certainly could do it, and I've done some of that in different parts of the State, but

513

01:27:46.280 --> 01:27:52.830

Town of Freedom: essentially not passable to the vehicle. So it's that in my, since like 90, probably 98,

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01:27:54.200 --> 01:27:57.759

Town of Freedom: (Atty Kelly) and you don't know before then, because you weren't here before then. (Jason Wade) Correct. (Atty Kelly) Okay.

515

01:27:59.120 --> 01:28:15.399

Town of Freedom: (Laura Greeley) so, Jason, what? What caused you? The few times that you might have gone down past the Hadyniak's on a snowmobile or 4. (Jason Wade) I never went past the Hadyniak's, (Laura Greeley) you've never gone. So what would you ask them for permission

516

01:28:16.090 --> 01:28:31.850

Town of Freedom: to to use that road? (Jason Wade) I've I've hunted some of their property historically Sally Ann had given permission in the past, and we actually owned on the easterly side of the road for a bunch of years until just recently. So we'd go down there to access property and be home. (Larua Greeley) Okay.

517

01:28:32.440 --> 01:28:49.109

Town of Freedom: (Jason Wade) but we own property on both sides of that road for several different portions. (Laura Greeley) So when you ask permission from them, it was, if it's more so for the hunting, not just to travel down that road. (Jason Wade) It was out of it was out of respect for Sally, and Steve's had a relationship with her. I had a relationship with her

518

01:28:49.110 --> 01:29:08.389

Town of Freedom: nearer the end of her life, and just saying, Hey, you know, is it okay? If we go down here to access our property. (Laura Greeley) So you had some sense that that they thought that that road was theirs. That's what I'm getting at. (Jason Wade) I didn't. I never went that route with that. Yeah, Sally Ann was always great to me, and I always was like, Hey, do you mind if we come down here to access this or that

519

01:29:08.700 --> 01:29:21.850

Town of Freedom: there was no issue there, and she she actually offered for me to hop there. I never did. But she did offer that. (Atty Kelly) Is there any other access to this 160 acres. Is there a public road that serves it? (Jason Wade) Oh, it's on the north long road. That's a separate piece.

520

01:29:22.040 --> 01:29:25.989

Town of Freedom: and there's access to all of this at this point. So

521

01:29:28.100 --> 01:29:46.180

Town of Freedom: (Atty Kelly) did you have anything else you'd like to say?(Jason Wade) I've been excited about the highlighting

522

Atty Kelly: so just for the record this is the part that was impassable.

01:29:51.040 --> 01:30:13.390

Town of Freedom: (Jason Wade) with any kind of vehicle.

523

01:30:18.580 --> 01:30:22.950

Town of Freedom: (Atty Kelly) Okay, good. So thank you. Who's next we've got?

524

01:30:23.090 --> 01:30:30.499

Town of Freedom: Yeah. My name is Kyle Price, part of the family that owns the land up here. It's also abuts this road, and

525

01:30:31.070 --> 01:30:41.649

Town of Freedom: I would like to echo, like I think, about Echo some of the things we just heard from Jason as I witnessed last week's hearing and reflected upon it. I think it's

526

01:30:41.820 --> 01:30:49.840

Town of Freedom: unfortunate that we're neighbors and land of abutters and people near to that, that we've gotten to this place

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01:30:52.950 --> 01:30:54.270

Town of Freedom: And so that

528

01:30:58.590 --> 01:31:06.200

Town of Freedom: and from my perspective and studying the law, what the definition of motorized vehicles is, what is allowed on easement

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01:31:06.340 --> 01:31:11.030

Town of Freedom: which doesn't allow for Atvs and Snowmobiles, even if you do have a public use them.

530

01:31:12.840 --> 01:31:16.378

Town of Freedom: This is in my mind. Gonna be something to the court.

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01:31:16.800 --> 01:31:26.710

Town of Freedom: You're going to go through this process, and there's gonna not be a resolution with it until you get to court. And that's where somebody else will make the decision as to what facts are real facts and what facts are not.

532

01:31:26.850 --> 01:31:34.059

Town of Freedom: I would also agree with the description that Jason just gave about that section of the road to the abutts their property that has not been passable and has not been

533

01:31:34.550 --> 01:31:37.940

Town of Freedom: since the whole time that we own that which is in 1980.

534

01:31:39.740 --> 01:31:47.310

Town of Freedom: It just. It isn't possible. If it had been, we might have used it, because it goes up one side of the property that we own up there.

535

01:31:49.630 --> 01:31:50.750

Town of Freedom: I think

536

01:31:50.940 --> 01:31:57.679

Town of Freedom: it was washed out from the description you heard Steve give during the hurricane that occurred in the fifties.

537

01:31:58.140 --> 01:32:01.410

Town of Freedom: So yeah, you might be able to pick. I picked my way through there on foot.

538

01:32:01.560 --> 01:32:05.270

Town of Freedom: But there was no way you're gonna drive through there with any sort of motorized vehicle.

539

01:32:06.040 --> 01:32:06.850

Town of Freedom: So

540

01:32:09.600 --> 01:32:20.530

Town of Freedom: I hope that there's a resolution that will come of this, and I'm putting my faith in, based on some of the behaviors and comments I've heard people make. You know. I don't take no for an answer. I'm not going to turn back.

541

01:32:20.790 --> 01:32:28.229

Town of Freedom: I've got more confidence that in the future, when this does get resolved in court that the land of abutters can get together and work out whatever it is that they need for each other.

542

01:32:28.470 --> 01:32:31.510

Town of Freedom: So that's where any stands.

543

01:32:34.720 --> 01:32:35.670

Town of Freedom: (Atty Kelly) Thank you.

544

01:32:36.040 --> 01:32:38.000

Town of Freedom: (Kyle Price) I actually have one more thing.

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01:32:39.020 --> 01:32:44.040

Town of Freedom: The only reason anybody would go up to there right now on a showbill or an Atv

546

01:32:44.470 --> 01:32:48.449

Town of Freedom: is to get to where our land is not posted.

547

01:32:49.270 --> 01:32:51.649

Town of Freedom: We're the only one up there that's not posted.

548

01:32:52.060 --> 01:32:56.310

Town of Freedom: and this has also given us pause to think about that conversation, because if it was posted.

549

01:32:56.490 --> 01:32:59.280

Town of Freedom: there isn't a place for you to go. It's a good way.

550

01:32:59.850 --> 01:33:06.512

Town of Freedom: Well, you would. You could go through there. But right now the people are going through there going to get through the whole thing

551

01:33:06.940 --> 01:33:08.780

Town of Freedom: before somebody else's property

552

Atty Kelly: you spoke last time.

01:33:10.196 --> 01:33:23.739

Town of Freedom: (Jason Wade) just had a clarifying thought. And I'm not positive about this. But there's been a lot of conversation about. If a if a road on a map is accessible.

553

01:33:23.910 --> 01:33:33.900

Town of Freedom: I spend a ton of time in other parts of the State, and there's a Zillion roads here that are on a map. It does not mean that they're open access and that they're available for traffic.

554

01:33:34.410 --> 01:33:41.039

Town of Freedom: So I just want to say that I think that was. I just can clarify that. I don't want to get into a back and forth, but I can name.

555

01:33:41.650 --> 01:33:57.599

Town of Freedom: I spent months on roads like that. I have to get permission to access, and any paper company land north of any of the gates here is exactly that example. It's on that it is not open to the public, and you have to ask for permission and pay for it.

556

01:33:57.770 --> 01:34:13.840

Town of Freedom: So I just want to clarify. That's true.

557

01:34:16.110 --> 01:34:17.130

Town of Freedom: Well, it sounds great.

558

01:34:18.050 --> 01:34:20.650

Town of Freedom: (Atty Kelly) Anybody else who hasn't spoken to like this view.

559

01:34:22.830 --> 01:34:24.080

Town of Freedom: See anybody else?

560

01:34:24.740 --> 01:34:49.609

Town of Freedom: What's the Board's pleasure in terms of people? But now we have some time did you want to continue with people who might want to respond to what they've heard, and get some more information or so go through sort of second round, so to speak. And you had your hand up. I know you did see. So it was going to start. I'm going to be very short.

561

01:34:50.430 --> 01:35:07.770

Town of Freedom: Yeah, sure. My name is Lynn Hadyaniak, and I live on Beaver Ridge Road, and I just wanted to make it clear before I got here. I wanted to clarify something that one of our neighbors who lives at the very bottom of Beaver Ridge Road said last week, and that was

562

01:35:07.840 --> 01:35:30.639

Town of Freedom: he wanted to make sure that everybody who had property on the road had access. That's never been an issue. Every one of the abutters of Beaver Ridge Road, and then what we call the grass trail. All of that the owners of the property on both sides have always had access.

563

01:35:30.790 --> 01:35:41.430

Town of Freedom: The issue has always been people who don't live there. And I can also say that this has recently come up because of the disrespect and

564

01:35:42.520 --> 01:35:49.990

Town of Freedom: all of the behaviors criminal activity that we have experienced, which we have never experienced before.

565

01:35:50.120 --> 01:35:52.589

Town of Freedom: And this is new with this board.

566

01:35:52.860 --> 01:35:55.709

Town of Freedom: Oh, that's why that's why we're here.

567

01:35:55.910 --> 01:35:57.469

Town of Freedom: That's why we're in court.

568

01:36:00.060 --> 01:36:05.590

Town of Freedom: (Atty Kelly) Yeah, Steve, you had your hand up.
569
01:36:05.980 --> 01:36:08.370
Town of Freedom: (Steve Bennett) Yes, no. 1st of all.
570
01:36:11.710 --> 01:36:17.960
Town of Freedom: when when I caught Heather, coming out of the end
of road a weekend ago.
571
01:36:18.120 --> 01:36:22.389
Town of Freedom: he asked. I said, you know you're trespassing, she said.
Well, show me a survey.
572
01:36:23.290 --> 01:36:24.580
Town of Freedom: Here's the truth.
573
01:36:24.790 --> 01:36:26.869
Town of Freedom: You want to submit real call.
574
01:36:27.410 --> 01:36:28.380
Town of Freedom: Okay.
575
01:36:28.530 --> 01:36:39.320
Town of Freedom: that survey is of the picture subdivision. But the time
frame, I think, in the late seventies that survey was done.
576
01:36:39.910 --> 01:36:41.520
Town of Freedom: and we're today
577
01:36:41.890 --> 01:36:52.940
Town of Freedom: begin by rolling Wendell in 1987. The original survey
was 1980. It shows all the lots that Fisher owned total of about
578
01:36:53.490 --> 01:36:55.830
Town of Freedom: 115 acres or so
579
01:36:56.438 --> 01:37:13.390
Town of Freedom: surrounding Ron's fields. Ron bought 1980, I think.
Right, Ron. Yes, and he bought what he was interested in was the fields.
I acquired all the Mitchell lots at auction in 1993,
580
01:37:13.530 --> 01:37:16.919
Town of Freedom: in a sense, traded them off or sold them off.
581
01:37:17.060 --> 01:37:20.929
Town of Freedom: We only retain a couple now. I gave one to Jason, and so
forth.
582

01:37:21.120 --> 01:37:28.039

Town of Freedom: Oh, you look at the map of the you can see where the road is the Beaver Hill road.

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01:37:28.590 --> 01:37:31.220

Town of Freedom: and you can see pins. Mark

584

01:37:31.470 --> 01:37:37.490

Town of Freedom: the upper side of the road you can see 2 pins on the deer hillside

585

01:37:38.170 --> 01:37:50.510

Town of Freedom: on the upper side of the road. You see those 2 PIN marks there? No, look at the hill road. There's a PIN there, a PIN there.

586

01:37:51.870 --> 01:37:57.479

Town of Freedom: Okay, alright. And you look on the other side of the on the going forward really road

587

01:37:57.730 --> 01:38:14.070

Town of Freedom: is a PIN marking the corner of the PIN down here you can see on the map and survey this 4 pins marked.

588

01:38:14.280 --> 01:38:17.390

Town of Freedom: All 4 of them are on the upper side.

589

01:38:18.390 --> 01:38:25.450

Town of Freedom: on the road. Okay? And you can find those pins like today. I know I've seen three of them.

590

01:38:25.610 --> 01:38:28.799

Town of Freedom: and you can put a tape on it and measure it across.

591

01:38:29.140 --> 01:38:35.700

Town of Freedom: And what I've seen is that because of the rock walls

592

01:38:36.530 --> 01:38:45.270

Town of Freedom: that are very apparent along a good part of that road, the rock walls are very obviously 3 rods apart.

593

01:38:45.650 --> 01:38:48.710

Town of Freedom: It might be a little longer than that to the outside.

594

01:38:48.910 --> 01:38:54.830

Town of Freedom: I know it, said 4 rods, and what found in 1823, but

595

01:38:55.210 --> 01:39:08.859

Town of Freedom: the when you grow on Deer Hill, when you come up on on

the Greeley Road, it's Major. It I mean. It's a three rod road, and the monuments are the big rock walls, large trees growing out of the rock walls.

596

01:39:09.160 --> 01:39:13.940

Town of Freedom: barbed wire embedded in these trees that are growing out of the rock wall.

597

01:39:14.330 --> 01:39:20.970

Town of Freedom: But there, when that was fenced by the whole time, was that's considered a monument in real estate law. So

598

01:39:21.110 --> 01:39:48.140

Town of Freedom: I believe there's facts right there, and if you go measure that the distance across, and you see it's a 3 rod, but those pins are set in so you know it could be. It could be a 4 rod. I've been measured from the PIN. I know there's 2 right there, and Ryan and I looked at one of them one day, and he's found the PIN for me. I couldn't see it, but he found it. And so anyway, there's that survey. So you want to see the survey. There it is

599

01:39:48.480 --> 01:39:51.155

Town of Freedom: of the

600

01:39:54.990 --> 01:40:00.079

Town of Freedom: I have a letter here from Rick Martin. It's a very brief one. I'd like to read it, if you don't mind.

601

01:40:00.679 --> 01:40:08.770

Town of Freedom: Rick cannot be here, he has to take care of his wife. Ignored that shouldn't.

602

01:40:09.620 --> 01:40:16.819

Town of Freedom: This is written the 24th of January to eliminate concern. As far as I know, the over the Beaver road

603

01:40:16.940 --> 01:40:19.960

Town of Freedom: was washed out in 1853

604

01:40:20.270 --> 01:40:25.969

Town of Freedom: version 34, but from a hurricane, and never repaired.

605

01:40:26.610 --> 01:40:44.370

Town of Freedom: That ended the need for a pass through. Right away out of the road was shifted onto vented property outside of the original road, and for better use. Rick built that driveway on their daughter's land son-in-law's land

606

01:40:44.800 --> 01:40:48.930

Town of Freedom: to a certain point. When it just comes in.
607

01:40:49.210 --> 01:40:51.610

Town of Freedom: There's probably 300 feet of trees, there
608

01:40:52.620 --> 01:40:57.990

Town of Freedom: to open up the original right away, for motorized
vehicles would require extensive work

609

01:40:59.190 --> 01:41:04.049

Town of Freedom: to properly properly control erosion, and it would cost
610

01:41:04.660 --> 01:41:15.139

Town of Freedom: parts of the original road have become drainage from the
surrounding area, and would require several feet of material to bring to
grade and maintain sincerely

611

01:41:15.260 --> 01:41:16.600

Town of Freedom: Richard Martin.

612

01:41:17.290 --> 01:41:25.419

Town of Freedom: previous owner of property bordering the over the Beaver
Hill road, and a resident of the town of Freedom for over 50 years.

613

01:41:26.100 --> 01:41:32.110

Town of Freedom: Oh, so with that

614

01:41:34.780 --> 01:41:49.549

Town of Freedom: do, and have for quite some time, and Ron and I've
talked about this is that the original road is washed out some places so
bad. I mean, it's it's rock wall to walk. Wall, it's 5 or 6 feet deep.

615

01:41:49.680 --> 01:41:52.970

Town of Freedom: Ryan has seen it that

616

01:41:53.100 --> 01:41:58.750

Town of Freedom: when we have these rains and these snow melts, and the
last couple of years a couple of serious rains.

617

01:41:58.920 --> 01:42:01.139

Town of Freedom: If that one does not get

618

01:42:01.480 --> 01:42:05.030

Town of Freedom: through the Sibley road and does not make a turn right
there

619

01:42:05.370 --> 01:42:09.979

Town of Freedom: and go down the ditch the Beaver Ridge wind builders is one hell of a good rip wrap ditch.

620

01:42:10.120 --> 01:42:20.160

Town of Freedom: Then it takes another right hand turn and goes across Jeff Keating's land, and they dug a ditch across that and ripraft it.

Then it gets all back in a ravine behind my house.

621

01:42:20.340 --> 01:42:23.490

Town of Freedom: and then it really gathers a lot of steam and a lot of water.

622

01:42:24.170 --> 01:42:27.780

Town of Freedom: If you want to see how serious water can.

623

01:42:27.960 --> 01:42:29.850

Town of Freedom: how much damage it can cause.

624

01:42:30.030 --> 01:42:40.924

Town of Freedom: And look at the ravine in the in the back field behind my house. It's 50 feet deep and a hundred 50 feet wide. I am not exaggerating.

625

01:42:41.620 --> 01:42:45.530

Town of Freedom: That's how deep it is. So if we don't get the water, come off that hill

626

01:42:46.010 --> 01:42:49.430

Town of Freedom: down to the bottom of the hill in a safe way.

627

01:42:50.600 --> 01:42:57.330

Town of Freedom: I want to put another Calvert up there this summer at Ron's gate, so we can turn the water.

628

01:42:57.550 --> 01:43:05.829

Town of Freedom: If we don't. We could blow up the deal road again. We could blow out a good portion of the of the silver road again.

629

01:43:06.640 --> 01:43:16.509

Town of Freedom: The beav was never repaired. From 1954 Edward Lane that comes out by Doug Van ... place. It's just a pile of boulders up on the hill was never rebuilt.

630

01:43:17.180 --> 01:43:17.970

Town of Freedom: so

631

01:43:19.320 --> 01:43:24.079

Town of Freedom: I think we should keep that in mind. This is

particularly.

632

01:43:25.170 --> 01:43:27.249

Town of Freedom: disturbing to me, because

633

01:43:27.510 --> 01:43:30.869

Town of Freedom: again, I don't have any problem with people walking up there.

634

01:43:31.080 --> 01:43:45.950

Town of Freedom: and lots of people have asked us to use the road, and I don't have a big issue with that at all. I do have an issue with people

635

01:43:48.240 --> 01:43:59.229

Town of Freedom: taking 4 wheels up there because you can. You can start a problem. If you create a, you create additional approach. I've seen it happen over and over again.

636

01:43:59.430 --> 01:44:01.449

Town of Freedom: need to take care of those roads.

637

01:44:01.910 --> 01:44:03.910

Town of Freedom: Oh, how are you?

638

01:44:04.490 --> 01:44:08.580

Town of Freedom: I don't appreciate some of the comments that were made, by Heather here

639

01:44:08.800 --> 01:44:15.320

Town of Freedom: and I just I don't know if I could go down through a whole bunch of them, but I'll just hit one.

640

01:44:15.830 --> 01:44:19.080

Town of Freedom: and that was the 2,010 vote.

641

01:44:19.770 --> 01:44:27.440

Town of Freedom: Oh, I I tried real hard in 2,009 and 10

642

01:44:27.840 --> 01:44:35.039

Town of Freedom: to create what I thought was a reasonable, compromised overview of the hills.

643

01:44:35.390 --> 01:44:43.239

Town of Freedom: I wrote up an article that would have allowed the NRCS to grant money to me.

644

01:44:43.340 --> 01:44:49.395

Town of Freedom: We work. We've worked with the NRCS for decades, before I even

move here and

645

01:44:50.210 --> 01:44:53.760

Town of Freedom: they would fund a 75% match

646

01:44:53.970 --> 01:44:58.070

Town of Freedom: to build up a road, but only if it is a private road.

647

01:44:58.760 --> 01:45:08.340

Town of Freedom: We did that on Ben Lane in 1990. I asked Red if he could replace a culvert because it washed out, washed out.

648

01:45:08.560 --> 01:45:14.110

Town of Freedom: And he said, No, I said, Well, you know.

649

01:45:14.830 --> 01:45:22.841

Town of Freedom: this is gonna cost us a lot of money to fix this up because you could. You couldn't even get the Dave's house, so it was completely couldn't get there. And

650

01:45:23.660 --> 01:45:29.040

Town of Freedom: he said, well, I'll put an article in the warrant in 1990. He did, and it's how important to make it a private

651

01:45:29.370 --> 01:45:31.150

Town of Freedom: in the private roads of fish.

652

01:45:32.030 --> 01:45:38.189

Town of Freedom: And because of that we got a grant to fix the road up. We even put down a threshold on base last year

653

01:45:38.640 --> 01:45:42.409

Town of Freedom: on that road. There are now 5 houses that pay taxes to this town.

654

01:45:42.610 --> 01:45:45.870

Town of Freedom: and we don't even block even if you go down there.

655

01:45:46.340 --> 01:45:49.150

Town of Freedom: Oh, you know.

656

01:45:49.300 --> 01:45:56.390

Town of Freedom: when you're when you live on a discontinued road, or an abandoned road, which, discontinued by abandoned, which is the phrase.

657

01:45:56.640 --> 01:46:01.610

Town of Freedom: you live on a road like that. You essentially pay taxes twice in my view.

658

01:46:01.980 --> 01:46:09.070

Town of Freedom: taxes to keep your private road in shape, and then taxes to pay for the rest of the roads in town in double tax.

659

01:46:09.190 --> 01:46:16.279

Town of Freedom: No, I agree with what Bill said to me before they knew what they were getting into before they bought the land. I understand that, and I agree with that.

660

01:46:16.710 --> 01:46:20.800

Town of Freedom: but I don't think you should punish them, because there you go.

661

01:46:20.920 --> 01:46:25.010

Town of Freedom: You know, they bought a they bought a road on private land that they have to maintain.

662

01:46:25.280 --> 01:46:32.989

Town of Freedom: I don't think you should allow people to go up there with jacked up full drive trucks and do what they did 4 or 5 years ago down on the

663

01:46:33.750 --> 01:46:36.020

Town of Freedom: on the Mitchell Road.

664

01:46:36.520 --> 01:46:40.830

Town of Freedom: having a having a mud run down there before we got those roads built up the way they are now.

665

01:46:41.820 --> 01:46:48.180

Town of Freedom: So I tried. I wrote an article that would have made that road a private road.

666

01:46:48.780 --> 01:46:53.340

Town of Freedom: but open to the public now on the road for foot traffic only

667

01:46:53.470 --> 01:47:01.229

Town of Freedom: for traffic, to include walking snowballs, snowshoeing, cross country, skiing, bike riding, and horseback riding.

668

01:47:01.720 --> 01:47:04.959

Town of Freedom: I wrote that up in that type of language.

669

01:47:05.770 --> 01:47:12.320

Town of Freedom: and Carol called me Richardson about 3 or 4 days before the town meeting, and said

670

01:47:12.590 --> 01:47:18.949

Town of Freedom: we couldn't do this, got the article wrote out

671

01:47:19.750 --> 01:47:36.709

Town of Freedom: (Kelly) I have no memory, but it could have been. (Steve Bennett) There's some wording in there. You can't use the word abandonment was in there twice, and basically it. It changed the wording so that the private portion public portion was wiped right out.

672

01:47:37.000 --> 01:47:43.250

Town of Freedom: and it was a also obeyed my body.

673

01:47:44.370 --> 01:47:53.110

Town of Freedom: So the the town boarded a town meeting about 2 to one in favor of the idea, but the vote was to make it a non-binding vote.

674

01:47:53.690 --> 01:48:01.809

Town of Freedom: and I don't know that the Select Board did anything. I could never find anything in the minutes, maybe wrong can tell you. I don't water from the damn house, but

675

01:48:02.560 --> 01:48:07.319

Town of Freedom: you know I tried and nothing got done, nothing came of it.

676

01:48:07.750 --> 01:48:14.339

Town of Freedom: And so I feel like a statement that

677

01:48:17.620 --> 01:48:20.759

Town of Freedom: I'm just. You know I had nothing to do with how that came up.

678

01:48:21.780 --> 01:48:22.780

Town of Freedom: So

679

01:48:23.350 --> 01:48:27.589

Town of Freedom: there's a lot of other things I could say. But here's 1 thing I do. I would like to bring to mind

680

01:48:28.300 --> 01:48:38.967

Town of Freedom: in 2,009, Bill, I'm gonna put you on the spot here. Sorry, (Atty Kelly) remember, 16 years ago.

681

01:48:41.350 --> 01:48:46.419

Town of Freedom: (Steve Bennett) although it isn't by you to my attorney at the time.

682

01:48:47.580 --> 01:48:51.270

Town of Freedom: Go on
683
01:48:56.710 --> 01:48:57.810
Town of Freedom: the letter
684
01:48:58.540 --> 01:49:03.410
Town of Freedom: 1st part of it. You talked about the Deer Hill and
simply roll. Now let me back up.
685
01:49:03.590 --> 01:49:07.060
Town of Freedom: You invited a number of gentlemen in town.
686
01:49:07.630 --> 01:49:12.610
Town of Freedom: Roy Ward, Steve Cross, Harold Greeley. 2 other things,
blah blah
687
01:49:12.800 --> 01:49:17.290
Town of Freedom: men that have all passed away since then, and you held interviews.
688
01:49:17.760 --> 01:49:25.379
Town of Freedom: Oh, meetings are meeting but interviews with these
gentlemen in the town office. I think you had a
689
01:49:25.620 --> 01:49:28.300
Town of Freedom: I think you had a quote recorder there.
690
01:49:28.450 --> 01:49:30.970
Town of Freedom: and you. There was some very long interviews.
691
01:49:31.330 --> 01:49:37.169
Town of Freedom: and you gathered a lot of information. It was about not
just the Deer Hill in Sydney Room. It's also about the Beaver Hill room.
692
01:49:38.540 --> 01:49:42.450
Town of Freedom: So my 1st question is, what happened to them.
693
01:49:42.910 --> 01:49:49.129
Town of Freedom: I remember a day 4 or 5 years ago, you brought him up to
the town office and dropped him off on the selectman's desk and said.
694
01:49:49.240 --> 01:49:51.710
Town of Freedom: I don't need these in my office anymore.
695
01:49:52.070 --> 01:50:00.170
Town of Freedom: Last time I saw him. And you guys noticed in the
selector's office pretty big file.
696
01:50:00.570 --> 01:50:03.520

Town of Freedom: I know I didn't do anything with it. I didn't even open it.

697

01:50:03.720 --> 01:50:05.929

Town of Freedom: I know you brought it up and left it there.

698

01:50:06.190 --> 01:50:11.470

Town of Freedom: And you remember doing the interviews? I'm sure there were depositions, depositions. Yeah.

699

01:50:11.991 --> 01:50:20.610

Town of Freedom: (Atty Kelly) I don't think they're helpful to your cause, because what we went through was testimony about going up.

700

01:50:20.900 --> 01:50:27.600

Town of Freedom: My recollection is since you asked, going up the Deer Hill Road by teams for horses

701

01:50:27.760 --> 01:50:34.400

Town of Freedom: and then trucks, and that there were that there was corn grown up there.

702

01:50:34.550 --> 01:50:38.610

Town of Freedom: and if that corn was taken to the canning factory

703

01:50:39.350 --> 01:50:45.469

Town of Freedom: when it was operating, and that was used. And for right, that's vaguely

704

01:50:45.540 --> 01:51:12.689

Town of Freedom: some of the testimony from these old timers, and I couldn't tell you the period, but they were talking about the usage well, and I know in most of the interviews or depositions wrong word were about the Deer Hill and sibling roads, and though the ends of both of those roads were discontinued by a vote of the town in the same year, 1976, open to the public now and forever close to maintenance. (Steve Bennett) No argument about that. It was

705

01:51:12.850 --> 01:51:20.750

Town of Freedom: that wasn't that really didn't talk to much. But you also went over, and you interviewed about the view of the hill road. And this is what I found interesting.

706

01:51:21.060 --> 01:51:32.529

Town of Freedom: If you said that this is the next paragraph with regard to the Beaver Bridge Hill Road, it appears to be that there is a factual evidence which could support a decision by a judge

707

01:51:32.750 --> 01:51:37.850

Town of Freedom: that a portion of the Beaver Hill on Beaver Ridge Road has been abandoned

708

01:51:39.480 --> 01:51:46.629

Town of Freedom: right. And you want to basically describe it as over Lot 3 of the picture subdivision.

709

01:51:47.040 --> 01:51:52.169

Town of Freedom: well knowing. And you should. We should all realize that the original Beaver Hill Road

710

01:51:52.290 --> 01:52:04.089

Town of Freedom: really has not existed for a long, long time. It's just it's gutted, and it'd be crazy to try to rebuild that, especially when we might save the hill someday

711

01:52:04.430 --> 01:52:07.500

Town of Freedom: the next rain storm we have, but

712

01:52:08.500 --> 01:52:12.110

Town of Freedom: from the Sydney road over Lot 3 that's about.

713

01:52:12.930 --> 01:52:18.289

Town of Freedom: It's about half the distance of the whole road in question. That's close to 4,000 feet

714

01:52:18.500 --> 01:52:25.139

Town of Freedom: from from the Beaver Hill, from the silvery road a little walk through. It's probably about 4,000 feet.

715

01:52:25.480 --> 01:52:36.199

Town of Freedom: And so you just. And you and you understood that people didn't use that road. What did they do? They went up in Ron's field, down around came back down. That's what that's the way they went.

716

01:52:36.300 --> 01:52:38.119

Town of Freedom: And that was Harold Greeley's

717

01:52:38.320 --> 01:52:44.679

Town of Freedom: in his whole interview. That's what he said. He didn't even know in his interview, he said, I didn't even know that the one existed

718

01:52:45.270 --> 01:52:50.929

Town of Freedom: on the Beaver Hill here. Anybody that want to go down the other end of Beaver Hill and up around Ron's Field, back, down.

719

01:52:51.860 --> 01:52:56.730

Town of Freedom: They talked about the gate, and so forth, and who said.

720

01:52:57.550 --> 01:53:11.440

Town of Freedom: but you said thus, I can support, by way of a settlement, agreement and recommendation in town meeting that the portion of the Beaver Ridge Road above described has been abandoned.

721

01:53:11.900 --> 01:53:12.980

Town of Freedom: Very good.

722

01:53:14.640 --> 01:53:24.809

Town of Freedom: The 2 you finished it up with this sentence. You said the 2 select Board members will follow that recommendation as well.

723

01:53:26.390 --> 01:53:33.630

Town of Freedom: So have you 2 guys read that, Laura, have you seen this before, Ryan?

724

01:53:33.970 --> 01:53:49.630

Town of Freedom: (Atty Kelly) No, for several reasons. One is, we were talking about trying to find a way to settle the case. So this was a settlement discussion.

725

01:53:50.080 --> 01:53:55.369

Town of Freedom: The second thing is, it's different to say. It's 1 thing to say that there's a certain

726

01:53:56.210 --> 01:54:03.200

Town of Freedom: set of facts that might support a settlement. I wasn't acting like an arbiter or a judge.

727

01:54:03.430 --> 01:54:23.200

Town of Freedom: We were trying to get to see if we could reach this endpoint, and I was well. We were well aware of your efforts, and trying to find this land and some other efforts, as you just described, to keep the road open at that time. So my caveat is what I said was in the context of what could be supported for a settlement

728

01:54:23.390 --> 01:54:25.150

Town of Freedom: wasn't acting as a judge.

729

01:54:26.310 --> 01:54:33.619

Town of Freedom: and that's what you do when you try to reach a settlement? Is there a set of facts that can support this in terms of how we presented in public?

730

01:54:34.467 --> 01:54:40.169

Town of Freedom: That's different than a determination. So I I get to at least characterize my letter a little bit. And that's how I'm characterizing.

731

01:54:40.440 --> 01:54:41.909

Town of Freedom: because that's what it was intended.

732

01:54:42.390 --> 01:54:43.919

Town of Freedom: It's the settlement discussion.

733

01:54:44.540 --> 01:54:49.335

Town of Freedom: (Steve Bennett)Okay?

734

01:54:55.090 --> 01:54:56.810

Town of Freedom: Considering. In fact.

735

01:54:56.950 --> 01:55:13.700

Town of Freedom: you go to court, you know. Okay, I'll let that go for the time being. The last thing I want to say is this, and I gave you a copy Martin versus Burnham, 1993.

736

01:55:14.210 --> 01:55:21.119

Town of Freedom: I know you're saying that 30 28 A is the is the statute that this should be.

737

01:55:22.030 --> 01:55:23.730

Town of Freedom: Thank you. What's your turn?

738

01:55:24.260 --> 01:55:45.770

Town of Freedom: 30. 28 is is the statute. That is, that within the certified letter we got but 30. 28 is the one that we're acting off. You read this right here 1993. The Law Court determined the case of Martin versus Berman.

739

01:55:46.610 --> 01:55:55.529

Town of Freedom: that 30, 28 A became effective on July 29, th 1976, a public road that was effectively abandoned.

740

01:55:55.900 --> 01:55:58.720

Town of Freedom: meaning no maintenance by the town

741

01:55:59.660 --> 01:56:04.329

Town of Freedom: before that date does not retain a public easement.

742

01:56:04.740 --> 01:56:23.999

Town of Freedom: a public road that is abandoned before 29th of July, 1976 causes all rights to revert to abutting owners generally to the center line of the road. That is the case law. That is the that is the

case law which rules over this road that road.

743

01:56:24.640 --> 01:56:30.989

Town of Freedom: When when Heather said, Well, the town discontinued the road and discontinued the whole way.

744

01:56:31.110 --> 01:56:39.320

Town of Freedom: or they they only asked for 6 months of not being. No, no one lived on that other mile and a half ago.

745

01:56:39.510 --> 01:56:44.799

Town of Freedom: What she did say is, none of those maps showed any homes at all on them. (Heather Donahue) We're not taking a census.

746

01:56:45.506 --> 01:56:46.784

Town of Freedom: (Atty Kelly) Let it go

747

01:56:47.500 --> 01:57:01.430

Town of Freedom: one at a time. (Steve Bennett) Yeah, there were no homes showing on any of those maps? Why in the world would the town maintain a mile and a half road in the 19 twenties and thirties, when not a soul lived on it.

748

01:57:01.670 --> 01:57:19.229

Town of Freedom: (Atty Kelly) So you went over this last time. Is there anything different you want to talk about, based on what's been said since? (Steve Bennett) Reiterate again. You know I'm in favor of compromise, but I've been getting less and less so, and I have a strong feeling. This goes to court.

749

01:57:20.080 --> 01:57:24.149

Town of Freedom: We're gonna win. But I'm still more than talking about, but it's better be a good one.

750

01:57:26.360 --> 01:57:43.969

Town of Freedom: (Laura Greeley) So, Steve. I have some questions. So you was referencing. The interviews. You said that Bill took with like Harold Greeley and Whatnot. Did you also do that?

751

01:57:44.170 --> 01:57:47.740

Town of Freedom: (Steve Bennett) No, I was not deposed, (Laura Greeley) because in

752

01:57:48.860 --> 01:57:58.650

Town of Freedom: wait. Isn't this that I'm reading something, Tyler.

Submitted

753

01:57:59.050 --> 01:58:02.000

Town of Freedom: from you. Let me get back up at the beginning.

754

01:58:02.230 --> 01:58:03.070

Town of Freedom: God.

755

01:58:03.210 --> 01:58:12.851

Town of Freedom: yeah, Steve Bennett, duly sworn, deposed, and say, and then you went on to say that you were the ones that interviewed

756

01:58:14.320 --> 01:58:16.410

Town of Freedom: Harold Greeley.

757

01:58:16.770 --> 01:58:23.980

Town of Freedom: let me go back down here. But this was but this is what you. This is what Tyler submitted to the court.

758

01:58:24.556 --> 01:58:38.540

Town of Freedom: And that you swore to that. You said. In 2,006 you interviewed. I interviewed Steven Cross, and then you went on to say I interviewed Harold Greeley.

759

01:58:40.167 --> 01:58:47.789

Town of Freedom: (Steve Bennett) It's easy. I talking to MMA back in 2,004, 5 and 6,

760

01:58:47.920 --> 01:58:55.620

Town of Freedom: they said, when you want to try to figure out what's going on the road. Examine every sound record you can find which I've done.

761

01:58:55.750 --> 01:58:56.749

Town of Freedom: Wait a minute.

762

01:58:56.900 --> 01:59:17.559

Town of Freedom: then. This next thing you do is you find people that he lived then, and you interview them? So this was on my own. This was not a deposition. I went, and I interviewed Chief Frost because he used to drive cattle down the North Palermo road and up on that hill back in the twenties and thirties. How do you imagine that today. But

763

01:59:18.070 --> 01:59:24.280

Town of Freedom: I interviewed him. There's he and I and Hazel Cross, his wife.

764

01:59:24.900 --> 01:59:33.299

Town of Freedom: I wrote down notes of what he said. I went back. I typed it up. I took it back to them. I had him read it to see if I got everything right.

765

01:59:33.410 --> 01:59:49.110

Town of Freedom: He signed it. Hazel witnessed it, and I notarized it

because I'm a notary, Hazel. Steve Cross was a selection plow truck driver on the school board. He did everything. Hazel was the town clerk for 40 years.

766

01:59:49.730 --> 02:00:18.189

Town of Freedom: (Laura Greeley) So I saw that right? (Steve Bennett) Okay. (Larura Greeley) So I saw that what you had asked them and sort of what you you wrote there was them actually not recalling if the town put money in, or if the town maintained not so much whether or not somebody used the road. If townspeople use the road, but rather

767

02:00:18.330 --> 02:00:20.690

Town of Freedom: if the town maintained the road.

768

02:00:22.120 --> 02:00:24.490

Town of Freedom: That's what you had asked Cheryl Greeley?

769

02:00:25.060 --> 02:00:25.960

Town of Freedom: (Steve Bennett) Well.

770

02:00:26.510 --> 02:00:40.280

Town of Freedom: you know, they might like. There probably was some people that went up there now and then. I mean, I lived there for 45 years. I don't go up there and police the road so people could have used it, but I know that the town was not putting any money into that.

771

02:00:40.540 --> 02:00:48.840

Town of Freedom: and read a document back in the archives before they put them into the security

772

02:00:49.640 --> 02:00:52.540

Town of Freedom: early part of this century, and I I read the.

773

02:00:53.050 --> 02:01:07.449

Town of Freedom: It was a meeting at simply 4 Corners. And, by the way, simply 4 Corners is not on top of the hill. Sibley 4 Corners is corner where the north one all the way to Albion. That's where Sibley 4 corners were. It's another mistake you made

774

02:01:08.030 --> 02:01:15.449

Town of Freedom: the I. I found a I found a a meeting with the County Commissioners and the Select Board

775

02:01:15.780 --> 02:01:18.039

Town of Freedom: in 1914

776

02:01:18.630 --> 02:01:25.540

Town of Freedom: the Select Board met with the county commissioners at Sibley 4 Corners, and asking if they could put something like

777

02:01:25.940 --> 02:01:32.050

Town of Freedom: \$12 into some gravel on the Sibley road, and they they didn't approve it.

778

02:01:33.164 --> 02:01:34.935

Town of Freedom: (Laura Greeley) I have a okay, this

779

02:01:36.692 --> 02:01:48.789

Town of Freedom: what is it called survey? That you gave us? Okay, so it was from March of 87. And so is this a survey that you

780

02:01:49.020 --> 02:02:00.789

Town of Freedom: you paid for? (Steve Bennett) No, no, no, this was my picture in the survey date. If you're looking 1987, no, 1980, (Kyle Price) based on a 1980 survey of our land.

781

02:02:01.270 --> 02:02:03.959

Town of Freedom: (Laura Greeley) Okay? There we go.

782

02:02:04.300 --> 02:02:12.059

Town of Freedom: The 19 that 80 or 87. I thought that was 87, too, maybe 7.

783

02:02:12.470 --> 02:02:28.639

Town of Freedom: (Atty Kelly) It's dated as having been prepared in 1987, approved by the Freedom planning board in 87 April of 87. (Steve Bennett) Can you find the reference from 1880? I can show you it's down the corner.

784

02:02:29.145 --> 02:02:29.490

Town of Freedom: No.

785

02:02:30.530 --> 02:02:38.380

Town of Freedom: (Atty Kelly) So this was one of the names they surveyed all of that area up there for various people. I think they surveyed our property, Steve.

786

02:02:38.830 --> 02:02:40.739

Town of Freedom: I think they did your survey right?

787

02:02:41.180 --> 02:03:09.020

Town of Freedom: And I've seen some in some other documents. It was down on other properties nearby. Okay? And that's what that's based off on, they said discontinued road and then current status of road unknown.

788

02:03:10.013 --> 02:03:34.149

Town of Freedom: (Steve Bennett) You gotta understand that the word discontinued can mean a lot of things it can mean discontinued by a town vote discontinued by discontinued with public access, discontinued without public access, and it can also mean discontinued by abandonment, which just means that the town did nothing but just stop doing anything, and no, no vote, no.

789

02:03:34.560 --> 02:03:36.480

Town of Freedom: no one lived there. So who cares?

790

02:03:36.800 --> 02:03:56.359

Town of Freedom: We have more roads in town that were discontinued by abandonment than any other kind of road, (Laura Greeley) and I and I understand, and can follow the lack of money that perhaps the town put into it. I guess what I'm also taking in now is the amount of use that the public use.

791

02:03:56.430 --> 02:04:11.230

Town of Freedom: So even though the the town may not have been putting money into this road the public has has. Certainly the public certainly has been using that (Steve Bennett) again. I didn't go up in Police Road, but in my 45 years I never saw

792

02:04:11.590 --> 02:04:13.989

Town of Freedom: really any of you. So

793

02:04:14.370 --> 02:04:39.749

Town of Freedom: (Laura Greeley) can I ask you guys? Because I've heard just curious for my my own decision making here. If you say you haven't had much use. The Hadyniak's have said that. Then why are we here? (Lynn Hadyniak) I think I explained, that that question is open to anybody to answer, I'd be happy to jump in. (Laura Greeley) Yeah, I I know last week you said it. But

794

02:04:40.390 --> 02:04:50.620

Town of Freedom: yeah, we're I. I'm hearing some of the the complaints on on the 4 wheelers and whatnot. But then, on the other hand, I've also heard minus the last month.

795

02:04:50.620 --> 02:05:12.150

Town of Freedom: and I understand that there may be sometimes people that we have issues with, okay, I have. I live on a tarred road, and I wanted to chase down teenagers and the vehicles going by my house. So I I get that. I've just been hearing the no use, and you're all trying to prove that there's been no use.

796

02:05:12.150 --> 02:05:26.239

Town of Freedom: And and then, at the same time complaints about so I'm just. I'm just wondering so (Lynn Hadyniak) I could continue where I

797

02:05:26.820 --> 02:05:28.664

Town of Freedom: blurted out.

798

02:05:29.730 --> 02:05:39.180

Town of Freedom: This has been the road has been posted as private. I know that you said since 1997,

799

02:05:39.430 --> 02:06:06.839

Town of Freedom: and when people came up the road in violation of the posting, we understood that to mean that that visiting was without permission, and is not the same legal definition as public use of the road. What brought this to a head recently is that Heather wanted to come up to our part of the road with her dogs off leash and let them run.

800

02:06:06.990 --> 02:06:32.669

Town of Freedom: and they would get out on their own through her yurt they would dig a hole through it, and we used to help her find the dogs. We stopped doing that. They stopped pooping in our area, and then Heather encouraged people to do violence to our property and our roadway, our driveway, and the noise level. So

801

02:06:33.060 --> 02:06:37.849

Town of Freedom: once we've had 3 violent encounters.

802

02:06:38.700 --> 02:06:41.990

Town of Freedom: We are not going to stand idly by.

803

02:06:42.380 --> 02:06:48.570

Town of Freedom: and if it hasn't been for the bad actors, then we might not be here to be honest with you.

804

02:06:48.840 --> 02:07:10.930

Town of Freedom: (Laura Greeley) I do understand what you say about the No Trespassing Sign. Had I probably been a selectman 15 years ago, I can guarantee you, I probably would have called you up that. Why are we not posting this road? And I would have challenged that just like I asked by a selectman here. Why

805

02:07:10.930 --> 02:07:28.870

Town of Freedom: did you never question which is why I think that this Board immediately questioned on that. (Lynn Hadnyniak) I know why they did that. They didn't question it, because Red and the other single board members in 1997, and before

806

02:07:28.870 --> 02:07:41.821

Town of Freedom: wrote us a letter saying that, well, then, I'm answering your question, and it hasn't been 15. It's been 27 28 this year.

807

02:07:42.950 --> 02:07:49.969

Town of Freedom: I'd like to offer an answer to that more from our side.
(Kyle Price) Both of these gentlemen were land of abutters.

808

02:07:50.220 --> 02:08:06.259

Town of Freedom: with some of these questions are asked, and I've been through all the electronic minutes since 2,003, and Steve, efforts to his credit were occurring during the time that he was, and I know the last time this was brought up in 2021

809

02:08:06.650 --> 02:08:08.999

Town of Freedom: conversations we had as a family.

810

02:08:09.130 --> 02:08:18.820

Town of Freedom: My father felt the same way. This is a bias. We got 2 members of a 3-member board that would be public looked upon as being quite biased if they do their personal opinions into

811

02:08:18.990 --> 02:08:39.340

Town of Freedom: Larua Greeley) by posting that road. (Kyle Price) I heard you asking Steve at another time, Why did you take care of this when you were a Site Board member? And I'm going to offer you an answer that it would have been a pretty obvious bias one way or the other, potentially. Oh, yeah. And I think the 2 of them recognize that.

812

02:08:40.460 --> 02:08:45.260

Town of Freedom: (Lynn Hadyniak) But again the select board I was speaking of that did not have Steve on it.

813

02:08:45.390 --> 02:08:50.829

Town of Freedom: It was made up of what we now call the old timers. Oh, I know I meant throughout.

814

02:08:51.280 --> 02:09:04.519

Town of Freedom: Thanks, (Atty Kelly) all right, so are we all done and dusted, except for Ron.

815

02:09:05.120 --> 02:09:13.350

Town of Freedom: (Ron Price) You would if you've been on the select board, and I was on it for a long time. You would always like to look back and see the good things that you did

816

02:09:13.871 --> 02:09:23.770

Town of Freedom: some of them. Some of the things that you didn't do aren't so good, and I think probably at some point in time we should have done something about this road. Obviously, we didn't

817

02:09:23.910 --> 02:09:46.350

Town of Freedom: for a number of reasons. Okay. The other thing I'd just

like to say is, a lot of people have expressed the fact that they've been up, and they use the property that we own up there, and I would like to say that from 1980 till now there's only been one time, and this is this is, I hope, that people will hear this and walk out of here tonight in good humor.

818

02:09:46.948 --> 02:09:56.110

Town of Freedom: There's only been one time that there was ever any damage done to those fields by people that were not acting properly, and

819

02:09:56.430 --> 02:10:02.039

Town of Freedom: I was pretty disturbed by it. I always said that we we wouldn't post it. We keep it open.

820

02:10:02.330 --> 02:10:16.240

Town of Freedom: About 5 days after that happened. They were doing donuts in the middle of the field with pickup trucks. Steve knows about it. He was aware that it was happening, too. And these 3 young fellas came in the dooryard of my house one day and said.

821

02:10:16.630 --> 02:10:18.455

Town of Freedom: We're the people that did it.

822

02:10:18.860 --> 02:10:20.810

Town of Freedom: and one of them was Carrie's. Son.

823

02:10:20.840 --> 02:10:41.150

Town of Freedom: I went and got some rakes grass, seed? And we all my wife and I and those 3 young fellows went up there, and we raked those ruts out, seated it down. That's the only time any damage was ever done to that property. So I thank the people, the citizens of freedom

824

02:10:41.150 --> 02:10:50.990

Town of Freedom: for treating us the way they have. That's all I got to say. Hope everybody goes home in a good.

825

02:10:51.350 --> 02:11:01.049

Town of Freedom: (Atty Kelly) It's good. We're all set. Everybody's had to say.

826

02:11:01.930 --> 02:11:05.859

Town of Freedom: (Bob Kanzler) Years ago there was a they Hadyniak's had parked the truck in.

827

02:11:06.200 --> 02:11:12.800

Town of Freedom: and right away up there, and the town's select board had gone up and asked them to move it.

828

02:11:13.600 --> 02:11:21.129

Town of Freedom: and I can't say what year it was I don't remember I remember the truck being parked there.

829

02:11:21.960 --> 02:11:29.499

Town of Freedom: that's all I remember. There was some concrete barriers there for a while. There was some logs there for a while.

830

02:11:30.190 --> 02:11:31.990

Town of Freedom: I should say, cinder blocks.

831

02:11:32.460 --> 02:11:35.870

Town of Freedom: Can't say concrete barriers, or say cinder blocks.

832

02:11:36.170 --> 02:11:42.649

Town of Freedom: but the town people have select board, have asked them to take signs down in the past.

833

02:11:43.750 --> 02:11:48.139

Town of Freedom: and they have complied at certain times.

834

02:11:48.490 --> 02:11:53.320

Town of Freedom: comes back every 5 years. It comes back again and again and again.

835

02:11:54.300 --> 02:12:00.729

Town of Freedom: That's all I got to say, Bill, one sec. (Atty Kelly) Mister Kansler.

836

02:12:00.830 --> 02:12:07.490

Town of Freedom: what's what's your knowledge about when the select board asks them to remove things? What do you base that on.

837

02:12:08.120 --> 02:12:29.449

Town of Freedom: I (Bob Kanzler) I was just. This is just what I had heard that there has been a there in the previous years. (Atty Kelly)No, I'm asking you the question, what? What do you base your comment on that? The select Board had asked the Hadyniak's to take down signs and barriers. How do you know that? (Bob Kanzler) Well, we spoke? We spoke about it before amongst the townspeople.

838

02:12:30.740 --> 02:12:36.010

Town of Freedom: (Atty Kelly) Okay, was that anything your committee discussed the road committee?

839

02:12:38.460 --> 02:12:48.840

Town of Freedom: Is there a record of it? I'm getting to? (Bob Kanzler) I don't know if there's a record on there. I don't even know if there was minutes taken on the road committee. Okay, that now I can't say yes or no.

840

02:12:49.670 --> 02:13:01.190

Town of Freedom: All right on any of the road committee meet meetings.
Alrighty, Tyler, you're up, (Tyler Handyniak) Bill. Nothing, Bob just said is true. Now I'm not saying that Bob is lying. I'm saying he's just misinformed.

841

02:13:01.410 --> 02:13:31.010

Town of Freedom: It's again concrete barriers to the top of my driveways.
Just absolutely. The town has never come up, never come up

842

02:13:34.670 --> 02:13:40.370

Town of Freedom: (Atty Kelly) unless there's nothing else we can follow the testimony part over.

843

02:13:40.660 --> 02:13:44.594

Town of Freedom: Okay.

844

02:13:48.098 --> 02:14:09.560

Town of Freedom: (Ron Price) I owe it to, you know we represent the people, and so

845

02:14:09.840 --> 02:14:14.509

Town of Freedom: (Laura Greeley) we have to put it out there and let the people decide what

846

02:14:14.840 --> 02:14:26.619

Town of Freedom: and if they're not, you know, I think you would know me and know that I would think eminent domain, just like I did when the transmission line was going through. That angered me. Yes, we've got one more. Yes, sir. Who are you?

847

02:14:27.992 --> 02:14:34.000

Town of Freedom: Bring up here 3,000 troops.

848

02:14:34.600 --> 02:14:36.520

Town of Freedom: We used to drive up that road.

849

02:14:37.220 --> 02:14:38.979

Town of Freedom: Somebody pulled the phone.

850

02:14:39.970 --> 02:14:41.729

Town of Freedom: You see little rooms up there

851

02:14:42.050 --> 02:14:47.500

Town of Freedom: turn around the Ron Price's field, you they drive back out.

852

02:14:47.820 --> 02:14:59.780

Town of Freedom: Sally would come down. She holler at us. We just keep on going, and she getting her card. We just tell her to go home and mind her own business.

853

02:15:00.860 --> 02:15:06.619

Town of Freedom: I used to hung up up here by myself. I'd walk up the road. Nobody bothered me.

854

02:15:07.000 --> 02:15:08.880

Town of Freedom: Fresh au.. up there.

855

02:15:09.500 --> 02:15:15.530

Town of Freedom: I went down, got my 4 wheel with the trailer, brought it back up, Sally never said a word to me.

856

02:15:17.660 --> 02:15:23.660

Town of Freedom: and then, after she passed away, Tyler, you know his father.

857

02:15:24.530 --> 02:15:28.490

Town of Freedom: We put up that saw horses.

858

02:15:29.180 --> 02:15:33.119

Town of Freedom: and then they met me down at Danny Pauls, where I used to park and walk up there.

859

02:15:33.330 --> 02:15:38.110

Town of Freedom: They told me I was not to allowed to go up there, or They would see me in court.

860

02:15:41.050 --> 02:15:44.810

Town of Freedom: We said it was a private road. They own both sides of that.

861

02:15:45.250 --> 02:15:48.489

Town of Freedom: and if I wanted to fight, it would cost me a lot of money.

862

02:15:56.813 --> 02:16:08.089

Town of Freedom: (Atty Kelly) can you? Just they told you not to go up there, and you stop going up there. When was that

863

02:16:08.790 --> 02:16:12.801

Town of Freedom: (James Hayes) 3 years ago, 3 years ago?

864

02:16:14.560 --> 02:16:15.520

Town of Freedom: Okay?

865

02:16:15.720 --> 02:16:21.220

Town of Freedom: (Atty Kelly) And just for the record because you didn't say exactly what years did you drive up?

866

02:16:21.440 --> 02:16:26.720

Town of Freedom: (James Hayes) You, too. Hire around 1,002, 2,003, 2,004.

867

02:16:27.260 --> 02:16:40.849

Town of Freedom: You used to take Harry Lynn and pick up. (Atty Kelly) What's it? I'm trying to figure out the timeframe (James Hayes) when somebody pulled the culvert out of the road and we went up there to go hunting

868

02:16:41.120 --> 02:16:42.259

Town of Freedom: and we couldn't.

869

02:16:43.120 --> 02:16:47.389

Town of Freedom: Okay. So we turned around in Sally's driveway she gave us hell.

Good.

870

02:16:48.740 --> 02:16:52.580

Town of Freedom: (Atty Kelly) And what's your address, sir?

871

02:16:55.160 --> 02:16:59.279

Town of Freedom: And I'm sorry. How long have you lived there? This is (James Hayes) 2,002. Okay.

872

02:16:59.660 --> 02:17:05.559

Town of Freedom: (Atty Kelly) I didn't have any other questions. (Laura Greeley) Do we know who took the Culver out of that road?

873

02:17:05.620 --> 02:17:13.210

Town of Freedom: (Laura Greeley) I remember we had a conversation about it sometime.

Yeah. (Tyler Hadyniak) Where did that culvert come from. (James Hayes) It was an old road.

874

02:17:13.882 --> 02:17:26.537

Town of Freedom: (Lynn Hadyniak) My understanding is that Logland Corporation, when they logged that acreage up there needed the culvert, and I don't know

875

02:17:27.170 --> 02:17:49.970

Town of Freedom: when they left. I don't know what they did with it. It's always been a to the kids crawl through, and the boys used to do that when they were little. Yeah, so it was never when we were raising them. It was never something that was in the ground and doing what a culvert is supposed to do. It was always like a tunnel for kids to play

876

02:17:51.080 --> 02:18:01.799

Town of Freedom: with tetanus shots. (Atty Kelly) Okay, thank you. (Steve Bennett) One comment about culverts. Yeah, there is not a single culvert

877

02:18:02.330 --> 02:18:05.100

Town of Freedom: that I've never seen 45 years

878

02:18:05.469 --> 02:18:10.180

Town of Freedom: from the the one that he's talking about. I've seen that laying on the ground.

879

02:18:10.309 --> 02:18:12.360

Town of Freedom: No, I never saw it in the ground.

880

02:18:12.639 --> 02:18:19.719

Town of Freedom: there was never! There has never been a culvert . in my 45 years living there from that driveway clear over

881

02:18:19.930 --> 02:18:25.400

Town of Freedom: through Sibley so never seen a couple of it. So if the town was doing maintenance.

882

02:18:25.610 --> 02:18:28.710

Town of Freedom: there's plenty of places you could put a cover and make it useful.

883

02:18:30.022 --> 02:18:34.110

Town of Freedom: Can't find it interesting dirt road.

884

02:18:34.410 --> 02:18:39.540

Town of Freedom: There's not a there's not a shovel full of gravel on it at all beyond Tyler's right away.

885

02:18:40.549 --> 02:18:43.569

Town of Freedom: (Heather Donahue) Jeff testified last week about it, taking the culvert out

886

02:18:48.799 --> 02:18:49.770

Town of Freedom: finally.

887

02:18:55.840 --> 02:19:10.989

Town of Freedom: (Atty Kelly) We all done, folks.