

Special Meeting of the Town of Bayview
March 15th, 2022

Meeting was called to order at 6 p.m. by the Chair.

Roll call: Supervisor Mike Garnich, present; Supervisor Bill Bodin, present; Chair Don Jenicek, present; Clerk Wanda Hyde, present and Treasurer Kelly Warren present. Others present were John Carlson, Mike Yonan, Bob & Nicola Cuty, Woody Peterson, and Mel Olson.

Don Jenicek stated that purpose of this meeting was to discuss and possible action regarding Houghton Falls litigation and that the Town is being sued.

Attorney John Carlson explained the case.

The towns Rural Insurance Lawyer Mike Roman has filed and answer on the Towns behalf. This should be a summary judgement case, not a court case.

Plaintiffs, Conor Casey, Beret Casey, Mark Eggleston, Bertram Kasiske, Jane Kasiske, Monna C. Suerth as trustee of the Suerth Family Trust, Brendan Wall as trustee of the Wall Family cabin trust v/s Town of Bayview.

The plaintiffs would like access to Houghton Falls Nature Preserve from the Gary Road and Houghton Falls Road locations.

- That the Town has unlawfully interfered with the Plaintiffs' rights under the 40' wide Easement, the 1992 Easement and the 1995 Easement.
- The Plaintiffs have suffered and shall continue to suffer, irreparable harm due to the Town's unlawful interference with their rights under the 40' wide Easement, the 1992 Easement and the 1995 Easement.
- Compelling the Town to remove any and all fencing and any and all other objects or structures that block, obstruct, or interfere with 40' wide Easement, the 1992 Easement and the 1995 Easement, and with the Plaintiffs' use the enjoyment of the same.

Bottom line is, they would like access from their properties, at any time.

Discussion followed regarding what could happen if the Town were to lose.

- The Town would need to have the Management Plan and Conservation Easement redone, which states one entrance only.
- The hours 6 a.m. to 6 p.m. which then would not be enforceable.
- Fence would come down.
- Gates would be left open or removed.
- No parking signs on Houghton Falls Road would probably be removed.,
- The Town would consider making new entrances and parking from the north and south sides of the rail road grade or 40' easement.
- Chairman stated that if the Town loses we won't be able to manage the Preserve.

Motion was made by Mike Garnich seconded by Bill Bodin to adjourn.

Submitted by:

Wanda Hyde, Clerk