

A Statement from the Concord Select Board

The Select Board is aware of an article published last month in the *Concord Journal* that describes a letter to the Board from certain defendants in the Estabrook Road lawsuit. This letter accused Town counsel of harassment for raising the Board's concerns about surveillance and signage on Estabrook trail. The Select Board would like to share the following statement that Town Counsel gave to the Journal:

The Select Board has been aware for some time of video surveillance near the entrance to the trail. More recently, however, the Board learned from certain defendants that some audio surveillance and more extensive video surveillance is taking place along the trail. After learning this, we discussed with defendants' counsel the public's interest in being told they are being surveilled in areas where the Court has required public access. Also, counsel for the Town has corresponded with the Rasmussens' counsel about signage near the trail that is inconsistent with the Court's order prohibiting defendants from posting signage that is "designed, intended, or tend[s] to have the effect of discouraging or prohibiting public access." It is unfortunate that the Rasmussens choose to view the Town's efforts to protect the public's interest and to ensure compliance with the Court's order as "harassment."

The Select Board would like to add – as we have said repeatedly - that this lawsuit is not about "taking sides," it is not about a personal attack on any of our Town residents, it is not about ownership of the land on or around Estabrook trail. This lawsuit is about one thing: the right of members of the public to use Estabrook trail. It is incumbent on the Board to protect such rights when they are at risk.

The Select Board is pleased that so far the Town's position has prevailed in Court. We obtained a preliminary injunction this past summer requiring public access, and in recent pre-trial proceedings, the Court largely agreed with the Town about the type of evidence that should be allowed at trial and denied the defendants' motions to exclude the Town's evidence. The trial is currently scheduled for late February. The Board looks forward to resolving this case for all involved.

The rules for parking, trail use and mask-wearing are posted near the entrance to the trail on Estabrook Road. The Town is enforcing these rules through regular police patrols and tracking and responding to landowners' complaints. The Town also plans to hire a part-time, year-round ranger to help enforce compliance with the rules. We continue to ask for the public's compliance with the posted parking and trail rules as this matter works its way through the Courts.