



Rumored plan to remove community Christmas tree in High Falls sparks outcry

by Frances Marion Platt/July 2, 2020/0 comments



The beloved "community Christmas tree" on the Village Green in High Falls. (Photo by Dion Ogust)

The D&H Canal Historical Society (DHCHS) has disavowed reported plans to remove the community Christmas tree on the Village Green in High Falls to make room for an outdoor museum exhibit – plans that have caused a furor in the community in recent weeks. DHCHS president Peter Bienstock denied that such a decision had ever been made, in a June 21 e-mail to the High Falls Civic Association, and reiterated that statement in a June 27 e-mail.

The Civic Association, which has been coordinating High Falls' annual community tree-lighting ceremony on the site since the early 1960s, is taking no chances, however. It has presented DHCHS with documentation of deed restrictions on the use of the property that explicitly preclude cutting down the tree, and its members voted in a June 22 emergency Zoom meeting to seek legal counsel on the matter.

The controversy became public in the wake of a May 22 e-mail from Town of Marbletown councilman Eric Stewart to stakeholders in the Village Green. "Due to D&H's design plans for their new Visitors' Center, the existing community Christmas tree will be cut down, and the existing Veterans' Memorial will need to be relocated. Both of these will move to Grady Park," Stewart wrote. "Inclusion of these two design elements – in addition to design considerations surrounding exposing/stabilizing the ruins of the locks and educating folks about the canal and its impact on the community and its history – are now definite. The new Christmas tree will be planted in the raised area adjoining Old 213 above the ruins of the lock overlooking the flea market."

Stewart's fears was echoed in an anguished public letter from John Novi of Depuy Canal House fame.

A perpetual covenant

Stewart walked back his description of the plans as "definite" when confronted by Civic Association board members during the June 22 Zoom meeting. "This is out of the town's court. The town is not involved in the lease that the D&H Canal Society has on the Town Green," he said. "In May, we were working under the assumption that the Town Green belongs to the D&H."

Pursuant to that May 22 e-mail from Stewart, Civic Association president Pamela Longley retrieved records from the county clerk's office disproving this assumption, conveyed to DHCHS and town officials in a letter on June 17. "We are confident the content of the documents we discovered will prevent any such action by the D&H Canal Historical Society now, and into the foreseeable future," Civic Association president Pamela Longley told members in her announcement of the Zoom meeting.

Ownership of the 0.105-acre parcel off Route 213 adjacent to the DePuy Canal House, was deeded on July 8, 1997 from the High Falls Fire District to the High Falls Civic Association. That document includes "a permanent, perpetual restrictive covenant running with the land" that the portion "commonly known as the 'Village Green'...shall be used for no other purpose or use than a public park." On December 6, 2004, the Civic Association entered into a 99-year lease agreement with the Historical Society, whose terms require that "The village Christmas Tree, or replacement thereof, located on the Village Green...shall be forever maintained," as well as that "The Village Green property itself...shall remain public property in perpetuity."

Informal conversations

In the Zoom meeting, Stewart claimed that he had been informed of the Historical Society's intent to remove the iconic tree by its director, Bill Merchant, in a conversation in April or May. A query about the renovation plans was referred by Merchant to Bienstock, who had already told the Civic Association, "Whatever decision is made by the community on whether to make Grady Park its ceremonial center, the Village Green would remain. And while our board at one time considered cutting down the tree in order to install a canal boat exhibit that would include seating for the public, it never decided to do so, notwithstanding erroneous statements made by others."

In his e-mail, Bienstock noted that DHCHS had retained a consulting firm with experience in museum design as part of its planning process for repurposing the former DePuy Canal House restaurant, which it purchased from John Novi in 2015. A rendering showing a canal-boat installation on the site where the tree now stands had been one of many preliminary design ideas that the consultant had suggested.

"We made no decision as a board on exterior features, because our primary focus has been on the renovation and restoration of the Canal House itself," he wrote. "I'm not sure how people have come to the conclusion we're chopping down the 'Christmas tree' and moving the Village Green to Grady Park. It may be that informal conversations between members of our staff and neighbors over the last year conveyed our deep concern about the danger to the public (and particularly children) of large crowds gathering close to the tree and the highway, and thereby created the mistaken impression we were going to chop down the tree. In any event, the fact is that, as a nonprofit institution which wants the goodwill of our neighbors, we would never take action offensive to the community In the end, we recognize that it is for the citizens, and not the Society, to make the sort of decisions now being deliberated."

However, Bienstock also reiterated DHCHS' position that the idea of centralizing the ceremonial area in the upgraded Grady Park, along with the flagpole and memorial and tree, "seems to us to make great sense." So, while relocating the tree is not a done deal at this point, it appears that the organization hasn't entirely ruled it out as part of a community-negotiated settlement of the dispute.

During the Zoom meeting, a number of Civic Association members expressed mistrust of Bienstock's assurances, with Cliff Schoonmaker, Jr. calling his disavowal "political doublespeak." The group voted unanimously to consult an attorney and identify next steps for averting potential threats to the tree.