

First Name: William (Bill)
Last Name: Weale
Status: Private Citizen
Title/Grade:
Address: 637 Lake Morey Road
City: Fairlee
State: VT
Zip: 05045
Phone Number: 802-384-4791
Email: Bill.Weale@BuilderMan.com

1. Subject Information:

Grant Fraud: LWCF Acquisition Type ([Project #50-00320](#)) “Fairlee Acquisition” (Grant)

...committed by the Town of Fairlee Select Board (SB); planned and carried out originally via a series of actions beginning in early 1979 through March, 1980. Specifically, the Town SB *appointed* its own governance structure, the Lange Forest Board (LFB), for the to-be-acquired Grant forest land, **prior to its request for and acceptance of Grant reimbursement monies.** This violated the terms of the already-executed [Grant contract](#) for managing the acquired forest land. The Grant contract specified that authority over the grant funded acquired forest land would rest in the hands of a 5-member *elected* Board of Trustees. By taking this action so quickly, even before requesting Grant reimbursement monies and recording the 770-acre land transfer, the 3-member SB shut our voters out permanently from all participation—including planning, operational and financial—all rights which the Grant contract had assured them.

Documents indicate this was a seriously planned—several different approaches were attempted--and deliberate effort by Town officials to evade the “burden” of “outside” interference

Grant Fraud: LWCF Acquisition Type ([Project #50-00320](#)) “Fairlee Acquisition”

managing forest property which they could not acquire without outside financing. Our SB would not accept “government interference.”(See section 5 below.)

The SB’s own appointed LFB never followed the grant rules. There is no evidence the Grant documents were ever recognized by the LFB or SB [until 2014](#). Furthermore the SB allowed the LFB to enter into (contrary to the grant’s Recreation and Forest Management Plan) timber sales contracts and use the proceeds as they wished, again without first seeking voter approval, thus violating state and municipal statutes as well. Since 2010, all logging proceeds plus unbudgeted Trust Fund withdrawals, have been used to develop and to repair accessibility to the forest by ATVs and mud trucks. The effects of this governance structure continue to the present and **continue to be hidden deliberately from the public.** (See below #5)

Some of the groups or individuals engaged in misconduct/wrongdoing:

- Current Select Board Chair, Peter Berger and his board members
peter.berger@fairleevt.org
- [Former Forest Board Chair, David Matthews](#)
culloden1890@gmail.com
- Current Forest Board Chair, Dan Ludwig
HonestBob@mytopsmail.com
- Current Town Administrator, Tad Nunez
townadministrator@fairleevt.org
- [Former Select Board Chair Jay Barrett](#), and his board members
FrankJBarrettJR@gmail.com
- [1979-80 Select Board Chair Paul Sargent](#), and his board members
- Vermont League of Cities and Towns (VLCT)
- Town Attorney (via VLCT), Paul Gillies
paul@tarrantgillies.com
- Independent Auditor, Michael Segale
mike@fsv-cpas.com
- Town consulting Forester, Markus Bradley
markus@redstartconsulting.com

There likely are others, including CPA firm(s) who, in their annual audits did not point out or explain in their notes and reports the sources of year-to-year trust fund transactions. The town treasurer is not a CPA. Based upon [my one call to our current CPA](#), lack of consistency of financial reporting, lack of details regarding income and expenses of timber sales and lack of any

disclosure of the liabilities of a Town Forest protected by a Federal stewardship grant appear to be the result of poor oversight--lack of due diligence--by independent professional CPA firm(s). A 1600-acre forest property, 770 acres of which was subject to the requirements of a Federal Grant, should have been added to the assets, liabilities and budget accounts in our Annual Town Report in 1980. They weren't but despite that, a professional CPA is duty-bound to recognize the “modified” concept in the “modified cash-basis” of financial reporting for local governments, as required by GAAP/GASB standards.

There is more corroborating information, posted online at [FogeyPower.com](#).

2. Victim Information:

- a) John and Irma Lange, formerly residents of Fairlee, VT and contributors of the required local share of grant funding
- b) Citizens of the Town of Fairlee and all others entitled to Title VI participation
- c) **Citizens of the State of Vermont
- c) U.S. Interior

**The State of Vermont (ANR) has a contractual obligation to monitor LWCF Grant compliance. The State's compliance obligation is stated in the [LWCF Grants-in-Aid Manual](#) and it is clearly stated in [Fairlee's LWCF contract documents](#). Compliance Monitoring never happened, ever. The citizens of Vermont are victims, but the State Agency of Natural Resources, a party to the grant contract, has contributed significantly to the damages resulting from our SB's fraudulent actions.

There is more corroborating information, posted online at [FogeyPower.com](#).

3. Where did wrongdoing occur?

Town of Fairlee Town Forest
Town of Fairlee Town Hall
Various meeting locations of the Fairlee Town Forest and Select Boards

There is more corroborating information, posted online at [FogeyPower.com](#).

4. When did the wrongdoing occur?

The first set of fraudulent acts occurred in the 1979-1980 period, after the Grant contract had been signed by all 3 parties but prior to the SB's request for reimbursement funding, when the SB plotted to retain sole authority over the management of the grant-acquired property, thus robbing the grant-vested management authority belonging to the voters.

There was no logging done on the Grant property until 20 years later, in 2000. Then, for a period of about 10 years, the County Forester was involved in several timber sales. The LWCF Management Plan required the supervision of the County Forester, but it prohibited logging for all but recreational purposes. The County Forester had not been notified, by VT ANR/FP&R or by the town SB, of the logging restrictions stipulated in the LWCF contract and of its requirements to preserve and develop recreational opportunities. During this time period, 2000-2010, however, over the objections of the County Forester, the FB encouraged ATV use, [even to the extent of removing water bars and other erosion control structures](#), after having been properly constructed for logging close-out, [so that ATV's and mud trucks could have access to the recently-logged forest blocks](#).

[The County Forester was dismissed in 2010. A private forester was brought in. A new Forest Management Plan was commissioned and paid for.](#) Since that time, at least 4 timber sales have taken place. A major haul road was built to support chip (biomass) trailers. This road, consists of a 150-foot clear cut, approximately 1500' long, and was carved into a steep hillside through what used to be a forested hiking trail. As such, it had supported the County Foresters timber sales in which only round wood had been trucked away. Close scrutiny of the docs since 2010 reveal a host of violations and poor judgment regarding legal, accounting, forestry, insurance risk, and LWCF stewardship requirements, and particularly the fraudulent processes of [spending sales proceeds by under-reporting sales revenue](#) and by not reporting road-building and other haul road expenses. The [TS contract of June 24, 2020](#) is especially alarming. Although logging actually had started in June, the contract was never signed until July 8. The town T-A explained that the FB Chair wanted to get logging started before the “locals” were notified.

The period of logging since the private forester was hired, has seen all sales proceeds diverted unilaterally to support the use of industrial logging equipment and to perform required close-out activities over unnecessarily wide and steep access roads, constructed to support access chip trailers, ATVs and mud trucks. The [financial results for that period are here](#). In addition, residents and voters are facing what is estimated to exceed \$250,000 in expenses required [to repair roads and trails](#) and [Federal Water Quality violations](#), including several very expensive stream crossing structures.

There is more corroborating information, posted online at [FogeyPower.com](#)

5. What was the wrongdoing/How was it done?

The draft* [LWCF Recreation and Forest Management plan, page 6, item \(7\)](#), (Management Plan) called for a period of up to 12 months to give time for the so-called “Kee Committee” to work with the public. This is the same committee that earlier had worked to identify the HCRS Acquisition program as meeting the Lange’s goal for permanent stewardship. The LWCF contract, signed by the Fairlee SB, called for a 12-month period to develop policies and procedures for an “elected by the voters” governance board to follow as it managed the acquired forest land, in perpetuity.

Several documents describe the SB’s attempts between August 17, 1979 and the [Town Meeting of March, 1980](#), to annul the 92-53 town vote or to rescind the grant application: [for instance](#). That prolonged effort did not work. LWCF Acquisition of the forest land was inevitable. Shortly after that March, 1980 Town Meeting and without authorization, the SB [tried once more, on March 15, 1980](#) to acquire the land free and clear of LWCF requirements. [And that did not work](#).

Not having the opportunity to have an independently-elected LFB plus losing the chance to bind the LWCF Grant contract requirements to the LFB’s mission statement, bylaws, planning, operational and financial activities are largely responsible for the mess—and the continuing risk—which now confront Fairlee’s voters.

*The “draft” Management Plan submitted and approved as an “included document” in the August 1979 LWCF contract was to have been a flexible future-proofing tool. LWCF Grant Administrator, Craig Whipple, clearly explained the process for adopting the plan to change in his letters of [February 16, 1979](#) and of [February 28, 1979](#). Each logging project, as sparse and as minimal as it should have been, affects 3 to 4 generations of humans. A forest board, under the control of a 3-member Select Board, whose majority opinions can change with each annual election, is not a wise basis of governance for a high and consistent level of stewardship, in perpetuity. Just 1 newly elected SB member can **change** the balance of opinion. The opinions of just one bully on our SB can **become** the opinion of the entire SB. Unfortunately, over 4+ decades, the ground-truth state of our forest and its finances is pretty good proof that continuing this fraudulently contrived idea of Grant governance and compliance was a pretty bad idea.

This process for updating the management plan should have been used all along, including recently, to assure all parties that with voter approval, the rules of the LWCF Grant are being followed.

There is more corroborating information, posted online at [FogeyPower.com](#)

6. What was the effect of the wrongdoing?

By grabbing sole and complete control over the acquired forest land before the deeds were recorded, the SB made it impossible for the terms of the LWCF contract to inform how the resource has been managed. All of the LWCF contract docs were hidden from the public and from most members of the appointed LFB from the very beginning.

The forest trust fund has been bankrupted by expenses never approved by or reported to the voters. Since the Town vote in March, 1979, to accept the HCRS grant, the voters have never had a chance to participate in planning, operations or finances of any type, contrary both to the grant requirements and to many State statutes, rules and regulations. Public documents show that the SB never wanted to give up control over the Acquisition, and they never have. All grant management and oversight has been done secretly by a self-appointed FB, itself appointed by our 3-member SB.

What was recreational forest land in 1980, the LWCF acquired property has been converted into an abused tree farm on an eroded watershed—one which has lost recreational value and one which threatens [an already distressed Lake Morey](#). The SB used our votes to bribe the grant reimbursement monies from the Lange family, the State of Vermont and U.S. Interior. Its actions since have deprived its voters of their authority and of their responsibility to perform a high level of grant-required stewardship. Active efforts continue to prevent public disclosure of the grant contract documents and the extent of environmental and financial damages. Recently the SB prevented the town twice from applying for Trail Repair grants from the State. To apply for any grant to fund mandatory repairs will require full disclosure of the repairs needed and thus likely prompt public concern and questions about why and how so much damage has occurred in a protected forest.

The SB has stated that it will not seek repair funding this year. The Forest Board is not even meeting.

Notably, the [1979 version of our LWCF contract](#) included among its goals “... to protect Federal lands from degradation by off-road vehicles.” Unfortunately, along with the illegal logging, [mud truck and ATV use](#) are the source of our most environmentally serious and most expensive problems to fix.

There is more corroborating information, posted online at [FogeyPower.com](#).

7. Do you have first-hand knowledge of the wrongdoing?

Yes, via public documents and records which I have found and posted at [FogeyPower.com](#).

As logging and trails abuse got so bad during recent years, I started research to learn more about what the LWCF grant required. The records themselves were stashed in boxes in the Town Hall cellar, although the current (since about 2013) docs were in the personal possession of former FB Chair David Matthews. I had no idea that the SB of 1979-80 had worked so hard to evade the Grant requirements. I’ve been a continuous full-time resident of Fairlee since September, 1978. In early June, 2020, I presented my findings of the LWCF Grant docs to the current SB. I had no idea that *they already knew about them*. There is no accident here; there is a fully-documented long-term concerted effort between and amongst 2 town boards to evade outside “interference”, to hide the results and attempt to avoid the consequences.

There is more corroborating information, posted online at [FogeyPower.com](#).

8. Who else might be aware of this wrongdoing and how does the individual know?

All of the folks mentioned in #1 above, as I have made no secret regarding my research, now online at [FogeyPower.com](#). I created online access to these public records after the SB Chair summarily denied my request, made at a regular SB meeting, to hold a public meeting. The

proposed meeting’s purpose was to explain in detail the LWCF Grant docs and the many recent and related reports from the state regarding forestry and environmental violations. Following that, a fairly-moderated Q&A was to take place. My request was summarily rejected by SB Chair Berger. There was no discussion allowed, even amongst SB members.

Many state employees in the Agency of Natural Resources, particularly in the Departments of Environmental Conservation and Forest, Parks and Recreation are aware of various elements of this picture, a picture much bigger than the LWCF problems by themselves. The original apparent fraud, involving requesting and accepting Grant money under false pretense, may have happened 42 years ago, but its effects continue to spread and accumulate at an increasing rate. They have institutionalized bad behavior through many of our town’s financial checks and balances. But the SBs have known about it all along. The expensive and environmentally destructive results have led to a series of attempts at a cover up. The state, despite its first 40 years of neglect and now it’s 2+ years’ of deliberate negligence, seems to want to blame the town for all of the problems. It has refused to take any enforcement actions which would lead us toward following the Grant rules. The state’s lack of enforcement has been the most effective enabler of the SB’s behavior: no enforcement by the state = no problems and no reason for the SB to act.

Through [Vermont’s Fraud, Waste or Abuse Hotline](#), I have been in contact with State Auditor of Accounts, Doug Hoffer. He’s very much aware of the matter. However, he claims his office has no enforcement authority. I do know Mr. Hoffer asked the Chair of our FP&R Department, Michael Snyder, over 6 months ago to send him (Hoffer) some type of position statement. That has not yet been received as of the present (9/16/2022.) Mr. Hoffer can be reached at Doug.Hoffer@vermont.gov.

9. What do you believe would be an acceptable remedy to your concerns?

The Goal:

It's not my place, personally, to go any farther than to insist that Federal and State contract terms, statutes, rules and regulations be followed. It is any voter’s responsibility to attempt to mitigate added damages and expenses. All voters have the right to insist upon accountability and restitution. Our voters are ready to engage, ready to re-build and to improve what we should have had by now. All of that effort should involve the public, working within the rules of the Grant. Our own SB is actively preventing us from doing that. This forest is unique and vulnerable; it’s even more in need of protection now than it was in 1979. It forms a very steep and flashy watershed for [Lake Morey, which itself is in distress](#). The forest is about a mile from Exit 15 of I-91: about 3 hours from Boston and Montreal and 4 from the New York City area. Two Summer camps (the Aloha Foundation) plus many seasonal residents and the COVID-induced flight to areas such as our greatly add to the challenge of protecting this unique forest resource.

The Method:

Aggressive enforcement action, beginning with U.S. Interior, must lead to accountability on the part of both Vermont’s Agency of Natural Resources and the handful of folks in our own Town Hall who have corrupted our efforts to protect and enhance a Memorial natural resource. There is a lot more to fix than “merely” re-asserting the LWCF Grant rules. [The State of Vermont has failed us](#) as much as our own SB has. Violations of Statutes, rules and regulations at all 3 levels of our governance have occurred. The State must be convinced by U.S. Interior that it has the duty to enforce, to demand accountability and to seek or supply restitution for 42 years’ of failure. Intelligent and firm action by U.S. Interior should trickle down so that the State of Vermont honors its responsibility to U.S. Interior as well as its authority to monitor compliance to the terms of the Grant by the Town of Fairlee. At the same time it must exercise its authority to enforce its own Municipal statutes, rules and regulations, both to help make our Town whole and to act as a deterrent to others who would attempt to evade similar commitments.

Our LWCF Acquisition is likely not the only one in Vermont, or nationally, that has been abused. According to the [State’s LWCF project listing in 2015](#), the program has provided 628 grants to the state, 90 of them the Acquisition type, totaling over \$33 Billion. Not a single State Forester I’ve met or communicated with in VT FP&R’s Forests Division nor even the State AMPs Forester understands the stewardship requirements of an LWCF Recreational Forest. Forty-one of the LWCF Acquisitions in VT are by the State itself, through FP&R, Department of Environmental Conservation and Fish and Wildlife.

U.S. Interior/NPS has a multitude of options to enforce and seek remedies. They seem to be well-based in contract law and legal precedent, but there are [suggestions that they aren’t used nearly enough](#). Our town relied upon our SB, the State and U.S. Interior. It has suffered more than “just” the abuse of the stewardship rules for the acquired forest land. What better place and time than Fairlee, VT and now to craft a fair, firm and convincing enforcement response by both U.S. Interior and VT ANR? Applied thoughtfully but firmly and publicly, enforcement here and now could act as a deterrent to future abuse statewide and perhaps nationally, going forward.

10. Has this allegation been previously reported?

It has, first to our local SB and then to VT FP&R, both during the period of May-June, 2020.

The LWCF program has been claimed by our Senator Patrick Leahy as one of his proudest accomplishments through the years. So, I called Senator Leahy’s Burlington, VT office in June of this year and was referred to Compliance Team Lead, National Park Service, [Mary Morrison@nps.gov](mailto:Mary.Morrison@nps.gov), in Washington, DC. She’s acknowledged receipt of my brief description of this complaint. I also referred her to the docs on the FogeyPower.com site. Her first response was to let me know that she would be contacting NPS’ “local partners,” meaning the State of Vermont. All I’ve heard back (on August 16, 2022) was that she was (...attempting to get to the bottom of it...).

Finally, I contacted the U.S. Attorney’s office in Burlington, VT, who referred me to the IG at U.S. Interior.

I’ve been told that following the submittal of my complaint, I would get a return call to discuss, among other things, anonymity. I don’t think I should be concerned about anonymity but I am worried about intimidations and retaliation, which have occurred. I’m not sure if I should be filing this complaint using a different form.

/s/ William W. Weale
Fairlee, VT
9/19/2022