

From: bill.weale@builderman.com
Subject: Claim for Actual and Liquidated Damages
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To: info@vlct.org, Peter Berger peter.berger@fairleevt.gov, Tad Nunez townadministrator@fairleevt.org, Lance Mills Lance.Mills@fairleevt.gov, Cathy McGrath cathy.mcgrath@fairleevt.gov

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Notice of Claim for Actual and Liquidated Damages to Town Property

My name is William (Bill) Weale. I am a lifelong resident of the Territory of Alaska and the United States. I have resided in Fairlee, Vermont since 1978.

This claim parallels a criminal complaint I have made to law enforcement. I have been directed to law enforcement by Vermont Secretary of State General Counsel and by the Chief Environmental Enforcement Officer of the Vermont Agency of Natural Resources.

My claim is on behalf of the citizens of Fairlee, those of the State of Vermont and of all people who benefit from Title VI access to our protected recreational forest. It seeks reimbursement to the town for actual costs for past losses and for future costs to repair and stabilize environmental damages, when those costs can be determined. It will seek liquidated damages for lost opportunities to improve the recreational value of our forest. It will seek liquidated damages to establish permanent fund(s), the income from which will be needed annually to maintain the repair structures needed for past damages which never should have occurred. It will seek reimbursement for legal services, should they be necessary.

Damages accrue daily. The risk for sudden and substantial damages—severe washouts into streams, wetlands and Lake Morey—will continue daily until repairs are made. This claim will seek restitution for those future inevitable expenses.

All of these damages are the result of negligence and criminal activity on the part of certain members of our Fairlee select board and its appointed and self-appointed forest board. It will take an investigation to determine who we can trust amongst Fairlee town officials.

A portion of the criminal complaint provides some detail:

My complaint concerns violations of the most basic of VT Statutes: frauds, many unauthorized sales of public property, negligence, intentional negligence, larceny and/or embezzlement, incomplete and deceptive financial reporting, attempted witness intimidation seeking and using the advice of our town attorney and likely other violations (I'm not an attorney or a prosecutor), all committed by some combination of individual members of our own town select board and their appointed forest board.

Documents and actions clearly show that this has all occurred with planning and intent: our select board never really accepted the town's 92-53 vote to acquire at no purchase cost 770 acres of Forest land in return for our town's commitment to the federal government to assure a high level of stewardship of the acquired forest. They used the voter's commitment to get the money. They immediately created a forest governance structure that deprived us of all aspects of management from policy making to financial reporting. The entire scope of Vermont Law providing for the legal establishment of funds to the legally required aspects of selling property and spending money has been violated.

Many of these violations are continuing. It is important that they be stopped immediately. We are being prevented by our select board from assessing continuing damages and planning for repairs. A public accounting for damages and losses has been prevented by our select board.

After our locals refused even to acknowledge any wrongdoing, I researched our town's archives and have [posted much of that research online](#).

I've summarized just some of the legal jeopardies at:
https://fogeypower.com/20230221_Fairlee_Citizens_Complaint_Draft_ES.pdf

Effectively, our town select board has stolen our 1600-acre forest. They sell some of it off as they see fit and they spend the sales proceeds to satisfy their own interests—maintaining accessibility for mud trucks and ATVs. This has never been authorized by the voters. To the contrary, the SB have even conspired to hide the full extent of damages caused by their illegal actions and they have

prevented us from seeking funds to begin to repair some of the environmental damages.

This is white collar crime committed by town officials. As mentioned above, a limited summary of violations of Vermont Statutes is posted online at:

https://fogeypower.com/20230221_Fairlee_Citizens_Complaint_Draft_ES.pdf

These allegations are made by public documents, not by my opinion. Please note in particular that VLCT placed special emphasis on the rules for creating and using funds. Especially note the work done by VLCT to explain what is needed for the legal sale of town property. What we have here in Fairlee is not "mere" negligence; it's planned and intentional defiance of the rule of law and a cover-up of the ensuing results by a conspiracy amongst town officials. These are violations of many of the most basic laws of the state, from annulling the direction of its voters to pilfering town assets to spending the ill-gotten money without approval or even notifying its voters.

And also please note the apparent enabling of this whole mess by Attorney Gillies, whose services, I am told, are offered through VLCT.

I'd be glad to help VLCT establish a Loss Reserve. And I could suggest possible sources to minimize its losses.

Perhaps VLCT could pay the cost of legal services working on behalf our residents?

Respectfully,

William W. Weale
Fairlee, VT
802 384-4791

