

From: bill.weale@builderman.com
Subject: Fairlee Town Forest: Daylighting the Lost Decade
Date: February 24, 2023 at 10:55 AM
To: Peter Berger peter.berger@fairleevt.gov
Cc: Tad Nunez townadministrator@fairleevt.org, Cathy McGrath cathy.mcgrath@fairleevt.gov, Lance Mills Lance.Mills@fairleevt.gov, Paul Gillies paul@tarrantgillies.com, Town Clerk townclerk@fairleevt.gov, Fairlee Treasurer treasurer@fairleevt.org, Fairlee Lister listers@fairleevt.gov, Fairlee Zoning Administrator zoning@fairleevt.gov, honestbob HonestBob@mytopsmail.com, Fairlee Police police@fairleevt.gov



Hello Peter—

For now, I've gone as far as I can to fulfill your request of [June 23, 2020](#) for a [timeline](#) and the Executive Summary discussed in our [emails of July 2, 2020](#).

It seems as if you have wanted to [keep this whole forest mess secret](#) all along. Your selectboard appears to bookend what Paul Sargent's selectboard started in 1979. The many public documents that are assembled at the timeline of records about the Fairlee Forest suggest that there is no path between Paul Sargent's selectboard of 1979–80 and Peter Berger's selectboard of 2023 which hasn't run afoul of Vermont Laws, even discounting the existence of the Lange agreement.

You along with every other town official should read and understand the [Possible legal jeopardy of Fairlee's elected and appointed officials](#), as posted on the timeline, dated February 21, 2023. The law treats the duty of all board and commission members, whether elected or appointed, the same way. See 13 VSA 3006–8 as explained in the timeline document. It's the law and should not alarm law-abiding town officials. The contents of the "legal jeopardy" document will form part of the *basis* for the final version of the Executive Summary you requested from me.

I can't finish your report until we discover what, if any, violations of law or legally binding contracts have occurred.

There may be some mistakes here, but what I'm presenting is done in good faith. There is a legal concept that gives parties who are being damaged the right to try to mitigate those damages. As a Fairlee tax-paying resident and acting in good faith, that is what I am trying to do. Every Fairlee resident and/or taxpayer has that right. It seems to me that those *rights* of the folks you serve, the rights to attempt to mitigate further environmental and financial damages in our town forest, should be the *duties* of you and all town officials whose legal responsibilities include protecting our interests—our town's residents' and taxpayers' interests.

This is my attempt to connect evidentiary documents (facts) to Vermont Statutes (as well as I can understand them), open meeting laws, financial reporting requirements (VLCT advisories), and the legally binding contract which is the LWCF grant for the Lange Memorial Forest. In other words, I think that the law and the evidence, not my personal opinions, comprise the (not false) allegations. There are some places that *appear* as opinions. With those, I am just attempting to express the connection between law and the evidence in a context that is appropriate to our problems with the forest, and do so in a way folks can better understand.

Doesn't connecting facts to the law, contracts, rules and regulations under which those facts are governed build a fair *basis* on which to expose the truth?

This profound misbehavior by our forest governance is not a series of innocent mistakes. Over the span of 4 decades a relatively tiny number of town officials is to blame for our forest problems. Accordingly, collateral damage to the reputations of others must be avoided. To go forward, our town must be confident in knowing whom we can trust. To protect those people, the town's own archives are sufficient to inform an authoritative investigation by law enforcement. Accountability is the key to restitution. Whether it be town officials, licensed outside professionals or the state itself, there likely is some combination of liability and/or malpractice insurance coverage(s) that could go a long way to funding the repairs for which we taxpayers are responsible.

Peter, this is serious stuff. Your legal duty is to the town. As I stated months ago, you can't allow your fealty—to a forest board chairman, to any one group or individual or to your own personal view of how you think town business should be accomplished—to neglect your duty. Your duty is to follow your oath-bound legal responsibilities as an elected town official. From all that I have learned, this whole town forest mess must be reported to law enforcement. That advice comes from the General Counsel to the Office of the Secretary of State of Vermont.

Having done that, there is a ready-made way to go forward. We voted 92-53 as a town 43 years ago to follow that way. The longer you and our selectboard block that path, the more you harm the town and yourselves. By not acting in June of 2020, when you knew this was all coming to light, damages facing the town have increased significantly. Any more delay on your part will lead to a 4th season of increasing and ignored damages.

I've cc'd Attorney Gillies. I'm highly skeptical that his advice to you and/or Tad is fully informed. His job, as I understand it is not really that of a *Town* attorney. I think his advice, provided through VLCT as you and Tad have claimed, is focused on defending town officials, not advocating for town residents and taxpayers. There are some pretty severe penalties for seeking or providing legal advice to conceal a crime or fraud. How his alleged opinions have affected this mess must be investigated.

By Forest Board Chair David Matthews' own words in [several documents in 2014](#), he knew and he conveyed directly to the selectboard that the [March 17, 1980 guidelines](#), prepared and signed by three selectboard members and published in the [1980 annual report](#) not be used as a number of items "contradict the conditions of the grant." A couple of years ago, Matthews was in a position to help set things right. Instead, he bolted the forest board and since, as I have heard, has moved to Florida.

You were in a similar position to help us in June, 2020. I was certain you would, after I organized and presented you and Tad with some of the data you asked me to find. At the time, I thought that was why [you publicly thanked me](#). You had access to those records then, and as I discovered, even earlier, since they were included in the files you and Tad gave me to begin my research. Our town deserves better from our selectboard. As head of the legislative body of our town, there must be a number of ways you can initiate the investigation we so urgently need. Given the gravity of the violations that likely have occurred, SoS Counsel Prosser has advised that reporting to law enforcement is necessary. I believe you or any town official has the authority to do so. Perhaps Chief Briggs can suggest how to begin that process?

Please do the honorable thing: respect us and your oath. You should have nothing to lose.

Hopefully,

Bill Weale