From: Mishaan, Jessica

To: dbucknam@vtlegalhelp.com
Subject: response to public records request

Date: Thursday, September 27, 2018 3:35:59 PM

Attachments: 2018-09-27 Mishaan response to Bucknam w docs.pdf

Ms. Bucknam.

Please find the attached response to your public records request.

Thank you,

Jessica Mishaan | Paralegal

Office of the Attorney General | General Counsel and Administrative Law Division 109 State Street Montpelier, VT 05609-1001 p (802) 828-5500

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Vermont's lobbyist registration and disclosure law applies to certain communications with and activities directed at the Attorney General. Prior to any interactions with the Office of the Vermont Attorney General, you are advised to review Title 2, sections 261-268 of the Vermont Statutes Annotated, as well as the Vermont Secretary of State's most recent compliance guide available at https://www.sec.state.vt.us/elections/lobbying.aspx.

THOMAS J. DONOVAN, JR. ATTORNEY GENERAL

JOSHUA DIAMOND DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

FAX: (802) 828-2154

STATE OF VERMONT OFFICE OF THE ATTORNEY GENERAL 109 STATE STREET MONTPELIER 05609-1001

September 27, 2018

Deborah T. Bucknam, Esq.

Via email to: dbucknam@vtlegalhelp.com
The Law Firm of Bucknam Black Davis
1097 Main Street
St. Johnsbury, VT 05819

Dear Ms. Bucknam:

I write to follow up to your public records act request dated September 21, 2018, in which you request records that relate to Ruth Anne and Walter Neborsky.

Attached please find an initial production of records potentially responsive to your request. Personal contact information has been withheld pursuant to 1 V.S.A. § 317(c)(7). If you feel information has been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond.

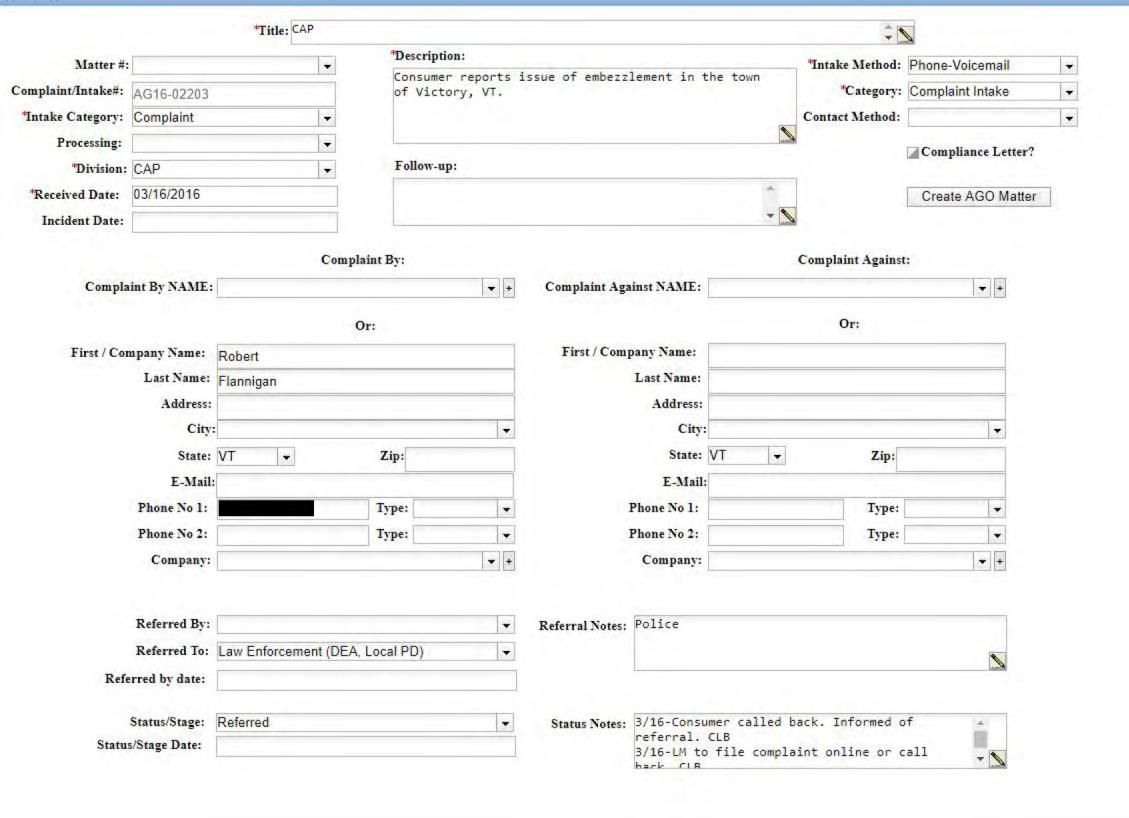
Please note that the Attorney General's Office will follow up with you regarding additional potentially responsive documents and will include information related to potential costs of further processing your request if applicable. In addition, to the extent you seek additional records from pre-2017 related to the attached records, you may wish to contact the Secretary of State's Office regarding correspondence addressed to former Attorney General Bill Sorrell.

We hope the above information is helpful to you. We will follow up as noted above.

Sincerely,

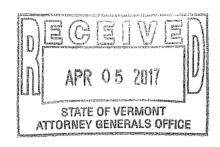
Jessica Mishaan

Paralegal



March 31, 2017

Lionel (Skip) Easter





To whom it may concern:

On Wednesday March 29, 2017 I received a phone call from Select board member Walter Neborsky. Mr. Neborsky was telling me that they were having an executive select board meeting with Attorney Dan Richardson in Montpelier on March 30, 2017 at 10:00am. I explained to Mr. Neborsky that I couldn't make the meeting because I am on oxygen and not able to travel that long a distance and am ill with Shingles and can't leave my home at times I asked to participate over the phone, Mr. Neborsky replied "NO".

I then called Attorney Richardson the afternoon of March 29, 2017 and asked him if I could participate in the executive select board meeting? Attorney Richardson replied "I'll have to ask the other 2 select board members". (Mr Neborsky and Mr Mitchell) That was the end of that conversation I didn't hear back from the attorney.

Thursday March 30, 2017 I called Attorney Richardson at 10:00am he did not pick up the phone so I could participate.

I know that every office has caller ID and I feel that they were purposely not taking my calls and having an illegal select board meeting without me there. There is a state statute that says we can participate over the phone, VSA 11B SEC. 7.02 I have done this before with meetings for the town. They have no right to exclude me from any and all meetings or conferences.

According to the rules of select board meetings up to and including an executive meeting. You must post a warning 24 hours before the meeting, this was not done. Also they continued to have this meeting without me and I am one of the select board members. I have no knowledge of what the meeting was about and the outcome. There was absolutely no posting and that will be backed by the town's people who look at the boards every day.

I feel that this meeting should have not gone forward due to the fact that it was held illegally because all select board members must be included either over the phone or in person. Attorney Richardson in good faith should have never held or entertained this meeting without all board members. I am writing this complaint against Attorney Richardson because he is not acting in good faith of the town select board, by having closed door meetings with only some of the select board members present.

I look forward to hearing from you because this is in the upmost importance as this is a continuing problem.

Sincerely,

Lionel Easter

Frond Easter

Cc. Attorney General T.J Donovan

Secretary of State's office

S (1) S (1)

Carol F. Easter

T.J. Donovan Attorney General 109 State St. Montpelier, VT 05609 RECEIVED ON

IN 21 47

Attorney General's Office Consumer Division

<u>Your Honor</u>, we need to bring you up to date on the Everyday workings of the Town of Victory, knowing that you have not been informed of this information. The Waters are being "muddied" once again so the truth is not being told.

We are having a serious occurrence here in Victory, regarding this court case. Mrs. Tracey Martel has taken it upon herself to act as the Town clerk of Victory, having some mail rerouted to her post box, having set up an office in her home as the Clerk of the Select Board, but acting as the Town clerk. The Town Lawyer, Daniel Richardson contacts her first then possibly the Town Clerk. In his written correspondences, He starts out communications with the name Tracey and Carol. (Tracey Martel (board clerk) and Carol Easter (town clerk)). Mrs. Martel, the select board and the Town Attorney are ignoring the Town Clerk, Carol Easter and another selectman, hoping she will resign so Mrs. Martel can be appointed as Town Clerk.

Mr. Richardson represented the Town of Victory, and The Town Clerk (Carol Easter) at these court hearings, but after he sits at the Table representing the town, with Mr. Neborsky at his side (a selectman who wants to appoint Martel as town clerk and who is encouraging her to do this law suit), the attorney immediately goes over to the Martel group. In my opinion, He is not representing the town only Two of the three Selectmen and Martel.

Two of the Select board members and Daniel Richardson are making it impossible for all the legal voters to vote by absentee ballot on this newest revote of the budget, their Constitutional Rights as an American Citizen, a taxpayer, land owner and the right to select where they want to vote is being violated! It appears that the check list is once again in question and by calling a very quick election on the 2nd revote for the budget, many of the absentee voters will not have the opportunity to participate in the election on June 20th, due to the limited time constraint of mailing the absentee ballots and getting them back by the 20th of June for the voting polls (this is a 7-day limit to complete the voting process). Not even enough time to post this in the newspaper. This appears to be another way to stop some from voting their constitutional rights, those that own land and want to retire to victory but live elsewhere. Another way to purge the check list so to speak to only allow those they want to vote and not the entire check list of voters. The BCA Board should be the ones to purge the check list under state statues that regulates the purging process.

Mrs. Martel did not ever ask for a recount of votes when she ran for the position for Town Clerk/ Treasurer at the Town meeting in March 2017. She did the job in 2015, and quit after 3 months.

Your Honor, Many of the Town Voters want this town to be made into a Gore. We have asked the select board to put this on the agenda to discuss it and to place this on the waning for town meeting, which they refuse. 89% of the voters are on social security and disability.

In closing, the Town of Victory selectmen disregarded the necessary financial information from the Town Treasurer (Carol Easter) in any of their preparation for the running of the town. It is an ongoing process that the Town Clerk/treasurer be included in the running of the town. Many pertinent pieces of information have not been gotten from her to antiquate the necessary information of the programs and operation of the town. the Town clerk is an important factor of our town. The Town selectmen (2 of them, Neborsky and Mitchell) have been trying along with Mrs. Martel to intimidate the Town clerk/Treasurer into quitting the position so Mrs. Martel will be appointed by her friends the 2 selectmen (mitchell and Neborsky).

We need to be heard for the truth is certainly being covered up. Because we have had 6 lawsuits all represented by Deborah Bucknam. Our lawyers' budget is extremely large. our budget for 2017 was \$30.000.00 we have now exceeded this by nearly 5,000.00 in the first 6 months of the budget year. VLCT has stated that if the Town of Victory has one more lawsuit, the town will lose it Insurance coverage.

Respectively Submitted,

Carol Easter

arol Easter

Victory Town Clerk/Town Treasurer June 15, 2017

NOTICE

2017 TOWN BUDGET RE-VOTE

Town of Victory

June 20, 2017 @Victory Town Hall

102 Radar Rd

Victory, VT 05858

Polls Open

10AM to 7PM

Article 1: Shall Town of Victory raise \$58,606.44 the sum necessary to meet the cost of maintaining the town for the 2017 fiscal year?



Town of Victory, Vermont

2017 TOWN BUDGET RE-VOTE OFFICIAL BALLOT

Victory, Vermont June 20, 2017

INSTR	UCTIONS	TO VO	TERS:

Vote yes or no by placing a cross (X) in the box of choice.

Vote Yes or	No						
Article 1: Shall The Town of Victory raise \$58,606.44 the sum necessary to meet the cost of							
maintaining the town for the 2017 fiscal year?							
	· · · · · · · · · · · · · · · · · · ·						
YES	NO						
·							

Sample Ballot

Carol Exhibit #

Mai Mailing zip

Inct/Mame	First Name	Middle	Suffi	Mailin Mailing Street Nar'l Mailing City	Mai Mailing
ANDERSON					
BACCHIOC					
BACCHIOC					
	JENNIFER				
	BRTTANY				
	JESSE				
BOUCHARD	JANET				
BROWN	EDWARD				
BROWN	STEVE	Μ.			
CLERICI-ME	ANGEL	В.			
COOKE	LINDA	P.			
COOKE	ZANE	G.			
EASTER	CAROL				
EASTER	LIONEL				
EASTER	STEPHEN				
FLANIGAN	BRENDAN				
FLANIGAN	ROBERT	J.	JR		
FLANIGAN	ROBERT		Ш		
FLANIGAN	TONI	т.			
FRECHETTE	WILLIAM				
GRAY	KRYSTAL	M			
HARRISON	CATLIN	M			
HARRISON	JOHN	SHANE			
HARRISON	YVETTE				
HART	ELLEN	М			
HART	GORDON				
HART	TIMOTHY				
HENDERSO	VIRGINIA				
HILL	PATRICIA				
HINELINE	ELISE				
HOLT	BRADLEY				
HOLT	JOHN				
HOVEY	DYLAN	W.			
HOVEY	GREGORY				
HOVEY	RYAN	R.			
	SANDRA				
JACQUES-S					
	KATRINA	М.			
LOOMIS	FERNE				
LYNAUGH					
MACDONA		•			
MARCHBAI					
	ANDREW J				
MARIN	RAYMOND				
MARTEL	KYLE	E.			
MARTEL	RAYMOND	R			

Tracty, Exhibit

LastName, FirstName Middle	AdNum	AdStreet1	City	State
ANDERSON, RICHARD				
BACCHIOCHI, ANTHONY				
BACCHIOCHI, DONNA				
BATIN, JENNIFER				
BISHOP, BRTTANY				
BLONDIN, JESSE				
BOUCHARD, JANET				
BROWN, EDWARD				
BROWN, STEVE M.				
CLERICI-MENDEL, ANGEL B.				
COOKE, LINDA P.				
COOKE, ZANE G.				
EASTER, CAROL				
EASTER, LIONEL				
EASTER, STEPHEN				
FLANIGAN, BRENDAN				
FLANIGAN, ROBERT III				
FLANIGAN, ROBERT J. JR.				
FLANIGAN, TONI T.				
FRECHETTE, WILLIAM				
GRAY, KRYSTAL M				
HARRISON, CATLIN M				
HARRISON, JOHN SHANE				
HARRISON, YVETTE				
HART, ELLEN M				
HART, GORDON				
HART, TIMOTHY				
HENDERSON, VIRGINIA				
HILL, PATRICIA				
HINELINE, ELISE				
HOLT, BRADLEY				
HOLT, JOHN				
HOVEY, DYLAN W.				
HOVEY, GREGORY				
HOVEY, RYAN R.				
HUDSON, SANDRA				
JACQUES-STAATS, MELANIE				
LONGLEY, KATRINA M.				
LOOMIS, FERNE				
LYNAUGH, HOWARD				
MACDONALD, JOHN				
MARCHBANKS, LAWRENCE STI				
MARDEN, ANDREW JOHN GAR				
MARIN, RAYMOND L.				
MARTEL, KYLE E.				
MARTEL, RAYMOND R				

Carol Exhibit

Krystal Gray Superior Court, Essex County, State of Vermont Civil Division Docket No. 10-3-17 **EXCV** Robert Flanigan Jr. Honorable Elizabeth Mann **Essex County Superior Court** Tracey Martel, Plaintiff Toni Flanigan **Town of Victory** Robert Flanigan III P.O. Box 609 North Concord, VT 05858 **Carol Easter** Brendan Flanigan Wayne Moodie John McGill

Laury Saligman



Isiah Preston



Angelo Spera



Andrea Poginy



Daniel Richardson Esq.

44 E. State St.

P.O. Box 1440

Montpelier, VT 05601-1440

Deborah Bucknam Esq.

1097Main St.

P.O. Box 310

St. Johnsbury, VT 05819

Hans Huessy Esq.

Murphy Sullivan Kronk

P.O. Box 4485

Burlington, VT 05406-4485

Jim Condos, Secretary of State

128 State St.

Montpelier, VT 05633-1101

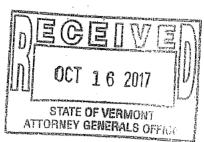
T.J. Donovan, Attorney General

109 State St.

Montpelier, VT 05609



T. J. Donovan 109 State Street Montpelier, VT



Dear Mr. Donovan,

Enclosed is a letter addressed to the Director of Risk Joseph Damiata from the Vermont League of Cities and Towns. Also included is documentation in regard to the issues at hand. We feel that this should be shared with you.

Our town is in turmoil and has been for quite some time. Hopefully an end is in sight for the residents who want to contribute to our town rather than those who feel the town should contribute to them.

Thank you for your time and

consideration.

Respectfully,

Sandra Hudson J.P.

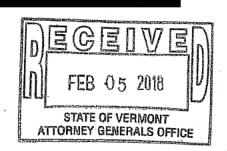
Sandra Studson J.P.

Janice Stanley J.P.

Januar Stanley

Sandra Hudson

Office of Governor Phil Scott 109 State Street, Pavillion Montpelier, Vermont 05609



Dear Governor Scott,

My name is Sandra Hudson. I was born in Newport, Vt in 1952. For 66 years Vermont has been my home. Presently I reside in the town of Victory. I moved my family here 25 years ago.

Currently I hold several town offices. None conflict. I am a school board member, JP and serve on the BCA.

Many times I and others contacted your office when you were the Lt. Governor. I remember that your assistant Rachael was very helpful each time we called. Our biggest fear was corruption.

As a town official my duties are clearly defined by my manuals and state statutes. I take my positions very seriously. There are others who feel & do the same. The town has been sued multiple times and I sincerely feel that we have been targeted by those who have different agendas. I am enclosing a letter from VLCT. A reaction to all the frivolous lawsuits that have been filed by one attorney. I've heard that those who serve as officers of the court refer to this phenomena as "shoehorning"

The following is an account of a recent Select Board

meeting which occurred. A clear indication of how the political atmosphere has worsened.

On January 22, 2018 I attended a special select board meeting. From my observations I concluded that the atmosphere was possibly explosive. Sadly not uncommon for any meeting .

There were two presentations. One by recently hired accountants with the results of an audit. The other by the town attorney updating the pending lawsuits. Four to be exact.

There was a Q & A after each. The entire meeting was recorded & there is a CD available. To say that this gathering became unsteady is an understatement.

Two local sheriffs were in the audience. Apparently hired by the select board to maintain "law & order" I feel that their mission was close to a failure

Before preceding with my account I feel that it is necessary to introduce some of the players in this drama.

The clerk of the board of selectmen has been and still is very hostile to some of us. I feel that she displays very erratic behavior i.e. making faces at us during meetings, shouting obscenities as she passes our homes. Her family members gesture that they will physically assault us. This is "the tip of the iceberg"

The aftermath of Monday night's meeting is in my estimation bizarre. After the meeting was adjourned My friend & I went into the Town Clerks office to get documentation photocopied. We stayed in the foyer waiting. Meanwhile the hall emptied. The clerk of the select board's son approached us. As he passed by he proclaimed "Trailer

trash #1 and trailer trash #2" His insult was directed to us. I was appalled. After he left the building the husband of the clerk and father to this 29 year old boy followed. He was slapping his face. Getting closer to my friend with this gesturing as if he was going to slap her. I left. The sheriff was seated close by the foyer door. There was a vacant seat close by and I sat down. I was waiting for him to put a stop to the freak show in the hall. He did not.

Another person verbally attacked my friend. Her narrative as she was leaving the building was "You wanna slap me don't cya. You are a stupid bitch. You wanna slap me?" This was repeated many times.

Meanwhile the other sheriff in training apparently asked her supervisor if he was going to intervene. He did not. As a result the young officer stepped into the foyer and diffused the mayhem.

After all had left the town hall peace was restored.

In conclusion this is one of many occurances in our town. The atmospere is extremely volitile. I fear for peoples lives.

Respectfully Submitted,

Sandra Hudson

cc: Attorney General T. J. Donovan

Joseph Damaita VLCT Director of Risk

Lyp. 2-10-19

NOTICE OF HEARING

TO: Town of Victory

A Hearing will be held by the Board of Directors of the VLCT Property and Casualty Intermunicipal Fund, Inc. September 29, 2017 at 10:00 A.M. at:

Offices of the Vermont League of Cities and Towns 89 Main Street, Suite 4
Montpelier, VT 05602

The purpose of the Hearing is to consider the Report and Recommendation of the Director of Risk Management Services of the Vermont League of Cities and Towns with respect to the membership status of the Town of Victory.

A copy of the Administrator's Report and Recommendation is included with this Notice.

Under Section 2.6.4(b) of the PACIF Bylaws a Member objecting to the Report and Recommendation of the Administrator shall submit a written statement to the Board setting out in detail the basis of the objection and any other information the Member desires to submit. The Bylaws require the statement be mailed to the Administrator no later than seven calendar days prior to the hearing (September 22, 2017).

The Town of Victory is entitled to attend the Hearing, be represented by legal counsel at the Hearing, and may present an oral statement or relevant information it wishes to submit at that time.

Dated at Montpelier, Vermont this 30th day of August, 2017.

VERMONT LEAGUE OF CITIES & TOWNS

Joseph Damiata, Director of Risk

Management Services



Serving and Strengthening Vermont Local Governments August 30, 2017

Walter Mitchell Town of Victory Selectboard P. O. Box 609 North Concord, VT 05858

Walt Neborsky Town of Victory Selectboard P. O. Box 609 North Concord, VT 05858

Town of Victory 102 Radar Road Victory, VT 05858

Re: Town of Victory Membership Status in VLCT Property & Casualty Intermunicipal Fund

Dear Mr. Mitchell and Mr. Neborsky:

As Director of Risk Management Services of the Vermont League of Cities & Towns (VLCT) and as Administrator of the VLCT Property & Casualty Intermunicipal Fund (PACIF), I write to provide the Town of Victory notice that I am requesting the PACIF Board of Directors review the Town's membership status, and consider terminating its membership as of December 31, 2017.

The grounds for this review and recommended termination is that the Town, acting through its elected officials, has exhibited a pattern of continued poor judgment and dysfunction which prevents the Town from following good risk management practices. The result has been a number of lawsuits by, among, and involving current and prior Town officials making claims against each other, as well as against the Town of Victory. For these reasons, I am requesting that the PACIF Board review the Town's membership status, and recommend that the Board terminate Victory's membership in PACIF.

Sponsor of:

VLCT Employment Resource and Benefits Trust, Inc.

VLCT Municipal Assistance Center

VLCT Property and Casualty Intermunicipal Fund, Inc. Enclosed with this letter is a copy of the PACIF Bylaws. Section 2.6.4 beginning at page 5 sets forth procedures for membership review and termination. According to 2.6.4(a), when the Administrator determines a Member has engaged in conduct which warrants review and/or termination of its membership status, the Administrator shall file a written report with the Board which contains a summary of the facts and the Administrator's recommendations regarding continued membership status.

Walter Mitchell Walt Neborsky Town of Victory August 30, 2017 Page Two

A copy of that Report with Summary of Facts and the Administrator's Recommendation is attached.

Bylaw Section 2.6.4(b) provides that a copy of the Report and a notice of hearing of the Board is to be served by mail on the Member. The enclosed Notice of Hearing advises you that the VLCT PACIF Board will meet at the VLCT offices located at 89 Main Street in the City of Montpelier on September 29, 2017 at 10:00 a.m. to consider the Report and Recommendation.

This date has been selected as Section 2.6.4(b) of the Bylaws requires the hearing be scheduled no less than ten (10) nor more than thirty (30) days from the date of this Notice. The Section further provides that a Member objecting to the Report and Recommendation of the Administrator shall submit a written statement to the Board setting out in detail the basis of the objection and any other information the Member desires to submit. The Bylaws require this statement be mailed to the Administrator no later than seven (7) calendar days prior to the hearing (September 22, 2017).

Be further advised that the Town is entitled to attend the hearing, be represented by legal counsel at the hearing, and may present an oral statement or relevant information it wishes to submit at that time.

According to the Bylaws, the Directors may affirm, modify, or reject the recommendation of the Administrator. The Board has the authority to place a Member on probation but also has the authority to terminate a Member on sixty (60) days' notice.

Very truly yours,

Kseph Damiata

Director of Risk Management Services

Vermont League of Cities & Towns

89 Main Street, Suite 4

Montpelier, VT 05602

Town Participation in Loss Control Activities

During the period from 2009 to 2014, loss control visits were limited to the Town office, as the garage was never open and the Town was never able to coordinate to give VLCT personnel access to complete an internal inspection of the facility. This was during the period of time Ruth Neborsky was Town Clerk and her husband, Walter, was the sole part-time highway person. Thus, loss control service and risk management in general was very limited during this time.

In 2014, there was a change in the Selectboard and Ferne Loomis became chair. The Town was compliant with loss control and actively participated in a survey of the Town garage. During this period a claim was filed for building damage alleged to have occurred during a "vehicle ramming incident" of the Town office handicap access ramp. We offered to provide coverage for damage to the ramp (although to date we have not received information to pay the claim), but determined any structural movement to the building was due to the age of the building and not covered. It was also during this time that changes in financial management practices were made as outlined in the Fidelity claim described above. However, in March 2016 there was a change in the Selectboard after Ferne Loomis was replaced by Walter Neborsky. With this change Mr. Neborsky was appointed as the highway person. VLCT fielded numerous calls as to whether Mr. Neborsky was operating a commercial motor vehicle without being in the CDL testing pool.

Administrator's Recommendation

For an extended period our loss control and claims staff have been closely involved with this town with ongoing concerns that a variety of elected and appointed officials have shown poor judgment and demonstrated a propensity to use public office to advance personal agendas. For the reasons set forth above, as administrator of the Fund I recommend that the Board terminate the Town of Victory's membership as of December 31, 2017.

Joseph Damiata, Administrator Director of Risk Management Services Vermont League of Cities & Towns 89 Main Street, Suite 4 Montpelier, VT 05602

OT PEB 2018 PM

021-60950 T.J. Donovan Atterney General T., 109 State Street Montpelier, Vernont

MHMPhiliphalliphalliphathuralliphania

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