

March 31, 2016 Testimony on S. 123

Since sponsored in 2015, there have been 36 and counting witnesses on S. 123. trying to create a “trustworthy process” into the permits issued by DEC. Apparently, I am the only individual citizen to date testifying.

As recently as two weeks ago, this bill had a “on the record” requirement to pursue an appeal to the courts. There has been a complete rewrite, and I am not sure what the references all mean. I am certain all the lawyers in the ANR have short and simple answers as to how they are helping make the System “user friendly.”

When members of the Lake Champlain Regional Chamber of Commerce commented, they spoke of the desire for predictability, frustration with duplication/redundancy and concern litigants use late entry into the appellate process. They are concerned that public does not take part in earlier “public access and informational hearings”.

Of Course, they do not. The PUBLIC are not fools. The actions behind executive sessions, and work product, not to mention favorable access to decision makers have all clearly told taxpayers not to bother. Hopefully in court, their appeal will be heard by an unbiased Judge, trained in the law, and not on the payroll of the Agency. There is a Legislative Committee study headed by Rep. Bill Lippert, done on Hearing Officers, showing how the public is often talking to lawyers assigned to the very Agency, whose decision is being appealed.

I have been to the Courts for the last five years with very high costs. I own a “polluted site” in Burlington. It has been a heartbreaking experience to watch lawyers who are paid by tax dollars, defend government agencies to keep from the prying eyes of the public the inner workings of their Federal, State or Municipal offices.

Millions of Taxpayer dollars are thrown to political insiders, favored developers then coupled with tax credits for 7 or 10 or even 14 years. Yet, when damaged by own government’s actions or inactions, individuals go to court, unable to secure the “exempt” public records needed to prove their claims.

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