

# THE Hardwick Gazette

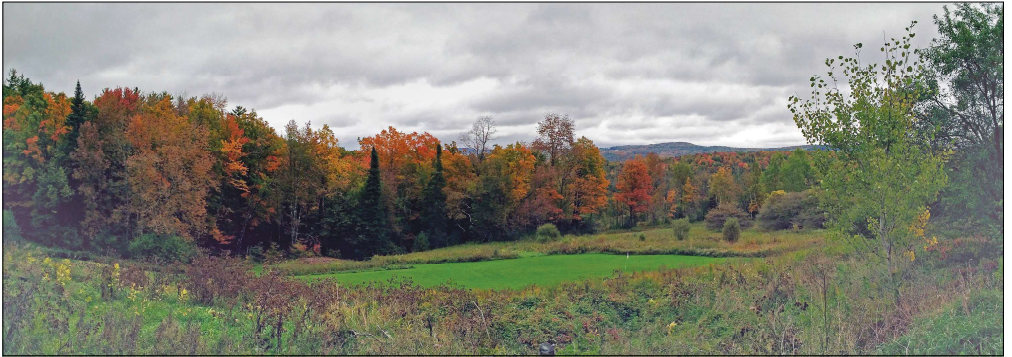
INDEPENDENT LOCAL NEWS SINCE 1889

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Hardwick • Cabot • Calais • Craftsbury • Greensboro • Marshfield • Plainfield • Stannard • Walden • Wolcott • Woodbury

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Foliage was nearing its peak late last week in this panoramic view from Lightning Ridge Road in Calais looking towards East Calais and Cabot. Leaf peeper traffic also peaked last weekend.

photo by Doug McClure

## Proposed Library Addition Discussed

by Doug McClure

**HARDWICK** – The main agenda item for the October 5 select board meeting was the updated expansion plan presented by Judevine Memorial Library trustee chair Jodi Lew-Smith and librarian Lisa Sumner.

Lew-Smith wanted to get an idea of what sort of assistance the library could get in realizing its expansion plans. The study committee relied heavily on public input after the previous failed

hand vote and capped its expenditures to \$1.5 million, a requirement that any architect would keep to that budget, have library experience, and have been involved in previous historic renovations.

The select board felt that the requests were workable, but not without solid numbers on factors such as asbestos abatement, costs and legal ramifications. Vice Chair Danny Hale noted that the Flood Zone's ruins had cost nearly

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photo by Vanessa Fournier  
Westport staff members Jan Greene (left) and Linda Greene (right) with the help of three others, practice how to hold down an "intruder" in the Orleans County Deputy Lucas Mercier, of ALICE (Alert, Lockdown, Inform, Counter, Evaluate) training for all the staff in the schools of the Orleans Southwest Supervisory Union.

## Training, Test Scores, Budget Blues Dominate Marathon Meeting

by Michael Bielawski

**HARDWICK** – The Orleans Southwest Supervisory Union (OSSU) training staff and students to be prepared for a school shooting or other violent attack. This was the first of several important topics discussed at a late-running OSSU meeting, which outlasted much of the audience.

The training program is called the ALICE training (Alert, Lockdown, Inform, Counter and Evaluate). It is designed to help teachers and students assess a threat

and make smart, quick decisions, essentially on whether to flee, lock down or fight.

Parents have not yet been formally informed about this training, and the board discussed at length when and how parents will be engaged. It is anticipated that local or supervisory union-wide public meetings will soon be scheduled. The training of staff is expected to be completed this week.

"The traditional lock-down that has been in place for a long time is about lights go out, doors get

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## Possible Lawsuit Over Act 46 Mergers

by Doug McClure

**GREENSBORO** – Greensboro attorney David Kelley is planning for the possibility of filing a lawsuit against the state on behalf of multiple schools and districts if, as most expect, the state plans to proceed with forced mergers in the final conclusions.

The Agency of Education (AeE) met on the October 17. Kelley and several others expect the AeE's plan to be mostly finalized at that meeting or even adopted, well in advance of the November 30 deadline.

Fifteen schools and districts have voted to take part in Kelley's action. Should the Board of Education make the expected decision to force unwanted mergers, the suit will proceed, Kelley said, and he expects it to be one of many to follow.

"We've sent a litigation hold letter to the Agency of Education telling them not to destroy any documents that they may be pertinent to litigation. If the AeE adopts that plan, I can assure you there will be well over a dozen school districts that go to court," said Kelley.

"There's districts that have merged and have discovered that it was not what they had understood or expected. And there's a growing sense of discontent in some of those districts. So, I wouldn't be surprised if there wouldn't be some districts in a merged supervisory district that decide that they would go to court."

In limited testimony at the October 2 meeting, Kelley told the board of two examples where the application of forced mergers was inconsistent.

"These mergers were an arbitrary and capricious decision in my opinion, and that would violate the canon benefits clause of the Vermont Constitution and the equal protection clause of the U.S. Constitution."

The phrase "arbitrary and capricious" is no accident but is a specific legal standard. Under U.S. law, it indicates the absence of a rational connection between the facts found and the choice made ("Natural Resources, v. U.S., 686 F.2d 1282, 97, 98 (CA-2, 1982)).

Kelley said that, in his opinion, the specific case of the forced merger of Calais and East Montpelier also might violate the U.S. Constitution's Fifth Amendment's Takings Clause which states that

"private property [shall not] be taken for public use, without just compensation," Kelley said.

"You're taking money from one community and giving it to another community. But those were only two of the issues. I think there's at least a dozen issues around the state that lend themselves to an important and meaningful court of appeals case."

When asked if a successful suit might be tantamount to unraveling the threat of Act 46 in its entirety, Kelley said that was a definite possible outcome. He said Maine's decade-old consolidation effort is now being met with "divergence" between districts, a situation also being played out in West Virginia.

Kelley said in this event the negative impacts of Act 46 on less well-off, remote, and rural districts might get more attention. As one example, he cited distance between merged schools and communities as is more prevalent in the NEK.

"Those bus rides matter, especially for less affluent families who are further and further from their local elementary school. Those are parents who are more

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## State Board Working Through Details of Act 46

by Doug McClure

**BETHLEH** – At one of its final meetings before making decisions about what school districts will be forced to merge, the Vermont State Board of Education attempted to clarify the wording in

the June recommendations about forced mergers from the Secretary of Education.

Attendees spent most of the five-plus hours of the meeting attempting to define "practicable," a term used repeatedly in the initial recommendations to describe districts where, in the Secretary's view, a merger made sense.

In the end, the board came up with several criteria, which at least one member was not comfortable enough to support without making very clear that these were working guidelines and not solidified. The board also concluded that the last section of the recommendations would reduce the forced supervisory union boundaries might be necessary.

For the first hour of the meeting, the board heard testimony from the districts and the public. Among those speaking was Greensboro attorney David Kelley, who is also the lead counsel for a possible lawsuit to block Act

46 forced mergers.

Kelley gave brief testimony about the capricious application of law in Act 46's forced mergers. He drew his argument from words inscribed on the U.S. Supreme Court building's Vermont marble, which promises equal justice under the law.

"That simple idea has been the star of the American journey. Jefferson told us we fought a revolution for it. At Gettysburg, when so many Vermonters gave their lives, Lincoln told us they did that for that idea. And what does that have to do with the Secretary's proposed plan?"

At the end of the last forced merger of Barre and Woodstock where, as in Woodbury, a single student graduated – but no merger was recommended. He noted that many Vermonters gave their lives, Lincoln told us they did that for that idea. And what does that have to do with the Secretary's proposed plan?"

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photo by Doug McClure  
An experiment in how a new color scheme would look on the exterior of South Main Street, which the Lamotte Housing Partnership is renovating.

## Vigil Remembers Domestic Violence Victims

by Michael Bielawski

**HARDWICK** – Anyone walking by the Peace Park on Main Street Wednesday evening would have heard singing, poetry, and candle lights. This was an annual vigil to remember victims of domestic violence, an event put on by local domestic violence support group AWARE. Around 40 people

attended, including men and women, old and young and two police officers.

AWARE director Anna Pirie began the vigil by introducing a special plaque in honor of domestic violence victim Blonda Gray was a victim of a murder/ suicide by her husband, Troy Gray, in 2013. The tragedy occurred just days after she withdrew a restraining order against him for alleged domestic violence.

"Blonda's death was a horrific blow to her family and to our community, but her death has inspired a very important group called the Community for safety, trust, and respect," Pirie said.

Grays death is largely considered the reason for the creation of See VIGIL, 4



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