

PUBLIC STATEMENT FOR RECORD

Speaker: Kirk G. MacGinnis — Abutting Landowner | U.S. Navy Cold War Veteran
(20 Years Honorable Service)

Meeting: Chester Selectboard | November 5, 2025

Clerk Directive: Timestamp this statement and my resubmitted nine-page October packet into the official record under

1 V.S.A. § 312(b)(1) (Open Meeting Law). Failure to record accurately is punishable by \$500 fines per instance plus attorney fees under § 313.

1. PRIVATE LAND UNDER SIEGE

This is not recreation or eco-tourism—it is the conversion of taxed private property into an unpermitted public facility. My property has suffered repeated trespass, erosion, and damage.

Fatalities: A dead body was dumped and recovered from Whitten Brook (2020 VSP case).

Deadly snowmobile crashes; no safety helmets: multiple incidents, 2019 and 2023.

Waste: tires, broken glass, burned snow machines, collapsed ancient stone walls, and deep jeep caravan ruts that funneled thousands of yards of topsoil runoff during the 2023 Flood.

Unpermitted Work: The Chester Conservation Committee and Vice Chair Arunas Jonynas staged lumber and materials for bridge construction in two places on my Class 4 section of Wymans Falls Road without required stream-alteration permits.

Under 10 V.S.A. § 1021 (b) (fines \$1,000 – \$10,000 per day).

Harassment: Doug Morrison demanded I unlock my private road gate for his BMW dirt-bike fundraiser, claiming Town Manager authorization. Refusal led to police being called to question me twice in two weeks. Harassment!

These actions have turned private stewardship into unpaid cleanup.

2. DUE PROCESS DENIED

Agenda requests: Oct 16, 2024, Oct 1 2025, Oct 22 2025 — all denied by
Town Manager Julie Hance, restricting me to citizen comments only.

That is suppression under VT Constitution Ch. I, Art. 6 and 19 V.S.A. §§ 709–710 (requiring notice and hearing before altering any highway).

My Oct 1 2025 nine-page packet cited these statutes

plus ADA Title II (42 U.S.C. § 12131 et seq.) and named Jonynas's conflict as CCC member and Selectboard vice chairman (violating 3 V.S.A. § 1200).

The recusal and conflict forms were hidden from the minutes—

an Open Meeting Law violation. My multiple petitions for the Wymans Falls class 4 road portion serving as my driveway discontinuance always systematically ignored.

3. COMMUNITY OPPOSITION

Seventy plus abutters received letters from me; multiple responses oppose this policy — including Kirk MacGinnis, Michelle MacGinnis, Noah MacGinnis, Ashlynn Ramirez, Crystal MacGinnis, Jonah Mikutowicz, Dennis Allard, Jimmy Neissa, Jennifer Jones, Jim Seiberling, Richard Snow, Paul Bidgood, Frank Carroll, Jerilyn Jacobs and Damon Tyler. Their consent is required under 19 V.S.A. § 709(d).

4. SERVICE AND ROOTS

I am the last heir of the Bowers Farm, founded by Lawrence Bowers Sr. and Lawrence Bowers Jr., WWII Marine Corp. Honorable Veteran (Chester Memorial). I served 20 Honorable years in the U.S. Navy defending the very freedoms now threatened by this selectboard's local overreach.

5. LEGAL DEMAND

This policy and forcing bridges in two places on my driveway create a public facility without notice or permits, violating 19 V.S.A. §§ 709–710 and 10 V.S.A. § 1021.

ADA Title II (42 U.S.C. § 12132) requires accessibility; violations carry civil penalties of \$75,000 (first) and \$150,000 (repeat) per 28 C.F.R. § 35.106.

Ongoing actions: Windsor Superior Court filings, VT Attorney General ethics inquiry (3 V.S.A. § 1223), and U.S. DOJ ADA intake.

Demand: Roll-call vote to **TABLE** this policy and hear the discontinuance petition under 19 V.S.A. § 708. If denied: **"Objection stands—proceed at your peril."**

Signature: Kirk G. MacGinnis Date: November 5, 2025

Printed Name: Kirk G. MacGinnis

Address: 1039 Wymans Falls Road, Chester VT 05143

Received By: Town Clerk/Chair Initials: JK Timestamp: 7:01
Law Manager

Affidavit: I swear under penalty of perjury (18 U.S.C. § 1621) that the statements herein are true and correct.

PUBLIC FLYER / HANDOUT

WYMANS FALLS ROAD — STOP THE LAND GRAB

Kirk G. MacGinnis | U.S. Navy Veteran | Bowers Farm Heir
Chester Selectboard Meeting — November 5, 2025

This Class 4 policy unlawfully converts private, taxed land into a public recreation corridor without notice, permit, or ADA compliance. Abutters are excluded while unauthorized construction and trespass continues.

WHAT HAS HAPPENED

- Lumber and other materials staged for bridge construction on private Class 4 sections without stream permits (10 V.S.A. § 1021).
- Repeated snowmobile crashes, other vehicle wrecks, and abandoned machines at all hours.
- Flood erosion (2023): attributed to jeep caravan trespass resulting in thousands of cubic yards of topsoil lost per USGS data.
- Gate harassment and trespass for mushrooms, berries, and parking.
- Trespass: Jeep caravans and ATVs on my private property and through brook in 2 places; former police chief advocated the public must get around somehow!

LEGAL BREACHES

- 19 V.S.A. §§ 709–710 — No notice, no public hearing.
- 10 V.S.A. § 1021 — Unpermitted stream alteration (\$1,000–\$10,000 per day).
- ADA Title II (42 U.S.C. § 12132) — Accessibility violations (\$75,000 first, \$150,000 repeat).
- 3 V.S.A. § 1200 —
- Conflict of interest (Arunas “Arne” Jonynas, CCC Member & Selectboard member).

COMMUNITY STAND

Seventy plus abutters received letters from me; multiple responses oppose this policy — including Kirk MacGinnis, Michelle MacGinnis, Noah MacGinnis, Ashlynn Ramirez, Crystal MacGinnis, Jonah Mikutowicz, Dennis Allard, Jimmy Neissa, Jennifer Jones, Jim Seiberling, Richard Snow, Paul Bidgood, Frank Carroll, Jerilyn Jacobs and Damon Tyler. Their consent is required under 19 V.S.A. § 709(d).

DEMAND

Roll-call vote to **TABLE** the Class 4 road policy and hear the class 4 road discontinuance petition.
If ignored: “**Objection stands under Vermont Statutes** — filings with AG, DOJ, and Courts remain active.”

Signature: Kirk G. MacGinnis Date: November 5, 2025
Kirk G. MacGinnis | 1039 Wymans Falls Road, Chester VT 05143