

Eric Beck Interview

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[WS Eric Beck]

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T R A N S C R I P T I O N
O U T S O U R C I N G , L L C

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1 Beck: Call when it was stopped. I didn't really talk
2 to anyone else.

3 Ratigan: I'll just walk -- Go on. Let me just walk you
4 through it. You -- You -- You know, if you've
5 followed in the pressure stuff. Tony Silva
6 resigned and the governor said, you know, "The
7 AG should investigate." The AG reached out to
8 us. So we say, "Okay, we'll investigate. We'll
9 see what's going on." Um, the inquiry is, did
10 Tony Silva commit any undue influence on DEM
11 that's what we're here to find out about. We've
12 already talked to Dan Conell (ph), um, Jane
13 Kelly (ph), uh, Nick Bizzani (ph).

14 Beck: Marty.

15 Ratigan: Marty --

16 Beck: Wencek.

17 Ratigan: And now we're up here.

18 Beck: He told me it was three and a half hours.

19 Ratigan: Well, you -- you know, some -- some -- some of
20 that is Marty. Um, --

21 Beck: I kind of chuckled 'cause I know Marty very
22 well.

23 Ratigan: Yeah.

1 Moreira: I mean the application was in the system for a
2 while. So basically, we were just walked him
3 through, you know, the travel of it.

4 Beck: Yeah -- Yeah, no, I understand.

5 Moreira: Everybody was involved.

6 Beck: But I'm sure he was more than happy to educate
7 you on the --

8 Ratigan: Yeah, we -- we -- we know -- we know more now
9 about DEM, uh, alt -- permit altering wetlands
10 and hydrology than we ever wanted to.

11 Beck: Well, sure.

12 Ratigan: That's where we are.

13 Salisbury: Is it -- Is it, Eric? E-R-I-C?

14 Beck: Correct, yep.

15 Salisbury: B-E-C-K?

16 Beck: Yes.

17 Salisbury: And what's your date of birth?

18 Beck: █████/67.

19 Salisbury: Okay, uh, can I get your office phone number?

20 Beck: Sure. It's, um, █████-█████, and my extension is
21 gosh, █████. They just changed them. █████-█████.

22 Salisbury: How about a cell phone? Do you have a cell

1 phone with you?

2 Beck: Yes, uh, [REDACTED]-[REDACTED]-[REDACTED].

3 Salisbury: All right. What is your official title at
4 DEM?

5 Beck: Um, administrator of groundwater and freshwater
6 and wetlands protection.

7 Salisbury: How long have you been employed at DEM?

8 Beck: Since, um, July of 1990.

9 Salisbury: And how long have you been in your current
10 position?

11 Beck: April of 2017.

12 Salisbury: All those people that, uh, mentioned earlier
13 you oversee their -- their work?

14 Beck: Correct, yeah.

15 Salisbury: Okay.

16 Beck: Yes, Marty is, uh, a direct report.

17 Salisbury: Okay.

18 Ratigan: All right. Um, if we go -- go back to the
19 beginning, uh, when was the first time you had
20 any involvement or knowledge about this
21 application?

22 Beck: Uh, the on -- the on- -- the first time that I

1 can remember, I know it was a 2019 application.
2 Um, but the first time I remember hearing about
3 the application was a meeting with Marty where
4 he had -- they had finished their review of the
5 application, the first application, and was, um,
6 bringing it to my attention because all, um,
7 formals like that, uh, he'll bring -- he'll
8 bring to me to tell me what he plans to do with
9 it. You know, what his determination has been.
10 So I think that was the first time --

11 Ratigan: Okay. So --

12 Beck: -- that I heard of the application.

13 Ratigan: So -- So you would've heard of it first from
14 Marty and it was the first application?

15 Beck: Yeah.

16 Ratigan: Is -- Do you hear about every application?

17 Beck: No.

18 Ratigan: No.

19 Beck: No.

20 Ratigan: Okay. Um, and -- and what made this different
21 that, you know, it was brought to your
22 attention?

23 Beck: The -- The nature of the application being a

1 formal application where there's a significant
2 impact.

3 Ratigan: Okay.

4 Beck: Yeah, when -- when -- when they go through --
5 when it -- so there's different types of
6 applications but that level of application, um,
7 we go over the, um, his findings before he makes
8 a final decision.

9 Ratigan: Okay. Uh, you say his, uh, in this case, you
10 heard about it 'cause it was a significant
11 alteration. What -- What -- What could other,
12 um, determinations?

13 Beck: Um, it could be -- it could be a preliminary
14 determination, um, which would be really kind of
15 a straightforward decision. It could be an
16 insignificant alteration which would be a little
17 bit more technical. Um, and then -- then it
18 would be the formal, um, application which is
19 kind of a -- usually the -- the more difficult
20 sides.

21 Ratigan: Okay. Uh, let's -- just to make sure I've --
22 I've got it right. The, uh, the preliminary
23 application is basically, uh, where a, um,
24 developer or applicant, uh, writes to your

1 agency and says, "Hey, I wanna build here. Uh,
2 do I even need to file an application?" Is that
3 --

4 Beck: Primarily there's another one where they can ask
5 for a jurisdictional decision.

6 Ratigan: Okay.

7 Beck: But typically if they think -- if they think
8 they're close and they need to get in, they're
9 gonna need to get a permit, they'll submit to
10 the preliminary determination.

11 Ratigan: Okay.

12 Beck: And then the decisions will be based on that,
13 which is kind of like a lighter application and
14 if it's an insignificant alteration, then they
15 can go right to that step and issue. I -- I
16 believe they go right to that step and issue a
17 permit called an insignificant alteration. If
18 it's gonna be a significant alteration, they
19 have to go through -- they send a letter saying
20 it's gonna be a formal application and they need
21 more information. There's more to the
22 application.

23 Ratigan: Okay. And so if -- if it's a, uh, insignificant
24 alteration that probably does not reach your

1 desk?

2 Beck: No.

3 Ratigan: And because the property owner or developer has
4 done their due diligence, they've done what they
5 had to do which is basically notify you guys,
6 your staff people have gone out and looked at
7 and they're saying, "Yeah, okay, not a big
8 deal."

9 Beck: Mm-hmm.

10 Ratigan: Is that fair?

11 Beck: Yeah, I think so.

12 Ratigan: Yeah, not maybe the most technical way of liking
13 it.

14 Beck: Yeah.

15 Ratigan: Okay. So --

16 Beck: It's routinely handled I think, 'cause they're -
17 - they're more routine decisions.

18 Ratigan: Okay. So you find out that this is going to be
19 a significant alteration which means what to
20 you?

21 Beck: Which means there's gonna be, um, some impact to
22 the buffer that they, uh, the biologists
23 determine where, um, significant. Um, it could

1 involve fill in a, uh, a flood vein or a
2 wetland, something like that. Um, something
3 that needs to be, um, looked at a little bit
4 more closely.

5 Ratigan: Does this mean that the application has planned
6 on doing this or is -- are these proactive
7 measures that your, uh, agency is prescribing?
8 Uh, what makes it sig- -- significant? Is it
9 because of their plans or significant because of
10 what you're going to ask them to do?

11 Beck: Um, I think it's significant, uh, based on the,
12 uh, impacts.

13 Ratigan: Okay.

14 Beck: Yeah.

15 Ratigan: What they plan to do is going to have a
16 significant impact on the -- on the property in
17 question?

18 Beck: Right.

19 Ratigan: Okay.

20 Beck: Or on the -- on the wetland actually.

21 Ratigan: On the wetland.

22 Beck: Yeah.

23 Ratigan: Okay. All right. Um, at the time that this --

1 that, yeah, you speak to Marty about this. Um,
2 the application is in the name of John Mooney
3 (ph)?

4 Beck: Yes.

5 Ratigan: Okay. Do you know anything more than the fact
6 that this is an application and I assume you
7 don't know June -- John Mooney?

8 Beck: Yeah, I don't. Yeah, most of the time they
9 don't know just -- just a name. Um, I --
10 Timing-wise it's hard for me to tell. Um, I'm
11 trying to remember. This is in the first round
12 of the application.

13 Ratigan: Uh, well, let me -- let me -- let me walk you
14 through it. At the time, uh, that you would've
15 first heard about this. People -- Marty's
16 people would've already done some work.

17 Beck: Oh, yeah.

18 Ratigan: And Marty made a determination that it was going
19 to be significant. Is it -- Am I right?

20 Beck: Yeah.

21 Ratigan: Um, prior to -- prior to that, you -- you
22 indicate you didn't know anything about this
23 piece of property, and then did you go to Marty

1 to inquire about it or did Marty come to you?

2 Beck: I think the meeting that I'm talking about was
3 more like the routine. He was ready to make a
4 decision. He -- It had gone out to pa- -- part
5 of the process as you go out to public notice.
6 We got some comments and he wanted to go over
7 those comments with me. Um, and basically
8 informed me what he planned to do. To get my
9 input on that.

10 Ratigan: Okay. And then now knowing that -- knowing --
11 going into that meeting. Do you have any
12 knowledge that Anthony Silva is the person
13 trying to do this?

14 Beck: I don't -- I don't think so at that time.

15 Ratigan: Okay.

16 Beck: Uh, in the first round, I -- I think that was my
17 -- I think that was my first exposure to as far
18 as I can remember. And certainly again, it was
19 under Mooney. Um, and I think that the only --
20 the -- the first time, well, I'm sure you'll get
21 to it, but I -- I believe the first time that I
22 knew, uh, or even saw the name I'll have to
23 remember was, um, an email that, um, that, uh --
24 and you probably have it. It was an email that

1 was sent from Silva to Terry Gray (ph) cop- -- I
2 think copied me. And it was from his office.
3 It was from the go- -- Lieutenant Governor's
4 Office at the time. And -- And then he reacted
5 like within. Before I even read the first one,
6 he sent another one saying, "Sorry, I should not
7 have sent that blah, blah, blah."

8 Ratigan: You're right. Unri- -- Unring the bell.

9 Beck: Yeah, and I -- And yeah, right. Um, and I don't
10 -- I think that was like subsequent to the first
11 decision. I think that was like July of that
12 year. So June -- June or July of that year.

13 Ratigan: Okay. Before -- Uh, where -- where are you from
14 Eric?

15 Beck: Uh, Bristol --

16 Ratigan: Okay. So -- So before, um, you get this email,
17 before you -- you have any notice, do you know
18 who Tony Silva is?

19 Beck: No.

20 Ratigan: All right.

21 Beck: I didn't know who he was.

22 Ratigan: Okay. Um, so you have your meeting with Eric.
23 Uh, and what could you recall if anything about

1 the meeting with Eric about this --

2 Moreira: With Marty.

3 Beck: With Marty, yeah.

4 Ratigan: Oh, I'm sorry. Yeah, Marty was with Eric.

5 Beck: Yeah, I follow.

6 Ratigan: But wait, I assume you -- so you're sitting down
7 we're -- we're saying this is a significant, uh,
8 alteration and, um, what's -- how does that
9 conversation go? How -- How does that
10 discussion go?

11 Beck: So we -- Um, sitting in my office basically
12 he'll bring the file in with him and it was
13 really to review, you know, they've -- they've
14 pretty much already done their work and -- and
15 prepared their decision, but we have the public
16 notice comments. So he wanted to -- And -- And
17 a lot of times those don't even the public
18 notice might not create any more, um, concern or
19 anything like that. But in this one, he said,
20 "We got, um, you know, it's obviously it's a
21 tough -- a tough site, um, single-family homes,
22 you know, infill lots." We see -- We see these a
23 lot. Um, and some of them are tough because of
24 the situation, but, um, we have guidance on how

1 to avoid and reduce the impacts. So anyway, he
2 received a number of comments from the public.
3 Um, so he wanted to go through those comments
4 with me and so we would just run through what
5 types of comments they received, and then he
6 would have to make a decision as to when it --
7 whether or not any of them were substantive.
8 I'm sure you've heard that mail phrase, um, so
9 far.

10 Ratigan: Yeah, I -- I'm working on my pronunciation. I -
11 - I struggle with --

12 Beck: So -- So he, um, he basically ran through the,
13 uh, comments with me and in essence, um, showed
14 me, I guess there were photographs and, um --
15 um, comments about the impacts to biology which
16 he didn't think were significant comments. Um,
17 you know, they were, um, pictures of deer and
18 things like that. And there's a lot of habitat
19 in the area. Um, so he said, "I don't think
20 that those are -- are substantive comments." And
21 I -- you know, defer to him on the biology
22 stuff, you know, almost 100% of the time, um,
23 because he's a biologist and he's been doing it
24 for a long time and I'm an engineer.

1 Ratigan: Right.

2 Beck: So it's not my specialty. Um, but he did say
3 that he, um, that the comments that he got a set
4 of comments that were brief from the town. Town
5 planner. And so he -- he said, "I -- You know,
6 they're -- they're very generic. I don't know
7 what to make of 'em. They're not -- You know, I
8 -- I don't think they're substantive." Um, but
9 you know, they're raising an issue and we talked
10 about it and I said, "Well, you know, we -- we
11 need to defer to the town. You know, we need to
12 respect that, um, that they've made that
13 comment. It's unfortunate that it's such a
14 broad comment but we should -- we should call
15 them substantive and -- and defer to them." So
16 that would've, uh, required -- So then we have
17 to send out, Sam (ph) you have to have a public
18 hearing. And we'll hear everybody's side of the
19 story and then we'll make a decision.

20 Ratigan: Okay. So --

21 Beck: That was the nature of the meeting.

22 Ratigan: All right. So that -- that notice goes out
23 through, um, Marty's people or through Mar- --
24 through Marty, I think.

1 Beck: Yeah, they do have public, uh -- they do a --
2 they sent a letter basically telling people what
3 their options are under the regs. So we've got
4 comments, we've deemed them to be substantive
5 here are your options under the regulations.

6 Ratigan: Yeah.

7 Beck: And part of one of those is to, um, pay a fee to
8 have, uh, a public hearing. Then that public
9 hearing is, um, done by the program, by the --
10 by the office of water resources.

11 Ratigan: Okay.

12 Beck: And the hearing officer would either -- would
13 probably be Marty or myself.

14 Ratigan: Okay.

15 Beck: Um, I've never -- There hasn't been one since
16 I've been in my position. And Marty said I
17 think he only remembers two in his 40-year
18 career.

19 Ratigan: And -- And -- And why is it that there, uh,
20 usually are not public hearings?

21 Beck: Um, probably they don't usually get there, I
22 think. You know, usually between the -- And
23 that's actually a good question but I think it's

1 the upfront work that we do with applicants
2 either through pre-application meetings or our
3 guidance. Um, you know, most, um, applicants
4 are able to account for that early on in their
5 project so they don't get to that point where
6 there are objections or substantive comments.

7 Ratigan: So -- So they -- they address the issues, um,
8 before they get to the end of the road you said?

9 Beck: Yeah, I think usually through that coordination
10 step where, you know, they can say what they
11 wanna do and we'd say, "Yeah, dude, you know,
12 try to minimize this, try to minimize that, you
13 know, here's how you can avoid and reduce." Um,
14 for residential property, single-family
15 residence we actually have a 12-page guidance
16 document that tells people how they can -- how
17 they can achieve that. So like I said most of
18 'em, I -- my guess is that they just don't get
19 to that point.

20 Ratigan: Okay. Um, so what -- what's your -- what's your
21 next interaction? After you're meeting with
22 Marty, you know, they're gonna send out the, uh,
23 the notice that it's substantive and, uh,
24 there's ne- -- the necessity of a public



1 hearing.

2 Beck: Yeah, I was just thinking about my next
3 interaction was I think -- I think it was, um,
4 geez, it might have been from AAD or admin --
5 adjudicated, and I'll struggle with that
6 pronunciation or, uh, hearing officer, which is
7 a totally different unit. Um, I -- I think
8 that's when I heard -- they had submitted some -
9 - a hearing request to them and they had no idea
10 why. You know, they were kind of blindsided.
11 "Like what the heck?" You know, this isn't an
12 appeal of a permit. This is a more of a
13 regulatory hearing done by the program. So they
14 had actually, somehow the request did come in
15 with a -- with a check I think to -- to our
16 front desk. Now keep in mind. I think this is
17 when we're -- we're kind of exiting the office
18 in waves, um, because of COVID so all my, um,
19 staff we're -- we're almost 100% remote for a
20 little while except for a few people, um, and I
21 think Ron Gagnon (ph) and OCTA the front door,
22 so to speak was one of those. And he -- I -- I
23 -- I believe he received the, um, the
24 application directed it to -- to somebody,

1 processed the check and sent that onto AAD as
2 well. So I think it was Mary Dalton (ph), um,
3 sent out an email, um, saying what -- what's
4 going on here. So I think that's when I got
5 involved going. I think they're in the wrong
6 place, you know, in terms of who they sent the
7 check to and who they're request -- requesting
8 the hearing from. Um, so that I think was my
9 first interaction after that. So then it was,
10 um, I believe I got an email, uh, from Terry
11 saying, um, what was it? Like "What's -- what's
12 happening with this -- this?" You know, and I
13 said, "Well, I think, you know, they -- I -- I
14 think the applicant was contacting him and
15 asking him a question about what's -- you know,
16 how do I navigate through this process?" And I
17 said, "Well, I'm gonna have to figure this out a
18 little bit, but why don't you have them just
19 reach out to me and I can keep them informed."

20 Ratigan: Okay.

21 Beck: You know, and how to --

22 Ratigan: No, at -- at this point, do you know who the,
23 uh, the developer is? I don't wanna say the
24 applicant -- the applicant was always John

1 Mooney.

2 Beck: Sure.

3 Ratigan: But at this point, do you know that this is Tony
4 Silva?

5 Beck: I just --

6 Ratigan: Is -- Is Terry Gray gonna be contacting you
7 about Joe Schmo (ph)?

8 Beck: Um, sometimes, yeah.

9 Ratigan: Okay.

10 Beck: Yeah, I mean, they have, um -- you know, there's
11 a lot of different ways that we might get a
12 status request or somebody might contact him and
13 say, "You know, I'm having problems with an
14 application. Can -- Can somebody look into it?"
15 You know, so yeah, I mean, we -- we definitely
16 get those kind of status calls, emails, um, when
17 something goes sideways, you know, when they're
18 trying to figure it out. Um, if somebody
19 contacts him.

20 Ratigan: And is -- is Terry acting director or is, uh --

21 Beck: He's acting director now.

22 Ratigan: At -- At -- At that time?

23 Beck: No.

1 Ratigan: Okay. Janet Hoyt's (ph) still there?

2 Beck: Yeah.

3 Ratigan: Okay. So he's in between you and Janet?

4 Beck: Yeah.

5 Ratigan: Sa- -- Safe to say. And -- And so he's reaching
6 out to you saying what's going -- what's going
7 on here?

8 Beck: Yeah, so he must have got contacted. Um, I -- I
9 believe that's correct. And -- And that's when
10 I said -- I believe I said, "Look, just we'll
11 figure this out." And we're a little bit of
12 chaos because again, we were in and out of the
13 office and we had this public hearing, so I'm
14 trying to figure out what -- how do we detangle
15 this public hearing request, get it to the right
16 place and then work with Marty and figure out
17 how we're gonna do a public hearing. When we
18 had -- had a executive order. I mean, we're
19 supposed to be social distancing, we're out of
20 the office. I can't do a public meeting. So
21 they were saying, "Well, we'll have to do a
22 virtual meeting of some sort." And I didn't even
23 have a platform to do that at the time. I
24 didn't have a license for Zoom which eventually

1 we did get maybe an -- an year after, but I was
2 like, "Oh, man, this is gonna really suck." You
3 know, how am I gonna do this?

4 Ratigan: When you're having the interaction with Terry,
5 is Terry saying to you, "You know, tell me about
6 the Mooney application or is he saying tell me
7 about the Mooney application, by the way, the --
8 the guy who's trying to develop this is Tony
9 Silva the chief of staff?"

10 Beck: No -- No, I mean, I don't -- He never mentioned
11 it that way.

12 Ratigan: Okay. Did he -- Did he ever mention his name?

13 Beck: I don't think so. I think -- Again, I think it
14 was that first -- my first even know of who he
15 was. Was that email that he had sent.

16 Ratigan: That Silva had sent.

17 Beck: Yeah.

18 Ratigan: So -- So you and -- So when you're having your
19 conversation with Terry, you already know it's
20 Tony Silva?

21 Beck: Might have been after that.

22 Ratigan: Okay.

23 Beck: That I knew that. I don't think at the time. I

1 mean, I might have known the name, but I didn't
2 know who he was. I personally didn't know who
3 he was, um, until I saw that email I was like,
4 "Oh, okay." So but yeah. I -- I -- I mean,
5 again, I think you guys have the email that I
6 can't remember what the timeline on that was.

7 Ratigan: Okay. Um, and it -- Now having spoken to a
8 number of people, it's my understanding that
9 when the check came into OCTA, um, it basically
10 shouldn't have gone to AD -- AAD because it
11 wasn't an appeal. It wasn't a hearing on an
12 appeal. Am I correct?

13 Beck: That's correct.

14 Ratigan: And that's kind of what screwed the -- screwed
15 up the process.

16 Beck: Yeah, that was like, "How do we unwind this?
17 Where did the check go?"

18 Ratigan: Okay. Um, who decides how we're gonna unwind
19 this? 'Cause I -- I -- I think, um, you know,
20 there was a decision made that you can either do
21 A, B, or C.

22 Beck: Well, that's in the regulations.

23 Ratigan: Okay.

1 Beck: So, um, and that's when -- So it wasn't re- --
2 necessarily the check. It was more, "How do we
3 hold a public hearing? How do we get through
4 that process?" Um, so now I'm trying to figure
5 out how do I get a Zoom license. How do we
6 advertise a public hearing? How do we have a
7 virtual public hearing? You know, who's gonna
8 be the hearing officer. Um, and so while I'm --
9 while I'm trying to wind that out, I think
10 that's the first time I may have ever talked to,
11 uh, Mr. Silva.

12 Ratigan: Okay.

13 Beck: On the phone. And then was I think only once
14 that I talked to him on telephone and at that
15 point, I was trying to basically figure out how
16 to either move forward with the hearing or, um,
17 exercise the other options in the regulations.
18 You know, what -- what does the, uh, applicant -
19 - or what does the applicant have? There's
20 choices at that point. So, you know, I let him
21 know. I said, "Look, you know, we can go
22 through the hearing. It's -- It's gonna take
23 time." You know, I mean, this is, uh, we're in
24 chaos right now. It's problematic for me. Um,

1 but we're gonna -- we'll figure it out I said."
2 But as you know, your options under the
3 regulations or, um, also that you can, um,
4 resend the, uh, application or whatever. You
5 can, um, withdraw the application and -- and you
6 can always reapply. You know, but of course,
7 you'd obviously have to, um, address whatever
8 concerns, you know, were out there."

9 Ratigan: Did you -- Did you reach out to him?

10 Beck: I'm trying to remember.

11 Moreira: How did he call you?

12 Beck: I don't think so. I mean, it was pretty fluid
13 at that point because there were so many, you
14 know, people involved. It was Ron sending
15 emails, and Mary sending emails, Christine (ph)
16 sending emails. Um --

17 Ratigan: When you talked to him on the phone.

18 Beck: I'm -- I'm thinking he probably called me.

19 Ratigan: Okay.

20 Beck: Because I wouldn't, uh, have necessarily had his
21 number. If he did, he left me a message and I
22 called him right back one or the other.

23 Ratigan: Okay. And, um, uh, what -- what was the tone of

1 the conversation between you and him?

2 Beck: Um, really just how to navigate. You know, how
3 do we get through the process. Um, it was
4 primarily, uh, timing, you know, um, and I think
5 -- I'm trying to remember 'cause I think it's
6 important and I'm not sure which conversation.
7 So I think I only talked to him on the phone
8 then, but again, you'd have to look at the
9 timeline. I know I had a conversation at one
10 point probably is in relation to this telephone
11 call. And one of the things that he -- he went
12 out of his way to, you know, give me, you know,
13 his story, you know, at which I was like, "I
14 don't really care what your story is." But, you
15 know, so he's like, "Well, you know, I was, uh,
16 the Chief of Police in Cumberland for 20 years
17 or, um, pa pum pa," and literally I -- I mean,
18 and I kind of -- it doesn't mean anything to me,
19 but I kind of appreciated the fact that he said,
20 "I'm not looking for anything. It's just a
21 project that my son and I are working on. We
22 just wanna get through the process." You know,
23 he -- he -- he kind of went over to try to make
24 it clear that, you know, he wasn't asking for

1 favors. Um, for what it's worth, right? I
2 mean, but I was like, "Okay." So that was like a
3 yep -- yep -- yep -- yep. Okay, let's just
4 figure out how to get through this thing, you
5 know.

6 Ratigan: Did he indicate, you know, what his -- what his
7 concerns were? What his difficulties were?

8 Beck: It was really financing and timing I think. Um,
9 he did say, you know, obviously, and -- and this
10 is where I think most of the problem lies. He
11 did say, you know, local politics. You know, he
12 was involved in the community and with
13 administration changes overs and things like
14 that -- that, you know, there were local
15 politics at place. And like I try to stay as
16 far out of that stuff as I can get because it's
17 usually nothing I can do to help. Um, but yeah,
18 that's -- that's pretty much the only thing I
19 think that he said -- he told me about. With
20 other than just the financing he had purchased
21 in sales, you know, those have deadlines. He's
22 gotta work stuff out with banks. So he is -- he
23 does have concerns about the time -- timing.

24 Ratigan: Okay. So he indicated that to you during this

1 phone conversation?

2 Beck: Yeah -- And yeah, I'm trying to figure out which
3 one, but yeah.

4 Ratigan: Which one? So you had multiple?

5 Beck: I'm thinking it's the same one. I -- I can't
6 remember more than one conversation with him.
7 Maybe it's blending together, but it was
8 certainly not often 'cause any -- most of the
9 time, if -- if there was a status check, if
10 somebody asked it was by email.

11 Ratigan: Okay. Did he indicate if he had an attorney?

12 Beck: No.

13 Ratigan: Okay. Did an attorney ever contact you on his
14 behalf?

15 Beck: No.

16 Ratigan: Anybody else contact you on his behalf?

17 Beck: Um, his son Ross (ph) after -- at some point, I
18 think it was -- I think it was when the governor
19 went from lieutenant governor to governor, he
20 sent an email saying that he's distancing
21 himself from the project and the son Ross will
22 be taken over from there.

23 Ratigan: Okay. And then you spoke Ross?

1 Beck: I -- I did speak with him.

2 Ratigan: Okay.

3 Beck: Yeah.

4 Ratigan: Um, when you had the conversation, going back to
5 your conversation with, uh, Tony, um, when --
6 when the conversation was over, do you recall if
7 a decision had been reached by him on how he
8 wanted to handle it?

9 Beck: Yeah, I think so. I mean, I think -- I think
10 the -- the -- I think he was agreeable, um, to
11 withdraw the application, which was just fine
12 with me to be honest with you 'cause I didn't
13 wanna have to go through that process. I -- You
14 know, um, but at the same time, um, I told him --
15 I said, you know, obviously we've got comments
16 from the town about drainage and flooding. Um,
17 we want the -- Any new application that's gonna
18 have to resolve those issues. So we're gonna
19 have to find out why they're concerned, do a
20 complete, um, analysis of all the engineering
21 and we're gonna have to look closely at -- at
22 that. And -- And if there are issues, you're
23 gonna have to resolve it to the town
24 satisfaction. Um, so that was kind of like

1 before you resubmit, um, your engineer should
2 contact my staff and -- and really figure out
3 what the issues are and how you gonna solve them
4 if there are any.

5 Ratigan: Did -- Did you ever have any contact with anyone
6 from the town directly yourself as far as trying
7 to, you know --

8 Beck: No.

9 Ratigan: -- see what the issues were or -- or if they
10 were gonna be able to do it? Were there
11 anything that they could do to address the
12 issues?

13 Beck: No, which was, you know, honestly, probably the
14 reason why I got to where the heck it is now I
15 probably should have, um, called, um, Stevens
16 (ph). Um, I think I had asked Marty to do that
17 and I certainly said that I reckon, honestly, I
18 kind of -- I've been involved with (inaudible -
19 00:33:05) before Stevens and -- and those guys
20 and it -- and -- and they're kind of a hot mess.
21 So I didn't look forward to getting involved
22 with them again to be honest with you. So I'd
23 rather put it back on the applicant to say,
24 "Look, you've got an issue, you go coordinate

1 with them, you figure it out."

2 Ratigan: Right.

3 Beck: And make 'em happy, whatever it is. You know,
4 if you can't make 'em happy, I -- you know, I
5 can weigh in at the end of the process, but you
6 know, largely those things are, you know, many
7 times they're not, um, tangible, technical
8 issues. They're more like, um, you know, the
9 two neighbors have really enjoyed the fact that
10 that lots never been developed and they have
11 this nice little wooded lot and you know, so
12 they're -- they get the benefit of it. So
13 they're kind of bummed out that somebody
14 developed it. The town actually kind of has the
15 same things going on. Like the town -- Any
16 vacant lot towns use it to send their runoff,
17 you know, onto a vacant lot. It's not their
18 property. They don't have an easement, you
19 know, a lot of times. So they kinda like the
20 fact that the -- some of these infill lots
21 aren't developed either 'cause they're to
22 getting taxes from somebody then using it as a -
23 -

24 Ratigan: Right. And if -- if all the neighbors are

1 complaining about the flooding in the area, the
2 last thing they wanna do is let someone build
3 and --

4 Beck: Right. And -- And I've worked with Cum- -- and
5 the way I say that I've been working with
6 Cumberland for a long time on drainage issues
7 because they just do a very poor job at the
8 local level, um, of managing their own road
9 drainage. Their own -- So with this lot, they
10 literally had a drainage pipe that ran through
11 the lot and they had an easement. So, you know,
12 I believe probably part of the flooding is that
13 they never maintained that pipe ever. They
14 didn't even know where the end of it was. It
15 was buried in the marsh, you know, or the
16 wetland. So, you know, I -- Again, it -- it's
17 kinda like, you know, if they really wanted to
18 solve the problem, they'd do their due diligence
19 and -- and correct it. Um, so the -- the -- the
20 test for us was, um, not only you can't make it
21 worse, you know, with what you do, but is there
22 -- are there things that you can do to make it
23 better? And a lot of times those problems are
24 solved through negotiation at the local level



1 between the applicant and the town. So they --
2 The town may say, "Look, if you wanna -- You
3 know, if you wanna get our permit clean out --
4 clean out our pipe and maintain it for us, or
5 put in a new one on your dime." And that's how
6 the town is 'cause they don't have the funding
7 that -- to obviously to do it in the first
8 place. So anyway, that was my hope that, you
9 know, he could go back, work with the town,
10 figure out what the drainage issue is, providing
11 en- -- engineering solution, um, to the extent
12 that was necessary 'cause really we're -- what -
13 - weren't quite sure. In my first look at it, I
14 wasn't quite sure that it was a truly valid
15 comment from the co- -- town of Cumberland, but
16 due deference, you know, I mean I'm -- I would
17 rather err on the side of deferring to the
18 town's concerns to -- and then to move forward.
19 So that's why I agreed with Marty that we should
20 call it substantive, at least the drainage issue
21 until we can figure out if we can solve it.

22 Ratigan: Is, uh, Nick Bizzani one of your direct reports?

23 Beck: Not direct but I worked with him quite a bit.

24 Ratigan: Okay. Did he have -- Did you have any



1 discussions with him about, uh, this particular
2 application?

3 Beck: Only at the end to say, um, are we all set and
4 do you feel comfortable with it? And that's
5 about the extent of my review of his work.

6 Ratigan: Okay. And what -- what did he say?

7 Beck: He said he was. Yep, and my -- my -- I think my
8 clarification or my question for him was because
9 I knew the town was talking about localized
10 flooding. Um, I was like, "Make sure that you
11 look at the whole watershed. You know, make
12 sure that you're not just looking at the
13 property, um, hydrology or drainage, but you're
14 looking at, you know, the whole catchment area."
15 So that should be ana- -- I mean, not him
16 looking at, but the engineer has analyzed all
17 the runoff that might come to this point so that
18 we can make sure that it can be safely
19 transported, um, without flooding concerns. So
20 that was -- That was I think the only point that
21 I wanted to make sure happened before, um, that
22 he looked at in his review.

23 Ratigan: Okay.

24 Beck: And he -- he assured me that he had.

1 Ratigan: Okay.

2 Moreira: Um, just going back to your recollection of the
3 phone conversation with Tony Silva, you
4 mentioned he told you his story, he told you the
5 chief of police and then he said, you know,
6 blah, blah, blah. I think we, uh, just need to
7 ask you to elaborate on what else you remember
8 he said in terms of his story who he was?

9 Beck: Uh, well just really I think it was that. That,
10 um, he had been in the town for many years and
11 he was the chief of police and, you know, then I
12 think basically he and his son were, um, working
13 on his project together. Um, and then he went
14 on the -- just that dialogue about how he's not
15 asking for any favors.

16 Moreira: Okay. Did he mention what his current position
17 was?

18 Beck: I -- I think that conversation -- That
19 conversation might have been that it was known
20 at that point because of his email, but I don't
21 think he -- I -- I -- I don't know, I can't
22 remember. Um, but I think at that point I -- I
23 knew. I think so.

24 Moreira: And you -- As best you remember, you knew what?

1 Just --

2 Beck: That he --

3 Moreira: -- I think I know what you're saying.

4 Beck: Yeah, at the time he was, um, in the Lieutenant
5 Governor's Office.

6 Moreira: Okay. And what role if you remember.

7 Beck: Has he always been chief of staff?

8 Moreira: I think he was chief of staff.

9 Beck: Yeah, I -- Yeah.

10 Moreira: Okay. And you're not sure if that came up in
11 the conversation or whether you just knew it
12 already.

13 Beck: He didn't make a point of it let me say. It
14 wasn't a point of emphasis for sure, um, which I
15 appreciated, you know.

16 Moreira: Sure. Um, prior to your conversation with him,
17 were you aware whether he was in touch with
18 Terry Gray? I think you mentioned that.

19 Beck: Yeah, I think he was. I -- I -- I know that
20 that's the first time I got involved and it
21 came. I remember seeing an email from Terry
22 saying, "I need a status on this. Um, or, you
23 know, what's -- what's going on?" Um, and I

1 think that's when I was trying to solve the
2 problem, trying to figure out where it was in
3 the, you know, the public hearing request
4 process where the check went. What -- You know,
5 why -- what public hearing are we talking about?
6 Uh, you know, what's the right procedure to
7 follow. Um, so I -- I think that started with
8 Terry asking, you know, "What's going on?" And
9 me saying, "Look, you know, just send them to
10 me." You know, 'cause it's almost easier a lot
11 of times if somebody is asking questions about
12 an application, you know, that I can handle it
13 directly. It doesn't have to come from, you
14 know, Terry or Janet or Ryan McCulley (ph), um.

15 **Moreira:** That makes sense. When you said "Send it to
16 me," was it send Tony Sylva to me? Like what --
17 what did you -- I'm trying figure out what you
18 knew at that point?

19 **Beck:** Um, it -- Well, it must have been, um -- It was
20 definitely Tony Silva. I mean he was the person
21 asking. Um, I don't know if he knew or not, but
22 I don't -- I don't know if it was out there at
23 the time.

24 **Moreira:** If who knew?

1 Beck: Te- -- Terry. I don't -- I imagine if he
2 contacted him by email.

3 Moreira: Okay. So at least when you spoke with Mr.
4 Silva on the phone that first time it sounds
5 like that you're recalling. You knew that he
6 had talked to Terry Gray if on phone. Okay. So
7 this is the guy that had talked -- that had been
8 talking to the assistant director?

9 Beck: Yeah.

10 Moreira: Okay.

11 Beck: Yeah.

12 Moreira: All right.

13 Beck: Yeah, at some point in the process, uh,
14 definitely, um, knew who he was and I think --
15 like I said, I think it was after that email
16 exchange, you know, like, uh --

17 Moreira: All right. There's a lot of communications that
18 we wanna go through with you.

19 Beck: Sure.

20 Moreira: But before we do that, you -- you had left off,
21 um, when Gerard was asking questions about, um,
22 some input or, uh, discussions with Mr.
23 Bizzani. So I just wanna go kind of back a

1 little bit since you have the engineering
2 background to Mr. Bizzani's, um, first report
3 about determining the flooding and drainage
4 issues. Uh, so I guess just so we know what
5 we're looking at. It's dated December 13th,
6 2019, and towards the middle of the page, if you
7 wanna take a look, uh, where halfway down he
8 starts to send some more appropriate design
9 solution. Maybe it's best I just read out loud
10 for efficiency sake. Uh, "More appropriate
11 design solution would be for the town of
12 Cumberland and or the applicant to construct a
13 closed drainage system which would include
14 appropriate sized catch basins drainage inlets
15 on the north side of Canning Street, pipe
16 culvert under Canning Street. Uh, additional
17 cast basins drainage inlets on the south side of
18 Canning Street and a pipe to an outfall to the
19 receiving wetland to the south. The inlets on
20 the north side of the road especially would need
21 to be appropriately-sized to prevent
22 unacceptable localized flooding on the north
23 side of the road that might be associated with
24 unacceptably high headwater conditions,
25 inadequately sized drainage inlets." I'm gonna

1 stop there, but I guess the first thing, this is
2 a very in-depth review of the situation.

3 Beck: Right. So this is off the site part of that
4 he's talking about here.

5 Moreira: So I think this is a little bit earlier in time
6 than the meeting you were referencing with, uh,
7 Marty Wencek.

8 Beck: Yes, I believe so.

9 Moreira: Okay.

10 Beck: Yeah.

11 Moreira: Is this something that would've come to you, I
12 guess, um, that you would've looked at maybe
13 prior to meeting with Marty or while meeting
14 with Marty?

15 Beck: Uh --

16 Moreira: I know --

17 Beck: Probably while meeting with Marty. Um, but not
18 prior to 'cause we would, um, I -- he would
19 submit this. Unless he had a question for me,
20 he would submit this directly to Marty as part
21 of the -- the file.

22 Moreira: Okay. I mean, substantively wanted to ask you,
23 I mean, Mr. Bizzani is highlighting the issue

1 about the drainage and that a little bit, like
2 you referred to earlier the town and the
3 applicant need to get together on this. Is that
4 fair to say?

5 Beck: Mm-hmm.

6 Moreira: Okay. Um, and well, timeline-wise, these --
7 the, uh, letter from Stevens from the town comes
8 in November 19, just to kind of fairly walk you
9 through --

10 Beck: Sure.

11 Moreira: -- uh, the timeline. So then this is the first
12 time they've been like an engineering review so
13 to speak.

14 Beck: Yeah.

15 Moreira: Um, by DEM. Um, do you remember why it played
16 out that way?

17 Beck: Yeah, I -- I think so. Um, so typically our
18 single family house lots don't involve
19 engineering, uh, or many times. So Marty's
20 group if they get a single ho- -- family house
21 lot may not send it over to next group in
22 engineering to be reviewed. I believe that may
23 have been the case.

1 Moreira: Yeah, so there would be never -- There was never
2 an engineering --

3 Beck: Which is why when I talked to Marty when he
4 reviewed it with me, I said, "We should defer to
5 town because you didn't have an engineer look at
6 it. So let's -- let's figure this out." You
7 know.

8 Moreira: Okay. And was part of the issue that the
9 applicant didn't include any engineering or any,
10 you know, wasn't addressing the drainage or --

11 Beck: No, I think it's typically part of like our
12 single family house. There's not a lot of
13 engineering that goes into those small lot
14 developments. Um, we have a -- like I said, 11-
15 page, 12-page guidance document that literally
16 they can size their -- you're not usually
17 dealing with road drainage on a single family
18 house lot, you know, or, um, things like that.
19 They probably should have picked it up in the
20 first round before -- before it got to that
21 point. But they -- it -- it was a mess in my
22 opinion, or we didn't know. It was facts we
23 didn't know, but certainly after getting a
24 comment from the town and it was like, "Yeah,

1 you gotta review this."

2 Moreira: Okay. So ultimately the issue is flagged and
3 then like you stated earlier, it needs to be
4 reviewed, analyzed by engineering and the
5 applicant. It -- It's on the applicant though
6 to provide --

7 Beck: Correct.

8 Moreira: -- all that analysis.

9 Beck: So probably either path the applicant took
10 whether it was a hearing to hear more
11 information or they would either have to, um,
12 amend their application to include the proper
13 engineering and then that when I think they
14 engaged with, um, Tim Bien (ph) from, um, uh, a
15 consulting engineering firm.

16 Moreira: Okay. Um, do you remember --

17 Beck: And I remember based after, reading that and
18 talking to Marty, I remember calling Tim and
19 saying, "This is something engineering has to
20 address these issues."

21 Moreira: Okay. And Tim Bien worked for --

22 Beck: Crossman or --

23 Moreira: No, but, um --

1 Beck: Oh, he was, uh, hired by the applicant.

2 Moreira: Okay. Which --

3 Beck: I had assumed was --

4 Moreira: Was -- Was --

5 Beck: -- Tony.

6 Moreira: -- Mr. Silva. Okay. Um, all right. So let's
7 get into some of the communications that we have
8 from -- that we have documentation of. So -- So
9 I'm sure you're familiar with printed out
10 emails. You have to read, you know, from the
11 bottom as it --

12 Beck: Oh yeah.

13 Moreira: -- goes on. So, um, just to kind of state what
14 we're looking at. So this one's dated February.
15 The top of the email is dated February 14th, uh,
16 2020. But then if we go to the beginning, so to
17 speak of the email chain, we have an email on
18 January 28th of 2020, uh, from Terry Gray to
19 yourself, uh, and -- Eric Eric, um, which states
20 "Guys we need to move on this one. The
21 application has been in for a long time and the
22 applicant is under a ton of pressure from his
23 financing companies to get this done." Do you

1 remember to some extent receiving this email
2 back then?

3 Beck: Yes.

4 Moreira: Okay. Um, so I don't know. We'll just go kind
5 of sentence by sentence. When, um, Terry Gray
6 is saying, "Guys, we need to move on this one."
7 Like what was your initial impression or
8 reaction to that?

9 Beck: Oh, we got way too many of these.

10 Moreira: Okay.

11 Beck: Uh, um, like, ah, crap. We just don't have the
12 resources. Um, it's just so difficult to, um,
13 triage some of these things and meet people's
14 expectations. Unfortunately, everybody wants it
15 yesterday and they think it's a -- a two week
16 process, but it's not. So my first reaction was
17 like, "Oh crap, we got -- You know, we have to
18 try to figure this out." Now many times, you
19 know, it's really just a -- a status check, you
20 know, like what's the status can you tell me?
21 And then the next question that everybody asks
22 is how much longer is it gonna take me? So --

23 Moreira: Okay. How about the fact that it's coming from
24 the assistant director? What -- What was your

1 impression of that?

2 Beck: Um, it's not unusual.

3 Moreira: Okay.

4 Beck: Um, so yeah, I mean only that somebody must have
5 contacted him directly. But again, I don't --
6 It's not wholly unusual I get, um -- sometimes
7 there's two of these a week. Not necessarily
8 all from him. I get them from Ryan McCulley. I
9 get 'em from director Coy (ph), I get 'em from
10 Terry. I get 'em from, you know, and people are
11 always asking like somebody calls their rep and
12 the rep calls Ryan and Ryan asks for a status
13 check. And sometimes they ask what the -- what
14 the issue is, but mostly it's just, hey,
15 somebody's bothering me. Can you -- Can you
16 gimme something to get back to 'em that --

17 Moreira: I guess help us understand a little bit more.
18 It's not, um, wholly unusual. It's a like
19 single family. I think you referred to it like
20 residential a lot. Um, how often do you think
21 he'd be contacted by the executive office about
22 wetlands application like that?

23 Beck: Of that nature?

24 Moreira: Yeah. Of that nature.

1 Beck: Well, yeah, I know you ask. I don't know. Um,
2 probably less frequent. Um --

3 Moreira: So what's more frequent? What -- What kind of -
4 - What outreach about what kind of applications?

5 Beck: Probably like, um, anything that's in
6 enforcement. Um, a lot of times, you know,
7 well, is a coordination step, you know, 'cause
8 his office hears about it or they -- they reach
9 out to him because they're not getting, you
10 know, not making progress or they feel like
11 we're not treating them fairly or something like
12 that and he'll say, "Hey guys, you know, let me
13 because I play referee or whatever," you know.
14 Um --

15 Moreira: Well, give us an example or two of that with --

16 Beck: Um --

17 Moreira: -- projects.

18 Beck: We had a, um, larger projects I would say.
19 Like, um, one that I can think of was a old
20 gravel pit that they were trying to convert into
21 a solar farm and it had historical violations
22 and the applicant wanted to resolve the, uh,
23 violations as part of this, our new application.
24 So a lot of times, you know, if the -- the

1 program may say, "Well, we're not gonna process
2 an application because there are violations
3 honestly." But, you know, sometimes that we can
4 if the applicant's willing to address somebody
5 else's violations and so that would be an
6 example on hydro power. I've gotten, you know,
7 it seems like there's a guy that pings him every
8 week on this data frozen projects and, you know,
9 um, school departments. Um --

10 Moreira: So more business development related. Would --
11 Would that be fair? Do you get --

12 Beck: I would say probably, yeah.

13 Moreira: Larger projects. Like larger than single
14 family.

15 Beck: Yeah.

16 Moreira: Small lives --

17 Beck: Yeah, 'cause I'm -- I would say that's probably
18 accurate.

19 Moreira: Okay. Just continuing on. So then, um, Mr.
20 Gray also wrote the application has been in for
21 a long time. Would you agree with that so we're
22 now, you know, date wise it's January 28th,
23 2020. We were just looking at Nicholas

1 Bizzani's report from December 19th of '19.

2 Beck: So is this before we did anything with it?

3 Moreira: The -- The Bizzani report we're just looking at
4 is I'm sorry, December 13th of '19. And then
5 the email is ended January of 20. So let's --

6 Beck: Okay. So this is still the first application.

7 Moreira: First application.

8 Beck: Yep, yeah. Yep. Yeah. So, um, is that a long
9 time? How many? Well we're normally, and
10 again, we, uh -- so our timelines right now are
11 -- are pretty long, um, unfortunately. Um, I'm
12 already probably expounded upon on that, but,
13 uh, 90 days maybe, um, is what we average now.
14 I mean, our goal is really for PD to be 30 days.
15 Um, we -- we are not even close to that now
16 'cause the staffing resources. Um, so we have,
17 you know, some projects, you know, could take 90
18 days to get a, you know, initial review or -- or
19 determination from us or -- or more sometimes
20 hundreds of days.

21 Moreira: Okay. I guess I, um, just like remind you of
22 the timeline that the substantive objection was
23 like November of 19. So does that throw, you
24 know, your objectives of getting in through? I

1 know we -- we -- we're jumping around and
2 obviously we -- we familiarize ourselves with
3 the timeline a lot, but does that --

4 Beck: Was this after?

5 Moreira: That's after.

6 Beck: This is after.

7 Moreira: It's roughly two months after the substantive
8 comments are received.

9 Beck: Oh, so yeah, he -- it might have been off notice
10 by then. Yeah, it just came off public notice
11 in November. Yeah, so once it comes off public
12 notice, um, really that's kind of done in the
13 process. So it's -- it's really not like the
14 end. It's not in -- It's not added onto, so we
15 get the application, we make sure that it's
16 complete enough. It goes out while they're
17 looking at it, it's in queue. If we can pick it
18 up in, you know, the next project or however
19 the, uh, assignments work, um, we'll get our
20 review done sometimes during the public notice
21 process sometimes after that. So I think Terry
22 was primarily asking okay it's -- we received
23 it, and went out to notice, it's off notice.
24 What are you guys doing? You now.

1 Moreira: Let's get moving on.

2 Beck: Yeah.

3 Moreira: I mean it's basically what you're saying too.

4 Beck: Yeah -- Yeah -- Yeah, it seems like a long time.

5 So since after it comes off of public notice.

6 But I would say, you know, it's probably in

7 around that 100 -- 100 day time mark is a --

8 probably a pretty reasonable time for us to

9 process an application nowadays.

10 Moreira: So that -- the 100 days start when?

11 Beck: When they submit it.

12 Moreira: Okay.

13 Beck: Yeah.

14 Moreira: Um, all right. The last part --

15 Beck: A litte more than that now, 120 days.

16 Moreira: Okay. The last part of the email, the applicant

17 is under a ton of pressure from financing

18 companies to get this done. Um, what would --

19 what's you -- what was your reaction to that

20 coming from Terry about the applicant?

21 Beck: Well, the -- the -- the reaction to the comment

22 is that everybody has that concern. I mean,

23 it's -- it's not uncommon for us to get a call,

1 somebody's, you know, it's a third time they've
2 had something under purchases and sales.
3 They're gonna lose the deal, you know, that's --
4 that's -- so that's -- that is actually probably
5 occurs frequently.

6 Moreira: Okay.

7 Beck: Um, the fact that it came from Terry is another
8 question. But a lot of times I might get, uh,
9 that same direct call myself. Marty may get
10 that direct call himself and he may tell the
11 applicant what he thinks the timeline on is.
12 And if that doesn't work for the applicant, then
13 that's when the director gets a call, or Terry
14 gets a call or I get a call.

15 Moreira: Okay. When -- When you say that it's coming
16 from Terry is another question because the
17 communication from the applicant --

18 Beck: Right.

19 Moreira: -- appears to be coming directly to --

20 Beck: Right. Like they could have -- It could have
21 started from the bottom and then worked its way
22 to the top or came in the middle and worked to
23 the top or, you know, it could do any of those,
24 but yeah, the fact that he decided to reach out

1 to -- to Terry to -- to provide that
2 information, then that was coming back down to
3 Terry was -- was, you know, well, why didn't
4 they just come to us? Why didn't they talk to
5 Marty? You know.

6 Moreira: It's coming from the -- the top then.

7 Beck: Yeah.

8 Moreira: Yeah. Okay. Um, so then let's continue on. So
9 the next day, um, you email Marty saying,
10 "Marty, let me know where this formal
11 application is time-wise. I understand it came
12 off public notice in November. Is it possible
13 to get this out by February 14th?" Um, why are
14 you, um, kind of taking that position with Marty
15 at that point?

16 Beck: Um, that's a fairly standard position. I mean,
17 I'm always trying to push 'em a little bit, um,
18 to improve the times, um, and we do try to flag
19 things that, you know, are either, um, you know,
20 outliers in terms of process. So it's not
21 unusual for me to, um, check on something where
22 somebody's saying, "Hey, it's, you know, -- it's
23 taken a really long time. I've been at this
24 group six months or whatever it's." Um, so yeah,



1 that particular, it's not unusual for me to ask
2 'em that question if somebody's, you know,
3 asking for, you know, especially with, you know,
4 Terry saying that there's -- there's issues with
5 timing. So my question is really, can we
6 satisfy this or not? You tell me if we can't,
7 then I have to go up with the bad news. If we
8 can, then it goes away, you know?

9 Moreira: Sure. It's right to email chain the boss is
10 asking and now you're asking Marty, right?

11 Beck: Yeah, just so -- It's really just tell me what
12 you can do. You know, if you can, you can. If
13 you can't you can't. But just let me know
14 because it's just that communication back, um,
15 setting expectations, um, for the applicant.

16 Moreira: Okay. And then, uh, just moving up in the --
17 the email chain, you can read the -- the whole
18 thing if you have, but Marty's response, um, he
19 -- he talks about a- -- another application that
20 the team's working on. Another file that's now
21 118 days old was lined up for Dan to review for
22 the end of this week. Already told the
23 applicant the file we'd be working on this week
24 as he's been calling me for over a month. Now,



1 when in a minor panic. Taking 19-0107, um,
2 ahead of this one will derail that project and
3 the time estimate I've already given to the
4 applicant. He's too gonna up against the
5 timeline, but it's been civil so far. That's
6 just the way it is right now. What do you make
7 of that response from Marty?

8 Beck: That's the way it is. Yeah, I understand. And
9 that's his prerogative 'cause he has to balance
10 that, you know, I -- and I try not to. You
11 know, I defer to him. I mean of -- of course
12 I'd like him all to get done in 30 days but it
13 can't happen that way. And, um, I think they
14 have a -- a pretty sound way of, um, providing
15 some fairness and equity to the system. You
16 know, where they really try to be considerate of
17 where people are in the queue, um, and
18 sometimes, you know, the circumstances arise
19 where they have to either take something out of
20 queue which isn't very often or reassign it to
21 somebody because they're, you know, they have
22 more time than the other person. Um, but it's
23 one of those things where I try not to push too
24 hard on something like that just because --



1 Moreira: You respect the work --

2 Beck: Yeah, I respect what he's trying to balance and
3 what he -- what his needs are and it's not
4 always one project. And -- And then there's the
5 overall, just the, you know, the staff. You
6 know, they -- they wanna make sure that
7 everybody's getting the same -- same treatment
8 kind of thing and I appreciate that so.

9 Moreira: Sure. Okay.

10 Beck: I've found that to be an acceptable response I
11 believe just the way it is.

12 Moreira: Okay, I appreciate that. Uh, I see. So just,
13 uh, switching, uh, email chains for a second.
14 So then we move, uh, to this one just so we know
15 we're looking at. The top of it's dated, uh,
16 February 14, 2020. So if we go to the bottom
17 there's, uh, email February, uh, 13th, 6:15
18 p.m., um, from you to Terry Gray and you wrote,
19 um, "Terry has requested I scan the comments
20 from the public notice. There were some
21 pictures that did not scan well. If they want
22 to review the actual file, we can make it
23 available." Um, could you just explain that if
24 you can, that email?

1 Beck: Mm-hmm. Now who is asking for the, um, file?

2 Moreira: Uh, that's I think one of our questions. I
3 think it's inferred in your -- from your
4 response that Terry was asking for.

5 Beck: Yeah -- Yeah -- Yeah, definitely, Terry was
6 asking for it. Yep.

7 Moreira: Um, do you remember -- do you remember that? Do
8 you remember doing that?

9 Beck: Yeah, I mean, I obviously did. I can't really
10 remember.

11 Moreira: I guess we have similar kinds of questions for
12 some. Is that unusual that you would like scan
13 the public comments and send -- send it to her?

14 Beck: Yeah, for sure.

15 Moreira: Obviously, assistant director.

16 Beck: Yeah, no doubt because I don't get involved on.
17 There's not a lot of them. I don't get involved
18 in a lot of 'em so just having a public, uh,
19 hearing and that kind of thing is unusual. But
20 it's not unusual for us to get comments in the
21 public comment period. Um, and I can only think
22 of a handful of cases where I've had to go that
23 in-depth with Terry. You know, so that I would

1 say is unusual. Like I have one with a land
2 trust one time where the director of the land
3 trust was totally paying Terry every week on
4 something. So he had -- took a deep dive and
5 asked me he even went to the site, you know. So
6 he -- he is a little hands on as a person.

7 Moreira: Sure.

8 Beck: But, um, yeah. So I guess I didn't think it --
9 Because he was involved, I didn't think it was
10 solely unusual. Maybe he just wanted to figure
11 out, you know, sometimes I think he wonders
12 whether or not we're making good decisions or
13 not, but, you know, and maybe he's checking in
14 on us or whatnot, but normally, um -- yeah,
15 normally he's not involved where he would ask me
16 for that.

17 Moreira: For a public comment --

18 Beck: Yeah, or -- or a copy of something out of the
19 file. Usually it's just status or, you know.

20 Moreira: Okay.

21 Salisbury: Is it standard procedure for anyone at DEM to
22 forward public comments to the applicant?

23 Beck: I don't think a standard procedure. I can't --

1 I'd have to ask Marty that, um, uh, 'cause they
2 send a letter to people saying we've received
3 substantive comments, and I know that letter
4 went out to the applicant. At that point, they
5 may have attachments to that or they may say,
6 "If you wanna see 'em you can come in, look at
7 the file."

8 Salisbury: Right. That's the information we received.
9 So that --

10 Beck: Yeah.

11 Salisbury: -- if I'm the applicant, it's on me to make
12 the appointment with DEM --

13 Beck: Right -- Right.

14 Salisbury: -- to come and review the file.

15 Beck: Yeah, and I -- Yeah, I -- I would agree. I
16 think most of the time that would be the case.
17 Um, we -- we try not to -- I mean, we try to
18 funnel 'em towards that because we have a
19 procedure for that and we have the staff that
20 can schedule the file to be ready for them, um,
21 make any copies that they need of the file that
22 time or they can make their own that cost.

23 Moreira: Just focus on the same day February 13th and I -

1 - I inadvertently kind of went out of order, but
2 the -- the communications are on different email
3 change. So on that morning, February 13th,
4 Terry Gray had emailed you and Marty, uh, I need
5 an update on -- on this please, you see that,
6 okay. And then we have, you know, somewhat of a
7 lengthy response from Marty which includes
8 basically the options for the applicant. Is
9 that correct?

10 Beck: Mm-hmm, yes.

11 Moreira: Take -- Take your time looking at it if you'd
12 like.

13 Beck: Okay, yeah. So he is still asking for status of
14 that original decision on the --

15 Moreira: Yeah, so it's the same chain we're looking at so
16 --

17 Beck: I can't get it right now. It'll be a stretch to
18 get it by the 14th then he -- on the 13th he
19 asked for a status. Marty says I'm working on
20 it.

21 Moreira: Here are the options, right?

22 Beck: Yep -- Yep -- Yep, and I think that's -- I think
23 that's pretty much consistent or right out on

1 the regulations.

2 Moreira: Okay. So then, uh, the -- the last or top part
3 of the email chain. Um, the next day, February
4 14th. So this would be the day after you had
5 forwarded the public comments to Terry Gray.
6 Terry states "Thank you, I passed this news onto
7 the applicant." Um, so question about that. So
8 was it at that point you realized, you know,
9 Terry Gray is in touch with the applicant or
10 recognized that he's been in touch with the
11 applicant --

12 Beck: Mm-hmm -- Mm-hmm.

13 Moreira: -- okay. Um, along with electronic copies of
14 the comments you received, um, and then Mr. Ray
15 goes on to say he didn't get into the specific
16 alternatives outlined below, but did communicate
17 that they will need to meet with permitting
18 staff to figure out the path forward. So just
19 stopping there, um, do you think that happened
20 the meet -- the meeting with Mr. Silva and the
21 permitting staff that was -- that's referenced
22 there?

23 Beck: I don't think so.

24 Moreira: Okay.

1 Beck: Yeah, um, I think it was mostly done by either
2 emails or telephone 'cause this was the path
3 he's talking about. He's trying to figure out
4 how to navigate the -- the request of the
5 hearing or the -- what the next step is.

6 Moreira: I think yeah. So I think February 14th, the
7 letter goes out that there's been substantive
8 objections lodged. So now the -- Now it's on
9 the applicant to figure out what do they wanna
10 do. Look correctly from the --

11 Beck: Yeah -- Yeah. I -- I -- So I think that's
12 where, um, yeah, he's basically saying, you
13 know, how -- how they actually do this. I don't
14 remember meeting with anybody at that point, um,
15 maybe there was contact with Marty. Um, and I
16 think maybe that's where I -- I missed it until
17 the email started coming in about, you know,
18 Chuck (ph) went to the wrong place to hearing
19 the questions. So obviously we didn't -- we
20 didn't meet with him 'cause they did it wrong.

21 Moreira: I guess throughout this process. Do you have
22 any memory of meeting with Mr. Silva?

23 Beck: I've never met with Mr. Silva, no.

24 Moreira: Okay -- Okay. So phone conversations, but

1 nothing in person that you recall. Okay. Um, I
2 mean, so in the email Terry Gray was
3 recommending that, right? That he -- Well, he's
4 telling the applicant Mr. Silva to meet with
5 permitting staff, your staff, is that correct?

6 Beck: Mm-hmm.

7 Moreira: Okay. And then you may want to include the town
8 in that meeting?

9 Beck: Mm-hmm.

10 Moreira: So similar kind of question. Do you remember
11 that ever happening? Mr. Silva, the town, your
12 staff meeting?

13 Beck: No.

14 Moreira: Okay. All right. Um, similar question, I think
15 that -- that the lieutenant asked. So the --
16 the -- the first part of what -- of Terry Gray's
17 email. I passed the news on to the applicant.
18 Is that unusual? You know, the assistant
19 director pass the news on to the applicant?

20 Beck: Um, yeah, I -- I guess I would say it's not, um
21 -- It's, uh, it's not uncommon to have the
22 coordination loop in there in terms of passing
23 information on or I think that would probably be

1 not typical.

2 Moreira: Okay. And it goes back a little bit what we
3 were talking about earlier that the
4 communication is coming from the top as opposed
5 to bottom up.

6 Beck: Yeah, or the middle or the side. I mean, we
7 have also Ryan, who's another conduit to every
8 person that has a question. Everybody who calls
9 a representative.

10 Moreira: Okay.

11 Beck: So yeah. Um --

12 Ratigan: Yeah. Well, one more of this. The -- The --
13 The ap- --applicant is actually John Mooney, but
14 clearly she's not receiving any of this
15 information.

16 Beck: Or at least by mail anyway.

17 Ratigan: Yeah.

18 Beck: Yeah, 'cause I mean, that's who the program
19 would've mailed things out to. If she was the
20 applicant of record, that's who we would deal
21 with in the, you know, the formal correspondence
22 and stuff.

23 Ratigan: Um, so I guess my question is it unusual that

1 you're saying and actually technically you're
2 almost sending out -- out the information to a
3 third party because the applicants, John Mooney,
4 she's really not involved at all. But the
5 conversations and the recipient of information
6 is the third party not even John Mooney. Is
7 that unusual?

8 Beck: Geez. You know, that's a good question. I
9 don't -- I don't --

10 Ratigan: I don't think I can call up DEM and say,
11 "Listen, you know, John Smith (ph) has an
12 application in there and there's some complaints
13 about it. Can you send me what the complaints
14 are?"

15 Beck: Well, there's part of the public record you
16 could, yeah. I have some, uh -- If it's in a
17 file as public record. We'd have to -- We'd
18 have to respond --

19 Ratigan: I -- I -- I'd be entitled to it I guess, but I
20 guess, but you're probably not gonna be sending
21 it out to me.

22 Beck: Um, unless it's something easy, you know. I
23 mean, we -- we try not to have people come. We
24 actually -- I'm actually at that point I don't

1 think we could have people in the office. I'm
2 not sure. I don't know if that was COVID time
3 or not. Um, but there were -- We had points
4 where we weren't even taking walk-ins. Um, but
5 yeah, no, I think, um, maybe that's a better
6 question for Marty 'cause I don't really handle
7 all the correspondence from that program. I
8 mean that's not program level and I know they're
9 pretty particular about that. Um, they're
10 always asking about the owner of record. Um,
11 that's a big thing for them, so yeah.

12 Moreira: Let's see. Just try to keep, um, moving through
13 the timeline of some of these communications.
14 So, um, does it sound right? So at the end of
15 March of -- of 2020, the letter requesting the
16 public hearing and the check was dropped off. I
17 think he referenced that.

18 Beck: Yeah, that sounds about right, yeah.

19 Moreira: Okay. And then that created a little bit of we
20 have to untangle this and you reference it going
21 to AAD, right?

22 Beck: Yeah.

23 Moreira: Okay.

24 Beck: Yeah.

1 Moreira: Do you remember consulting with, uh, DEM legal
2 council --

3 Beck: Yeah.

4 Moreira: -- after that? Okay, and we don't wanna, uh,
5 get into, you know, advice or guidance they were
6 were giving you, but just for timeline sake we
7 wanted to bring that up. So then there's some
8 emails with Marty May -- May 5th where you're
9 asking, uh, can you discuss, um, the -- the
10 Mooney application. Do you remember meeting
11 with them kind of in that point in the process?
12 So it's they want a public hearing.

13 Beck: So had it -- Anything got resolved at that
14 point? I'm trying to remember.

15 Moreira: No.

16 Beck: So it's still swirling around in a mess.

17 Moreira: Correct.

18 Beck: Yeah -- Yeah, that was, yeah. I think that was
19 me trying to figure out how the heck we were
20 gonna do it because we were -- we closed our
21 offices, everybody was sent home. Um, I was
22 working 60 hours a week trying to figure out how
23 to run the office. Um, it was a mess. It was

1 an absolute mess. We didn't have laptops, we
2 didn't have VPNs. We had none of that crap. I
3 don't know. And we never shut down. That was
4 the bold crap of it all. You know, they -- We
5 didn't have a weeks break and everyone else went
6 home and sat around for six months and DEM kept
7 working. It was unbelievable.

8 Ratigan: You'd be happy to know that we --

9 Beck: The cops weren't here, right?

10 Ratigan: Yeah, interesting. Yeah.

11 Beck: Thank goodness. You know, you would've brought
12 up -- broken out. But yeah, so I think that
13 well, May was about right trying to figure out
14 what the heck. I don't -- I don't know if we
15 were getting paid again, but I doubt it at that
16 point it was probably on my radar as of
17 something I had to figure out.

18 Moreira: Okay. Let's see. So just the -- the top of
19 this email, uh, I'll just -- I'll just, uh, read
20 to you if that's all right. So it's May 6th,
21 2020 yourself, uh, to Marty Wenceck and you say,
22 "Marty, if you never had a public hearing
23 request in FWW, can we just follow the process
24 you've used in the past? Um, I assume like when

1 a public hearing is done for regs or for a
2 permit line we did an R-I-P-D-E-S. The
3 supervisor would act as the hearing officer and
4 O-W-R would be responsible for arrangements.
5 Legal just shows up. We can go over this later
6 today. This is gonna be a lot of work.”

7 Beck: Yeah -- Yeah, that was like how are we gonna do
8 this, you know?

9 Moreira: Okay. So that was, uh, if we have to go to
10 public hearing route, this is how you're kind of
11 advising him. Okay. Uh, so that was May 6th of
12 2020 following up on. It looks like a meeting
13 that you would've had with him based on the
14 emails I'm just trying to get through some of
15 this. Uh, so then May 7th, uh, 2020, it's 7:28
16 a.m., you emailed Terry Gray copying Marty
17 Wencek. It seems like if -- if I read it, it
18 helps us get through it. “Terry, I copied you
19 on an email to Christine. I'm -- I'm waiting
20 for her response, but I think there's a clear
21 path that has to get applicant to withdraw the
22 hearing request and refund the money. Marty
23 said it would not go back in the queue. Maybe
24 best if we find out from the town planner. If

1 he's satisfied with the applicant's response,
2 let me know and I can reach out. Hopefully
3 Christine agrees and we can save them the money
4 and save us a lot of time and effort. Marty and
5 I can discuss with you as soon as Christine
6 weighs in Friday or Monday." Um, so was -- This
7 was -- What did this represent in terms of how
8 you think it should be handled going forward?

9 Beck: Yeah, so I -- I think that was just me, um,
10 trying to tell Terry, I -- I think I've at least
11 got through the morass and figured out where
12 everything is and -- and got some consultation
13 on what the person's options were. Um, and
14 that, um -- That we could process it, you know,
15 if -- so I think that -- I think in there, and I
16 don't know if I'm clear trying to explain it to
17 him but, um, when I said it didn't have to go
18 back into the queue, I think they were still
19 concerned about. It was still a question or I
20 was responding to the timing and John, you know,
21 how big a deal is this? Um, you know, how --
22 how -- here's the three different passwords if
23 there's three. Which ones? What's the pros and
24 cons in essence of that. It's really what I'm



1 trying to solve. And in this one, it was like,
2 when I asked Marty, "Well, what's the difference
3 whether you go forward or you withdraw and
4 reapply?" He's like, "There really isn't any
5 difference." He goes, "The bottom line is they
6 gotta -- they gotta, um, address the issues."

7 Moreira: Sure.

8 Beck: So any new application isn't -- doesn't mean
9 that one's gonna go through without any means.
10 They gotta address the issues. So you -- I -- I
11 didn't feel like -- I think I was explaining
12 that, um, it's -- it's somewhat irrelevant.
13 It's a lot easier for us if they don't have go
14 through this process, it's probably better.
15 It's gonna end up in the same place either way.
16 Um, in terms of addressing the, um, engineering
17 issues, um, in a new application. So this might
18 be a viable path forward.

19 Moreira: Okay. Uh, so let's see. Then a week later May
20 14th of 2020 and, um, just wanna ignore the
21 bottom communications here with legal. But you
22 emailed Terry. "Terry as discussed it would be
23 great if you could communicate with the
24 applicant. If they have addressed the drainage



1 issues with the town, we could see a reason why
2 a significant comment would arise in a new round
3 of PM," which I'm assuming is -

4 Beck: Public notice.

5 Moreira: Okay.

6 Beck: I -- Yeah, I think I -- that's an error. I --
7 We couldn't see a reason.

8 Moreira: Okay. Uh, so just the first part, you're asking
9 Terry to communicate with the applicant, right?

10 Beck: Mm-hmm.

11 Johnny: Okay. Um, and at this point, it's known that
12 the applicants or the person you're referring to
13 as Mr. Silva or no?

14 Beck: Um, that I don't know. I -- I'm thinking it. I
15 -- I think the email I was talking about didn't
16 come in until like June or July. I'm not sure
17 that I knew at that time. I can't -- I -- I
18 can't actually remember. Um, but I knew that he
19 was taught -- You know, it would come in from
20 him and he was having that conversation with
21 somebody. So --

22 Moreira: Did --

23 Beck: I think I was --

1 Moreira: Point of contact --

2 Beck: Yeah, like he was the point of contact and I'm
3 just going back to him saying, "Hey, you know,
4 here's what I found, let him know." I mean, and
5 I think at some point I kind of got frustrated
6 with this back and forth kind of thing. So I
7 said, "Just -- Just direct them to me. Cut out
8 the, you know --

9 Moreira: Right. This is after --

10 Beck: -- you don't need to be involved because you
11 know, now I'm just -- now it's just one more
12 step."

13 Moreira: As -- As we just walked through it, this is
14 after he asks for the public comments and then
15 he tells you I forwarded them to the applicant
16 and, you know, the emails are -- the email I'm
17 just going through.

18 Beck: So that's -- that's kind of what I meant from
19 that 'cause he was kind of like the point of
20 contact at that point.

21 Moreira: Okay. You were relying on him too.

22 Beck: And at that point I don't think I knew who it
23 was. I -- I could, you know, that one I'd have

1 to really try to go through all the timeline to
2 figure that out, but you guys probably have a
3 good idea about that by now. You've been at it
4 for a while.

5 Moreira: All right. So --

6 Beck: Tell the record speak for itself.

7 Moreira: Uh, a week later, uh, there's an email May 21st
8 of 2020, um, that's at the top. So just looking
9 one down in the email chain, you emailed Terry
10 Gray at May 21st 1101 a.m. Uh, "Terry, I sent
11 an email recently on this case. Would you be
12 able to call the applicant?" So stopping there
13 it's like another request by you, "Terry, can
14 you get in touch with the applicant?"

15 Beck: Yeah, 'cause I think he was -- Like I said, I
16 think he think he was -- I may have not even had
17 the person's information at that point.

18 Moreira: Okay. Um, and then Terry says -- Terry's
19 response is "I'll text him today." Um, do you
20 remember hearing more about that from Terry?
21 Like that he got in touch with the applicant or?

22 Beck: I don't -- I don't recall actually what -- What
23 came next after that?

1 Moreira: Okay. I think we have something.

2 Beck: Yeah, you'll have to refresh my --

3 Moreira: Uh, let's see. Well, there's one email, uh,
4 from yourself to Marty on May 26th. "Marty, can
5 we discuss the Mooney application?" Um, take a
6 look at that just if it helps you.

7 Beck: All right. So this is the second one 2021.

8 Moreira: Uh, no, it should still be this, uh --

9 Beck: The date says 2021. Something's wrong.

10 Moreira: Uh, this is out of order then, that's my
11 mistake. All right. So let's put this over
12 here for a second. So May 27th of 2020, um --

13 Beck: That would be right.

14 Moreira: Yeah, sorry about that. So it looks like
15 there's a communication from legal at the bottom
16 that will just, um, stay away from -- for
17 today's purposes. So then following from there,
18 you emailed Terry Gray. So it's May 27th 2020
19 at 8:27 a.m. "Can you update me on your
20 conversation? I can follow up from here if you
21 want. I'd like to see if -- if they -- see if
22 they have addressed with the town." Um, so
23 somehow it speaks for itself, but explain I

1 guess that this part of your email to Terry if
2 you could.

3 Beck: Yeah, the -- the first sentence?

4 Moreira: The first paragraph I guess.

5 Beck: Yeah -- Yeah, so I guess I'm -- I'm trying to
6 get back in the loop here.

7 Moreira: You're still try- -- What it's worth it looks
8 like you're still trying to untangle this
9 uphearing AAD.

10 Beck: I'm still trying to get back in the loop as to
11 where things are going and who's talking to who.
12 So I'm like, "All right, where am I now? Tell
13 me what you know, and then just let me deal with
14 it. So I don't have like too many hands in the
15 -- in the pot."

16 Moreira: But did I ju- --just stop you.

17 Beck: Yeah.

18 Moreira: It's "Terry, tell me what you know," right?

19 Beck: Yeah -- Yeah, Te- -- Terry, uh, update me on
20 your conversation so that I can --

21 Moreira: With the applicant.

22 Beck: -- kind of take it on from here, yeah. Yep, and
23 then if we have to, we can do a hearing and

1 there's a million emails going around on this so
2 please contact me and then I'll take care of it
3 'cause I just felt at that point there was too
4 much confusion going on and it was -- be so much
5 easier if I could just deal with it myself.

6 Moreira: Sure. Later that same morning, uh, Terry Gray
7 responds, "See the text I just sent you." Do you
8 remember what that was about?

9 Beck: I don't recall. I couldn't distinguish already.

10 Moreira: Do you think that something you would still
11 have? It's not too much trouble.

12 Beck: What -- What timeframe was it?

13 Moreira: May 27th, 2020, 8:49 a.m.

14 Beck: I don't need a lawyer to show you my phone
15 calls.

16 Moreira: Um, it's just one text that we've never
17 considered you as someone that's, uh, anytime.

18 Beck: I should hope not.

19 Moreira: Liability.

20 Beck: My God. Um, I don't know if I go back that far,
21 but --

22 Moreira: Yeah, maybe not we should ask.

23 Beck: And then I gotta look sometimes. Um, he's

1 sporadic like even though I have a state phone.
2 But he's sporadic too depends on. I can't even
3 -- I don't know why he uses both at any time or
4 difference but I'll check both so.

5 Moreira: We appreciate it.

6 Beck: Yeah, May -- May. Uh, May 27th. No text.
7 Five, six. May as that's five. Nope. No, I
8 don't see it. I do have some emails back that
9 long but it gets sporadic when they're that old.

10 Moreira: (inaudible - 00:33:17)

11 Beck: Yeah, whatever, um, save. So I -- I mean -- I
12 have a text from 2019, but not every text so I
13 don't think I -- I looked in both phones for May
14 and I don't -- I don't see it.

15 Moreira: All right. I appreciate you looking. How about
16 the fact that you're in an email chain and
17 instead of just replying my email he says, "Take
18 a look at my text."

19 Beck: Yeah, um, I guess it's -- Like I said, it's not
20 unusual to use all forms of communication with
21 me. I mean like he's pinging me all the time.
22 Sometimes it's a text. Sometimes it's a
23 voicemail. Sometimes it's an email, but --



1 Moreira: It's usually unusual maybe to switch forms of
2 communication during the communication.

3 Beck: Oh, he didn't wanna repeat himself I guess.

4 Moreira: I'm -- I'm just saying if I'm sending somebody
5 an email I -- it could be from doing it back and
6 forth. It seems to me I would just back and
7 forth that they wouldn't switch.

8 Beck: Yeah, the only reason I could think is brevity,
9 you know. But I mean, you -- you think of other
10 reasons but that's the one that would jump to my
11 mind at first is why repeat myself? You know.

12 Moreira: All right, so just going back to the email
13 chain. So after he -- he send you that text,
14 you respond "Thanks, I'll follow up from here.
15 I have to contact the attorney representing
16 Mooney today and check in with town planner to
17 see what the status is." Um, I guess I should
18 ask you why is -- why is that your response?
19 Uh, I know you -- you don't exactly remember the
20 text, but why does it come to you? You're --
21 You're taking a different role. Are you at this
22 point --

23 Beck: Well, that is probably tr- -- is still trying to
24 unwind this thing. You know, what's -- what's



1 the process. Um, that's my guess is that's what
2 I'm referring to here is that.

3 Moreira: All right, maybe I'm --

4 Beck: Because it's the attorney. Oh, yeah, that's
5 what it was. It was Partington (ph). Scott
6 Partington was his attorney and they were all in
7 a bunch because of the AD hearing and there was
8 a deadline to request the hearing. And so I
9 think the biggest concern was -- was the
10 deadline that, you know, 'cause a check had to
11 be received. Things said to be date-stamped,
12 they've gotten it to the wrong person. Somehow
13 now he's got Scott Partington involved where,
14 you know, at this point we don't -- we don't
15 need to be talking to an attorney any -- other
16 than that trying to figure out why they're in
17 the wrong process. You know, so that's my
18 assumption is what I was -- I was -- I was
19 trying to do there.

20 Moreira: Okay. So when you say that you'll follow up
21 from here, are you following up with the
22 attorney or are you following up with the
23 applicant?

24 Beck: Um, I wa- -- I was following up with or I said I

1 would follow up with the attorney, but I don't
2 remember making either one of those contacts,
3 whether it maybe then Christine had worked
4 something out with the attorney 'cause I think
5 Mary Dalton (ph), Christine and Partington were
6 all trying to figure this out around the same
7 time.

8 Moreira: Okay. I guess I'm trying -- I'm just trying to
9 understand, um, what happens from the point
10 where you asked Terry Gray "Can you update me on
11 your conversation," he texts you and then you're
12 just following up. I guess I just wanna make
13 sure I understand what you're following up.

14 Beck: I'm trying to straighten in the -- the payment
15 out, the deadline out, the -- you know, why are
16 you in the wrong process and what's the right
17 process.

18 Moreira: Okay.

19 Beck: And probably what are your options under the
20 rules?

21 Moreira: So yeah, I guess the question is, are you moving
22 then to the point of contact for the applicant?

23 Moreira: Uh, yeah, that's what I'm trying to say to Terry
24 is "Yeah, let me just deal with this." The

1 teleco- -- the telephone game. The -- The
2 communications are too difficult with everybody
3 involved.

4 Moreira: So do you think this is a point in time where
5 that happened? That it switched over to you?

6 Beck: I think so, yeah. And then that's -- that's
7 when I started. Um, at some point I started
8 getting contacted directly, but I believe it was
9 after -- after the whole, uh, hearing request
10 check and everything had come in. It was
11 probably sometime after that. So it might've
12 been June or July when it started to.

13 Moreira: Okay, yeah. So just for timelines say the
14 hearing request and check or end of March were -
15 - This was -- We were just looking at May 27th.

16 Beck: April, May, yeah.

17 Moreira: Um, so then the next one I want you -- I'd ask
18 you to look at. Uh, the top of the email chain.
19 June 1st the 2020, but focusing on the -- the
20 beginning of the chain. Thursday May 28th,
21 2021, 11:00 p.m. It's Tim Bien the gentleman
22 you mentioned earlier emailing you. Um, he says
23 he just left you a voicemail. He's preparing to
24 submit an application to alter the permanent

1 application and he was asked to give you a call
2 prior to submitting. I'm kind of paraphrasing
3 and going through. Um, in terms of contact from
4 an applicant's consultant, do you get more
5 contact from the consultant usually than the
6 applicant?

7 Beck: Mostly yeah.

8 Moreira: Mostly the consultant, right?

9 Beck: Yeah.

10 Moreira: And his role in the application was what again?

11 Beck: Um, the consultant for the, uh, applicant like
12 the engineering.

13 Moreira: The engineer. Okay, that was the issue okay.
14 Um, so then if we go further in the email chain,
15 you email Eric. Oh, I'm so sorry, Martin Wencek
16 and Chuck Warbug, uh, and just give them a heads
17 up. This is the Mooney case being resubmitted
18 with the drainage issues and engineering
19 corrective? Is that right?

20 Beck: Yep.

21 Moreira: Okay. And then Marty, just let me know when we
22 receive and please remember we agreed to look at
23 it out of sequence. Um, I'll just keep going.

1 Chuck, please assign to Nick and ask him to expedite.
2 We'll go back up to notice with the new application.
3 Um, could you explain what, what that is?

4 Beck: Sure. Yeah. Um, so, really I'm asking because of
5 the, kind of like the whole rigmarole we've been
6 through, the amount of time we've been through and
7 basically, you know, just confirming with Morty that,
8 you know, if, if it's resubmitted, is it gonna get,
9 you know, is it gonna be another six months or, you
10 know, what is it? So, I think, you know, there are
11 other emails that you know, show our conversation.
12 I'm sure about, um, you know, what's, what's it gonna
13 take to get it done really? Does it, how is it gonna
14 be a lengthy process? Is it gonna be a, um, a long
15 review? And how does it fit in? I think you would
16 kind of similar to the email that we read before about
17 where is it in the queue.

18 Moreira: Okay.

19 Beck: So, you know, for me, part of the, the, I remember,
20 and I don't remember what conversation it was in, but
21 part of the issue was, um, timing and always his
22 timing for everybody. So I think what we were doing
23 was trying to set the expectations at some point and
24 what the process is going for forward and how long it
25 would take. So for, you know -- And being sensitive



1 to the fact that there were timing issues. I mean, we
2 do -- we get that a lot. Somebody's gonna, you know,
3 lose financing or, you know, something, they wanna
4 move into a house by, you know, this month and they've
5 got other concerns. It happens quite a bit. Um, so I
6 think in that one, I'm just basically reminding him
7 that, you know, our conversation was, the biology is
8 pretty much done. It's not gonna change. Um, the
9 engineering should be pretty straightforward. Nick is
10 already looked at his familiar with the site, you
11 know, and we, especially for engineering, um, Nick,
12 kind of saves himself for those kind of sites. You
13 know, like if it's a, you know, critical like, um,
14 school departments happen all the time, they come in,
15 they wanna get something built, they have a very short
16 window, they can't wait six months. You know, they
17 always apply at the last minute for funding reasons,
18 whatever it is. Um, so whenever we have, you know,
19 kind of like, to do something, you know, quicker, we
20 can assign it to Nick and he'll assign it to himself,
21 and he's very fast.

22 Moreira: Okay.

23 Beck: So, you know, basically they're saying, you know,
24 "Here's what I believe we told the, uh, applicant, our
25 expectations were for getting the permit done. And

1 you let me know."

2 Moreira: That part about you. Believe we told the applicant
3 who, who told the applicant that?

4 Beck: And I -- That must have been me. I think--

5 Moreira: Okay, that makes sense.

6 Beck: Yeah. Whether it was with Tim. Um, I know there was
7 a question about, what had to be submitted. I don't
8 think there was a question of whether it had to be a -
9 - Maybe the question was whether it had to be an
10 amendment or a new application. I'm not sure, but I
11 felt comfortable talking, uh, to the engineer about
12 the engineering issues and making sure, you know, make
13 sure you get this part right, in, in terms of the
14 analysis and, um, and it has to be a full engineering
15 submittal with, um, all the, uh, um, hydrology reports
16 that are necessary, looking at all the right storms,
17 um, specific concerns about flooding, flood flows.
18 Um, yeah.

19 Moreira: Give us what we need so to speak (inaudible -00:04:07)
20 engineer, right?

21 Beck: Yep. Yep.

22 Moreira: Okay. Um, so let me cut to a little bit, like at this
23 point in the process. Um, so Mr. Bhan is emailing
24 you, we're preparing to submit really what, what we've
25 referred to as like the second application.

1 Beck: Mm-hmm.

2 Moreira: Right?

3 Beck: Mm-hmm..

4 Moreira: Um, first application, tell me if this is a fair
5 characterization, was deficient, they didn't address,
6 flooding drainage engineering.

7 Beck: Mm-hmm.

8 Moreira: Right?

9 Beck: Mm-hmm.

10 Moreira: You're agreeing?

11 Beck: Yeah. Yeah.

12 Moreira: Okay. Um, so then it seems like you're, uh, putting
13 like all hands on deck now, to process this before,
14 it's even come in. Is that, is that accurate?

15 Beck: Has enough come in?

16 Moreira: You're at least saying, "I'm gonna, proper send it."

17 Beck: Oh yeah. Yeah, yeah. So, yeah. So again, I think
18 that's primarily -- I think I must have relayed that
19 timeline to the applicant.

20 Moreira: Yes.

21 Beck: Who--

22 Moreira: Mr. Silva.

23 Beck: Mr. Silva at the time, but I'm not sure, quite sure
24 that I knew who he was. I just -- It was a name.

25 Moreira: It was, it was him, but you might not have been sure

1 of--

2 Beck: Yeah.

3 Moreira: What his employment laws.

4 Beck: Right, right, right. 'Cause like I said, I don't
5 think that became clear to me till some time later.

6 Moreira: Okay.

7 Beck: Um, but, um -- So yeah, so I think it was mostly like,
8 okay, we had -- We went out, I have felt some
9 culpability a little bit in the process for, you know,
10 just anybody regardless who the applicant is, this pro
11 -- this, this application has been kind of tortured a
12 little bit, you know, going through the process. And
13 then we get into a process where we can't really, you
14 know, it's kind of difficult for us to follow our
15 process. We're a little bit chaotic, you know, for
16 that period of time. So I think, I think I felt a
17 little bit of, um, culpability there in terms of, you
18 know.

19 Moreira: So you, you--

20 Beck: We're not able to really do our job the way we should
21 be able to do it. And now we kind of got the ball,
22 you know, the, the ball on the right track. Let's get
23 it done for this person, you know, this, any
24 applicant. And second time around, it's been in
25 before, these should not be big issues, you know, in

1 terms of, um, us having to go back out into the field
2 to redo a bunch of biology work, and it could be
3 pretty straightforward with engineering. So, so I
4 think it was me, um, saying I'm already, feel like we
5 kind of get off the hook, not having to have a zoom
6 meeting, uh, which I really didn't wanna do. Um, and
7 if this is just all the same, let's get this done.
8 Um, and, and here's what we laid out for what we
9 thought were, were -- was our ability to respond, you
10 know. And, and I can't remember, 'cause I think
11 normally before I would send something like that, uh,
12 Marty would lay out the timeframe, you know, we
13 would've already, I don't ask him to do unreasonable
14 things or, you know, so, it's kind of like negotiated,
15 I would say, Marty, can we do this? You know, where
16 are we, and, and he would've said, "Yeah, um, you
17 know, we don't have to put it back to engineering.
18 It's not gonna have to go to bio -- I mean, through
19 biology, you know, it can go. Nick reviewed it
20 before, so we can just assign it to him." So.

21 **Moreira:** Okay. You, you mentioned that it had -- It was like a
22 tortured application. I think it's the term you used,
23 but I mean, other people could look at it and say, "It
24 was a deficient application." You know?

25 **Beck:** Well, just the whole hearing thing.

1 Moreira: Yeah.

2 Beck: You know how that got--

3 Moreira: Okay.

4 Beck: I, I honestly, we were in complete chaos, in May. I
5 mean, it was unbelievable.

6 Moreira: You're, you're in chaos, but you were submitted a
7 deficient application?

8 Beck: Yeah. Yeah.

9 Moreira: You agree with that? Or?

10 Beck: Oh, I agree it was deficient, but that's -- that
11 didn't affect the, how we would execute the public
12 hearing process.

13 Moreira: Okay.

14 Beck: Do you know what I'm saying? So for me, it was like,
15 our job was to hold that public hearing, and we really
16 couldn't execute, and we were not clear to the
17 applicant all along like this whole -- how did it ever
18 even get to Mary Dotan and why did Ron take it in and
19 send it in the wrong direction? Why did he catch a
20 check without asking us first? You know, like all
21 that stuff, there was, all those little procedural
22 miscues that I -- To me, I feel like that's on us, you
23 know? And I don't mean bad procedure. I'm saying
24 like--

25 Moreira: Yeah.

1 Beck: How does the application, how did, how did it get
2 directed into the wrong hands? You know? And--
3 Moreira: But the, the substance (inaudible - 00:09:08)--
4 Beck: There no one there to even receive it.
5 Moreira: There's no engineering report. There's no hydrology.
6 Yeah, I mean, we can move on from (inaudible -
7 00:09:16).
8 Beck: Yeah, no, I'm just talking about the hearing aspect.
9 Moreira: Sure.
10 Beck: Like the procedures of it.
11 Moreira: The process. Yeah.
12 Beck: Yeah. The application is what it is. I don't even
13 think it was a difficult application.
14 Moreira: Okay.
15 Beck: It wasn't a difficult review. Um, it was actually
16 from Marty, would say pretty straightforward. Um,
17 when it came to the real issues.
18 Moreira: Okay. Um, so moving on to an email, the top of it is,
19 uh, July 27th, 2020, but starting from the bottom, uh,
20 July 27th, 2020, 11:32 AM. It's uh, Anthony Silva,
21 uh, at Lieutenant gov.ri.gov, um, to Terry Gray. And
22 I'll just read through it for efficiency sake.
23 "Terry, I want to withdraw the wetlands application on
24 45 canning street in Cumberland that I submitted many
25 months ago. Will be submitting a new application.

1 How do I go about that please? FYI, I was just
2 notified this morning by Tim being that there is a
3 hearing scheduled on it." Okay. And then, uh--

4 Beck: With the AD. Yeah.

5 Moreira: It goes to what you were saying.

6 Beck: Yeah. I mean, it was just a cluster. I was like,
7 holy crap. What do I have to--

8 Moreira: Then Terry response, uh, to Mr. Silva, same day at
9 12:29 PM with a, a copy to you, uh, "Forwarding your
10 request to Eric since I don't know, uh, he can work
11 with the wetland staff and let you know what the right
12 path forward is for this." Um, do you remember?

13 Beck: Yeah, that's the email I was talking about.

14 Moreira: (Inaudible - 00:10:59). Okay. So that was when you
15 were talking about the, the email from Mr. Silva
16 earlier.

17 Beck: Yeah.

18 Moreira: Okay.

19 Beck: I think that's the first time that I knew that he was
20 associated with the Lieutenant governor's office.

21 Moreira: Okay. Um, so then, same day, little later now, it's
22 um, Mr. Silva, writing to you in the same email
23 chain, "I have a wetland application in your office
24 since 2019 temp, (inaudible - 00:11:29) has talked
25 with you, and we'll be submitting a new application.



1 We would like to withdraw the current one as we are
2 starting over with new plans, et cetera. I believe
3 the application was filed under the owner's name,
4 which John Mooney, the lot's located 45 Canning
5 Street. How do we withdraw the original application?"

6 Beck: Mm-hmm.

7 Moreira: Um, so like you said, the -- As far as your
8 recollection, this is, um, the first direct email
9 contact to you from Mr. Silva?

10 Beck: I believe so.

11 Moreira: Okay. Um, and obviously he's asking, how does he
12 withdraw that first application?

13 Beck: Yeah.

14 Moreira: Okay.

15 Beck: Yeah.

16 Moreira: And then later on, I think you had referenced this
17 when we you were telling us earlier, so the same day
18 Mr. Silva emails, "Terry and Eric, my apologies to
19 you both I'm working from home today on my laptop. I
20 should have sent this request to you on this email
21 account." And then he gives you his personal email,
22 error on my part, except my apologies. Right? Okay.

23 Beck: Mm-hmm. Mm-hmm.

24 Moreira: So that's something you referred to earlier.

25 Beck: Yeah. Yep.

1 Moreira: Okay. Um, so then, do you remember respond to him and
2 helping him with that request?

3 Beck: And what was the request again?

4 Moreira: How does he withdraw it?

5 Beck: Oh, how does he go about withdrawing it? Yeah, I do.
6 I do believe I responded by email and I think I
7 basically said, "You can withdraw it." The, the
8 applicant of on record needs to withdraw the -- Submit
9 a letter to the supervisor, withdrawing the
10 application, I believe.

11 Moreira: Okay. In terms of the phone call, I suppose I should
12 ask you, do you think it was this time period? Um,
13 you know, kind of our beginning of our discussion
14 today, you were telling us about the phone call.

15 Beck: Yeah. I mean, it must have been somewhere, uh, in
16 this time period or, or slightly thereafter.

17 Moreira: Okay. Uh, so let's see. The next, email I'd like you
18 to look at is, is September, uh, 11th of 2020. Um,
19 it's kind of long if you don't mind, just look it in.

20 Beck: Sure. I don't know.

21 Moreira: Yep. Um, so this, it just seems to be, um, this would
22 be your response to him about withdraw and things like
23 that. Is that fair to say?

24 Beck: Response to?

25 Moreira: His earlier requests. I guess we were looking at--

1 Beck: Yeah.

2 Moreira: At the end of July about how do I withdraw my
3 application.

4 Beck: Wow. There was not much of a gap.

5 Moreira: I mean, so, you're trying to highlight that.

6 Beck: Oh, I know.

7 Moreira: And that's--

8 Beck: Again, chaos.

9 Moreira: Sure.

10 Beck: Oh my God. Um, but anyway, yeah, that's, that's kind
11 of what I was saying would be the typical response.

12 Moreira: Okay.

13 Beck: Um, but I think it was also -- I don't remember if, if
14 there was also an AAD was still asking status, 'cause
15 they, they do a weird thing. Once they get a hearing,
16 they have a deadline and then all the lawyers get
17 involved. They have to ask for stays, and
18 continuances. And so, that might have been spinning
19 around as well Mary's group because she had a hearing
20 scheduled on her docket.

21 Moreira: So that's why Partington was involved and they were
22 all just trying to figure out, well, are we, having a
23 hearing or we're not having a hearing? Um, so anyway--
24 -

25 Moreira: Okay.

1 Beck: Um, but yeah, I think that is pretty accurate.

2 Moreira: As far as you, you've explained to them how to, how to
3 withdraw.

4 Beck: Yeah.

5 Moreira: Okay. Um, and then just directing it to a couple of
6 the sentences here. I spoke to the Wetman supervisor
7 and he agreed the biology should not have to be re-
8 reviewed. It will only be a drainage design review.
9 We'll be able to process it very quickly even given
10 the current circumstances.

11 Beck: Mm-hmm.

12 Moreira: Um, do you remember emailing him that--

13 Beck: Yeah.

14 Moreira: Information?

15 Beck: Yep, yep.

16 Moreira: Okay. I guess similar questions that we had, uh,
17 about earlier things, is that something unusual like
18 you, as the director of, you know, the program would
19 be, uh, communicating with an applicant in this way?

20 Beck: Uh, um, not necessarily if it got this -- You know, if
21 you're kind of like in the state that this one was in.

22 Moreira: Okay.

23 Beck: That's not super unusual.

24 Moreira: Okay.

25 Beck: Um, anything that's just going on or, you know, is

1 lower level, uh, would be surprising and you know, to
2 get -- for me to get a direct call from an applicant,
3 unless they weren't -- they were very unhappy with
4 what the staff did and I had to resolve something,
5 but--

6 Moreira: Okay.

7 Beck: But in this case, there was so many, so many things
8 going on. It doesn't surprise me that somebody's
9 reaching out, whether it be a lawyer or applicant,
10 sometimes the consultant acts as the application
11 preparer and takes on a lot of those roles as well.

12 Moreira: Sure.

13 Beck: Whether it be the biologist consulting firm or the
14 engineering consultant firm.

15 Moreira: Sure. So it sounds like it'd be more common that you
16 would convey information like the biology, is close to
17 all said and you have to, you know, address the
18 drainage issues with the consultant.

19 Beck: Mm-hmm.

20 Moreira: Rather than the applicant?

21 Beck: Mm-hmm.

22 Moreira: Is that fair, to say, that's more common?

23 Beck: Um. Yeah, I don't -- I'm not sure what, what the
24 question is, um, or how to answer it. Um--

25 Moreira: I think we gotta talk--

1 Beck: This isn't a very common, common situation, obviously
2 if it only happens twice in 40 years. Um.

3 Moreira: Okay.

4 Beck: So -- but I -- Yeah, you have to restate the question
5 a little bit.

6 Moreira: Yeah, I think maybe we kind of, talk with Marty about
7 this a little bit. Is it more common for you to talk
8 to the, the Tim Beane's of the world about, um, what
9 about the status of the biology review and drainage
10 issues or applicants?

11 Beck: It's more common the consultant 'cause they act as the
12 application preparer.

13 Moreira: Okay.

14 Beck: Yeah.

15 Moreira: And they have the expertise I would think. Right?

16 Beck: Right, right.

17 Moreira: And in terms of -- 'Cause we -- There's that earlier
18 email, I think from July you're telling Tim 0:19:20.8,
19 you gotta give us what we need.

20 Beck: Mm-hmm.

21 Moreira: Right?

22 Beck: Mm-hmm.

23 Moreira: So, I guess the question, is that more common--

24 Beck: Yes.

25 Moreira: As this direct contact--

1 Beck: Yeah, definitely.

2 Moreira: (Inaudible - 00:19:28)

3 Beck: Yep.

4 Moreira: Okay.

5 Beck: Yep. Yeah. I'm sorry. I didn't--

6 Moreira: It's okay.

7 Beck: Quite get what you're asking, but yeah, normally, and
8 especially for me, because you know, again, I, I --
9 Where the biologists tend to lean a little bit more on
10 the engineering side, um, uh, to run things through me
11 because of my experience. Um, so I -- You know,
12 that's why it's not unusual for me to talk to, to pre-
13 engineering or Commonwealth engineering, um,
14 especially on issues, if it comes down to what, you
15 know, how, how are we gonna solve the problem kind of
16 question. Um, and you know, part of me asked, you
17 know, what are the reasons that that could be in, it
18 might be the type of application you might consider
19 that, um--

20 Moreira: The, the reason, the reasons--

21 Beck: Normally single family residential properties don't,
22 because they don't require a lot of engineering. Um,
23 they might be submitted by the biologists, the
24 professional biologist, if they're, if they're, um, so
25 that would be more typical. I think, 'cause a lot of



1 engineering firms wouldn't take that kind of work.

2 There's not a lot of engineering.

3 Moreira: Okay.

4 Beck: It's more in biology. Um.

5 Moreira: So you drawn the distinction between like an
6 engineering consultant and environmental consultant?

7 Beck: Yeah. Almost like who's the application preparer.

8 Moreira: Okay.

9 Beck: Um, and normally I don't know who it was in this case,
10 to be honest with you in the first round, it could
11 have been the, it could have been him, himself, he
12 could have prepared the application. I don't know
13 what, what abilities they have, if he's a developer or
14 -- It sounds like he might have done -- When I read
15 the papers, it sounds like he might have done this
16 kind of development before. Um, so maybe he's a
17 developer. I don't know.

18 Moreira: Do you recall, uh, the, environmental Scott Rabideau
19 being involved in this one?

20 Beck: It sounds like he could have been, I didn't talk to
21 Scott. No.

22 Moreira: Okay. It's good, you're (inaudible - 00:21:38)
23 questions, but yeah. So I mean there were, those two
24 consultants who were involved just to move (inaudible
25 - 00:21:44)--

1 Beck: Yeah. Certainly Scott would've been involved in the
2 first one.

3 Moreira: Yeah.

4 Beck: Sounds like they didn't engage being until after. I
5 don't know. I can't remember the, the first
6 application, but I didn't talk to the engineering
7 until the second application when Tim was asking, you
8 know--

9 Moreira: What he's going to submit the second (inaudible -
10 00:22:00)--

11 Beck: What do I need to submit? Yeah. And what kind of
12 application should it be or whatever--

13 Moreira: Okay

14 Beck: Questions he was asking.

15 Moreira: Let's see. So moving to September and I'm just trying
16 to maybe get through this relatively quickly. So the
17 email I want to -- I want you to look at the top of
18 September 23rd, 2020. So it starts with, um, an email
19 from Mr. Silva, um, to, um, a few people at DEM and
20 then you're copied on it and it's -- It looks like
21 it's about, um, withdrawing the application through
22 his attorney, uh, Scott Partington. And he's just
23 asking to confirm receipt. He's asking for like
24 reimbursement for the hearing.

25 Beck: Mm-hmm.

1 Moreira: Does that, does that ring a bell? Okay. 'Cause I'd I
2 want to just ask you then about moving up in the email
3 chain.

4 Beck: Sure.

5 Moreira: Your, uh, email response, uh, to him, uh, where you
6 say, "Anthony I looked at the letter that was attached
7 from Scott Partington and read the response from AAD.
8 I'm happy that you cleared that up and you can get the
9 money reimbursed. To clear this upmost expedition on
10 RM, please submit a letter signed by the original
11 applicant addressed to Martin one six, supervising
12 biologist in the FWW program, specifically withdrawing
13 the 2019 application. If this is submitted by Scott
14 Partington, her legal counsel, please include
15 verification that she is represented by her, uh,
16 represented -- That she's represented by him."

17 Beck: By him. Yeah.

18 Moreira: It says (inaudible - 00:23:40). Okay. Thanks Eric.
19 So it seems like there's a little bit of a sorting
20 out--

21 Beck: Of yeah.

22 Moreira: Who the--

23 Beck: Who the applicant is.

24 Moreira: Okay.

25 Beck: Yeah. And who I guess signed the application, uh, has

1 to be consistent. Like he couldn't withdraw her
2 application. She would have to withdraw it.

3 Moreira: Okay.

4 Beck: Her application.

5 Moreira: And you're kind of -- You're making that clear to him.

6 Beck: Yeah. I think that's what Marty was telling me, you
7 know, "Make sure you--"

8 Moreira: Okay. Uh, but like we've gone through earlier in the
9 timeline, clearly you've been in contact with him
10 through emails and it seems like you have a
11 recollection of phone -- at least a phone call up to
12 this point. Okay. So then they'll -- I guess more
13 for our purposes, the, the PS that you write, I've
14 been in contact with Tim Beane and confirm the
15 applications should be submitted as a formal
16 application. Um, so that's probably a reference to
17 the earlier communication we looked at to Tim Beane.

18 Beck: Yep.

19 Moreira: Is that right? Okay. I spoke to Martin Wenceck and
20 as I agreed, we would be able to process this
21 application relatively quickly, given there's no need
22 to revisit the site for our biological review. Um, do
23 you remember telling him that?

24 Beck: Oh yeah, yeah, definitely. Um, that's what Marty told
25 me.

1 Moreira: Okay.

2 Beck: Yeah. I, just asking Marty, what's this, what's the
3 status. How, how, how can you process this thing?
4 And he's like, "Well, should be just engineering at
5 this point." And what that means to us is our, our
6 biologists are the, the long, um -- If, if the project
7 there -- What, what would you call it? The, um,
8 critical path. They take the longest? Um, so
9 typically it might take them, you know, a couple
10 months to get out to a site, but engineering can
11 complete their review fairly quickly. I guess what
12 I'm saying, the engineering is always done before the
13 biology. So we finish the review, send it over to the
14 biologist and then it sits around for sometimes months
15 before they can finish their work.

16 Moreira: Okay.

17 Beck: So I guess that's like a, a good thing. If you're
18 trying to get a project done, it's a good thing. If
19 you don't have to do more biology work, 'cause then
20 you have to schedule the site visit, that takes a
21 month and then you have to write up a report, which
22 takes way too long and then, you know.

23 Moreira: Okay.

24 Beck: But engineering is, is, is a lot more succinct.

25 Moreira: What do you think prompted you to give all this



1 information to Mr. Silva in this PS, you know, about
2 the biology review?

3 Beck: Well, um, I think it was more just 'cause of timing,
4 you know, setting the customer's expectations of like,
5 you know, I've got these constraints, um, when can it
6 be done? Well, this is, this is what I think, you
7 know.

8 Moreira: Was he asking about timing?

9 Beck: Uh, um, at this point, I can't remember probably. I
10 mean, everybody's, it's always about that for people,
11 you know?

12 Moreira: Okay.

13 Beck: When am I gonna get the permit? And I don't know if
14 this was, you know, just my remembering that he was
15 having finance, you know, issues.

16 Moreira: Well, that's mentioned by Terry Gray early on.

17 Beck: Yeah. Yeah. Um, but I know at one -- I, again, I
18 think I only had one telephone conversation with him
19 and at that point, I remember him saying that purchase
20 in sales was expiring. They had a deadline to sign it
21 again, and it might have been like second or third one
22 that they've done and that something about the, the --
23 Or the bank isn't willing to, you know, I was getting
24 kind of sick of working on one in the essence, you
25 know? So--

1 Moreira: Mr. Silva was conveying all that (inaudible -
2 00:27:31).

3 Beck: Yeah. Basically like I'm having, you know, issues
4 with these starts and stops and getting, you know, I
5 could potentially lose the -- lose it if I can't get
6 the funding continued to be lined up and I can't get
7 the purchase in sales, which I mean, that's kind of a
8 regular conversation, and a lot of that happens a lot.

9 Moreira: With you and, and applicants on like a single family?

10 Beck: Um, mostly with, probably with Marty.

11 Moreira: Okay.

12 Beck: Um, not with me. No, not probably not on single
13 family.

14 Moreira: And when you say with Marty, Marty will be reporting
15 to you, "Hey, this applicant has these financial
16 considerations." Or would it be something else?

17 Beck: He wouldn't necessarily--

18 Moreira: No?

19 Beck: Report it to me unless it blew up. And then it would,
20 might even come back down from the top, at that point,
21 you know, like if Marty's says, "Sorry, I can't help
22 you." Then that's the person just calls the director,
23 and a director asks, "Why can't you help these poor
24 people?"

25 Moreira: Okay. Um, so just to make sure I'm, I'm getting,

1 getting at this kind of direct communication from the
2 applicant, these are like financial issues so to
3 speak, that doesn't usually come to you.

4 Beck: No, not, not, unless there's a problem.

5 Moreira: Okay. Sometimes Marty might mention it, but?

6 Beck: Only, like I said, only if he can't solve it, if
7 somebody's really screaming, you know, we've got one
8 right now, it's happening the same way, they're gonna
9 ask for a permit yesterday and probably best we could
10 even help them with his 60 days. And they're saying,
11 they're gonna lose financing. It's gonna kill the
12 project. That's, that's a typical play, true or not,
13 it's just a typical, you know.

14 Moreira: So on the example you're giving typical play by, um--

15 Beck: An applicant.

16 Moreira: An applicant developer of like a, a more of a business
17 property?

18 Beck: Yeah.

19 Moreira: Okay. Um, should I should ask you when Mr. Silva's
20 conveying these difficulties with financing or issues,
21 how does that factor into your consideration of the
22 application?

23 Beck: Well, it doesn't really. Um, I mean, it's not our
24 problem, but obviously we try to do the best we can.

25 Moreira: Okay. And, to me, there's really not a out that we

1 can do on an initial application. I mean, and that's
2 kind of what I was trying to explain to you before.
3 In this one I was kind of saying, yeah, at least I can
4 do is predict for you, how painful this is gonna be,
5 you know, so you can be prepared. I don't -- We're
6 talking specific timeframes, but guess what I'm saying
7 is, you know, it shouldn't be, um -- The, the timeline
8 shouldn't be too bad because we don't have to redo a
9 lot of stuff. We're familiar with the site. We have
10 the ability to get to it. So, here's what we think we
11 can do.

12 **Moreira:** Is it common for a director in your position to tell
13 an applicant, this is how painful it's gonna mean for
14 you? You've kind of answered that already.

15 **Beck:** Yeah, no. I mean only when it, the crap really hits
16 the fan.

17 **Moreira:** And when you say, the crap hits the fan, what do you
18 mean?

19 **Beck:** Well, like again, when something goes sideways, you
20 know, when somebody's, yeah. You have a, either it
21 takes way too long and somebody's, uh, having problems
22 with financing--

23 **Moreira:** But--

24 **Beck:** You know, they might call and say, "Look, I've had
25 this application for four months. When are you guys

1 gonna get to it?"

2 Moreira: I might be missing it. But did the crap, hit the fan
3 here, with this application?

4 Beck: Well, just with the public hearing process, with the,
5 the confusion.

6 Moreira: Okay.

7 Beck: Which seemed like three months out of the project,
8 didn't it? I mean, when I looked at it, he, he
9 submitted, it took us forever. Then no one knew what
10 to tell him. We had, telling, people telling him the
11 wrong thing. We had Mary Dalton getting involved in
12 scheduling hearings, and it's like, stop, you know.

13 Moreira: I know what you're saying, but he withdrew. And then
14 you basically guided his consultant on what they
15 needed to do. Right?

16 Beck: Yeah. Which is again, is not atypical in terms of
17 trying to help the figure out how to solve the
18 problem.

19 Moreira: All right.

20 Beck: Um, yeah, no, I mean, I think that is kind of unusual
21 that somebody would've a three to four month gap
22 there, spinning around in an administrative process
23 where we're not capable of giving 'em the right
24 information. So that's on us. I mean, we're
25 literally, that was on the department.

1 Moreira: Okay. Um.

2 Beck: And I don't feel good about that. That was really --
3 That should have never happened.

4 Moreira: Do the best you can. (Inaudible - 00:32:20).

5 Beck: If we were in the offices, if we were, you know,
6 staffed, if we weren't, you know, under extreme
7 pressure, you know, from COVID, that probably wouldn't
8 -- It would've been a lot smoother process and people
9 would've known how to respond correctly.

10 Moreira: You kinda appreciate that, for sure.

11 Beck: And that, that's my job. Those are the things that I
12 take seriously that, you know, we don't have missteps
13 and gaps and, you know, people going into the Ethan
14 land.

15 Moreira: Sure, sure.

16 Beck: You know.

17 Moreira: Uh, just another email with Tim B. and then that I
18 wanted to, uh, quickly ask you about, uh. So at the
19 bottom of, of the email, September 15th, 2020, he's
20 asking you, um, "We're preparing the new application.
21 Uh, do we file a PD or formal application? Thanks."
22 And then at the top you tell him it's gotta be a
23 formal application. All right. And then, is that
24 correct?

25 Beck: Yep, yep.

1 Moreira: Okay. Um, then you also tell him, "At the beginning
2 of the email, I did reply to Mr. Silva that the
3 withdrawal request was for the hearing and that we
4 need a request tomorrow, to terminate the
5 application."

6 Beck: Yeah.

7 Moreira: So you're communicating with the consultant and the
8 (inaudible - 00:33:40), right?

9 Beck: Still trying to straighten out that mess.

10 Moreira: Okay. All right. I think we're getting close to the
11 end here, unfortunate for everybody. The next email
12 is, uh, Friday, November 20th of 2020. Um, and it's
13 email from Mr. Silva to you. "Good afternoon, Eric.
14 Thank you for following up with my second application
15 to being dropped it off at DEM, on October 28th, I
16 just re-listened to your voice mail to me, that was
17 sent on 9:11:20. It has taken some time, but the new
18 application has been submitted under the new, under
19 the name of John Moony, whom we're buying the lot
20 from, the address is 45 Canning Street, Cumberland,
21 could you please follow up with the supervisor who's
22 reviewing the application. Also, you mentioned, that-
23 -" Looks like he left that word. "To the engineering
24 on, on it to expedite it as the application has been
25 going on -- ongoing." Excuse me. "Now for about 20

1 months. Thank you for your assistance. Do you
2 remember getting this email?

3 Beck: Mm-hmm.

4 Moreira: Okay. Just going through some of it. Uh, the
5 voicemail he's referencing, you left him back on
6 September 11th, 2020.

7 Beck: Mm-hmm.

8 Moreira: Do you have a recollection of what you would've been
9 telling him in that voicemail?

10 Beck: Uh.

11 Moreira: I know it's tough.

12 Beck: Yeah, only that I think it was just clarifying the,
13 um, the fact of how they have to withdraw.

14 Moreira: Okay.

15 Beck: Um, (inaudible - 00:35:21) I dunno if I was -- Yeah,
16 that's -- I, I can't even glean it from this. Um,
17 other than, was I following up with him to find out
18 what the status was? I, I don't know.

19 Moreira: Okay.

20 Beck: 'Cause we're talking about the second application, but
21 he hadn't submitted, it just came in on the 28th.
22 Maybe he would just -- Maybe he was asking for the
23 status. I don't know.

24 Moreira: It seems to be that's the timeframe about withdrawing
25 the application?

1 Beck: We had one in, on the 28th of October and then that
2 was like almost three weeks later, so -- Oh no, that
3 was, October's. So it was actually before. My phone
4 call was before they resubmitted.

5 Moreira: Right.

6 Beck: Okay. So yeah, it was probably relative to how to do
7 the withdrawal correctly, both the AD hearing and the
8 permit. And when you need to have to submit, you
9 know, with this new application.

10 Moreira: Okay.

11 Beck: My guess.

12 Moreira: Okay.

13 Beck: Trying to finally get this thing to the finish line.

14 Moreira: Okay. Let's see. Then he asked you, could you follow
15 up with the supervisor who's reviewing the
16 application? What was your impression of that
17 request?

18 Beck: Um, yeah.

19 Moreira: That you would be willing to follow up with the
20 supervisor?

21 Beck: Yeah. Yep.

22 Moreira: All right. Um, don't take this wrong way. Isn't that
23 your, your job though, like to, keep track of the
24 supervisors review applications?

25 Beck: Yeah.

1 Moreira: Okay.

2 Beck: Yep.

3 Moreira: Um. Were you like taken back by that like, of course
4 I'm gonna be in touch with my staff or?

5 Beck: Well, I, I kind of read that as like, can you check to
6 see how it's going?

7 Moreira: Okay.

8 Beck: You know, almost, I mean "cause-

9 Moreira: Like he want you to stay on top of it?

10 Beck: Yeah.

11 Moreira: Okay.

12 Beck: Yeah. And again, yeah. I mean, at this point, I
13 don't think, I, I agree with you, my, my, my feeling
14 about it is the guy shouldn't be talking to me at all,
15 you know, at this point, you know, so I'm just trying
16 to get through the process, you know, so yeah. I
17 think it is -- It became weird for ever since that
18 July email.

19 Moreira: Okay.

20 Beck: Right? At that point you're gone, well, why are you -
21 - You should be smarter than to be involved with
22 something like this. 'Cause appearances are
23 everything, you know, and you're in a position where
24 you shouldn't, shouldn't be doing that kind of stuff,
25 you know, but that's, you know. So I think that was -

1 - All my impressions after that point were like, huh.
2 Okay. But you still gotta get through the process
3 and, and I'm still trying to treat the application
4 like, like I would any other application or, do the
5 same kind of things that I would do on any other
6 application. So, checking into an application after
7 it's been kind of through the process that this one's
8 been on isn't unusual, contact from him is the unusual
9 part.

10 Moreira: And do you think this email, (inaudible - 00:39:12)
11 November 20th, 2020, uh, is after that phone call
12 where he told you his story?

13 Beck: Yeah. Oh yeah. I think so. Yep.

14 Moreira: Okay.

15 Beck: Yep.

16 Moreira: Um, so then he also said in this email, that you
17 mentioned something about engineering to expedite it.
18 Um, did you mention that to him?

19 Beck: Yeah, basically, like I was saying, if it -- If Nick
20 had already looked at it or been involved and it was a
21 pretty much a straightforward engineering and no
22 biology, then Nick can handle those kind of things.
23 So it's not unusual for us to, um, to have Nick take,
24 uh, the most difficult or something that needs to be
25 done, you know, soon.

1 Moreira: Okay.

2 Beck: Um, so that's what I'm conveying to him, kind of like
3 again, just saying, this is what we, we talked about.
4 Um, and, if Nick can fit it into his schedule and
5 address it and, and ultimately too, the reason assign
6 it to Nick is 'cause he's the best engineer, on staff.
7 He's been doing it for a very long time.

8 Moreira: For sure.

9 Beck: And so anything that we wanted really, you know, in
10 this case, I wanted to make sure that, we didn't miss
11 anything. You know, that Nick did a -- Did his due
12 diligence on it, which is, you know, usually pretty,
13 pretty high.

14 Moreira: So it's just that -- Last question about this second
15 to last sentence where you talked about, you
16 mentioning expediting engineering. Did you take that,
17 um, to mean he's like holding you, to doing that, to
18 expediting the engineering?

19 Beck: Yeah. Yeah, no, I mean, I would -- I, I think that's
20 what I already set his expectations on that. So--

21 Moreira: Okay.

22 Beck: To me, he's just confirming that this is, you know,
23 this is what we discussed.

24 Moreira: Okay. Let's see. So I think we get through some of
25 these fairly quickly. So then there's December 1st of

1 2020, you're asking Marty to locate the application.
2 Um, you're reminding him kind of, I'll say like
3 procedural posture, um, you say, "The biology has not
4 changed, so it does not need a biological review.
5 However, the engineering has to satisfy the town.
6 Nick did the original review. We promise the
7 applicant, the if they withdrew saving us effort of
8 over hearing, we'd pick it up right away. And that
9 require it to go through the queue again." It's one of
10 those speaks for itself a little bit.

11 Beck: Mm-hmm.

12 Moreira: But can you just explain how this fits in, with the
13 processing of this application?

14 Beck: Yeah. I mean, I think that's kind of essentially what
15 we just talked about the last few times, um. With,
16 um, this, I think that's just documenting the fact
17 that we're familiar with the application. There's no
18 new biology review, should be straightforward.
19 Engineering engineering usually can get done in three
20 weeks. Um, this should go pretty quick, and that's
21 what I told the applicant, that, you know, we can get
22 through that. I'm not even sure that Nick had to
23 expedite it, to be honest with you. I'd have to look
24 at the time frames, but, um, it's that he goes through
25 applications pretty quickly. Um, and he will juggle



1 his based on, you know, really just the, what comes in
2 and what goes out. Um, so if he can, you know, fit
3 something in quickly in the queue where it's a
4 response or second time around or response to
5 comments, um, he can -- he has a flexibility to do
6 that.

7 Moreira: Okay.

8 Beck: So because he was assigned to it, I just knew it was
9 gonna be done pretty quickly.

10 Moreira: Uh, it looks like there's then the biology review by
11 Jane Kelly, December 4th. And so that's done. Um,
12 does that sound right? I don't think we need to ask
13 you-

14 Beck: Jane was, uh, the, the biology on the second
15 application. yeah.

16 Moreira: Okay. So, it's a new application, so it's still needs
17 a biology review--

18 Beck: Yeah.

19 Moreira: (Inaudible - 00:43:47), played out.

20 Beck: Yeah, I don't think she had to do a site visit or
21 anything, but maybe she did just because she was new
22 to the site.

23 Moreira: I think, uh, not that we're supposed to be giving you
24 information.

25 Beck: Yeah.

1 Moreira: I think she, She had gone originally with Dan Cal, to
2 the site.

3 Beck: Okay. Okay.

4 Moreira: So, by the timeline wise is really why we're bringing
5 it up.

6 Beck: Yeah.

7 Moreira: So our part's done December 4th. Um, and then there's
8 this email, um. There's this email chain where I
9 don't think we need to dwell on it too much, but
10 you're basically February 17th asking for -- Of 2021
11 asking for status from, from Marty. And you talk
12 about, you like to live up what we told the applicant
13 regarding the processing. Um, does that, does that
14 ring a bell?

15 Beck: Yeah.

16 Moreira: When we're doing that?

17 Beck: Yep.

18 Moreira: Okay. Um, And then Jane weighs in, there was a
19 response to comments received February 15th of 21.
20 Uh, do you remember that?

21 Beck: Okay. Yeah. So this was just checking on the, um,
22 the second public notice status.

23 Moreira: Right.

24 Beck: Yeah. Yeah.

25 Moreira: Do you remember the town objective?

1 Beck: Yep.

2 Moreira: Okay.

3 Beck: I think basically they said we got very similar
4 comments to the first round.

5 Moreira: Yes.

6 Beck: Or maybe the same exact two paragraphs of generic
7 comments from the town. And we might have even got
8 comments from the residents again.

9 Moreira: Okay.

10 Beck: Yeah.

11 Moreira: Yeah. I think that's right. Uh, so then you, uh,
12 email, Jane and Marty and Nick. "Thanks Jane for the
13 update. Nick want to make sure the new drainage
14 design meets concerns expressed during last public
15 notice. I assume the design addresses the, the run on
16 local drainage that comes through the town own drain
17 line. Mostly a flooding local drainage issue will
18 allow to public notice again, shortly. We wanna make
19 sure all substantive comments are addressed when it
20 comes to engineering. Marty may be available to have
21 a connect with town planner, an engineer, to see if
22 concerns addressed before public notice and willing to
23 do that it with Nick, if you think advisable." Do you
24 remember that email?

25 Beck: Mm-hmm. Mm-hmm.

1 Moreira: Okay. I guess just, uh, focused on the last part.
2 Um, it seems like this has come up before with this
3 application you're telling it might be advisable to
4 connect with the town planner, an engineer. Do you
5 remember that ever happening?

6 Beck: No, I don't think it did.

7 Moreira: Okay.

8 Beck: Um, Which is, which is probably, I think part of the
9 problem we don't, with the town, you know, reaching
10 out to them and understanding what their issue was,
11 would would've gone a long way.

12 Moreira: Okay. And then there's this--

13 Beck: His written comments were very viable.

14 Moreira: Okay. And (inaudible - 00:46:43) check.

15 Beck: But I was mostly concerned with Nick making sure that
16 he looked at the, um, their, their comments and what
17 their concerns were. Um, but I, at that point, I
18 think, I don't know, time wise, I was saying, you
19 know, can you, can you make this happen? But I don't
20 think, I don't think Nick ever contacted the town
21 engineer or the town planner. I don't think Marty
22 did. Um.

23 Moreira: Okay.

24 Beck: So that's my recollection. They didn't reach out to
25 him.

1 Moreira: Last part of this email chain is just, it's a lengthy
2 email from, uh, Marty to you on that issue of the
3 drainage and getting together with the applicant
4 engineer. If you don't mind reading just a little
5 couple of paragraphs.

6 Beck: Okay.

7 Moreira: Correct me. Uh, if I'm misinterpreting it, but Marty
8 seemed to have some strong feelings about, uh, the
9 town drainage and--

10 Beck: Right.

11 Moreira: It should be resolved. Right?

12 Beck: Yeah.

13 Moreira: Do you remember talking with him about, what he raises
14 in here after getting this email?

15 Beck: This is February? Yeah. We're getting down to the
16 crux of the matter.

17 Moreira: Yep.

18 Beck: Um, I, I think I would've agreed to him. I don't
19 remember talking to him specifically about this, but
20 that would've been the, um, that would've been the
21 whole point of the engineering review. And then I
22 believe he took it to -- He went and discussed it with
23 Chuck to, um, at the end of the project to get his
24 input too. But I, I think I would've agreed with
25 Marty that that's what the Application that Nick would

1 be checking. So that would've been my response and I
2 would've supported that with Nick. Like, you know,
3 that's the whole point of you or review, uh, is to
4 make sure that that drainage works. You know, the
5 engineer is shown when it works. Um.

6 Moreira: So he seems to be reasoning this email anyway, this,
7 uh, street culvert. So take that to mean that the--

8 Beck: Yeah.

9 Moreira: Drainage culvert under the road, right? To make sure
10 that it working.

11 Beck: So if I remember the site correctly is that I don't
12 know that I ever looked too closely at the file of the
13 site plans, but if I remember, there was a, um, pipe
14 that ran down the one side of the property that was
15 designated as a drain for that intersection. So, um,
16 yeah. So yeah, there's a drain pipe, approximately
17 existing limit of institution, location of existing
18 drain line. So it was this drain line. And then, um
19 -- So that would've been really the -- Like a town,
20 you know, permitting issue that they can address in
21 their local permit review, in their local building
22 permit. Um, in terms of the whole, um, easement that
23 they would need, if don't have one, how the pipe
24 should be maintained and so forth. And this guy can't
25 impact that, you know, so to speak, that's their pipe.

1 They, they technically have an easement. Um, so,
2 basically I think the design would be, or the concept
3 would be to make sure that water, whatever water
4 reaches this lock can safely pass through it, you
5 know, that's the whole--

6 Moreira: Okay.

7 Beck: That would be the point of the engineering review.
8 Um, so yeah, so that's what Marty was -- I think Marty
9 was talking about, uh, catch basins here, which
10 would've been the city's catch basins in the street.

11 Moreira: Okay.

12 Beck: And then this pipe here that went by the conveyed the
13 storm water from this, this road, road run off.

14 Moreira: At one point that Marty makes in here, uh, in the
15 email, he states, "I believe the applicant should
16 provide us with compelling information that can ensure
17 that the street culvert is in all caps, in fact,
18 functioning in its intended capacity." So he's
19 concerned that that's not working.

20 Beck: Mm-hmm.

21 Moreira: You're the engineer, not me, but that the, the
22 flooding can build up, where the water can, can build
23 up. Um, was that, was that ever satisfying what he's
24 talking about like compelling information that the
25 street culvert works?

1 Beck: I think that would've been part of Nick's review.

2 Moreira: And if it wasn't, do you see that as a problem for the
3 application?

4 Beck: Mm, yeah. Yeah, but I don't think that's what the
5 town commented on. I mean, so, that would've before
6 Nick signed off on it, he would've looked at that.
7 'Cause that was the whole point of them coming back
8 in, right? Is that engineering is conveying the, the
9 water, drew the site, not the site itself. So again,
10 that, that was his-

11 Moreira: Right.

12 Beck: His whole review would've been predicated on that.
13 Like I said, I think the issue was make sure you look
14 at the whole watershed and can that water, did the
15 engineer model it correctly, to how much water's
16 getting there? Does the pipe have the capacity to
17 transport it?

18 Moreira: Okay.

19 Beck: So to me, that's just -- That's the whole point of the
20 engineering review. It would've been a Nick's final
21 report.

22 Moreira: Okay.

23 Beck: Right?

24 Moreira: I, I guess not to get too bogged down with it though,
25 but it seems to be that Marty is saying, you know,

1 this, this is on the applicant to make sure that that
2 culvert--

3 Beck: Right.

4 Moreira: Is working and then --

5 Beck: So I think he's saying to me, "Don't -- We shouldn't
6 get involved with the town." Is what he's really
7 saying is like, "Do not try to intercede, do not try
8 to coordinate this, just send the applicant back to
9 the town and let them battle it out." Which is why we
10 probably didn't reach out to the town and try to
11 figure out really how to solve the problem. So it's
12 like ch -- It's one or the other, you either try to
13 solve the problem or you just keep putting people in a
14 loop.

15 Moreira: Okay.

16 Beck: So-

17 Moreira: I guess his--

18 Beck: Technically he was saying, "I would just send the
19 application, don't get involved, send the application
20 back to the town, let them figure it out." But on the
21 flip side, the engineering has to be right or we're
22 gonna get the same comment and end up in the same
23 process. And then it's what he's saying there, which
24 is kind of what, at least we ended up with the same
25 comment from the town without looking at what was

1 different in the application. So, my recollection is
2 that Nick cleared it saying, "This works." Including
3 the drainage through the property, 'cause that was the
4 whole point of the engineering analysis.

5 Moreira: So maybe--

6 Beck: If he didn't, I'd have to look and see if he'd missed
7 something or not.

8 Moreira: Okay.

9 Beck: But--

10 Moreira: To -- I guess, to be fair, my -- our understanding is
11 Nick said, "Okay, we've got the hydrology report, the
12 engineering, as proposed construction here with the
13 plans. It's not gonna make it worse.

14 Beck: Yeah.

15 Moreira: But I guess my main question in this area to you is,
16 if that culvert, if the applicant -- Well, to your
17 knowledge, did the applicant get that checked out and
18 show, yeah, that culvert's working, you know, kind of
19 a holistic, uh, problem here. I'm gonna address it.
20 You remember that?

21 Beck: I don't, but I honestly, I, I, I would think it's the
22 town's pipe,

23 Moreira: Right.

24 Beck: It's not the applicant's pipe.

25 Moreira: So I guess that's kind of where--

1 Beck: Yeah.

2 Moreira: If you gone back and forth, I guess in other
3 interviews--

4 Beck: The town should have--

5 Moreira: Well, Marty saying, it's on the applicant to tell us--

6 Beck: Yeah.

7 Moreira: That it's working

8 Beck: And they should have gone back to the town and--

9 Moreira: So I guess my question to you is, it doesn't appear
10 that that happened. Is, is that a problem? Is it was
11 like an error made by DEM in putting this through.

12 Beck: I don't think so. Because again, I mean, he, he he's
13 -- What he's saying is that we're gonna get the same
14 kind of comments from the town, because their comments
15 are basically saying our system has -- is not working
16 or may not be performing as it should in. And they're
17 the responsible party. Do you see what I'm saying?
18 Like--

19 Moreira: I do.

20 Beck: So technically they were saying maybe we're not
21 maintaining our pipe. Maybe we don't know where the
22 outfall is, but whatever gets to that site, is safely
23 passed through that site. So the flooding is not
24 caused by this application. The flooding is caused by
25 the town's, the town's drainage system not being

1 properly designed or maintained. Correct? I mean,
2 that's the way I look at it at that point.

3 Ratigan: Isn't not one of those stipulations though, for, for
4 you to approve that, when that be, maybe I'm wrong
5 here, was it that one of conditions that, that pipe be
6 replaced before the permit was occurred?

7 Beck: Before or as part of the permit? I don't, I don't
8 recall.

9 Moreira: It's part -- It looks, it looks to me, where you, I
10 don't -- You tell me.

11 Beck: (Inaudible - 00:58:55). Yeah. So maybe that was
12 their answer to solving the problem with the town. I
13 don't know, I mean. Do you have Nick's report of his
14 final engineering report? 'Cause it should address
15 it. I mean, I don't, I don't believe, I think that
16 went to Marty. Was that before or after he made this
17 comment? 'Cause it'd be interesting to see -- Again,
18 I didn't review Nick's work, so it'd be interesting to
19 see, if Nick was saying, um, "I need, I need this pipe
20 to be replaced as part of the permanent application."
21 But then you -- It sounds like you're saying they
22 didn't, so.

23 Ratigan: Well, that's, that's my layman's reading of that. It
24 says on the plans they're gonna replace the pipe. I'm
25 just not sure which pipe is being discussed.

1 Beck: Oh.

2 Ratigan: Are we talking about the pipe that runs under the
3 road? Are we talking about the pipe that runs along
4 the property? Are we even talking about a pipe that
5 extends beyond the property?

6 Beck: I think that -- I'm talking about this drain pipe
7 that, um -- I remember only looking at the first set
8 of plans that came in and they showed it on that first
9 set of plans with, um--

10 Ratigan: I believe that's the first set, just the one page
11 like--

12 Beck: Approximate existing -- Approximate possible existing
13 storm drain on property. So we were questioning that
14 too. Is it or isn't it? Um, so they must have
15 confirmed that in the second application through the
16 engineering. Let's see, (inaudible - 1:00:43), okay
17 by a subject, yeah, yeah, yeah.

18 Ratigan: What's the date on that?

19 Beck: That's--

20 Ratigan: So, what you're looking at?

21 Beck: Uh, 2:17:21.

22 Ratigan: Okay, that's (inaudible - 1:00:56).

23 Beck: And is that prior to?

24 Moreira: (Inaudible - 1:00:59) 5:08 PM that day?

25 Beck: Okay. So he got--

1 Moreira: He, he references, uh, Nick's-

2 Beck: Right.

3 Moreira: Report.

4 Beck: Proposed plan now includes a proposed replacement, a
5 segment 12, through the area proposed one. Oh, all
6 right. So that, that's what solved the problem, I
7 guess. Right? So whether it's functioning as design,
8 you put a new pipe in there, it's a brand new pipe.
9 You should function, well. So that's the solution to,
10 is that pipe functioning as designed? They, they
11 replaced it. I mean, it basically put in same grade,
12 same pipe, better equipment, not blocked, you know
13 that would've solved the lack of maintenance on the
14 town's park, 'cause it could have been--

15 Moreira: (Inaudible - 1:01:56), right I know we're getting very
16 technical.

17 Beck: Uh, no, I think he said he replaced it, replacement
18 segment of the 12 inch diameter pipe that runs through
19 the property. So, I think that I, I, again, you have
20 to had Nick in here too, so hopefully he could tell
21 you. But my, my impression was the problem that was
22 occurring here was because the town has never
23 maintained this pipe.

24 Moreira: On the property, right?

25 Beck: It could have been clogged with sand. It could have

1 been collapsed. It could have been anything. So
2 replacing that segment, would've addressed at least
3 that issue. If they've got other issues, I, I don't
4 know what they are, like if they're not maintaining
5 their catch basins or if the catch basins aren't in
6 the right place. But that's--

7 Moreira: It's a culvert that's--

8 Beck: That's the town issue.

9 Moreira: Runs under the road that Marty's referencing in the
10 email.

11 Beck: Yes. I think that's this, right?

12 Moreira: I think that's what people have explained to us.
13 There's the drainage pipe. No, but then there's the,
14 the culvert that empties out then, correct me,
15 anybody?

16 Ratigan: No.

17 Moreira: To, to the pipe has been our understanding.

18 Beck: I don't know where the culvert is.

19 Ratigan: There, there's a, a culvert that runs under the road -
20 - There's a property across the street.

21 Moreira: Okay.

22 Ratigan: Okay. Um, here's the property in question, this house
23 over here, has along their property. Um, I believe a
24 perforated pipe covered with stones, then runs under
25 the street, and whether it just empties into the lot

1 or connects to that pipe, I'm not sure. Um, but--

2 Beck: Looks like it. They do have it connected--

3 Ratigan: Okay.

4 Beck: To here, if that's that one.

5 Ratigan: What, what the town, um, (inaudible - 1:03:51), is
6 that they do not have any easement for that pipe on
7 that property, in their records.

8 Beck: Yeah. That's, that's unfortunate and not unusual.

9 Ratigan: Right. And--

10 Beck: 'Cause it should have. Well, 'cause now you're gonna
11 have a maintainment if you don't have an easy way to--

12 Ratigan: Well, well, if, if they don't -- If it's not theirs,
13 they didn't put it in.

14 Beck: Yeah. Okay.

15 Ratigan: Right.

16 Beck: Maybe.

17 Ratigan: If, if, if someone else put that in, you know, the guy
18 who built the houses, you know, on the adjacent lots
19 or whatever, put that in without the town's knowledge,
20 then the town, whatever, no record of being there and--
21 -

22 Beck: Yeah. Town, the Cumberland has very little record of
23 their draining system, to be honest with you. I, I,
24 -- this is not -- this is a reoccurring thing to the
25 Cumberland, 'cause they don't keep good records. They

1 don't keep as built and they don't do much maintenance
2 in their system.

3 Ratigan: Okay.

4 Beck: So honestly, when I was looking at it from 30,000
5 feet, I felt like it was mostly, the problems were
6 happening 'cause the town is not properly maintaining
7 its own system, and they need to take responsibility
8 for that, period. So I kind of that's my position
9 when it comes to municipal drainage, 'cause see the
10 horrors of it where it's not done correctly and it's
11 not, it's not, uh, fair to the public, and it's not
12 fair to the property owners around.

13 Ratigan: Okay.

14 Beck: You know, where, and Cumberland's pretty famous for
15 not taking responsibility for pipes in their streets
16 or their drainage systems. Um, I, again, I've been up
17 specifically dealing with situations where they've
18 recreated a street and just shot the water right down
19 into somebody's property. We get the calls, I go up
20 there and, and it was something that they did. Um,
21 they don't wanna take responsibility for it. Um, and
22 then sometimes it's as simple -- So one point I'm up
23 there for three months trying to figure out a problem
24 the neighbours are complaining and it turns out it was
25 something that the town did. They've got a machine

1 right there and they, and, and the fix was adding a
2 berm and maybe putting one catch base in it. And it
3 took me three months to work through those issues with
4 them because that's again. So just giving you the
5 landscape, the town, um, it's not unusual for them to,
6 to, to not maintain or know where their pipes are, but
7 that being said, um, that wasn't really the, the point
8 of the question. The -- I think your question really
9 came down to, um, Marty had raised an issue about a
10 culvert under the road.

11 Ratigan: Correct.

12 Beck: My impression was what Nick and, is that the site
13 stands for itself, you know, the drainage design
14 stands for itself. It won't make the problem worse.
15 This goes back to Marty.

16 Moreira: Right.

17 Beck: And Marty makes that decision as to what to do with
18 it. And then even on top of that, when he -- when I
19 asked finally for the, just so you know, Marty
20 probably told you this, when I asked for final on
21 this. Yeah. What's the status after you've reviewed
22 all of this in the second round, he went and sat with
23 Chuck Hobert, who was his co supervisor

24 Moreira: Okay.

25 Beck: So because basically when I promoted Chuck to deputy,

1 um, and gave him other assignments, one of his
2 assignments was to continue to work with Marty to work
3 on these, uh, decisions on formals.

4 Moreira: When was that?

5 Beck: Because of his expertise.

6 Moreira: When Chuck became deputy, when was that?

7 Beck: He's, maybe a year and a half now, two years. Um,

8 Moreira: So predates?

9 Beck: Predates this. Yeah.

10 Moreira: March yeah. Of 2021.

11 Beck: Yeah.

12 Moreira: Okay.

13 Beck: Um, so again, I think what, what Marty did was bounced
14 it off of Chuck saying, "You know, you're, you're well
15 versed on this, you know, what should we do given
16 these, these sets of comments?" And so I didn't
17 actually even get involved in that final decision. He
18 basically came to me and said, "We've reviewed this.
19 We're ready to clear it."

20 Moreira: Okay. I guess that's one question I should have asked
21 you. So that, that kind of lengthy email from Marty,
22 um, February 17th, 2021, he asked, um, or he says
23 again, he, he closes the email. I would appreciate
24 you weighing in on this concern. So you're thinking
25 it was Chuck Hobert, that way that spoke with Marty

1 and weighed in and not you?

2 Beck: Ultimately I think in terms of the going over the --
3 Is this the right way to proceed with give the sets of
4 comments. Yeah. So he can tell you what discussions
5 he had with Chuck on that.

6 Moreira: Okay.

7 Beck: Um, I, if I had -- I don't remember how I weighed on
8 it on this, but I can tell you, I probably would've,
9 would've weighed on this is that, um, I would've
10 followed -- I would've gone back to Nick, you know,
11 Nick said it's adequate for public notice. If it's
12 the kind of what he's saying, it's the town's concern,
13 this doesn't make it work. Nick saying the flows can
14 be safely conveyed through the site. So at that
15 point, I would've probably said, I don't see the
16 connection there, you know.

17 Moreira: Okay.

18 Beck: To the culvert because what -- Even if that was, so
19 the analysis was done such that, the surface there
20 would carry local flow and overflow from the pipe
21 culvert that exceed 10 year submitted capacity up to a
22 hundred year storm event. So literally that, I think
23 that what the engineer said was, if that pipe does not
24 work, then the flow is gonna be safely conveyed
25 through the site, with the surface swell. So it's

1 almost like belt and suspenders almost, right? It's,
2 it's two systems, one on top of the other, if the
3 street system, doesn't work and it doesn't go through
4 the pipe, it's gonna go through that swell and be
5 safely conveyed, the flood, the flood's storm.

6 Moreira: Okay. I guess.

7 Beck: So, well, I've just looking at, if I just read this
8 and heard Marty's concern, I would've said, "Marty,
9 you know, it's, I think what Nick is telling you is
10 that engineering's addressed, um, unless you see any
11 other reason."

12 Moreira: Okay.

13 Beck: But I, I don't remember having -- Again, I don't have,
14 I remember just talking in general with Nick about
15 making sure that the analysis included all the areas
16 and that they were safely conveyed. Um, and then at
17 that point, and I, and I don't know why maybe some
18 cases might work out where the applicant goes back to
19 the town and says, you know, I'll replace your pipe
20 for you. You know, even though it's your pipe, I'll,
21 I'll do it as parted to get my permit. So it sounds
22 like that's what they, they did. Or they just did it
23 on their own. Um, because they replaced the segment
24 of the 12 inch through the area, the proposed work.
25 Um.

1 Moreira: It seems like there's that distinction between the
2 pipe and the, and the culvert.

3 Beck: Well, I think that they're one in the same, um, in, in
4 -- from what you showed me.

5 Moreira: Okay.

6 Beck: Um, and that would've come through. So really it's,
7 it's kind of like, not even is it not on this
8 property, but it's in the town street, it's the town's
9 pipe, it's in the town street. And if that failed,
10 the water safely conveyed to the, to the well.

11 Moreira: The water coming from other--

12 Beck: Yeah. Like if that, whatever -- If that thing blocks
13 up, well, it's gonna come across the surface and it's
14 gonna go down that swale and it's gonna go into the
15 well end.

16 Moreira: Okay.

17 Beck: Which is what this report's telling me. So they've --
18 So I guess their answer was, we did the analysis.
19 We're fine as for this lot, we're placing part of the
20 pipe for the town, and we're providing a surface swale
21 to take anything from the streets, should their system
22 fail. That's the way I read this report. So I --
23 And, and sometimes you can't, you can't necessarily
24 force the applicant to go back and deal with the town,
25 if the town has other reasons why they don't wanna



1 deal with this person, 'cause then you just get put in
2 that poli -- the local politics game, where you really
3 kind of wanna, you wanna give everyone the opportunity
4 to work it out. But if they can't work it out, the
5 town has its opportunity, that it's permitting stages
6 to do what it needs to do. Like they ultimately issue
7 a building permit. So technically if they wanted more
8 from this applicant, they could get it, you know, they
9 could say, "Don't, we really need you to do this or
10 that." I think it's a stress to ask somebody that's
11 developing a single family lot to replace road
12 drainage in the street of a town when the town owns
13 it. Usually the expectation that it works because the
14 town owns it and they need to maintain it. And that,
15 yeah, that's part of the, kind of the local drainage
16 system. Um--

17 Moreira: I follow what you're saying.

18 Beck: Yeah. So I, I, again, just at the face of it, I'm
19 thinking that wasn't pro -- the probably a bad
20 solution.

21 Moreira: Okay. One thing we just left out kind of this portion
22 of the timeline and there were some technical, uh,
23 deficiencies with the second application and the
24 plans. And uh, I remember Mr. Bazzani, talking about
25 that. I thought it was a typo, the technical things.



1 Beck: Mm-hmm. Mm-hmm.

2 Moreira: So then I just wanted to, you know, put that out
3 there. 'Cause then an email I want you to look at,
4 (inaudible - 1:14:56), uh, it's March 24th, of 2021.
5 It looks like you are trying to, um, you're, you're
6 asking, well, it starts off with you asking Jane about
7 when notice is going out. So it's I think those
8 technical deficiencies have been (inaudible -
9 1:15:21).

10 Beck: Oh right. Yeah. I was cleared for notice.

11 Moreira: You're asking. Yeah. To be informed when it is.

12 Beck: Yep. On March 25th. Yep.

13 Moreira: So then, okay. Together we go to the, the top, uh, it
14 looks like Marty responds to you about when it, uh,
15 well, I guess just working through it, Marty responds
16 to you. We sent the letter requesting plans for
17 notice. Uh, they returned the file to me. That was
18 on March 10th. We haven't received the plans yet to
19 my knowledge. So DEM is looking for the, the updated
20 plans.

21 Beck: Mm-hmm.

22 Moreira: Is that a fair way of reading that?

23 Beck: Yeah.

24 Moreira: Okay.

25 Beck: Yep.

1 Moreira: And then you respond--

2 Beck: Yeah. 'Cause when you get to that final set, you
3 usually, everything, we have a final set in our
4 office, but we need more for the public notice we, the
5 applicant to provide all of that. So it's, there's no
6 more work being done. That's already done.

7 Moreira: Yeah.

8 Beck: They're just giving us extra copies.

9 Moreira: It's on the applicant --

10 Beck: Yes.

11 Moreira: To give you the, the documents. (Inaudible -
12 1:16:28).

13 Beck: Yeah. So we don't have to produce them.

14 Moreira: Okay. You respond to Marty, just check and let me
15 know, 'cause the applicant was told by the engineer,
16 the info was, was delivered. I'll call the engineer
17 and then, now.

18 Beck: Yep.

19 Moreira: Uh, so the part about, let me know, because the
20 applicant was told by the engineer. So had you been
21 in contact with Mr. Silva prior, I guess sending this
22 response to Marty?

23 Beck: Yeah. It could have been a email saying yeah, "Stuff
24 was dropped off. Just wanna let you know." 'Cause I,
25 I had said, "Keep me informed on any correspondence,

1 let me know. So I can, basically be aware of activity
2 on this."

3 Moreira: Okay.

4 Beck: You know. So yeah. I think that was in reference to-
5 -

6 Moreira: So more contact from him about that.

7 Beck: I would think so. Yeah. Yeah.

8 Moreira: Okay.

9 Beck: Definitely. Probably asking for status.

10 Moreira: Okay. Uh, so it looks like the, the plans were
11 located and like the next, set of emails that I won't
12 ask you about. But uh, so then March 30th, 2021,
13 almost done.

14 Beck: That's a good thing. I took the whole day.

15 Moreira: Uh, you email, uh, Marty and Jane, "Marty and Jane,
16 can you please issue the public notice for the Moony
17 project? The applicant has informed me they're in
18 jeopardy of losing the project. Remember we encourage
19 them to reapply to avoid the hearing. I asked
20 Jennifer to have Becky available to help."

21 Beck: Yeah.

22 Moreira: Um, so I guess first question would be, were you in
23 touch with Mr. Silva prior to sending this email?

24 Beck: Yeah. Yeah. I think that's the one where they said
25 that funding was in jeopardy or the -- Where I was

1 saying the closure, the, um, purchases and sales, was
2 they're not -- They may not be able to get it signed -
3 - An extension signed, that sort of thing.

4 Moreira: Okay.

5 Beck: So there was, there was some sort of communications
6 that they were having.

7 Moreira: Okay.

8 Beck: Real estate issues. Yeah.

9 Moreira: And that's from Tony Silva?.

10 Beck: Uh, that might be from Ross. So at one point Tony
11 handed off to his son, Ross, and I believe it was
12 around the time that he went when, uh, it went from,
13 uh, lieutenant governor to governor. I remember that
14 for some reason that clicked in my head.

15 Moreira: Okay.

16 Beck: Whether or not that's-

17 Ratigan: State of that email?

18 Moreira: March 30th.

19 Beck: Yeah. So I might have been dealing with Ross then,
20 'cause that would've been in November, right? Uh,
21 when did McKee become governor?

22 Ratigan: March.

23 Beck: Oh right.

24 Ratigan: Either March.

25 Beck: I can't remember.

1 Moreira: So--

2 Beck: To one point he handed it off to his son saying, you
3 know--

4 Moreira: So trying to work through that when that handoff was,
5 um, we do have some phone records that indicate
6 there's phone calls with Mr. Silva and your cell
7 phone, uh, March -- Um, February 10th and February
8 11th seems like there's like, uh, you know, missed
9 calls, but then there's subs 1:20:02 calls.

10 Beck: Yeah. That, so that was probably Ross on.

11 Moreira: (Inaudible - 1:20:04).

12 Beck: Oh that was Silva's?

13 Moreira: Silva's cell phone not to get it to the phone numbers
14 assigned to people.

15 Beck: Yeah.

16 Moreira: So February, um, of 2011, I guess is been, you can
17 recall that would obviously be a month before this
18 email, what would those phone calls have been about?

19 Beck: I don't know, it was, it was probably about the
20 funding. Yep.

21 Moreira: From Tony Silva's as opposed to Ross Silva?

22 Beck: I don't know. Um, I don't know when the handoff was,
23 all that I remember that it was, it was notable that
24 it was around the time that McKee was -- became
25 governor.

1 Moreira: Okay.

2 Beck: Then there was like a change in strategy, so to speak.

3 Moreira: Okay.

4 Beck: I'm not sure why any decided to be sensitive about it,
5 but--

6 Moreira: Okay.

7 Beck: Either way. There was, there was a point in time
8 where he handed me off to Ross, but so if I was
9 talking to him in March, then it was probably,

10 Moreira: Well, February there phone calls in February.

11 Beck: Probably about the fin -- the financing thing. That
12 was all that was really left, was timing.

13 Moreira: Okay.

14 Beck: You know, in terms of--

15 Moreira: So you know, not to dwell on this too much, but you,
16 you write to them, the applicant has informed you. So
17 would you be using the term applicant, if it's now,
18 Ross or would that be referring to, I don't wanna put
19 words in your mouth or would that be referring Tony
20 Silva? I dunno. Just, question we have to get to the
21 bottom.

22 Ratigan: (Inaudible - 1:22:00).

23 Beck: Yeah, that wasn't John Moony, I know that. Um, I can
24 -- Oh God. It seems a little, I mean, you don't have
25 any calls from me after February, right?

1 Moreira: Correct.

2 Beck: So it seems to me that it would probably have been
3 Ross, then.

4 Moreira: In March?

5 Beck: Yeah. 'Cause this is like two months later or at
6 least a month and a half.

7 Moreira: Okay, yeah.

8 Beck: But I mean, I can certainly check.

9 Moreira: Sure.

10 Beck: I mean, I don't--

11 Moreira: I mean, you seem to have a recollection of somebody
12 telling you it should go to Ross.

13 Beck: Yeah. There was a handoff at one point, I think it
14 was an email or, or, or a text or a phone call where
15 based -- It wasn't a phone call, but there was at one
16 point where he said, um, "My son Ross will be the, uh,
17 contact for this project going forward."

18 Moreira: Okay. And you're not sure when that was.

19 Beck: Yeah, just in my recollection. It was sometime around
20 the time I thought I, I thought it was interesting
21 that it was around the time that, uh --

22 Moreira: And for what it's worth in the timeline, the, uh,
23 applications are approved in June?

24 Beck: Yep. So I got--

25 Moreira: June 3rd, 2021.

1 Beck: I did find, uh, okay. March 3rd

2 Moreira: Is what?

3 Beck: Is when Ross Silva contact me saying I'm, I'm now the
4 person.

5 Moreira: Okay.

6 Beck: So basically says, um, "Eric, this is Ross Silva, I
7 left you a couple messages last week regarding 45
8 Canning in Cumberland. This is regarding Joan
9 Mooney's application, a lot, my father and I are under
10 contract for, I think you had spoke with my father the
11 week before, which would've been February and you were
12 going to have an update very soon. I work in lending,
13 so I understand current inundation working 16 hours a
14 day, blah, blah, blah. Appreciate your help, I know
15 you slammed." So yeah, it was March 3rd. It was my
16 first contact with Ross. And then after that it was
17 only Ross after that.

18 Moreira: You remember after March or any contact or
19 communications from Tony Silva?

20 Beck: I, yeah, I definitely did not.

21 Moreira: Let me just see if there's any other emails to bug him
22 up. I think that's for me, to help you guys. I know.

23 Beck: Well, I, I do, but I wanna tell you that I cleared my
24 day 'cause Marty said it was three and a half hours
25 and I figured--

1 Moreira: That text. You just read. Was that on your work
2 phone or your?
3 Beck: Yeah. Work phone.
4 Moreira: Work phone?
5 Beck: Yep.
6 Salisbury: Did you ever talk to Janet, quite about this--
7 Beck: No.
8 Salisbury: Contract at all?
9 Beck: No.
10 Moreira: Okay. Just, trying to--
11 Salisbury: Did you ever visit the site yourself?
12 Beck: No.
13 Ratigan: I I'm very interested in, in just a brief discussion
14 about that phone call that you mentioned two hours
15 ago.
16 Beck: Yeah.
17 Ratigan: Um, and I think it was around the timeframe of may,
18 May, 2020 if I remember correct. And Tony Silva
19 called you, you know, where it's his, his story.
20 Beck: Yeah.
21 Ratigan: What was his story as detailed as you can remember?
22 Beck: Yeah. Well, I, I think it was more along the lines
23 of, um, you know, his history in the town. Like I was
24 the chief of police and blah, blah, blah. And then I
25 think it kind of intimated. I'm just, I can't

1 remember the exact words, but I think he, you know,
2 intimated that, you know, um, because of that, you
3 know, there's a, this transition that happened in
4 Cumberland, there's a lot of local politics wrapped
5 around that and--

6 **Moreira:** Local politics wrapped around his being the chief of
7 police.

8 **Beck:** No, no, just the transition, you know, because if --
9 And he didn't say this, but I, I, I know what, what
10 happened in the town 'cause McKee was the, the mayor,
11 right? Of Cumberland and (inaudible - 1:27:38) is the
12 new mayor. And then in between, there was such a lot
13 of bad blood in the transition of the town, you know,
14 leadership at that point, which is, you know, I think
15 part and parcel of why some of the local politic
16 things were still bad between, you know, some of the
17 people in Cumberland and McKee's group, but he didn't
18 really talk about that. He just said, "Look, you
19 know, I've, I've been public servant with the town of
20 Cumberland, chief of police. And um, you know, now my
21 son and I do, do this kind of work on the side." And
22 this and that. But I think the real reason he reached
23 out to me is like saying, "Yeah, I'm not asking, I'm
24 only checking the status of this. I'm not asking for
25 you to do anything different or any favours. You



1 know, I took that for what it's worth you, but I just
2 wanna let you know, that's what he said.

3 Salisbury: I'm still like, what did he -- You said he looked to
4 me, there was some kinda political, um, I don't wanna
5 say conspiracy, but, was intimating to you, there was,
6 there was people that are trying to block this. We of
7 who he is?

8 Beck: I think he did. I think that was generally, I can't
9 remember the specific words, but that's the, that's
10 the impression I got, or I'm left with now thinking
11 back about the conversation that it was, you know,
12 that it, you know, it could be controversial just
13 because of that, or there were local politics, six
14 involved with, you know, with this site. Um.

15 Salisbury: Did he mention any, any names, local politicians?

16 Beck: No.

17 Salisbury: Did he ever have a conversation with you about
18 Jonathan Stevens?

19 Beck: No. No. I don't know. I mean, maybe they have an
20 issue, but he didn't necessarily come say anything,
21 you know, particular about anybody or any person. I
22 think he just felt like he might be under scrutiny,
23 you know, on something like this because people know
24 him in the town. That's the impression I got.

25 Ratigan: Um, last time I talked about pipes, but the, the

1 cohort runs under the street. So I think it's fair
2 to, uh, assume regardless of the town's records, the
3 town installed that, but then it leads to that pipe
4 that not only travels all the way through, that
5 property, but then a significant difference distance
6 into the, into, into the, yeah, into another lot
7 behind it.

8 Beck: Mm-hmm.

9 Ratigan: Is that unusual?

10 Beck: No.

11 Ratigan: No?

12 Beck: No.

13 Ratigan: Okay.

14 Beck: Sadly to see it's not. And the, and the -- You wanna
15 see a lot of them, look at DOT's pipe. In (inaudible
16 - 1:30:40). Just drive around town, follow a DOT
17 pipe. They don't have a single easement for any of
18 the pipes that go through private property. And then
19 they dump all the water on private property. It's not
20 right. You should have an easement. You should have
21 bought the property. If you wanted to use it as a
22 drainage dump, you know, but, it's, it's not unusual.
23 It's way too common. The more rural you get, the more
24 common it is.

25 Ratigan: I guess, I, I guess what I want--

1 Beck: Unfortunate.

2 Ratigan: I wonder why they didn't just run the culvert under
3 the road, stop it there and let the water just dump
4 into that?

5 Beck: Probably elevation.

6 Ratigan: Okay.

7 Beck: They needed to get it deep enough to -- And then find
8 an outlet point for it. So they had to work with the
9 grade.

10 Ratigan: Okay. Because if it stopped, (inaudible - 1:31:24).

11 Beck: It was already below ground. If it was on the
12 surface, it might have run across.

13 Ratigan: Okay. Is that you're (inaudible - 1:31:29).

14 Beck: Because they put it on the ground. Now they got the
15 only (inaudible - 1:31:29)--

16 Ratigan: (Inaudible - 1:31:32) lower elevation than where it
17 started across the street.

18 Beck: Yeah. 'Cause you, once you put it underground, you're
19 already five feet deep and you've lost five feet a
20 grade, which is also head, which is also what makes it
21 right.

22 Ratigan: Okay. I get it.

23 Beck: So yeah, unfortunately it's not unusual. And my, my
24 guess is that that pipe is the town's, they should
25 have been maintained all along. The reason why there

1 is wetlands on that lot, if there were any, uh,
2 probably because it got flooded from local drainage
3 for many years and it created a wetland versus, if
4 their pipe had been maintained that water would've
5 went to the wetland and that lot would've been drier.
6 So there's a lot of -- I mean, we unfortunately have
7 to try to go right down on the middle all the time.
8 It's, it's not easy, but you know, you -- And, and I
9 don't want to get into predicting, who's got problems
10 with you. And that's why when he went on that, I just
11 go, no, no, no. You know, like I got a job to do. I
12 don't care who you are. I don't care what the local
13 politics are. I Never get involved in that, I don't
14 wanna get involved in that it's too painful. So you
15 have to try to find that middle ground where you're
16 doing just whatever the right thing is. And, and
17 again, I, I do believe at the end of the day that I
18 trust what Nick did, um, he's a good engineer and we
19 don't always get it right. But I rely heavily on
20 Nick. He's been doing it for -- And I--

21 Moreira: Forever.

22 Beck: 40 years. And so is Marty. So I defer to them a lot.
23 Um, and you know, unfortunately, sometimes I, I think
24 Marty's position of just let the applicant and the
25 town battle it out, is probably the best approach.



1 Not only it saves us time, but it's not easy.
2 Sometimes I feel like maybe I could make a difference
3 if I got involved and helped work, helped people work
4 through the issues, but you usually don't, um, get
5 rewarded for that. You usually end up getting
6 punished for that. It's unfortunate because a lot of
7 these things are not nefarious and they could use some
8 problem solving.

9 Salisbury: Sure.

10 Beck: But sometimes you get into--

11 Salisbury: Last thing I'm gonna ask directly.

12 Beck: Mm-hmm.

13 Salisbury: So beat around the bush at any point in the
14 application from the first application, the second
15 application, there's different directors, Jim and
16 (inaudible - 1:33:59) to Jeremy Gray, were you ever
17 pressured to get this through and approve the permit
18 because Tony Silva was chief of staff for the
19 Lieutenant government and then the governor.

20 Beck: No. Now I'll say that with conviction. Um, there
21 might be the overt. I was thinking about this a lot.
22 There's always that overt, like as soon as I knew who
23 he was, you know, of course I know who he is, you
24 don't wanna screw that up. Right? Anybody, you know,
25 but at the same time, I believe that my -- I have to

1 navigate those things. So my main goal is that never
2 let the staff see that, you know, so I believe, and
3 hopefully that showed out in the interviews that Nick
4 never knew who this person was. Marty never knew who
5 this person was. Chuck never knew who this person
6 was. It wasn't brought to their attention on -- And --
7 -- by on purpose, you don't want, you know what I'm
8 saying? Like, I, I, uh, they didn't -- So I think
9 their interviews would corroborate that. Certainly
10 Chuck did. And he was the one that helped Marty work
11 through the final decision. And then when he saw the,
12 the, the thing in the paper, he is like, "I had no
13 idea who this guy was." So that was my testament to
14 how good a job the DEM did at the staff level. No
15 idea who this guy was, they just made their decisions
16 based on their professional, uh, experience and
17 abilities. Um--

18 Salisbury: Even after you found out who he was?

19 Beck: They had no idea.

20 Salisbury: No, but even after you found out who he was, did you
21 feel that you had to endear yourself to him, because
22 he was the chief of staff, the 1:35:55 there at the
23 time?

24 Beck: Not, not necessarily. I mean, unfortunately Janet
25 created an atmosphere of customer service, good or

1 bad. So I technically treat everyone that way. Um,
2 and especially if they're already in a situation where
3 they're in distress or they're contacting a
4 representative or the director or somebody else, it
5 means they've already got a problem. There's
6 something going on. Um, so, you know, in the back of
7 my mind, I'm going, "God help us if this goes badly,
8 but I wouldn't influence it in any way." You know.
9 And I wouldn't be in in, in a niche where that wasn't
10 a topic, a discussion with the staff that they just
11 did their jobs in a -- Not -- In a vacuum or isolated
12 from that. So yeah. I mean, honestly I personally,
13 yeah, it's, it's out there, it's overt. You, you're
14 thinking, you know, I need to be responsive. Um, but
15 I'll be honest with you, anything, I would treat and
16 we have plenty of records to show that anything that
17 comes from Ryan McKay, he's the director, the
18 associate director, those are all treated the same
19 with a really high priority. Um, I, that's kind of my
20 job to make sure that if they're asking me to keep
21 track of something or look at something that's, you
22 know, that's, that's -- that was important to Janet,
23 that she get regular feedback, that we're very
24 responsive. Um, it doesn't mean that she changes
25 anything. Like I think, you know, I've never felt



1 pressured by Terry on an outcome, by time all the
2 time, we're time challenged. And we get that pressure
3 all the time. It's, it's hard. I never felt like
4 anyone talks to me about an outcome. Like I -- This
5 has to get approved or this, you know -- It's always a
6 decision is made, you know, whether it's the yes or a
7 no, it's a decision. So, that's my honest and best
8 answer that, you know, I, I personally, don't feel
9 like that played into it. Would -- I would call
10 anybody back or text or email anybody back that the
11 director Ryan or, or the associate director put on my
12 plate. So that's -- I guess that's the best way to
13 describe it. I would treat him all as important many
14 times, it's -- it could, it's a homeowner and our, I
15 would add Mike Heely to that, 'cause he gets a lot of
16 complaints too. He's our PR guy. So for instance, if
17 I -- I just had one where a, uh, somebody pinged him
18 about, you know, as a resident, so property, they just
19 wanted to trim trees in their yard and they were
20 getting misinformation about, you know -- So because
21 they contacted him and he asked me to respond. That's
22 a priority. I, I called him right away. I handle it
23 myself most of the time to the best of my ability, if
24 I can answer their question, but I make that contact
25 as part of the customer service. So it's kind of hard



1 when the line gets blurred between customer service
2 and that kind of stuff. But I kind of try to continue
3 to keep it on that line of customer service, you know,
4 and to me, um, I, if, uh, if I, I, I definitely
5 realized that, um, at that point I felt like the only
6 thing was timing. You know, the outcome was gonna be
7 what it is I can't make. I can't make, um, a pile of
8 cow manure, smell like a rose. You know, it is gonna
9 be what it is. Um, the engineering in the biology
10 will prove out what the right solution is. Um, but
11 timing and expectations are something that we do have
12 some ability to address. Um, so somebody in that
13 situation I would feel, I felt similar pressure for
14 other contacts. They weren't politically connected.
15 You know, they were just, I, I need to move into my
16 house, my mother's, you know, in the hospital and I
17 need to get it ready for her. You know, we get that a
18 lot too. And it's like, oh my God, can you help this
19 person out? Um, I take that -- I kind of put 'em all
20 in that same box. So, that's about as honest as
21 answers I can, um, can give you, I thought about it a
22 lot to say, you know, how did this affect us and --
23 But I felt really positive about the fact that -- And
24 good about the fact -- That was never put on the staff
25 level. You know, it wasn't on there.



1 Salisbury: It was put on you though.

2 Beck: Yeah. I mean, I was obviously new about it. It was
3 put on me, but I wasn't necessarily -- I would never
4 do that. I wouldn't want it to, uh, change their
5 answer. You know, their answer should always be the
6 same regardless. And I'm always gonna negotiate for
7 time with them, you know, till we get it done quicker.

8 Salisbury: Sure.

9 Beck: But I don't want it to be, who's asking the question
10 that gives me their different answer 'cause you know,
11 it should be the same for, you know, Joan Moony as it
12 would be for, you know, Cardi Corp or somebody else,
13 you know. Um, but that's -- And I think that we
14 generally, as you can see from Marty's emails, they --
15 It's a, it's a hard tug and pull, but they really hold
16 their line. Things would be a lot easier if we, if we
17 had more resources and the, and the public didn't
18 expect instant gratification, but those two things are
19 not gonna happen in my career. I don't think.

20 Salisbury: No. All right. We really appreciate your time.

21 Beck: Well, thank you. All right. I appreciate it too.
22 And the job that you do and, it's a very important, I
23 think, especially --

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