

Freedom Matters

A Weekly Newsletter

Dane County, Wisconsin

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We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. Yet, when a legislature is in session, no one's life, liberty or property is safe. It's the curse of a democracy. That's why we have a republic instead. *Freedom Matters* dedicates itself to the fight to restore our republic. Most of the press and courts fail to do so. They've forgotten that freedom matters.

Fred Smith wrote to the editor of the Mt. Horeb mail after David Gehl's citations were dismissed in court by Judge Foust. Mr. Smith's letter was so expressive we felt it deserved wider distribution as the opinion of a Town of Perry taxpayer.

Dear Judy,

It is ridiculous to believe that our town board was victorious in court against Mr. Gehl as Mr. Hamady's article last week implies. Lets see... our town owes or spent around \$50,000 for attorney fees, lost around \$50,000. in illegal citations to Mr. Gehl, and possibly could owe around \$50,000 for Mr. Gehl's attorney fees!!! A \$150,000 loss to the taxpayers in Perry certainly does NOT constitute a victory!

Mr. Gehl's rights were violated and that is why his citations were dismissed. It took Mr. Gehl's deep pockets for justice to be served. Most of us could not have afforded to spend that kind of money to defend our legal rights and therefore our rights would of been violated. I am relieved he was able to defend land owners rights because far too many of our rights are being taken away by overzealous town boards who are breaking the law.

Our town board and clerk and land use committee were sincere and courageous in breaking the law and spending town of Perry taxpayers' money! Not in upholding our land use plan. As Pat Downing said, "this was outside the scope of our permitting ordinances." This so-called driveway was proven to be a field road used for agricultural use and also proven was that no accessory building existed on this property, in a court of law. It didn't take a rocket scientist to see that there was no residence at the end of this road, nor was there a board or piece of steel in the accessory building area. It did take two high priced attorneys who prolonged a one day trial into three with all their subpoenas and witnesses at great cost to the taxpayers.

Mr. Hamady calls the win due to a technicality... that's like speeding in a school zone. I call it democracy. The county should have power over townships just as the state has power over the county and the federal over state. This division of power keeps things in balance and stops views of a few to be forced on us all. Even with the pressure from Kathleen Falk on the county government the law and justice prevailed and the judge had to rule in Mr. Gehl's favor.

Kathleen Falk talks about the funding that may come our way...well these funds are our tax money. One way or another we pay, pay, and keep on paying. The pressure she has put on zoning, and to have this pressure overturn a zoning decision that has never been done to this date is ludicrous and very suspicious to say the least.

Mr. Gehl went to the county legally and had a farm plan approved legally. He has five density units in which one would be used and transferred to this parcel which connects to his adjoining farm land. This has been done before many times in our county as late as September 5th of 2001, but due to Falk's pressure and our land use committee and town board's prejudice and dislike for Mr. Gehl all us tax payers are paying dearly.

In Judy Brick's article she states that the Hauge historical district wants no buildings within 400 feet of the church. Well...Mr. Gehl has already offered to build 600 feet away. Now our town board wants the people to release the \$150,000 capital expenditure money for the "purchase of land" in the historic district, on January 8th. Wake up people...The town board has at least two more court battles and all that money will be doing is going into attorney's pockets certainly not for land. The board wants to stop Mr. Gehl from building a home and then take his rights and possession of his land illegally. Who of us wouldn't fight for our land? Mr. Gehl's rights were violated already and a court of law ruled for Mr. Gehl. He will win again because again his rights are being violated. How much more money do the taxpayers in Perry want to hand over to attorneys?

I don't look at this as sugar coated as Larry Price put it at our town budget hearing. I see it as the board not following our land use plan and unfortunately a misappropriation of towns money with prejudice and malice towards a taxpayer, and most of all as breaking the law. The town board lost and certainly were taken and misadvised by two high priced attorneys.

Mr. Gehl's rights were violated so the last laugh is on the people who snickered and laughed at the town budget meeting. Maybe the people who voted for this along with our town board should be made to pay for this injustice. They condoned it.

I am glad that rights of landowners still mean more than just paying your taxes.

Sincerely
Fred D. Smith
437-5850

Editor's note: As of this writing a group of some 60 citizens voted to approve the allocation of town funds to purchase land around the church. Gehl refuses to sell! Now what will the town board do? We'll keep you posted....

Readers' Bulletin Board. e-mail us your comments. Include your name, for publication by *Freedom Matters*

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