

September 21, 2011

3 Minute Public Comment, Excerpt, September 19, 2011, County Commission Meeting.

Prior to the September 19, 2011 County Commission meeting, I called Stephen Kaufman, President of Reece, Noland & McElrath, and apologized to him for referencing Reece, Noland & McElrath in error in my public comments during the September 6, 2011 County Commission meeting. I indicated how the error was made, a retraction had already been posted on my website, and I was planning to speak at the public comment session at the meeting that afternoon. He was concerned that people searching on the web would see the reference I had made and get a wrong impression. The retraction on the web site was clear and should resolve that concern. He graciously accepted my apology.

As part of my public comment at the September 19, 2011 Haywood County Commission meeting, I stated:

... But before I do, it was brought to my attention, and rightly so, that I referred to Bill Noland Consulting and Reece, Noland & McElrath as one in the same, which they are not. I indicated last week that “A group of people will be looking into Bill Noland Engineering to take a look at the final report that they provided to you as part of the reason you sent a letter of termination to KMD. You paid over a Quarter of a Million Dollars of taxpayer money for a consulting opinion from Reece, Noland & McElrath, which now has ultimately cost the county \$1.5M dollars.”

The consulting opinion was from Bill Noland Engineering, and not Reece Noland & McElrath. The quarter of a million dollars was paid to Bill Noland Engineering, and not Reece Noland & McElrath.

So I apologize to Reece, Noland & McElrath for making this error. The apology has been accepted.

Rebecca, can you please make a note in the minutes of this clarification for this meeting?

Additionally, I posted a retraction on www.haywoodtp.net under: [Retraction - Reece, Noland & McElrath is not associated with Bill Noland Engineering, as stated in Public Comments. 9/16/2011...](#), as follows:

September 16, 2011

R e t r a c t i o n

During my public comments at the September 6th, 2011 county commission meeting, and also posted on www.haywoodtp.net, I stated;

“2. **KMD Arbitration Award.** A group of people will be looking into Bill Noland Engineering to take a look at the final report that they provided to you as part of the reason you sent a letter of termination to KMD. You paid over a Quarter of a Million Dollars of taxpayer money for a consulting opinion from Reece, Noland & McElrath, which now has ultimately cost the county \$1.5M dollars. ...”

I erred by indicating Reece Noland & McElrath were associated with Bill Noland Engineering. The consulting opinion was from Bill Noland Engineering, and not Reece Noland & McElrath. The quarter of a million dollars was paid to Bill Noland Engineering, and not Reece Noland & McElrath.

I apologize to Reece, Noland & McElrath for making this error.

Monroe A. Miller Jr.

Immediately following the Public Comment Session and Constituent Concerns at the county commission meeting, the chairman (and sometimes others) comment if any questions were raised during the public comment session. Swanger forgot to do that at the September 6th county commission meeting. None of my questions were answered.

Here are Swanger's transcribed comments following the Public Comment and Constituent Concerns portion of the September 19th, meeting, in part [re: my recorder, review the cable channel rebroadcast and video posted on www.haywoodnc.net for clearer and concise comments, as acoustics remains a problem in the courtroom in transcribing comments.]

... Also, I think a little more light needs to be shed on you're your first part of your comments, I'll read from a letter written to you by an attorney representing Reece, Noland & McElrath, regarding an incorrect statement that you made during a public comment period at a Haywood County Commission meeting September 6, 2011. This incorrect statement is also posted on your website.

You stated that Haywood County "paid over a Quarter of a Million Dollars of taxpayer money for a consulting opinion from Reece, Noland & McElrath, which now has ultimately cost the county \$1.5 M dollars."

This is an incorrect statement I think you have acknowledged that. I also heard you say that others are hurt sometimes in your quest that is considered collateral damage. Frankly, I resent using a taxpayer funded public forum to irresponsibly attack well known and well respected local business for your own agenda.

So, uh, the final paragraph in that letter from attorney Clarence Dickson states: "My client insists that you issue a retraction on your website for this inaccurate information, and that you also retract your erroneous statement at the next Commissioner's meeting."

I appreciate your doing that. Thank you.

Perhaps Swanger can review the video of his own comments to refresh his memory, as I never recall saying "I also heard you say that others are hurt sometimes in your quest that is considered collateral damage."

It appeared that Swanger was so eager to fire off his prepared statement when I came up to speak, that he forgot to actuate the 3 minute timer button [re: see video, no lights came on] - I could have taken advantage of that opportunity at the September 6th meeting.

The following is the letter Clarence Dickson wrote that Swanger was reading from. It is curious that Marty Stamey, the County Manager, was copied on the letter.

Monroe A. Miller Jr.

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September 14, 2011

SEP 16 2011

Mr. Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786

Dear Mr. Miller:

I am writing to you on behalf of Reece, Noland & McElrath, Inc. regarding an incorrect statement you made during the public comment period at the Haywood County Commissioner's meeting on September 6, 2011. This incorrect statement is also posted on your website.

You stated that Haywood County "paid over a Quarter of a Million Dollars of taxpayer money for a consulting opinion from Reece, Noland & McElrath, which now has ultimately cost the county \$1.5M dollars." This is incorrect.

Reece, Noland & McElrath, Inc. (RNM) was not engaged by Haywood County to offer such an opinion, and has not received any fees from Haywood County for doing so. You appear to have the engineering firm of Reece, Noland & McElrath, Inc. confused with Bill Noland Engineering. The Noland in RNM refers to David Noland who has been deceased since the 1970's. No one named Noland has worked at RNM since that time. Reece, Noland & McElrath, Inc. is an 18 person mechanical and electrical engineering firm in business for over 50 years that is located in Waynesville. It performed the plumbing, mechanical, and electrical engineering design for the Courthouse and was not involved in the arbitration in any way.

September 14, 2011

Mr. Monroe A. Miller, Jr.

My client insists that you issue a retraction on your website for this inaccurate information, and that you also retract your erroneous statement at the next Commissioner's meeting.

Thank you.

Yours very truly,



Clarence H. Dickson, III

CHD,III/djj

cc: Stephen C. Kaufman, P.E.
President, Reece, Noland & McElrath, Inc.
Marty Stamey, Haywood County Manager