‘In the ring’ again, Sayre belabors FRLP rezoning
Councilman corrected on referenced requirement assertions from Athey

By Roger Bianchini
Warren County Report

Perhaps buoyed by a second Commonwealth’s Attorney’s opinion he has no apparent legal conflict of interest resulting from road provers offered by Front Royal Limited Partnership (FRLP) in its rezoning application on 149 acres not far from his home, Thomas Sayre often dominated a Jan. 4 work session discussion of that application. Awaiting that most recent Commonwealth’s attorney’s opinion, recently Sayre has recused himself, if not exactly been silent, during discussion of the FRLP rezoning proposal — on Jan. 4 he was making up for lost time. However, the value and accuracy of Sayre’s contributions to the discussion of a final, new proffer package offered by FRLP principal David Vazzana prior to a Jan. 11 Public Hearing and vote were continually questioned by others present.

Five times Sayre belabored the application and proffer package for the lack of a site plan, questioning how the town could be expected to approve any rezoning without a detailed site plan to assure things were done as promised. Five times it was explained by either another councilman, Town Attorney Tom Robinett or acting Planning Director Bruce Drummond that by town code or even state law a site plan is not required in a rezoning application and that other means existed to assure development plans were adhered to.

FRLP principal David Vazzana, left, and Councilman Tom Sayre in a file photo.

Pond explained that rather than a “site plan requirement,” Athey told Sayre it was unusual to approve rezonings without “a conceptual plan.” Conceptual plans are not as detailed or as expensive as site plans …

Following Pond’s elaboration on Athey’s comments to Sayre, Mayor Eugene Tewalt, Vice Mayor Brett Hrbek and Robinett all reminded Sayre that the applicant had presented three conceptual plans, including one for the now proposed 320 units, to council at a December 2008 work session at which Sayre was present. “But the only thing we can hold him to is the proffers,” Sayre offered. “And town codes,” Drummond replied. “Until it comes up for site plan approval — I think we’re putting the cart in front of the horse … I think we need to put this [subject] to rest,” Robinett said of something that didn’t happen for another 20 minutes.

At one point Councilman Tom Conkey berated Sayre for his continued harping on the absence of a site plan not required by town code. — “To require an applicant to do something that is not required by law and to spend a million dollars on a site plan based on ‘what ifs’ for something that is not approved is unfair” … Sayre took a final shot at the rezoning application he must assert he “can be fair and objective” in voting on, according to Commonwealth’s Attorney Brian Madden’s conflict of interest opinion. He asked Drummond if he had considered the proposed subdivision’s POA (property owner’s association) covenants that would be enacted within the town limits. “Mr. Sayre, it’s not something the town can regulate,” Drummond replied.

Town Attorney Robinett agreed that the town had no legal authority over POA covenants. Legal or not, Sayre replied that he thought town oversight of POA covenants was “in the best interest of the citizens.” “People will bypass the east-west connector to go to Happy Creek Road to get to town, at least that’s what I think,” Sayre said. When Sayre reiterated his belief that without a site plan there was no guarantee the applicant would ever build the east-west connector road or do anything else being proffered, Drummond disagreed. That led to an exchange any two of the Three Stooges would have been proud of when Sayre managed to get Drummond to repeat one of his assertions … “I agree,” Sayre replied to a somewhat baffled Drummond. “I wasn’t agreeing with you,” Drummond shot back.

Pond explained that rather than a ‘site plan requirement,” Athey told Sayre it was unusual to approve rezonings without “a conceptual plan.” Conceptual plans are not as detailed or as expensive as site plans …

Following Pond’s elaboration on Athey’s comments to Sayre, Mayor Eugene Tewalt, Vice Mayor Brett Hrbek and Robinett all reminded Sayre that the applicant had presented three conceptual plans, including one for the now proposed 320 units, to council at a December 2008 work session at which Sayre was present. “But the only thing we can hold him to is the proffers,” Sayre offered. “And town codes,” Drummond replied. “Until it comes up for site plan approval — I think we’re putting the cart in front of the horse … I think we need to put this [subject] to rest,” Robinett said of something that didn’t happen for another 20 minutes.

At one point Councilman Tom Conkey berated Sayre for his continued harping on the absence of a site plan not required by town code. — “To require an applicant to do something that is not required by law and to spend a million dollars on a site plan based on ‘what ifs’ for something that is not approved is unfair” … Sayre took a final shot at the rezoning application he must assert he “can be fair and objective” in voting on, according to Commonwealth’s Attorney Brian Madden’s conflict of interest opinion. He asked Drummond if he had considered the proposed subdivision’s POA (property owner’s association) covenants that would be enacted within the town limits. “Mr. Sayre, it’s not something the town can regulate,” Drummond replied.

Town Attorney Robinett agreed that the town had no legal authority over POA covenants. Legal or not, Sayre replied that he thought town oversight of POA covenants was “in the best interest of the citizens.” “People will bypass the east-west connector to go to Happy Creek Road to get to town, at least that’s what I think,” Sayre said. When Sayre reiterated his belief that without a site plan there was no guarantee the applicant would ever build the east-west connector road or do anything else being proffered, Drummond disagreed. That led to an exchange any two of the Three Stooges would have been proud of when Sayre managed to get Drummond to repeat one of his assertions … “I agree,” Sayre replied to a somewhat baffled Drummond. “I wasn’t agreeing with you,” Drummond shot back.

‘In the ring’ again, Sayre belabors FRLP rezoning
Councilman corrected on referenced requirement assertions from Athey

By Roger Bianchini
Warren County Report

Perhaps buoyed by a second Commonwealth’s Attorney’s opinion he has no apparent legal conflict of interest resulting from road provers offered by Front Royal Limited Partnership (FRLP) in its rezoning application on 149 acres not far from his home, Thomas Sayre often dominated a Jan. 4 work session discussion of that application. Awaiting that most recent Commonwealth’s attorney’s opinion, recently Sayre has recused himself, if not exactly been silent, during discussion of the FRLP rezoning proposal — on Jan. 4 he was making up for lost time. However, the value and accuracy of Sayre’s contributions to the discussion of a final, new proffer package offered by FRLP principal David Vazzana prior to a Jan. 11 Public Hearing and vote were continually questioned by others present.

Five times Sayre belabored the application and proffer package for the lack of a site plan, questioning how the town could be expected to approve any rezoning without a detailed site plan to assure things were done as promised. Five times it was explained by either another councilman, Town Attorney Tom Robinett or acting Planning Director Bruce Drummond that by town code or even state law a site plan is not required in a rezoning application and that other means existed to assure development plans were adhered to.

FRLP principal David Vazzana, left, and Councilman Tom Sayre in a file photo.

Pond explained that rather than a ‘site plan requirement,” Athey told Sayre it was unusual to approve rezonings without “a conceptual plan.” Conceptual plans are not as detailed or as expensive as site plans …

Following Pond’s elaboration on Athey’s comments to Sayre, Mayor Eugene Tewalt, Vice Mayor Brett Hrbek and Robinett all reminded Sayre that the applicant had presented three conceptual plans, including one for the now proposed 320 units, to council at a December 2008 work session at which Sayre was present. “But the only thing we can hold him to is the proffers,” Sayre offered. “And town codes,” Drummond replied. “Until it comes up for site plan approval — I think we’re putting the cart in front of the horse … I think we need to put this [subject] to rest,” Robinett said of something that didn’t happen for another 20 minutes.

At one point Councilman Tom Conkey berated Sayre for his continued harping on the absence of a site plan not required by town code. — “To require an applicant to do something that is not required by law and to spend a million dollars on a site plan based on ‘what ifs’ for something that is not approved is unfair” … Sayre took a final shot at the rezoning application he must assert he “can be fair and objective” in voting on, according to Commonwealth’s Attorney Brian Madden’s conflict of interest opinion. He asked Drummond if he had considered the proposed subdivision’s POA (property owner’s association) covenants that would be enacted within the town limits. “Mr. Sayre, it’s not something the town can regulate,” Drummond replied.

Town Attorney Robinett agreed that the town had no legal authority over POA covenants. Legal or not, Sayre replied that he thought town oversight of POA covenants was “in the best interest of the citizens.” “People will bypass the east-west connector to go to Happy Creek Road to get to town, at least that’s what I think,” Sayre said. When Sayre reiterated his belief that without a site plan there was no guarantee the applicant would ever build the east-west connector road or do anything else being proffered, Drummond disagreed. That led to an exchange any two of the Three Stooges would have been proud of when Sayre managed to get Drummond to repeat one of his assertions … “I agree,” Sayre replied to a somewhat baffled Drummond. “I wasn’t agreeing with you,” Drummond shot back.
Tom Sayre shed crocodile tears as he successfully argued against his Censure by colleagues last January. Some Sayre supporters told council their man shouldn’t be “censored” – what will become of democracy, they wondered. Fortunately for democracy censorship wasn’t at issue, professional ethics were.

By Roger Bianchini
Warren County Report

(Note: As we attempted to explain to supporters of Mr. Sayre on the “Censure” issue at the time, at issue for council was not “the censorship” of the councilman’s right to express his opinions, but rather a “Censure” – or public reprimand – for previous actions contrary to expected standards of behavior of a public official in the conduct of his office.)

The controversy swirling around a potential censure of Front Royal Town Councilman Thomas Sayre over a closed door meeting with the judge presiding over the Route 522 Corridor law suit escalated on Jan. 21. Less than three days after authorization was given to the town attorney to proceed with the drafting of a Resolution of Censure of Sayre, the councilman appeared on WZRV’s News at Noon show to defend his actions related to his Dec. 8 closed door discussion with Judge Dennis L. Hupp. He also took the opportunity to attack his colleagues who might support his censure.

“Obviously some of my council members are blowing this out of proportion for political purposes. The election starts today,” Sayre, who is up for reelection this spring, told WZRV News Director Mario Retrosi.

However, some of Sayre’s subsequent radio remarks about what he told Hupp in chambers have raised further issues about Sayre’s conduct and potential breaches of ethical standards.

“Nothing confidential was said; ...” Sayre stated ... [but] Sayre verified Judge Hupp’s e-mail observation that he had informed the judge that the town water-sewer bills were going out with the meals tax-based fees still attached so the judge “wouldn’t be angry.”

In conversations with Vice Mayor Bret Hrbek and Councilmen Tom Conkey and Shae Parker following Sayre’s Jan. 21st radio appearance we asked if they agreed with Sayre’s representations that he had violated no ethical standard or revealed any confidential information regarding the still pending legal case.

All three indicated that to the best of their recollection the fact the water-sewer bills were going out as they had in the past had only been a topic of closed session discussion about consequences and strategies in the wake of Hupp’s Nov. 30 ruling on the first aspect of the case.

We asked Town Attorney Tom Robinett, who led that closed session discussion of legal issues and strategies if that was in fact the case.

“That is consistent with my recollections and I do not recall any previous or subsequent discussion of that (the water bills),” Robinett stated ...

“If that’s the case he did reveal proprietary information from a closed session to the judge,” Conkey observed. “This one incident is indicative of others in which Mr. Sayre has gone to radio, TV or newspapers ... He has divulged information gathered in confidence and released information that could be damaging to the town for his own benefit. I’m comfortable that requesting this resolution is not a political ploy,” Conkey, who is not up for re-election, said ...

“If it was an error and if it made the judge uncomfortable I do apologize,” Sayre said of his Dec. 8 meeting in the judge’s chambers ...

However Sayre did not extend that apology to any of his colleagues, whom he accused of attempting to stifle his opinion on issues ... “obviously some of my opinions are in disagreement with some of my fellow council members. I think nothing would make them happier than to be able to gag me,” Sayre stated.

“That’s insane – why would he say that?” Vice Mayor Bret Hrbek said in reaction to Sayre’s remarks. “It’s not about the politics of issues; it’s exactly what Shae said it was. What Tom [Sayre] did felt was inappropriate. I think the council is just trying to protect the town’s interest and distance itself from this action,” Hrbek, who is also up for re-election, said of Sayre’s closed door conversation with Hupp about a pending case involving the town. “I watch L.A. Law and I know not to talk to a judge about a case” [Hrbek said] ...

“If this were a football team, Mr. Sayre is the guy who knows better than the coach and says he knows better than the coach. Then he goes and gives the playbook to the competition and says the coach is [a jerk]. What do you do with a player like that? – He’d be cut,” Conkey surmised. However, Sayre told Retrosi he believes it is others who will be “cut” this spring ...