

David J.Szerlag  
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Since attending Town meetings beginning in January it appears that the Town is intent on purchasing a used Excavator for use in maintaining trenches, ditches and now assisting with water taps. While good intentioned, I along with many others do not believe the already over-worked employees at Public Works have time to take on these projects. There is however, an even greater concern related to this purchase, which takes up 5% of the discretionary 2022-2023 General Fund Budget.

At one of the recent meetings I asked what “due diligence” the Town undertook in approving this purchase. I was cut off and told that they had of course “done due diligence”. Not happy with that blanket response, I requested documents from the Town to learn more about this excavator.

I was provided with a number of emails between Commissioner Roe and the Town Manager, a screenshot from a phone depicting a John Deere G-50 excavator and a screenshot showing an unidentified dashboard hour meter reading of 502.8 (unknown date), and lastly some notes from prior year’s Town retreats and power-point slides. None of these documents other than the screenshot of the unidentified dashboard hour meter were responsive to my request (which is attached), and I was told this was the extent of the Town’s written documentation. I was told that most if not all of any discussions verbal; “[M]any conversations were on the porch, in person, or on the phone, so not recorded.”

**THE TOWN HAS NO WRITTEN DOCUMENTATION AS TO:**

- TERMS OF SALE, PURCHASE PRICE, WARRANTY, ETC
- WHO IS THE CURRENT OWNER/SELLER – I was told the seller was a reputable County citizen, which I have no doubt that he is.
- IDENTIFYING INFORMATION REGARDING MAKE, MODEL, YEAR BUILT (photo of G-50)
- SERVICE RECORDS OF SCHEDULED MAINTENANCE OR WARRANTY WORK
- HOURS ON MACHINE- (photo of hour meter)
- ANY MANUFACTURER WARRANTY OR FROM SELLER
- CURRENT CONDITION OF EXCAVATOR-NO APPRAISAL OR INSPECTION CONDUCTED BY TOWN

There appears to be a serious lack of due diligence. Most sensible taxpayers would want the above information before buying a used lawnmower for themselves never mind spending \$66,000.00

A question for the Commissioners who voted to approve this purchase, how could you possibly have made an informed decision to spend 66,000 taxpayer dollars without any of the information listed above. The obvious answer is you can't. A new vote needs to be taken to overturn this misguided and un-informed appropriation.

Regards,  
David J. Szerlag

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**Request for Public Records**

To: Diane Miller, Town Manager  
VIA E-Mail Only

Dear Ms. Miller,

Pursuant to NC G.S. § 132-6 I would request the Town of Oriental (Town) to provide copies of the following records regarding the Town's proposed purchase of a used Excavator be made available for review and copying in the next ten (10) days.

- 1) All documents, including but not limited to correspondence, memos, notes texts, emails, etc., between the Town and the proposed owner/seller of the Excavator in question.
- 2) All appraisals, inspections, and/or examinations performed by the Town or at its request of the subject Excavator.
- 3) All appraisals, inspections, and/or examinations provided by the Seller/Owner to the Town of the subject Excavator.
- 4) Any maintenance documents related to the subject Excavator
- 5) Any Request for Proposal, Purchase Order or Contracts issued by or between the Seller/Owner and the Town relative to the purchase of the subject Excavator
- 6) Any documentation which purports to provide terms of any warranty and/or guarantee as to the condition of the subject Excavator
- 7) Any documents not provided pursuant to the above requests that document due diligence by the Town, it's agents and/or employees relative to the proposed purchase of the subject Excavator.

Regards,  
/s/ David J. Szerlag  
David J. Szerlag