

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA, et al.,

Plaintiffs,

v.

JULIE MOORE, et al.

Defendants.

Civil Action No. 24-cv-1513 (MKL)

**DECLARATION OF WESLEY HAMILTON IN SUPPORT OF
MOTION TO INTERVENE**

I, Wesley Hamilton, declare as follows:

1. I am a resident of Middlesex, Vermont and a co-owner of the Three Penny Taproom in downtown Montpelier. I am a member of Conservation Law Foundation.
2. Three Penny Taproom opened in 2009 as a small, craft beer-centric bar. We enjoyed immediate success, so we expanded into a full restaurant in 2012. To generate additional revenue streams and become more cost-efficient following the COVID-19 pandemic, we decided to further expand the restaurant in 2023. I financed the expansion out of my own pocket, taking on considerable personal financial risk to do so.
3. This second expansion was completed in July 2023, one week before the flood completely devastated the restaurant. The entirety of the restaurant's equipment and inventory was destroyed, and the building's walls and floors were severely damaged. Standing water accumulated in the building, in some areas as high as three feet.

4. Cleanup efforts in the immediate aftermath of the flood were surreal and chaotic. Dozens to hundreds of volunteers gathered in Montpelier to help local businesses clear debris. Curbs throughout the entire town were lined with piles of trash ten feet high or higher. Our insurance required us to document and photograph each item that was damaged, which was particularly laborious and difficult among the commotion.

5. Everything under the waterline inside the restaurant, including the walls and flooring, had to be demolished and replaced. Active cleanup efforts lasted for days immediately following the flood. Residual moisture delayed renovation for months due to fear of mold growth and lingering structural issues. The restaurant was closed for four months in total, reopening in November 2023.

6. We received \$125,000 from our flood and property insurance, which was a fraction of the approximately \$375,000 it ultimately cost us to rebuild and replace all that was lost or destroyed. We also received \$68,000 in grants from the state of Vermont. In addition to the \$180,000 in uncovered losses, we lost a great deal of revenue from the restaurant being closed during the summer and fall months. Our restaurant relies entirely on those months to generate positive cash flow and savings, which we depend on to survive through the winter and spring when the restaurant loses money.

7. We were only able to reopen the restaurant by taking out an emergency loan from the Small Business Administration, which effectively wiped out all of the equity I had grown in the restaurant over 14 years. To this day, approaching two years since the flood and a year and a half since reopening, the restaurant is struggling to meet the monthly debt obligations we were forced to incur.

8. Additionally, the loan from the Small Business Association is secured by my personal home, effectively acting as a second 30-year mortgage. It has always been my intent to leave my home to my daughter, who is currently fifteen years old. In the aftermath of the flooding and as a result of the massive debt we had to incur, there is a very real and continuing danger of not meeting these payment obligations and losing my home. I am worried that in the future I will have to choose between selling the restaurant at a loss or for no gain, or continuing to run it, which means keeping my home and my daughter's future at constant risk.

9. I support the Climate Superfund Act because it is clear to me that climate change has increased the frequency and severity of events like the flooding we experienced in the last two years in Vermont. We could invest the money it generates in projects that protect our community from future flooding. For example, we could build spillways, strategically dredge the river, or upgrade the city's stormwater system. I believe that the fossil fuel industry should help to fund the state's efforts to adapt in ways that eliminate or reduce future harm to Vermonters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2025.



Wesley Hamilton