

Wallingford Board of Civil Authority
Minutes
February 15, 2023

Board Members Present: Justice of the Peace Wendy Savery, Chair, Maureen Duchesne, Sandy Eddy, Kate Goetz, Tony Petrossi, Stanley Seward, Gary Fredette, and Nan Dubin; Selectboard member Bruce Duchesne, Mark Tessier and Kathy Luzader, and Town Clerk & Treasurer Julie Sharon

Others Present: Ken Fredette, Tony Masuck, Joyce Barbieri, Charles Gottlieb, Lynn Edmunds, Ron Boucher, John McKenna, Carol Tashie, Adrienne Raymond, Keith Whitcomb, and William Chmielewski from PEG-TV.

Board Members Absent: Justin Jankus, Carolyn Behrendt, Curtis Lidstone, and Ken Welch

J. Sharon called the meeting to order at 7:00 p.m. and asked for nominations for Chair. B. Duchesne nominated W. Savery, and the motion was seconded by K. Luzader. There were no other nominations. The nomination of Wendy Savery as chair was approved. Motion carried. Wendy did not vote. W. Savery conducted nominations for vice chair. B. Duchesne nominated K. Luzader and G. Fredette seconded the nomination. There were no other nominations. The nomination of K. Luzader as vice chair was approved. Motion carried. K. Luzader did not vote. Chair Savery also said that she would be abstaining from any vote.

J. Sharon asked, on behalf of a resident, to rearrange the agenda and move #5 public comment after #6 voter challenge; however, the Board agreed to allow public comment following the voter challenge agenda item.

The minutes of the March 23, 2022 meeting were approved on a motion made by B. Duchesne and seconded by T. Petrossi. Motion carried. G. Fredette, S. Seward, N. Dubin, and M. Tessier abstained.

Ken Fredette read a statement (see attached) dated February 15, 2023. He also stated that he had checked with the Zoning Administrator and was told Mr. Moreton had not applied for a permit to change from seasonal to residential.

After having read Ken Fredette's recent Front Porch Forum posts, Charles Gottlieb urged the Board to act on this as it has been going on for at least a year. He explained the importance of an accurate voter checklist by citing Dave Potter's single digit loss in the recent election. Tony Masuck said he was not certain if Mr. Moreton lives at the same property that is advertised as a summer camp. Carol Tashie stood in support of Ken Fredette for bringing this matter to the Board. She stated that although she owns property in Rutland City, she is not a registered voter there. She believes the school needs to be represented by voters who live in town.

B. Duchesne made a motion to discuss the challenge of the request of residency, which was seconded by K. Luzader. Motion carried. G. Fredette believes school board members should reside in the town when they represent the voters' interest. N. Dubin read Mr. Moreton's challenge voter response from March 2022 (see attached) that said he did not move to Rutland surreptitiously, which confirmed that he does not live in Wallingford. K. Luzader said that although he was a renter in Wallingford when he was elected to the Board and confirmed he does not live here now, she agreed with Ken Fredette to remove him from the checklist.

B. Duchesne cited the statute that a person may have his or her name remain on the checklist if it is the person's intent to return there if temporarily absent. He feels the BCA should issue another challenge

letter. K. Goetz referred to the court case decision, provided by Ken Fredette, regarding residency and the determination that a nebulous or floating intention of returning at some future time is an insufficient tie to maintain one's domicile. She said that this sets a precedence and cannot be left open ended.

G. Fredette said that he is familiar with the location of Mr. Moreton's property very well and does not believe it can be turned into a year round property in the near future. M. Duchesne was conflicted with Mr. Moreton's written response last year where he stated he lived in Rutland but entered a Wallingford location as his legal address. She questioned if the Board had a legal right to remove Mr. Moreton's name from the checklist. W. Savery said that Mr. Moreton could be added back to the checklist if he can provide evidence that he resides in Wallingford. G. Fredette made a motion to close the discussion which was seconded by K. Luzader. Motion passed.

N. Dubin made a motion to remove Bruce Moreton from the Wallingford voter checklist until such time as he moves back to Wallingford. Motion seconded by K. Luzader. Motion carried (6-4) with M. Duchesne, B. Duchesne, T. Petrossi, M. Tessier voting No, and W. Savery abstaining. J. Sharon did not vote.

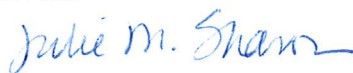
M. Tessier noted that Mr. Moreton swore under oath that he resides in Wallingford last year and asked if the Board could legally pursue this. L. Edmunds stated that the Board was acting on last year's challenge letter, and the Board should allow Mr. Moreton to respond to another challenge letter. K. Fredette said that feels that nothing has changed since last March with Mr. Moreton's residency and he would have the opportunity to register again.

J. Barbieri highly recommended the Chair do a Roll call for the minutes:

Maureen Duchesne, No
Bruce Duchesne, No
Tony Petrossi, No
Stanley Seward, Yes
Sandy Eddy, Yes
Gary Fredette, Yes
Mark Tessier, No
Nan Dubin, Yes
Kathy Luzader, Yes
Kate Goetz, Yes
Wendy Savery abstained.

J. Sharon asked for volunteers to work at the March 7th Election.

The meeting adjourned at 7:37 p.m. on a motion made by B. Duchesne and seconded by K. Luzader. Motion carried.



Julie M. Sharon, Town Clerk

2-15-23

Thank you.

Good evening.

I believe most people here know the history, but for a brief overview:

Bruce Moreton was elected to the Mill River Board in March of '21; he moved to Rutland in October '21.

In March of '22, at the request of a group of Wallingford residents, the Wallingford Board of Civil Authority sent a letter to Mr. Moreton to challenge his residency; Mr. Moreton responded that he was living in Rutland, but planned to make improvements to a remote cabin he owns at 2126 Wallingford Pond Road and move there as his permanent residence in the fall of '22, and hence he was allowed to remain on our checklist.

He did not move back to Wallingford in the fall of last year, and now says he plans to make said improvements to the cabin and move in this fall. He has written that he was able to live in the cabin from April to November of '22 because of having access to water and electricity from the other end of the property, but could not make upgrades due to delays from his solar contractor. As of this past Monday, February 13th, 2023, he has not applied for any permits that would be necessary to change the status of the structure from "Seasonal" to "Residential".

Enough is enough. Please remove Mr. Moreton from the Wallingford checklist until such time as he relocates here, and send official notice that this has been done to the Mill River School Board Chair, Superintendent, and District Clerk.

I will be glad to discuss this further or answer questions.

Respectfully submitted,



Ken Fredette



WALLINGFORD Board of Civil Authority
Challenge Voter Response Form

BRUCE MORETON
2126 WALLINGFORD POND RD
WALLINGFORD, VT

PO BOX 479
WALLINGFORD, VT 05773

By checking the box below, I swear (or affirm) the truth of the statement that I have checked:

- I am no longer a resident of WALLINGFORD. You can remove my name from the checklist. I will register to vote where I currently reside. You may register to vote by registering online (<https://olvr.sec.state.vt.us>).
- I currently live at the address where this letter was sent. I am entitled to be on the voter registration checklist in WALLINGFORD.
- I no longer live at the same street address but still reside in WALLINGFORD. Please change my address(es) as below and leave my name on the voter registration checklist.

Legal Address	(This must be an E911 street address OR a physical description of the location of the residence within the WALLINGFORD)		
Street No. & Name:	2126 WALLINGFORD POND ROAD		
Mail Address	(This is where I want notices to be sent):		
Street or PO Box:	Box 479		
Town:	WALLINGFORD	State:	VT
		Zip:	05773

- I am in U.S. Military Service or I reside outside the U.S. and my last residence immediately prior to joining the service or moving overseas was

_____ in WALLINGFORD. I am entitled to remain on the checklist until I leave the military service or reside in the United States.

Enter your email address to receive electronic communication:

I swear (or affirm) the above checked statement is true:


3/25/22
 Date

Bruce Moreton
 Signature of Voter
 BRUCE MORETON

Please fold & return this form in the enclosed postage prepaid envelope to:

WALLINGFORD
75 SCHOOL STREET
WALLINGFORD, VT 05773

000763499



BRUCE MORETON

Response to Challenge of School Board Residency

History -

In June, 2021, Jen Pascal, the owner of the house at 121 Depot Street where I had been renting for the past ten years, informed me that she was going to put her house on the market and asked me to be out by October 15. At that point I began looking for a place to live in Wallingford, but as you know, rentals are all but impossible to find in the village, so I spread my search to other areas within the school district. Still, I was unable to find housing.

In October, with time running out for me to vacate the premises, I checked the Vermont residency law and decided to find temporary housing - - outside of the district if necessary - - until I could move into the two bedroom, fully-insulated house that we had built at our boys' summer camp on Wallingford Pond Road. Logistically, however, I knew that could not be done during the winter months.

I had to have solar power and propane installed, determine the best way to heat the building, and drill a well. Those things would take time to arrange, and with winter approaching I knew the project could not possibly take place until the spring and summer of 2022. My plan then, as it is now, was to find a place to live until the house was ready to move into in the fall.

In October I contacted John Blittersdorf, the owner of Central Vermont Solar and Wind who installed the solar system at the boys' camp, and we made plans to install the solar system in the house in the spring when the property was accessible. I contacted him again in February, and we agreed to meet at the house this month to begin the project.

Wallingford Pond Road is now passable (as of March 21), and that meeting will take place in the next few days. The work will begin shortly thereafter.

My moving to Rutland was not done surreptitiously. In fact, my friends know that I am living in Rutland and that I plan to move to camp full-time beginning in the fall. By the way, the address listed on the petition is NOT my address. I don't even know where 145 Adams Street is.

I recognize only one name on the list of eighteen people who signed the petition questioning my eligibility to serve on the school board. He is a former school board member, Ken Fredette. He approached me in November just prior to a school board meeting and asked me where I was living. I responded, "I'm moving out to the house that we built on our property at the end of Wallingford Pond Road." At that point a woman interrupted us, Ken began talking with her, so I walked away and began talking with Doug Earle.

I find it odd that neither Ken nor *anyone* who signed the petition to have the board remove me as a school board member ever approached me between the months of November and March to ask if I was living in Rutland. Had they done so, I would have happily told him what I have just told you.

Intent

I purchased the property at 2126 Wallingford Pond Road in 1999 and have been paying taxes each year since then.

As of now, my appliances are in the house, as are most of my clothes, books, and furnishings.

I have met with Proctor Gas and The Stove Company to determine the best method of heating the house, and I have arranged with Wayne Thornton of Unlimited Handyman Services to connect the propane appliances.

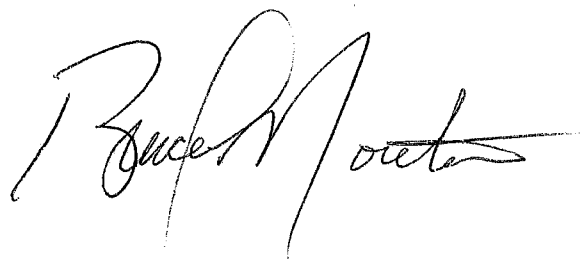
John Blittersdorf of CV Solar & Wind is set to begin solar installation at the house at 2126 Wallingford Pond Road in the next week or two.

I still have my car serviced at Shaw's Sales & Service in Wallingford, and because the post office does not deliver mail to the end of Wallingford Pond Road, I still rent a post office box in Wallingford.

However, I have had to change my phone number because VTel, the company that provided my service, does not offer service in Rutland, where I eventually found an apartment in mid-October. By the way, for the record, the camp phone number and my personal phone number have always been the same. When I changed my personal number, I had to change the camp's number.

In addition, I have pre-ordered SpaceX's Starlink system at a cost of \$599, which will provide high speed, low latency broadband service to the house and make operating the boys' camp possible from the site.

I ask you, with the investment that I am making in the house on Wallingford Pond Road to make it livable, does it sound to you like I am planning to remain in Rutland?

A handwritten signature in black ink, appearing to read "Bruce M. Overton". The signature is fluid and cursive, with a long horizontal stroke at the end.