

Wallingford Board of Civil Authority
Minutes
March 2, 2023

Board Members Present: Justice of the Peace Wendy Savery, Chair, Maureen Duchesne, Kate Goetz, Stanley Seward, Gary Fredette, Curtis Lidstone, Nan Dubin, and Ken Welch; Selectboard member Bruce Duchesne and Mark Tessier, and Town Clerk & Treasurer Julie Sharon

Others Present: Ken Fredette, Tony Masuck, Charles Gottlieb, Lynn Edmunds, Judy Edmunds, Ron Boucher, John McKenna, Carol Tashie, Keith Whitcomb, Matthew Gouchberg, Pat Bowen, Joan Lattuca, Andrea Hawkins, Nick Flanders, Bruce Moreton, Dennis Duhaime, and William Chmielewski from PEG-TV.

Board Members Absent: Justin Jankus, Carolyn Behrendt, Kathy Luzader, Tony Petrossi, and Sandy Eddy

W. Savery called the meeting to order at 6:30 p.m. Board members were asked to introduce themselves.

Ms. Savery received a letter from Lynn Edmunds, who requested that it be read into the minutes. She asked to add it to the agenda, after the approval of the minutes. This action was approved by consensus.

C. Lidstone asked why Chair Savery recused herself from voting as noted in the February 15th minutes because if it were because of employment, he would have the same issue. She responded that she is not required to vote as Chair unless there is a tie vote. M. Duchesne explained the difference between recusing and abstaining. Following more discussion, G. Fredette moved to amend the minutes of February 15th, changing the action of Chair Savery from "recusing" to "abstaining" in the second paragraph. N. Dubin seconded the motion. Motion carried (11-0).

Lynn Edmunds read his letter addressed to the Board (see attached) dated February 27, 2023.

C. Lidstone referred to the VT Justice of the Peace Guide that states the BCA must send a challenge notice to Mr. Moreton, as was done last year. As Mr. Moreton's voter status was changed from challenged to active following his response to that notice, he deems this new inquiry requires a new challenge letter. N. Dubin disagreed and referred to the email from T. Sink, at the Secretary of State's (SOS) office, who may have misinterpreted that that BCA removed his name last year, when in fact he was only challenged in 2022. G. Fredette acknowledged that although Mr. Moreton's response last year put him back in active status, last month's action by the BCA was a continuation of the same challenge issue, because he still doesn't have residency. G. Fredette said his name should be kept off the voter checklist, and Mr. Moreton can challenge the decision through the court system. B. Duchesne and M. Tessier both believe that the BCA's action may have legal implications by not issuing another challenge letter. N. Dubin's perspective is that the BCA was acting on Mr. Moreton's response dated 3/25/22 that stated he had moved to Rutland. She said that he can register to vote in Wallingford at some future time once he establishes residency. M. Duchesne pointed out that Ken Fredette's letter from the last meeting stated that Mr. Moreton resided here from April through November 2022, which establishes his residency requirement of at least 183 days.

Following additional discussion, S. Seward made a motion to reconsider the BCA's action on February 15, 2023 to remove Bruce Moreton from the voter checklist; motion seconded by K. Welch. Discussion ensued to reconsider the vote at the February 15, 2023 BCA meeting.

N. Dubin questioned the Selectboard's basis for reconsidering this request. B. Duchesne stated that after receiving notification from Mr. Moreton's attorney, the Selectboard came to the decision that this board should have sent a challenge letter, based on the SOS's advice. N. Dubin feels that SOS's office misunderstood that Mr. Moreton was only removed once and questioned if that opinion would have been different as it was based on faulty information. G. Fredette believes that the Selectboard is afraid the town will be sued and that Mr. Moreton should stand up and admit that he doesn't live in town. C. Lidstone and N. Dubin argued the law. C. Lidstone called to move the question to reconsider the action. W. Savery read the above motion. Motion carried (8-2) (voting yes: B. Duchesne, M. Duchesne, K. Goetz, C. Lidstone, S. Seward, M. Tessier, K. Welch, and J. Sharon; voting no: G. Fredette and N. Dubin). W. Savery abstained.

Chair Savery stated that the original motion from the February 15, 2023 meeting to remove Bruce Moreton from the Wallingford voter checklist, according to the minutes, until such time as he moves back to Wallingford, is back on the table on a motion made by S. Seward and seconded by K. Welch. Motion failed (2-8) (voting yes: G. Fredette and N. Dubin; voting no: B. Duchesne, M. Duchesne, K. Goetz, C. Lidstone, S. Seward, M. Tessier, K. Welch, and J. Sharon). W. Savery abstained.

W. Savery asked for brief public comments. Tony Masuck stated that he has been up to Mr. Moreton's property 15-20 times since September, he has never seen him or any evidence that he has been there, and the gate has always been locked. Joan Lattuca expressed her discouragement over the amount of time spent discussing whether a person who doesn't live here should remain as a voter in this town. Charles Gottlieb echoed her sentiments and said that if the town is afraid of a lawsuit, that he would be happy to pay the bill.

The meeting adjourned at 7:37 p.m. on a motion made by M. Duchesne and seconded by K. Goetz. Motion carried (11-0).

Julie M. Sharon, Town Clerk