

Why the BCA hearing of February 15th 2023 was out of control!

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To: Town Administrator <townadmin@wallingfordvt.com>; Town Clerk <townclerk@wallingfordvt.com>; Town Administrator <townadmin@wallingfordvt.com>

Dear Board Members,

My remarks are given with the expressed intension they be placed into public record, for the purpose of bringing Due Process to the hearing to reconsider the removal of Bruce Morton from Wallingford's voter checklist, scheduled for March 2nd 2023.

Due process is one of the corner stones of good governance, but it must be consistent in its application if it is to be fair, allowing false witness to intrude is tantamount to mob rule, thus the need for sworn testimony, because validation of evidence is paramount.

Due Process did not happen on February 15th 2023, here are some reasons why!

When I served as Justice of the Piece, grievances were filed with the Town's (BCA) Clerk, then a hearing was scheduled where complainants gave sworn testimony under oath to the Board of Civil Authority. After which, those testifying were dismissed until evidence could be validated, and a decision was reached by deliberation. Only then was the grieving party notified in writing of the outcome.

The record shows, I questioned the wisdom of taking public comments prior to testimony, mainly because I didn't wish to taint evidence with opinion, expecting the Board would hear sworn testimony to gather evidence during the Challenge portion of the hearing. I also felt I might want to speak at the conclusion of that testimony if I had anything relevant to contribute.

However, the Board was unwilling to accommodate my request to move public comments until after the Voter Challenge, but were kind enough to allow for additional public comments to be taken after the Challenge.

But to my surprise, when the first round of public comment ended, the Board took no sworn testimony, indeed they only relied on opinion and emotion from random public comments given by spectators and supporters of Mr. Fredette's Challenge.

At the beginning of public comments, Ken Fredette read a brief overview and history of his previous challenge then turned over his prepared statement to the clerk.

Since when does a brief summary given as public comment, suffice for sworn testimony of evidence?

In his overview, Ken declared, as of February 13th 2023, Bruce Moreton had not applied for any permits that would be necessary for converting his home from seasonal, to a year-round

residence.

But specifically, which permits, does Ken refer to?

And indeed, are any permits even required for the work Bruce is doing?

Ken's blanket statement needs validation by the Board if it is to be considered as evidence! Sworn testimony and a thorough review of evidence is necessary, yet after completing the Challenge portion of the hearing, the Board took no steps to validate evidence that should have been given under oath, instead they moved straight to a decision.

The decision to remove Mr. Moreton from the checklist was premature, and simply predicated on statements like no permits were pulled, implying they were in fact required in the first place. Whether or not the permits were necessary, the Board must have assumed Mr. Moreton needed them, because they didn't even bother to verify if that were the case.

If there is any defense for the actions taken by this Board, I believe it is that some were confused by two agendas, one being used, to accomplish the other. Consequently, some Board members, may have simply been caught up in all the hype and hysteria of a small group's determination, to remove Bruce Moreton, one way or another!

Taking sworn testimony, and then verifying evidence, is what should have happened, but sadly neither was done.

Causing us to wonder, why this hearing was allowed to get so far out of hand?
Or why spectators from out of town with ties to the Mill River Board were present?

I think the best we can hope for in retrospect, is to make this a teachable moment, that instills the virtues of due process, over a rush to judgment.

Respectfully Submitted,

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Let us pray, that by your choice, our collective power will be respectful, not controlling, inclusive, not discriminating and organically natural, not agenda driven!

Your Power has resonance, but is your pursuit in harmony with the Universe in which you live?