

Wallingford Board of Civil Authority  
Minutes  
May 3, 2023

Board Members Present: Selectboard Member Kathy Luzader, Vice Chair, Justice of the Peace Maureen Duchesne, Stanley Seward, Gary Fredette, Curtis Lidstone, Nan Dubin, Sandy Eddy, Tony Petrossi, and Ken Welch with Kate Goetz on speakerphone; Selectboard member Bruce Duchesne, Carolyn Behrendt, Justin Jankus, and Mark Tessier, and Town Clerk & Treasurer Julie Sharon

Others Present: Rob Barker, Sophia Buckley-Clement, Lynn Edmunds, Patricia Bowen, John McKenna, Carolyn Sloane, Ken Fredette, Tony Masuck, Erika Berner, Joan Lattuca, Sabra Shulman, Robert Soule, David Shulman, Peg Soule, Tom Barone, Adrienne Raymond, Carol Tashie, Dennis Duhaime, Brian Moll, and Greg McCormack from PEG-TV.

Board Members Absent: Wendy Savery

Vice Chair K. Luzader called the meeting to order at 6:30 p.m. and welcomed the audience. She asked that comments be kept germane to the items on the agenda. B. Duchesne made a motion to only allow Wallingford residents to comment tonight, which was seconded by M. Duchesne. G. Fredette believes that this is more than a Wallingford issue as it involved a voter who also served on the school district board. The motion carried (9-5) with N. Dubin, G. Fredette, K. Goetz, S. Eddy, and K. Welch voting no. K. Luzader abstained.

There were no additions/deletions to the agenda. J. Jankus arrived at 6:36 p.m.

The minutes of the March 2, 2023 meeting were approved on a motion made by M. Duchesne and seconded by K. Welch. K. Fredette read his letter dated May 3, 2023 (copy attached). He also referred to his May 2, 2023 letter (copy attached) that addressed statements incorrectly attributed to him. The motion passed with the amendments accepted (11-0) with J. Jankus, T. Petrossi, C. Behrendt, and S. Eddy abstaining.

T. Masuck reported that he goes by Mr. Moreton property regularly and there has been no evidence that the gate has been opened. E. Berner said that this property is considered a primitive camp and a violation is created if occupied more than 182 days per year. R. Barker said that this Board should consider Mr. Moreton voter status only; his school board representation is not the Board's concern. He feels the Selectboard should have warned their action last month or let this matter play out in court. K. Fredette pointed out Mr. Moreton's contradictory statement regarding electricity along with other false statements, as well as his lack of progress in moving into the property since the fall of 2022.

L. Edmunds believes that the Board should have to send another challenge letter, which is outlined in the JP guide. He read his letter dated May 3, 2023 (copy attached). Ms. Sloane asked what the residency requirements are and what steps can be taken to prove it. G. Fredette believes that the misinformation was fed to the Board and public at the last meeting that the town could be sued monetarily, and that may have led to some members changing their vote. C. Tashie asked E. Berner if someone could stay in a tent for up to 182 days without a permit. E. Berner replied that it depends on where you put the tent, what you plan to do with the tent, waste disposal, etc. but the records for Mr. Moreton's property define it as a primitive summer camp. B. Duchesne stated that for all we know, Mr. Moreton could be residing in the second house

that is located on the property. E. Berner said she reviewed the records recently and Mr. Moreton talked to her about renovating the camp. There were conflicting statements on the timeline – from 60 to 182 days.

G. Fredette explained that he called for this meeting because after the last one, nine Board members felt that Mr. Moreton could remain on the voter checklist. He stated that he is on Wallingford Pond Road regularly to hunt and has never seen Mr. Moreton there other than when his summer camp is in session. According to the JP guide, the voter has the option to take the town to court and he would like to see a judge's ruling. G. Fredette said the threat of a lawsuit after the Selectboard heard from Mr. Moreton's attorney and the incorrect statement made by M. Duchesne that K. Fredette "said" Mr. Moreton lived in town for six months may have persuaded BCA members to add him back on the voter checklist. G. Fredette indicated that Mr. Moreton did not vote in the last election; however, he wants to remain on the school board.

M. Tessier clarified that his statement at the last meeting should have said the town would *most* likely lose in a court case. He believes the 2022 challenge letter is out of date. N. Dubin brought up the statements made by the Secretary of State's office who was under the impression that Mr. Moreton was removed from the checklist twice when in fact he went from "active" to "challenged" status and back to active, and then later was removed only once. She believes this matter should be put into the hands of an impartial party for a decision. There was further discussion regarding Mr. Moreton's type of dwelling, Mr. Moreton latest letter, his sworn statement regarding residency, and the process for seeking a legal opinion. M. Tessier made a motion to seek legal counsel in order to pursue this matter in court and let a judge decide the residency question. The motion was seconded by G. Fredette. It was the opinion of some to take this course of action to come to a resolution.

There was more discussion on whose responsibility it is to seek a court decision. K. Fredette touched on his 4-page document dated April 3, 2023 (copy attached) on what has happened and what he believes should have happened.

There was discussion on amending the above motion, but M. Tessier did not agree to it. He noted the BCA would be right back here next month discussing this matter. Several other residents remarked on the matter and offered solutions.

M. Tessier made a motion to remove Bruce Moreton from the voter checklist that was seconded by J. Jankus. T. Barone spoke on voter status for residents who winter in Florida. C. Sloane asked if anyone asked Mr. Moreton if he received a renter's rebate from the state, which would confirm his residency. The voting results to take Mr. Moreton's name off the checklist were 6 in favor and 8 against; J. Jankus, C. Behrendt, N. Dubin, S. Eddy, G. Fredette and K. Goetz voting yes. K. Luzader abstained. T. Petrossi requested that another challenge letter be issued to Mr. Moreton. P. Soule pointed out that there was still a motion on the floor. M. Tessier withdrew his original motion to seek legal counsel. G. Fredette did not wish to second the motion as he felt there was no change in the matter and nothing would have been accomplished this evening. Questions arose about which members should vote, is there a conflict of interest with some on the Board, and what other actions could be voted on. It was asked if the Board had the legal authority to take it to court.

M. Tessier made a motion "that the Board reach out to the town attorney to determine if the town has the right to challenge the residency". M. Tessier revised his motion to "do we have the ability to take this out of the Board's hands and challenge". G. Fredette seconded the motion. Lastly, M. Tessier clarified the motion to "send this issue to counsel to see if we can take it out of the BCA's hand and put it into a judge's hand for

mediation". The motion passed 9-6, with B. Duchesne, M. Duchesne, S. Seward, C. Lidstone, T. Petrossi, and K. Welch voting no.

The meeting adjourned at 8:17 p.m. on a motion made by M. Duchesne and seconded by K. Goetz. Motion carried (15-0).

Julie M. Sharon, Town Clerk