

June 2, 2023

To Bruce Duchesne:

As the select board chair, you should know the following:

The solar system at the house on 2126 Wallingford Pond Road is in place and operational, and the power line has been run from the system to the house. The electrician is planning to be at the house next week to connect the wires to the electric box. When that is done, I'll be able to connect to Starlink broadband internet and send emails and make phone calls on the computer

Kevin Hollebeek, my engineer and owner of Belmont Septic, has dug the test pits to examine the soils and determine if the land perks. Yesterday, he told me that he picked up some documents at the town clerk's office and surveyed the property last week, and he hopes to finalize the septic design this week with a couple of signature pages for the permit application.

Parker Well Service is going to give me a call tomorrow to set a date to visit the property and give me a date as to when they will be able to drill a well there.

After that is all in place, propane will be brought in to run the stove, refrigerator, and heater(s).

Sincerely,
Bruce Moreton

Dear members of the Wallingford BCA:

Thank you for continuing to work towards bringing the issue of Bruce Moreton claiming residency in Wallingford to proper resolution, despite the best efforts of a handful of elected officials and other citizens of our town to kick this can down the road to oblivion.

Bruce Moreton has misrepresented facts and attributed quotes to others that he distorted to any version that suited him from the beginning – starting on November 3rd, 2021 with telling me he would be moving from Depot Street to his camp in East Wallingford, not mentioning that he actually had moved to Rutland the month before, to now claiming he lived at his camp for half of 2022, yet couldn't complete the upgrades by fall. In between:

In early 2022 he registered his dog here, saying he was still living on Depot Street and would be moving to E. Wallingford when the house he had been renting sold, again when he actually had moved to Rutland;

On March 25th, 2022, in his response to the challenge letter our town clerk sent to him two days earlier, he referenced plans to upgrade his remote cabin that he had built over two decades previously, to make it a year-round residence by that fall, and was allowed to remain on the Wallingford checklist;

On April 6th, 2022, following my public comment at a Mill River Board meeting, and after being prodded by the chair to respond, Mr. Moreton stated "I'm a resident of Wallingford, according to the secretary of state." I was in Montpelier earlier that day, and stopped into the secretary of state's office to discuss this matter. I can assure you that the above quote was filtered through what Mr. Moreton wanted it to say.

On January 18th, 2023, a Wallingford representative to the Mill River Board, Nick Flanders, noted that any action by the Wallingford BCA to Mr. Moreton's response to the challenge letter in March of 2022 was still pending, which prompted me to request that the BCA meet again to continue the process.

When the BCA met, February 15th, 2023, Mr. Moreton had not moved to 2126 Wallingford Pond Road, had made little progress towards upgrading his cabin, and had not even applied for the necessary permits to do so (and yes, there are several required – both state and town – to change a primitive camp into a residence). Given that, the BCA removed Mr. Moreton from the checklist. This was the first meeting and the first action by the board since the issuance of the challenge letter nearly a year earlier, yet some contended – and still do – that another challenge letter needed to be issued. It seems their position is that every time Bruce Moreton fails to fulfill promises he needs to be challenged again. Kick the can.

Bruce Moreton could and should have appealed the BCA decision – at no cost to him – to a Superior judge pursuant to 17 VSA 2148, but instead sent a letter to Bruce Duchesne, chair of the Wallingford Selectboard, threatening legal action. We all know what transpired following that: Flouting of the tenets of Open Meeting Law at the selectboard meeting of February 21st; hush and rush tactics to convene another BCA meeting; misinformation, misquotes, scare tactics, bullying, and suppression of public input – and Bruce Moreton was returned to the checklist on March 2nd, 2023, at a meeting that never should have happened.

BCA member Gary Fredette asked for a follow-up meeting to clear up the above-mentioned misstatements. The BCA met on May 3rd, 2023, and voted to ask a judge to consider the facts of this case, which had been circumvented by interference by the selectboard on February 21st.

At the May 3rd meeting Bruce Duchesne stated that he didn't care if Bruce Moreton was living at his camp illegally: An incredible thing for somebody elected to represent us to say, and even more so considering he is in a leadership role. At the same meeting, Lynn Edmunds opined that Mr. Moreton isn't moving fast enough for some of us. I'll count myself in that group – he pledged to be living at 2126 WP Road by the fall of 2022, let's say mid-October, so a year after moving to Rutland, and the best part of eight months ago now, and we are still hearing the same plans as we heard in March of 2022, except that he has some solar power almost installed, and has finally started talking about a septic system. Mr. Edmunds still sees a need for another challenge letter – this time "...to access (sic) the status of his progress." Why not just arrange a site visit, so there won't be a need to try and separate fact from fiction?

And there has been a good deal of fiction. In addition to all of the above, documents provided by Bruce Moreton misquoted an employee at the Vermont Department of Environmental Conservation and our own zoning administrator, the latter in a signed affidavit. This highlights a huge issue: Some members of the BCA hang their hats on Mr. Moreton signing legal documents as if that makes it all chiseled in stone. This came to mind while watching a 60 Minutes story Sunday night about social media harming our children: An 11-year-old was able to access sites simply by checking a box attesting that she was 13. Checking that box did not make her 13, any more than Mr. Moreton signing off on statements makes them true. Now we have had to seek a legal opinion on a question we already knew the answer to, and there is talk of considerable expense to the taxpayers of Wallingford to upgrade and maintain WP Road for this man.

Please revert back to the decision of February 15th, remove Bruce Moreton from the Wallingford checklist, and let *him* ask a judge if that action was proper, as it would have been if due process had been followed. As two BCA members observed at the May 3rd meeting, this process could go on and on unless we get back on track of the BCA taking responsibility for their role in this matter, and letting Mr. Moreton pursue an appeal through the applicable statute, or reapply to be on our checklist when he has an actual residence here.

Thank you for your time and consideration.

Ken Fredette

Good evening, and thank you for the opportunity to speak.

I hope board members took the opportunity to read my piece I called "Fact and Fiction" that I submitted Monday afternoon; I do not intend to read it tonight, but I request that it be attached to the minutes, as I believe it provides an accurate summary of events to date surrounding this matter. I would be glad to answer questions and I can provide documentation of statements contained therein if anybody so desires.

What I will say tonight is that none of us needs to be here; none of us needed to be here on May 3rd; and none of us needed to be here on March 2nd: A challenge letter was issued to Bruce Moreton on March 23rd, 2022, he responded on March 25th, and based upon that response and other evidence, the BCA removed him from the Wallingford checklist the next time they met, on February 15th, 2023. Statute provided for Mr. Moreton to appeal that decision to a Superior judge – at no charge – and this matter would have been settled one way or the other prior to Town Meeting, also pursuant to statute.

Instead, the selectboard interfered with the process at their meeting on February 21st, after not advising other members of the BCA that they had received and would be discussing a letter from Bruce Moreton until just before that meeting, and not providing that information to the public *at all*. And here we are.

The BCA owns this – please do the right thing tonight and remove Bruce Moreton from our checklist. He can appeal that decision and perhaps be put back on the checklist, or perhaps not, but in any case, he can be put back on the checklist if and when he establishes a bona fide, legal residence in this town, not just make promises that he will.



Ken Fredette

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May 31, 2023

Ms. Julie Sharon
Town Clerk
Town of Wallingford
75 School Street
Wallingford, VT 05773

Re: Town of Wallingford – Removing Names from Checklist

Dear Julie:

You have asked that I review the actions of the Board of Civil Authority and advise as to the appropriate process going forward. I understand the following facts:

In March, 2022 residents notified the Board that Mr. Moreton was serving on the Mill River School Board while appearing to no longer be a resident of Wallingford. The Board addressed the issue at a meeting and as a result, sent a challenge letter to Mr. Moreton. A response from him to the challenge letter indicated that while temporarily housed in Rutland, Mr. Moreton intended to return to Wallingford and reside at his camp property. Mr. Moreton indicated he was in the process of converting the camp to a four-season residence. With this, no removal occurred.

In February, 2023 residents again brought the issue to the Board and asserted that Mr. Moreton was not residing at the camp through the past winter and sought to have Mr. Moreton removed from the checklist. The Board removed Mr. Moreton from the checklist and sent a notice of removal. Mr. Moreton responded to the notice asserting that he resided at the camp more than 180 days per year and again indicated his intent to remain a Wallingford resident. Based upon that response and concerns of whether the correct process, i.e. a new challenge letter, was followed, the Board voted to reinstate Mr. Moreton to the checklist. At that meeting, a motion was made and carried to inquire if the issue could be removed from the Board and decided by a Court.

The Board has authority over the checklist pursuant to statute. While recourse to a Court may be an option in certain circumstances, as discussed in brief below, there is no procedure for the Board to delegate that authority to a Court. The question of residency includes the subjective component of an individual's intent to reside in a particular town. That intent must be accompanied by actions evidencing the intent. Of particular importance to a Board's decision is the presumption in favor of inclusion on the checklist:

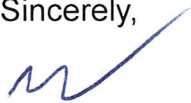
7 V.S.A. § 2150. Removing names from checklist

(B) The provisions of this chapter shall be liberally construed, so that if there is any reasonable doubt whether a person's name should have been removed from the checklist, the person shall have the right to have the person's name immediately returned to the checklist.

The Board was well within its statutory authority to include Mr. Moreton on the checklist. In the event an individual who has been removed from the checklist is dissatisfied, they can appeal to the Superior Court under 17 V.S.A. § 2148. Only the voter removed has an appeal of right under that statute. A third party would be required to file an action under V.R.C.P. 75. In short, the Board needs to do nothing at this time.

If you should have any questions, please do not hesitate to give me a call.

Sincerely,



Gary R. Kupferer

GRK:mb

cc: Sandi Switzer
Town of Wallingford
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