

Wallingford Board of Civil Authority
Minutes
June 7, 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, Ken Welch, Kate Goetz; Selectboard member Bruce Duchesne, Carolyn Behrendt, and Mark Tessier, and Town Clerk & Treasurer Julie Sharon

Others Present: Rob Barker, Lynn Edmunds, Patricia Bowen, Ken Fredette, Adrienne Raymond, Keith Whitcomb, and Greg McCormack from PEG-TV.

Board Members Absent: Wendy Savery and Justin Jankus

Vice Chair K. Luzader called the meeting to order at 6:55 p.m.

There were no additions/deletions to the agenda.

The minutes of the May 3, 2023 meeting were approved on a motion made by T. Petrossi and seconded by M. Duchesne. Motion passed.

Vice Chair Luzader read a letter from Bruce Moreton dated June 2, 2023, addressed to Selectboard Chair B. Duchesne (see attached). She also read a letter from Ken Fredette dated June 5, 2023 addressed to the BCA (see attached). Ms. Luzader asked that public comments be kept germane and to make sure that comments add new information, not reiterate previous comments.

K. Fredette began to read his letter dated June 7, 2023 (see attached); however, he was directed to only provide new information. In short, he asked the BCA to do the right thing by removing Mr. Moreton from the voter checklist, thereby letting him appeal the decision. Mr. Moreton can apply to be added once he has established a bona fide, legal residence in Wallingford.

Vice Chair Luzader read a letter from Attorney Gary Kupferer dated May 31, 2023 (see attached). M. Tessier made a motion to accept the town attorney's letter, which was seconded by C. Lidstone. C. Lidstone added that the Board should follow his recommendation at this time. G. Fredette asked for clarification of the motion.

N. Dubin pointed out that we know Mr. Moreton has not turned his camp into a year round residence as he stated in his letter. She referred to the following. He signed an affidavit in March 2022 that 2126 Wallingford Pond Road is his legal residence; however, a camp can't be a year round residence. If he lived there 180 days as he stated, he is in violation. His timeline of what he promised in the spring of 2022 and what he has done to date has not materialized. Even his recent letter states that he has no septic or water as he is working with both Belmont Septic and Parker Water Wells. Ms. Dubin feels he should have taken the town to court instead of threatening to

take the town to court. Until Mr. Moreton's property becomes livable year round, he has no legal residence in Wallingford, and she can't understand why his name isn't removed from the checklist.

G. Fredette discussed the legal opinion that specified the Board cannot delegate authority to the court. The Board can remove a voter from the checklist, and only the voter can appeal to a court. Mr. Moreton's statements are all promises and his latest letter verifies the only thing he has accomplished is activating his internet system. G. Fredette said he visits the area regularly for other purposes and has only seen the gate open once. He recommends that his name be removed from the checklist. K. Welch asked if his property taxes were current, and J. Sharon confirmed that they are paid. G. Fredette responded that payment of taxes does not make a person eligible to be on the voter checklist. K. Welch stated that he only wanted to make sure Mr. Moreton is a responsible person.

M. Tessier again made a motion to accept the Town attorney's letter that state the Board's options. He felt the purpose of tonight's meeting was only to review the letter. N. Dubin did not understand the motion. G. Fredette explained the motion that "by accepting the attorney's recommendations" meant to follow through with what was stated. He agreed it is the BCA's responsibility to remove names from the checklist. After more debate on whether or not to act on the attorney's letter, M. Tessier made a motion to withdraw his first motion, and then made a motion to adjourn the meeting. C. Lidstone seconded the motion.

R. Barker said the only way to determine if Mr. Moreton is a resident is to nullify the March actions of the Board that were, in his opinion, the result of the threat of a lawsuit.

Board members argued back and forth over what constitutes residency. G. Fredette disagreed with C. Lidstone's remark that this was a personal vendetta against Mr. Moreton. G. Fredette did not understand why some members chose to keep Mr. Moreton on the checklist, and he wants him removed. Although a motion was made by G. Fredette, and seconded by N. Dubin, Bruce Moreton could not be removed from the checklist as it was not an action item on the agenda. K. Goetz said that given the discrepancies made by Mr. Moreton over the last year and a half, one cannot take Mr. Moreton's promises to heart. She added that the evidence is lacking, and the Board should let a court decide on the matter. G. Fredette withdrew his motion, based on the need to meet again, in order to vote to remove Mr. Moreton from the voter checklist.

The meeting adjourned at 7:53 p.m. on a motion made by T. Petrossi and seconded by C. Lidstone. Motion carried (14-0).

Julie M. Sharon, Town Clerk