

Wallingford Board of Civil Authority
Minutes
June 26, 2023

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

Others Present: Lynn Edmunds, Patricia Bowen, Keith Whitcomb, Rob Barker, Bruce Moreton, and Ed and Trudy Dias

Board Members Absent: Wendy Savery, Kate Goetz and Nan Dubin

Vice Chair K. Luzader called the meeting to order at 6:30 p.m.

There were no additions/deletions to the agenda.

The minutes of the June 7, 2023 meeting were approved on a motion made by B. Duchesne and seconded by C. Behrendt. Motion passed. (T. Petrossi arrived at 6:31 p.m.)

Bruce Moreton read a statement (see attached dated June 26, 2023). He specifically objected to the agenda item to “readdress the BCA’s decision on 3/2/23 to remove his name from the voter checklist” at the recommendation of his attorney. Mr. Moreton stated that because no one appealed against the BCA’s last decision during the 30-day appeal period, the ruling was final. There were no other public comments.

G. Fredette said that because there are no upcoming elections, an easy solution would be to remove Mr. Moreton from the voter checklist and let him pursue the matter through the legal system or re-register once he moves into his Wallingford Pond Road property by summer’s end. (J. Jankus arrived at 6:37 p.m.) He felt this would satisfy the votes who signed the petition in February 2022 and show that the BCA followed the statutes. The various permits that Mr. Moreton needs to obtain for the property take time so he doesn’t believe he’ll be moving there any time soon.

K. Luzader asked Mr. Moreton if he lived in Rutland. He replied that he rents an apartment in Rutland but is living in East Wallingford. G. Fredette discussed Mr. Moreton’s statement that he was able to live there at least 183 days during 2022. Although he doesn’t believe Mr. Moreton, G. Fredette said it may have been illegal for him to have lived there. He was surprised that certain BCA members were quiet on this issue as it may have been a violation. M. Tessier asked why tonight’s vote would be any different from the last two votes. G. Fredette recommended that the Board develop a policy addressing the length of time a voter remains on the checklist.

G. Fredette made a motion to remove Bruce Moreton from the voter checklist, as there has not been enough action at the property, over the last 20 months, to be able to reside there. The

motion was seconded by J. Jankus. The motion failed (4-8-1), with G. Fredette, J. Jankus, K. Luzader, and S. Eddy voted yes, and C. Behrendt abstained.

The voter application process was discussed as well as the property's zoning classification. Mr. Moreton explained the two different buildings on his property that consist of a camp and a house.

C. Lidstone said that the Board should concentrate on voter intent, which led to further debate. K. Luzader relayed an example where a student attended one school in the town he lived, and after he moved to a newly built home in another town, he had to transfer schools. Referring to the intent to maintain a residence, J. Jankus asked Mr. Moreton if he ever lived full time in Wallingford and he replied yes.

Pursuant to 17 V.S.A., §2150, the Board must complete a review of the entire checklist, prior to September 15 of each odd-numbered year, and consider, for each person whose name appears on the checklist, and determine whether that person is still qualified to vote. The Board reviewed the entire Wallingford voter checklist dated 5-23-23 and added some voter names that should be mailed a challenge letter.

G. Fredette asked how the Board could solve the meaning of intent. He again reiterated his recommendation to come up with a policy as he pointed out that the composition of the Board will change from year to year.

The meeting adjourned at 7:34 p.m. on a motion made by C. Lidstone and seconded by T. Petrossi. Motion carried (13-0).

Julie M. Sharon, Town Clerk

June 26, 2023

Dear Members of the Board of Civil Authority,

Last week the Wallingford Town Clerk extended my invitation to each of you to visit my house at 2126 Wallingford Pond Road on Wednesday or Thursday to see my house and to verify that the actions I have taken support the fact that I intend to live year round on the property.

I'd like to thank the four board members, Bruce and Maureen Duschene, Tony Petrossi, and Buster Seward for coming to the house and meeting with me. I would also thank Kathy Luzader and Nan Dubin for calling or emailing to schedule a time to visit.

I welcome anyone else to visit, but because I've begun staff training for my boys' summer camp, we would have to find a time that works for both of us.

I have prepared a handout showing the house and the site work that has been done so far. With a little luck, the work could be completed by the end of July.

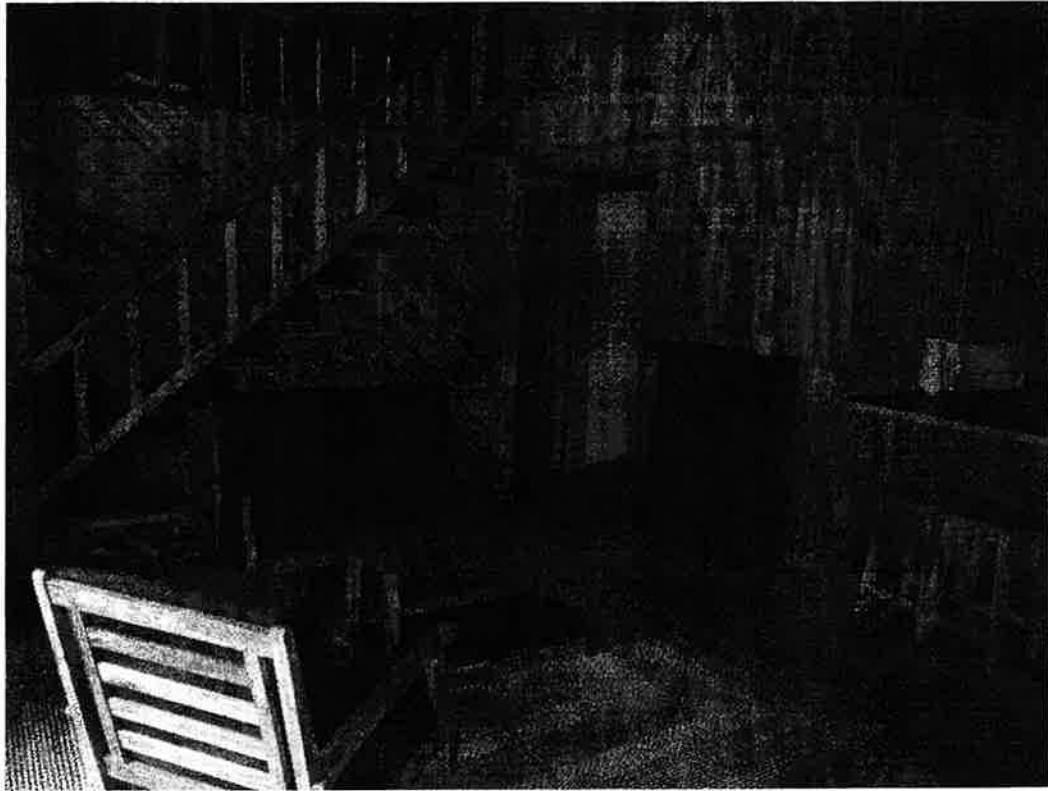
For the record, upon the recommendation of my lawyer, I would like to object to tonight's scheduled hearing to "readdress the BCA's decision of 3/2/23 -to remove Bruce Moreton from the Voter Checklist."

Because no one appealed the BCA's last decision ruling in my favor during the appeal period (30 days), the ruling became final based on the doctrine of *res judicata*, and the BCA is prohibited from hearing the same factual and legal issues again.

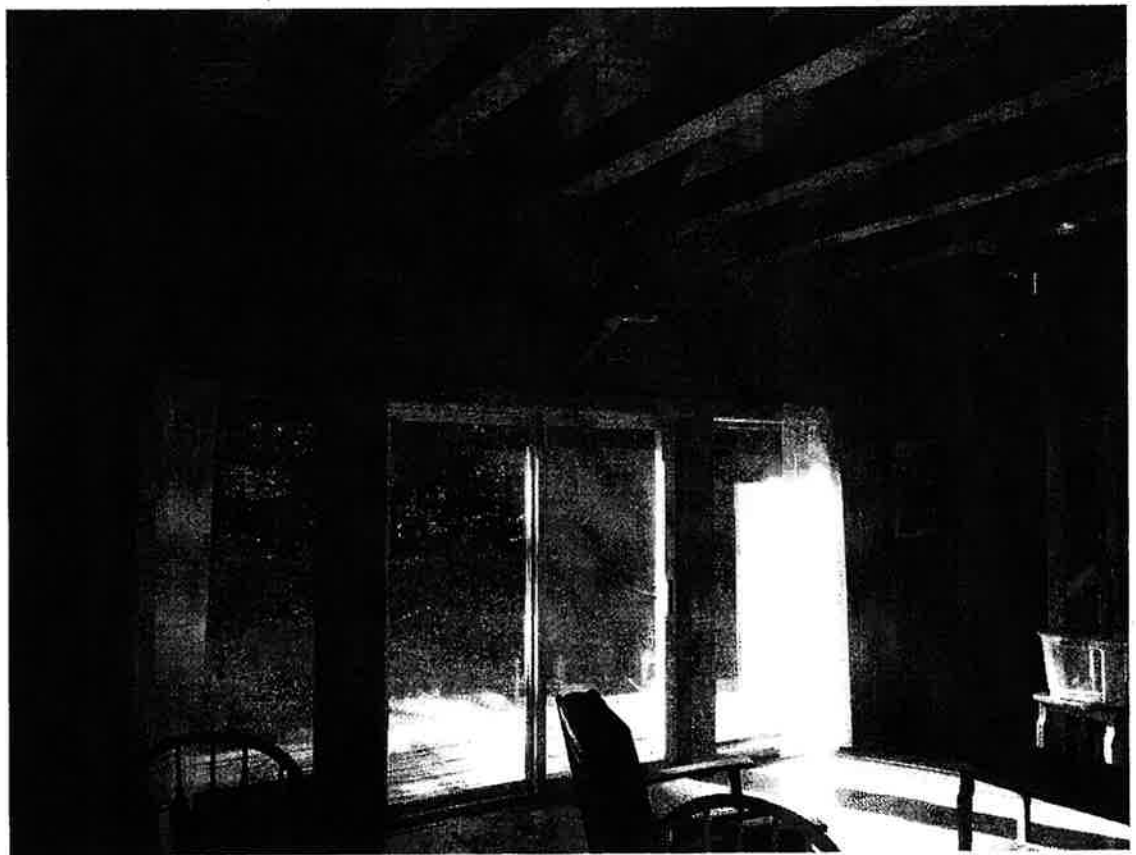
I hope that does not deter others from visiting the site.

Respectfully,

Bruce Moreton



Gatehouse at 2126 Wallingford Pond Road



2126 Wallingford Pond Road

Site preparation for the solar shed



Solar shed in place



Wastewater Permit Application



Version 1.2 - Revised: 6/3/2016

Department of Environmental Conservation

Wastewater System & Potable Water Supply Permit Application

Landowner Signature Sheet

Instructions:

The Submission Number and Version of the online application form being signed **must** be entered in the field below.

Hand Signatures - This signature sheet can be downloaded, printed, signed by hand, and then scanned and uploaded to the **Signatures** section of the online application form.

Digital Signatures - This signature sheet can be signed using the certificate-based digital signature capability available in Adobe Acrobat/Reader (or other PDF software with similar capability) and then uploaded to the **Signatures** section of the online application form. If this sheet contains one or more digital signatures, it **must** be uploaded in a format that does not compromise the ability to click on the applied signature and validate it. The digital signature applied must include the signer's full name, email address, and the date and time of signing. Because the Signature Sheet needs to be submitted in a format that allows the signatures to be validated, a Signature Sheet cannot contain both digital and hand signatures.

Note: If you digitally sign this sheet, please don't enter a date in the Signature Date field. The date and time must be included in the digital signature that is applied as described above.

ANR Online Submission Number & Version

ANR Online Submission Number and Version (for example: #20J-65KQ-R1ZF, version 1)

HPV-5WMY-MQCZJ Form Version 1.59

Signatures & Acknowledgements of Landowner(s)

This application must be signed by each Landowner listed on the property deed or by individuals with legal authority to sign on behalf of each Landowner. In order to insure compliance with the requirements of the regulations administered by the Department of Environmental Conservation, Drinking Water and Groundwater Protection Division, it may be necessary to visit the property. As this would involve a Department employee entering private property, we request your approval to do so.

If we do visit your property, do you have any special instructions?

"By signing this application, I certify that I am a landowner listed on the property deed or that I have the legal authority to sign on behalf of the landowner. I understand that by signing this application I am granting permission for the Department employees to enter the property, during normal business hours, to insure compliance of the property with the applicable rules of the Department.

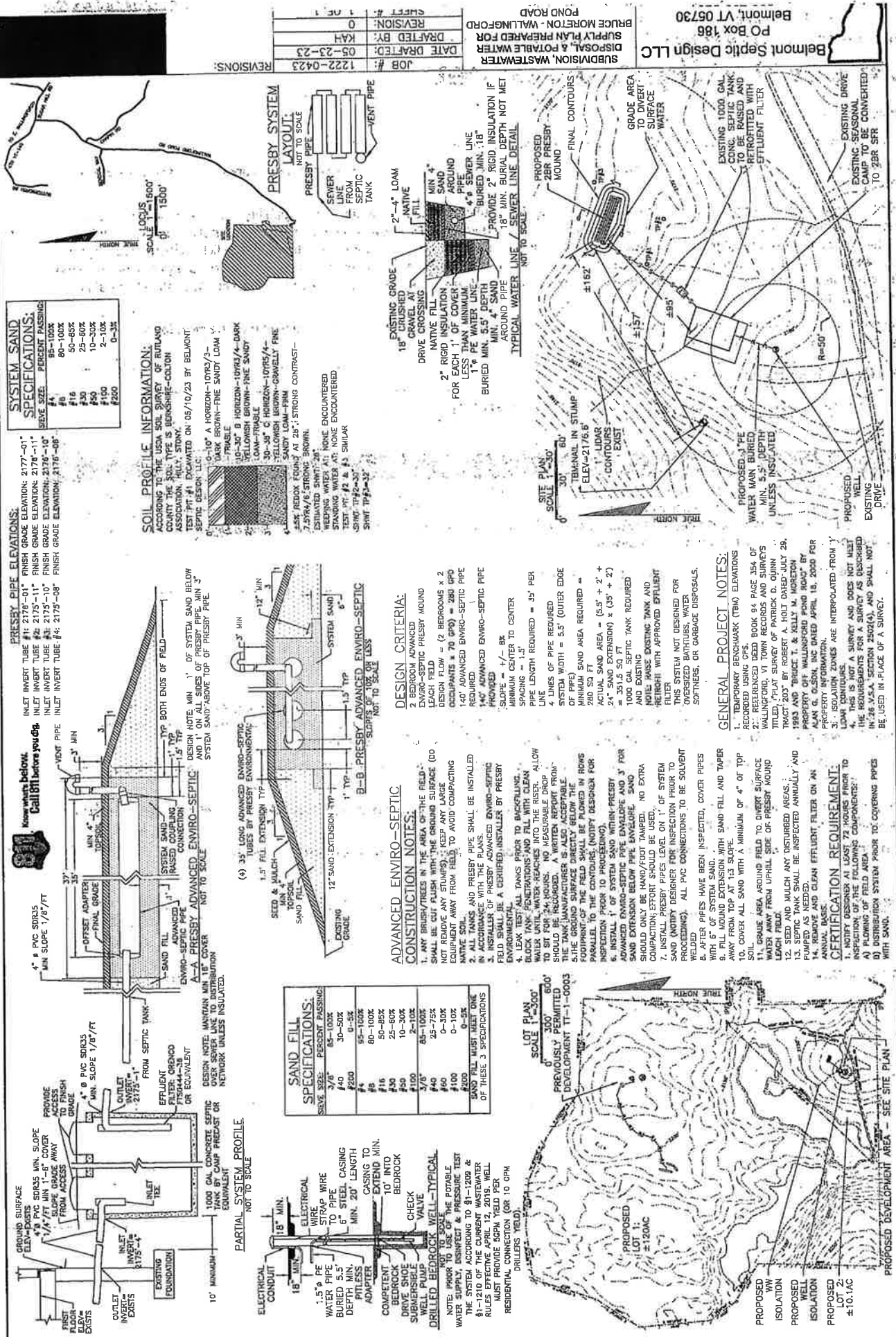
I also understand that I am not allowed to commence any site work or construction on this project without written approval from the Department of Environmental Conservation.

If my project utilizes an Innovative/Alternative System or Product, I have received a copy of the Drinking Water & Groundwater Protection Division's approval letter and agree to abide by the conditions of the approval.

I also certify that to the best of my knowledge and belief the information submitted above is true, accurate and complete."

<input type="text" value="Bruce Moreton"/> <small>Print Landowner Name</small>	 <small>Landowner Signature</small>	<input type="text" value="6/5/23"/> <small>Signature Date</small>
<input type="text"/> <small>Print Landowner Name</small>	<input type="text"/> <small>Landowner Signature</small>	<input type="text"/> <small>Signature Date</small>
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Septic Design by Belmont Septic



REVISIONS:

DATE DRAFTED	BY	REVISIONS
05-23-23	KAH	
12-22-04		

JOB #: 1222-0423

SHEET #: 0

REVISION: 0

DRAWN BY: KAH

DATE DRAFTED: 05-23-23

DISPOSITION, WASTEWATER SUPPLY PLAN PREPARED FOR: BRUCE MORETON - WALLINGFORD POND ROAD

Belmont Septic Design LLC
 PO Box 186
 Belmont, VT 05730

