

THOMAS J. DONOVAN, JR.
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GENERAL



TEL: (802) 828-3171
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<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

March 31, 2017

Dear [REDACTED]:

I write in response to your correspondence to the Attorney General's Office dated March 24, 2017, regarding a request for assistance with a judicial summons directed at municipal officials of the Town of Victory.

Please be aware that the Attorney General's Office does not provide legal representation to municipal officials or private individuals. We recommend you contact the Victory Town Attorney, and/or the Vermont League of Cities of Towns. Please also be aware that the Vermont Bar Association provides a Lawyer Referral Service, and their attorneys provide an initial 30-minute consultation for no more than \$25. The Vermont Bar Association Lawyer Referral Service can be reached at 1-800-639-7036.

We hope the above information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah London".

Sarah London
Assistant Attorney General

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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

March 31, 2017

[REDACTED]

Dear [REDACTED]

I write in response to your correspondence to the Attorney General's Office dated March 22, 2017. We understand you are concerned about possible absentee voter fraud and tampering with the U.S. Mail. Please be aware that the Attorney General's Office does not provide legal representation to municipal officials or private individuals. While not providing legal advice, I write to provide resource information that I hope is helpful to you.

To the extent you believe there has been tampering with U.S. Mail, we recommend you contact the U.S. Postal Service. With respect to your concern about absentee voter fraud, we understand you have concerns about the process for mailing absentee ballots for [REDACTED] and [REDACTED]. We are aware that Judge Bent has ruled that both [REDACTED] are entitled to absentee ballots. We recommend you consult with the Secretary of State's Office regarding the process for providing absentee ballots in these circumstances. In addition, you may wish to consult with the Town Attorney, and/or the Vermont League of Cities of Towns regarding additional legal resources that may be available to you. If you are concerned about criminal conduct regarding absentee ballots, you may wish to contact the State Police.

Again, I hope the above information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah London".

Sarah London
Assistant Attorney General

Boyce, Bonnie

From: London, Sarah
Sent: Sunday, March 26, 2017 10:52 PM
To: Meenan, Evan; Treadwell, John
Subject: RE: Requesting Assistance

Thank you!!

From: Meenan, Evan
Sent: Friday, March 24, 2017 1:01 PM
To: Treadwell, John; London, Sarah
Subject: FW: Requesting Assistance

Sarah,

John wanted me to send this correspondence to you. If my response was premature, I apologize.

Thanks,

Evan

Evan Meenan
Assistant Attorney General
Vermont Attorney General's Office, Criminal Division
109 State Street
Montpelier, VT 05609
(802) 828-3740 (phone)
(802) 828-2154 (Fax)

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This E-mail may contain sensitive law enforcement and/or privileged information. **DO NOT** read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited.

From: Meenan, Evan
Sent: Friday, March 24, 2017 12:26 PM
To: [REDACTED]
Cc: Treadwell, John <john.treadwell@vermont.gov>
Subject: RE: Requesting Assistance

Good Morning [REDACTED]

Unfortunately, the Attorney General's Office cannot provide the named defendants with representation in this civil suit. The only recommendation I can provide is that the Town should consult with the Town's attorney, and the other individually named defendants should consider consulting with attorneys.

Please note, that I am still reviewing the allegations of criminal wrongdoing that [REDACTED] and [REDACTED] have made. I will notify them when my review is done.

Have a nice weekend.

Evan Meenan
Assistant Attorney General
Vermont Attorney General's Office, Criminal Division
109 State Street
Montpelier, VT 05609
(802) 828-3740 (phone)
(802) 828-2154 (Fax)

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This E-mail may contain sensitive law enforcement and/or privileged information. **DO NOT** read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited.

From: [REDACTED]
Sent: Friday, March 24, 2017 10:35 AM
To: Meenan, Evan <Evan.Meenan@vermont.gov>; chris.winters@sec.state.vt.us
Subject: Fwd: Requesting Assistance

To: Thomas.Donovan@vermont.gov, contact@jimcondos.com, ago.cap@vermont.gov, [REDACTED]

Cc: [REDACTED]

Good Morning,

Attached to this email, please find a judicial summons that was served on many residents in the Town of Victory yesterday. This is yet another law suite being filed regarding individuals on the check list amongst other things.

I am also attaching a Decision on the Merits, issued By Judge Bent under docket 1-1-16 Excv on February 19, 2016. Judge Bent issues his conclusion based on 17 VSA 2122 (a) and (b) regarding temporary absences from Victory with the intent to return.

We, defendant's named in this suit, are seeking assistance in regards to representation and consultation on a response to be filed with the court. Any assistance that we can receive will be greatly appreciated. The hearing is to be held on March 28, 2017.

Thank you for your time

Sincerely,

[REDACTED]

Boyce, Bonnie

From: Winters, Chris <chris.winters@sec.state.vt.us>
Sent: Friday, March 24, 2017 2:08 PM
To: [REDACTED]; Meenan, Evan
Cc: Condos, Jim; Senning, Will
Subject: RE: Requesting Assistance

Dear [REDACTED],

The Secretary of State's Office cannot represent you or consult with you on this matter to be sorted out before the court. To the extent that we can point you to the applicable election law, we will, but we cannot give legal advice.

Sincerely,

Christopher D. Winters
Deputy Secretary of State
802.828.2124
www.sec.state.vt.us

From: [REDACTED]
Sent: Friday, March 24, 2017 10:35 AM
To: evan.meenan@vermont.gov; Winters, Chris <chris.winters@sec.state.vt.us>
Subject: Fwd: Requesting Assistance

To: Thomas.Donovan@vermont.gov, contact@jimcondos.com, ago.cap@vermont.gov, [REDACTED]

Cc: [REDACTED]

Good Morning,

Attached to this email, please find a judicial summons that was served on many residents in the Town of Victory yesterday. This is yet another law suite being filed regarding individuals on the check list amongst other things.

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We, defendant's named in this suit, are seeking assistance in regards to representation and consultation on a response to be filed with the court. Any assistance that we can receive will be greatly appreciated. The hearing is to be held on March 28, 2017.

Thank you for your time

Sincerely,

[REDACTED]

STATE OF VERMONT

SUPERIOR COURT
Essex Unit

CIVIL DIVISION
Docket No. 1-1-16 ExcV

Ruth Anne Neborsky,
Andrew J. Marden,
Anthony Schifone,
Plaintiffs

v.

Town of Victory,
Defendant

DECISION ON THE MERITS

The Court took further evidence concerning the petitions of Andrew Marden and Anthony Schifone pursuant to 17 V.S.A. § 2148. The parties were both represented by counsel. This decision supplements the one previously made concerning Ms. Neborsky. Mr. Marden and Mr. Schifone are her adult sons. The court will determine the residency and voting status of each:

Andrew Marden:

Mr. Marden is currently an airman on active duty in the United State Air Force stationed in Oklahoma City, OK. He enlisted in 2011. He has never voted in any other state.

Mr. Marden graduated from St. Johnsbury Academy in about 2008. He enlisted in 2011. He primarily lived in Victory, Vermont during his high school years. After high school and before enlisting he worked for two separate periods in his brother's plumbing business in West Tisbury, Massachusetts on Martha's Vineyard – one period for 1 ½ years and the other for about nine months.

While in Massachusetts he experienced a medical issue for which he needed surgery. He had no medical insurance at the time, and in order to obtain status sufficient to qualify for Massachusetts insurance, he declared himself to be a Massachusetts resident. In doing so he obtained a Massachusetts driver's license which he still uses as proof of his right to operate a motor vehicle.

Mr. Marsden moved back to Victory, Vermont to live with his mother and step-father about half a year before he actually entered service. The purpose of his move was to devote some time to physical training with his former high school coach in preparation of applying for some form of special services within the Air Force. While in Victory he acted as an assistant to the running coach at St. Johnsbury Academy. It is not clear to the Court whether this was a formal position.

Mr. Marden lists Victory as his address of record with the Air Force, although he used his Massachusetts identification to reflect his residency when he entered the Air Force. There is no

record that Mr. Marden maintains any permanent home other than the one he claims at his mother's residence in Victory.

Anthony Shifone:

Mr. Shifone graduated from St. Johnsbury Academy in 2014 and is currently a student at the College of Idaho. His residency was with his mother in Victory, Vermont during the time he was in high school. This Court has already determined his mother's residence to be Victory. He is not on any other voting checklist.

Mr. Shifone worked as a nursing assistant at St. Johnsbury Health and Rehab before he entered college. His nursing license and driver's license both show his address as Victory Hill, which is his mother's residence. During the summer after his 2014 high school graduation he lived in Victory and worked to renovate property that his mother owns in Kirby, Vermont, sometimes staying there overnight.

Evidence was adduced that Mr. Shifone submitted three applications to the Town of Victory to be put on the checklist: one during a voter drive at high school, another, and the current application. The Victory Town clerk testified she only is aware of the current application, and believing this Court would make the decision, she has not acted on it.

The Court was not presented with any copies of the prior applications and cannot make a finding that they were presented to the current clerk. In making that ruling, the Court notes that lack of organization within the clerk's office is a possible explanation for the conflicting evidence as to whether Mr. Shifone actually had presented an application to be placed on the checklist prior to this proceeding. Mr. Shifone's mother was the prior town clerk, ending her term in 2013. She held that job for about nine years, taking over from the now current clerk, Carol Easter. Ms. Neborsky credibly testified that, to her observation, the clerk's office under Ms. Easter was disorganized. The Plaintiffs would have the Court reach the conclusion that the action of the Town was organized, intentional, and in derogation of the rights of Mr. Shifone. The Court cannot reach that conclusion either. The nature of this proceeding is limited and not intended to be a far reaching inquiry as to possible wrongdoing. The record thus remains a limited one and only reaches the question of voter eligibility.

Analysis:

The Court has no trouble reaching the conclusion that Anthony Shifone is a resident of Victory. His temporary absence from Victory for college will not change his residence if otherwise established. See 17 V.S.A. § 2122(a).¹

The indicia of residence, such as where he declared his residence to be for his nursing license and college entrance exams and where it is listed on his driver's license, are all useful in reaching the conclusion he was a Victory resident upon entering college. There is evidence that

¹ (a) A person shall not gain or lose a residence solely by reason of presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, nursing home, or other health care facility; nor while confined in a prison or correctional institution; nor while a member of a veterans' home; nor while a student at any educational institution; nor while living outside the United States; nor while certified as a participant in the address confidentiality program under 15 V.S.A. chapter 21, subchapter 3.

his high school tuition was paid as a Kirby resident, which is where his mother has other property. However, this Court has already concluded in Ms. Neborsky's case and does so in Mr. Shifone's that there is insufficient evidence that either made Kirby their principal dwelling. Mr. Shifone is therefore eligible to be a Victory voter and his application should be processed forthwith.

As to John Marden, the facts illustrate the fluidity of concepts surrounding residency and why it is not always clear where a person is a resident. The Court believes residency to be particularly problematic when young people have parents and families living in different locations. Like Mr. Shifone's college tenure, Airman Marden's military service makes no difference to this analysis except to explain why he is now absent from his claimed residence.

Without question, Mr. Marden's Vermont residence, which he held while in high school, was lost when he declared himself to be a Massachusetts resident. The impetus for the shift was his need for documentation regarding his health insurance needs. From the scant information provided, he was living and working at the time in Massachusetts; the Court thus finds nothing improper about his declaration of Massachusetts residence. However, his job and domicile in Massachusetts came to an end when he moved back to Victory to train with his former coach. There is no evidence that he intended to return to his West Tisbury domicile at that time. See 17 V.S.A. § 2122(b) ("resident' shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent.") The evidence is sufficient to persuade the Court that he abandoned his Massachusetts domicile despite still having a Massachusetts driver's license and using that license to join the service.

Young adults who have not established permanent addresses of their own often do consider their home to be that of their closest relatives – i.e., their parents. Here, Mr. Marden had declared to the military that Victory was his designated residence. The Court cannot identify any other dwelling which he still has access to as being a likely principal dwelling. That declaration, coupled with the evidence that Victory is the place to which he returns when absent², is sufficient for this court to find that Victory is his residence. Mr. Marden is therefore also a resident of Victory for purposes of voting.

The Court denies the Plaintiffs' motion to reconsider the issue of attorney's fees. The evidence is insufficient for the Court to reach the conclusion that there was a meritless and abusive denial of residency status sufficient to warrant fees. The Court is not unmindful of the allegations of unfair and partisan conduct toward the Petitioners in this case. Fees, however, in the absence of a statute, are reserved for extraordinary circumstances and are not a matter of right. The development of additional evidence which might support a fee award involves a far-reaching inquiry inappropriate to the nature of this case. The Court is not convinced that the facts presented warrant fees. In fact, in both Ms. Neborsky's case and Mr. Marsden's case, the facts required sifting and analysis and may have admitted of more than one conclusion. In Mr.

² Cast another way, "Home is the place that when you go there, they have to take you in." Robert Frost, *Death of the Hired Man*, in *The Poetry of Robert Frost*.

Shifone's case, the clerk's decision to simply let the Court make the decision as to residency was incorrect but not sanctionable. Accordingly, the Court will not reconsider the issue of attorney's fees

Electronically signed on February 19, 2016 at 01:42 PM pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Robert R. Bent". The signature is written in a cursive style with a horizontal line underneath.

Robert R. Bent,
Judge

STATE OF VERMONT

SUPERIOR COURT

Civil

DIVISION

Essex

Unit

Docket No.: 10-3-17 Excv

<i>Plaintiff(s)</i> Tracey Martel	VS.	<i>Defendant(s)</i> Town of Victory et. al.
--------------------------------------	-----	--

SUMMONS

THIS SUMMONS IS DIRECTED TO Dawn Peters

1. **YOU ARE BEING SUED.** The plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights.

2. **YOU MUST REPLY WITHIN 20* DAYS TO PROTECT YOUR RIGHTS.** You must give or mail the Plaintiff a written response called an Answer within 20* days of the date on which you received this Summons. You must send a copy of your Answer to the [Plaintiff][Plaintiff's attorney] located at: PO Box 310 St. Johnsbury, Vermont 05819,

You must also give or mail your Answer to the Court located at: PO Box 75 Guildhall, Vermont 05905

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT GIVE YOUR WRITTEN ANSWER TO THE COURT.** If you do not Answer within 20* days and file it with the Court, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint.

5. **YOU MUST MAKE ANY CLAIMS AGAINST THE PLAINTIFF IN YOUR REPLY.** Your Answer must state any related legal claims you have against the Plaintiff. Your claims against the Plaintiff are called Counterclaims. If you do not make your Counterclaims in writing in your Answer, you may not be able to bring them up at all. Even if you have insurance and the insurance company will defend you, you must still file any Counterclaims you may have.

6. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you cannot afford a lawyer, you should ask the court clerk for information about places where you can get free legal help. Even if you cannot get legal help, you must still give the Court a written Answer to protect your rights or you may lose the case.

7. **NOTICE OF APPEARANCE FORM.** THE COURT NEEDS TO KNOW HOW TO REACH YOU SO THAT YOU WILL BE INFORMED OF ALL MATTERS RELATING TO YOUR CASE. If you have not hired an attorney and are representing yourself, in addition to filing the required answer it is important that you file the Notice of Appearance form attached to this summons, to give the court your name, mailing address and phone number (and email address, if you have one). You must also mail or deliver a copy of the form to the lawyer or party who sent you this paperwork, so that you will receive copies of anything else they file with the court.

Valerie P. Buckner
Plaintiff's Attorney/Court Clerk

3/22/17
Dated

Served on 3/23/2017
Date

Kevin T. Howe
Sheriff

* Use 20 days, except that in the exceptional situations where a different time is allowed by the court in which to answer, the different time should be inserted.

Vermont Superior Court
Essex Civil Division
P.O. Box 75
Guildhall, VT 05905
www.VermontJudiciary.org - (802) 676-3910

NOTICE OF HEARING

Dawn Peters
750 River Rd
Victory VT 05858

March 22, 2017

Tracey Martel
vs.
Town of Victory et al

Docket No. 10-3-17 Excv

This is to notify you to appear at the Court named above in connection with the above named case for the following:

Civil Trial Regarding Motions(s):

1) Motion for Temporary Restraining Order

Tuesday March 28, 2017 at 01:30 PM Hearing Length: 2 Hour(s) 0 Minute(s)

Please Note: See Entry Order Mpr#1

Civil Division Clerk

Any individual with a disability requiring assistance accessing the services, programs, and/or activities at the Courthouse should contact the Clerk's office at the above address for further assistance.

Notifications:

Deborah T. Bucknam, Attorney for Plaintiff, Tracey Martel
Defendant, Town of Victory
Defendant, Carol Easter
Defendant, Dawn Peters
Defendant, Jan Stanley
Defendant, Sandy Hudson
Defendant, Lionel Easter
Defendant, Victory Board of Civil Authority
Defendant, Wayne Moodie
Defendant, Krystal Gray
Defendant, Robert Flanigan Jr
Defendant, Toni Flanigan
Defendant, Robert Flanigan III
Defendant, Brendan Flanigan
Defendant, Laury Saligman
Defendant, John McGill
Defendant, Isiah Preston
Defendant, Angelo Spera
Defendant, Andrea Poginy

STATE OF VERMONT

SUPERIOR COURT
Essex Unit

CIVIL DIVISION
Docket No. 10-3-17 EXCV

TRACEY MARTEL, Plaintiff)
)
 vs.)
)
 TOWN OF VICTORY, VERMONT)
 CAROL EASTER)
 DAWN PETERS)
 JAN STANLEY)
 SANDY HUDSON)
 LIONEL ("SKIP") EASTER)
 VICTORY BOARD OF CIVIL)
 AUTHORITY)
 WAYNE MOODIE)
 KRYSTAL GRAY)
 ROBERT FLANIGAN JR.)
 TONI FLANIGAN)
 ROBERT FLANIGAN III)
 BRENDAN FLANIGAN)
 LAURY SALIGMAN)
 JOHN MCGILL)
 ISAIAH PRESTON)
 ANGELO SPERA)
 ANDREA POGINY)

COMPLAINT AND PETITION FOR WRIT OF MANDAMUS
AND MOTION TEMPORARY RESTRAINING ORDER AND FOR
PRELIMINARY INJUNCTION

COMES NOW Tracey Martell, by and through her attorney, Deborah T.

Bucknam, Esq. of Bucknam & Black, PC, and hereby states as follows:

INTRODUCTION

This is a case involving massive voter fraud by the Defendants in the
Town of Victory. Numerous non-residents who are political allies of the individual

Bucknam & Black
1097 Main Street
PO Box 310
St. Johnsbury, VT
05819

Defendants have been placed on the voter checklist, and voted by absentee ballot in the March 7, 2017 election. Several attempts by other members of the Board of Civil Authority to purge the checklist of non-residents have been rebuffed by the Defendants. The result has been that the population of the Town of Victory has supposedly increased by 50% since the last decennial census. The Defendant members of the Board of Civil Authority have violated their non-discretionary duties to attend meetings to remove non-residents from the checklist, and Town Clerk and Town Treasurer Carol Easter has violated several statutes, including not following statutory procedure when placing persons on the checklist, failing to provide absentee ballots in a timely manner to voters who oppose Defendants; hand delivering an absentee ballot alone to a voter, and interfering with one voter with her ballots on Town Meeting Day. The result was that at Town Meeting, Carol Easter won the races for Town Clerk by three votes and Town Treasurer by one vote. Her husband, Defendant Lionel Easter tied in the race for select board. In addition, it has been recently learned that Carol Easter has refused to send out absentee ballots to some voters for the April 7, 2017 run-off election who have requested them, and she has failed to mail out absentee ballots for the April 7, 2017 run-off to voters who participated in the March 7, 2017 election.

Plaintiff Tracey Martel, who ran unsuccessfully for the Town Clerk and the Town Treasurer positions, seeks this Honorable Court to issue a temporary restraining order a preliminary and permanent injunction, and writ of mandamus to the Defendants to cancel the April 7, 2017 election, to remove non-residents from the checklist, and to hold another election, pursuant to 17 V.S.A. § 2603.

PARTIES

1. Plaintiff Tracey Martel is a resident of the Town of Victory, Essex County, Vermont, and was a candidate for Victory Town Clerk in the March 7, 2017 town meeting election.
2. Defendant Town of Victory is a municipality located in Essex County, Vermont.
3. Defendant Carol Easter is a resident of Victory, and presently Victory Town Clerk, and a member of the Victory Board of Civil Authority ("BCA").
4. Defendant Dawn Peters is a resident of the Town of Victory, Vermont, and is presently the Chair of the Victory BCA.
5. Defendant Jan Stanley is a resident of The Town Victory, Vermont, and a member of the Victory BCA.
6. Defendant Sandy Hudson is a resident of Victory Vermont and a member of the Victory BCA.
7. Defendant Lionel Easter is a resident of Victory Vermont and a member of the Victory BCA.
8. Defendant Victory Board of Civil Authority is a municipal Board of elected officials part of whose duties including purging the voter checklists
9. Defendant Wayne Moodie and Krystal Gray are residents of St. Johnsbury, Caledonia County, Vermont.
10. Defendants Robert Flanigan Jr., Toni Flanigan, Robert Flanigan III and Brendan Flanigan are residents of Granby, Connecticut.

11. Defendant Andrea Poginy is a resident of St. Johnsbury, Caledonia County, Vermont
12. Defendant Isaiah Preston is a resident of Burlington, Chittenden County, Vermont
13. Defendant Angelo Spera is a resident of Salem, Connecticut.
14. Defendants Laury Saligman and John McGill are residents of Montpelier, Washington County, Vermont.

JURISDICTION

15. Superior Court jurisdiction is based on 17 V.S.A. § 2617 (“ In all cases for which no other provision has been made, the superior court shall have general jurisdiction to hear and determine matters relating to elections and to fashion appropriate relief.”) and 17 V.S.A. § 2603.(“Contest of elections”) Further, a complaint under 17 V.S.A. § 2603 must be filed within 15 days of the election.

FACTS

16. Plaintiff re-alleges paragraphs 1-15.
17. On March 7, 2017, a Town Meeting was held in Victory, Vermont.
18. The Town of Victory holds elections of officers and decides warned articles by Australian ballot at Town Meeting.
19. According to the Town Checklist, as of Town Meeting Day, there were 84 registered voters in the Town of Victory. [Exhibit A—Town Meeting Day Checklist]. As of 2017, there were 11 school aged children in town. [Exhibit B—Town of Victory FY18 enrollment], resulting in a Town population of at least 95 persons.

20. As of the census year 2010, there were a total of 63 persons residing in the Town of Victory. Thus if the checklist is correct, there was an approximately 50% increase in population in the Town of Victory since the last census.
21. As late as February 2017, assistant Town Clerk Ferne Loomis said there were “only 63 people in town.” [Exhibit C—Caledonian Record articles quoting Ferne Loomis]
22. Of the 84 registered voters, on Town Meeting Day, 76 voted, with 41 voting by absentee ballot, and 35 voting in person.
23. The checklist reveals that there are at least eleven people who are not residents of the Town of Victory who voted by absentee ballot.
- a. Wayne Moodie and Krystal Gray moved out of town to St. Johnsbury, Vermont in November 2016 because the Victory Vermont trailer they were renting was deemed unsafe. [Exhibit D—Patricia Mitchell’s affidavit]
 - b. Robert Flanigan Jr., Toni Flanigan, Robert Flanigan III, and Brendan Flanigan live in Connecticut and have for many years, even decades. Robert and Toni Flanigan have a vacation home in Victory, and they have not stayed overnight there since 2014. Their adult sons, Robert III and Brendan have not been seen in the Town of Victory for at least four years. Neither son has ever lived in Victory. [Exhibit E—Greg Hovey’s affidavit; Exhibit F—Checkmate background report four Flanigan family members; Exhibit G—Deposition transcript testimony of Robert Flanigan Jr.]

- c. Andrea Poginy lives in St. Johnsbury and has not lived in Victory, Vermont for more than one year [Exhibit H-15—Transcript of Carol Easter’s Testimony; Exhibit I—Facebook post]
 - d. Isaiah Preston does not live in Victory, Vermont. Isaiah lives in Burlington, Vermont. [Exhibit J—Checkmate background report on Isaiah Preston]
 - e. Angelo Spera, who, upon information and belief, is Toni Flanigan’s brother, lives in Salem Connecticut, and, upon information and belief, owns no property in the Town of Victory. [Exhibit K—Checkmate background report]
 - f. Laury Saligman and John McGill live in Montpelier, Vermont and their children attend Montpelier public schools. [Exhibit H—Transcript of Carol Easter’s testimony; Exhibit L—Checkmate background reports]
 - g. Arrick Mitchell lives in North Conway, New Hampshire. [Exhibit M—Town Meeting Warning]
24. The previous Chair of the BCA, Walter Neborsky, attempted to call at least three meetings of the Board of Civil Authority in August, September and November of 2016 to purge the checklist. Defendant members of the Board of Civil Authority refused to do purge the checklist, and at times refused to attend BCA meetings so that there was no quorum. [Exhibit N—Affidavit of Walter Neborsky] [Exhibit O—Minutes of BCA Meetings]
25. In September 2015, the BCA illegally took Ruth Neborsky and her active duty military son, Airman Andrew Marden, off the checklist. Their actions were

illegal because Ruth Neborsky was a full time resident of the Town of Victory, living with her husband, Walter Neborsky, and her son's legal residence was his mother's home in Victory. In addition, Ruth had attended nearly every town meeting, had voted in every election in the Town of Victory, and had attended many select board meetings. Her husband, Walter Neborsky, owns a home in Victory, and was present at the September 2015 BCA meeting. He told the BCA that his wife and stepson were residents. Despite that, the BCA removed Ruth Neborsky and her son from the checklist. In addition, Ruth's other son, Anthony Schifone, who is a full time college student, had applied a year earlier to be placed on the checklist, but he never was. [Exhibit P—Anthony Schifone's testimony]

26. As a result, Ruth Neborsky and her sons were forced to file suit in Superior Court to be placed on the checklist. Town Officials, including Defendant Carol Easter, opposed placing Ms. Neborsky and her two sons on the checklist, and testified against her. They provided no information whatsoever that Ms. Neborsky lived elsewhere other than Victory, Vermont. Two contested hearings were held, one in January, 2016 and one in February 2016. The Essex County Superior Court ordered that all three be placed on the checklist after the contested hearings were completed.

27. Between the first and second hearing on Ms. Neborsky's and her sons' voting rights lawsuit, Defendant Carol Easter placed Brendan Flanigan and Robert Flanigan III on the checklist for the first time. They applied online, and Defendant Carol Easter did not require proof of residence when she placed them

on the checklist. [Exhibit H-11 & H-12---Transcript of Carol Easter's testimony] Ms. Easter also placed Andrea Poginy back on the checklist after she had been removed by the BCA meeting in September, 2015—the same meeting when Ruth Neborsky and Andrew Marden were removed from the checklist.

[Exhibit H-14-H-15]

28. At the same time, Town Clerk Easter required Anthony Schifone to provide his driver's license as proof of residency when he applied for the third time. Even then, she did not put Anthony's name on the checklist. [Exhibit H-4; Exhibit H-10 & H-11]

29. In addition, Town Clerk Easter refused to put Ruth Neborsky's son, Andrew Marden's name back on the checklist, even after he provided proof of residence. [Exhibit H-10 & H-11].

30. Town Clerk Easter testified that even if someone has never lived in Victory, they can be put on the checklist if they express an intent to move to Victory. [Exhibit H-12].

31. At a hearing on December 2, 2016 when Town Clerk Easter was asked about the Flanigan sons' residency, she refused to answer. When told by the court she needed to answer, she asserted her right under the Fifth Amendment to the Constitution to not answer the question. She then said "there are multiple people that are on the checklist that should not be." [Exhibit Q—Carol Easter Dec 2, 2016 testimony],

32. On February 15, 2017, Defendant Carol Easter was asked about when the absentee ballots were going to be available, she said "When I get around to it, and if you don't like it, sue me!" [Exhibit R—Affidavit of Walter Mitchell].
33. The absentee ballots for March 7, 2017 town meeting were not made available by Defendant Carol Easter until February 22, 2017.
34. Airman Andrew Marden's ballot was sent to him on February 22, 2017. It did not get back in time for the town meeting vote.. [Exhibit S—Ruth Neborsky affidavit]
35. Defendant Carol Easter was running for Town Clerk and Town Treasurer on the March 7, 2017 Town Meeting ballot.
36. Defendant Carol Easter was asked by Kathleen Hill, who has power of attorney for Victory resident Patricia A. Hill, to send Kathleen an absentee ballot for Patricia. Patricia at the time was a patient at St. Johnsbury Health and Rehabilitation.
37. Carol Easter did not send Kathleen the absentee ballot. Instead she personally brought the ballot to Patricia Hill, and stayed with Patricia until she completed her ballot and gave it back to Carol. Carol had no one else with her from the Town of Victory at the time. [Exhibit T—Kathleen Hill affidavit]
38. On Town Meeting day, Carol Easter assisted Carole Shepard in making out her ballot.
39. Defendant Sandra Hudson, who was a candidate for School Director, was an election official on Town Meeting day.
40. The voting results were as outlined in the attached Exhibit U.

41. According to Exhibit U, Lionel ("Skip") Easter and Otis McKinstry tied for select board, and Article 8 was a tie. . .
42. According to Exhibit N, Tracey Martel lost the election for Town Clerk by three votes, and Town Treasurer by one vote.
43. The Town of Victory has warned a notice of a new election for April 5th, 2017 for the select board position. [Exhibit V—Notice of Election]

COUNT I—CONTEST OF ELECTION

44. Plaintiff re-alleges paragraphs 1-43. 2(b)
45. 17 V.S.A. § 2603 provides as follows:

The result of an election for any office, other than for the general assembly, or public question may be contested by any legal voter entitled to vote on the office or public question to be contested. (b) A contest is initiated by filing a complaint with a superior court alleging: (1) that errors were committed in the conduct of the election or in count or return of votes, sufficient to change the ultimate result; (2) that there was fraud in the electoral process, sufficient to change the ultimate result; or (3) that for any other reason, the result of the election is not valid."

46. Errors were committed that were sufficient to change the ultimate result, including, but not limited to the following:
- a. Absentee ballots are required to be available 20 days prior to an election. ("Ballots for local officers and local public questions shall be prepared at town expense, under the direction of the town clerk not later than 20 days before the local election.") Vt. Stat. Ann. tit. 17, § 2681a.
- Absentee ballots for the March 7, 2017 election were not available until February 22, 2017, 13 days before the election. As a result, at least one voter, Andrew Marden, did not get his ballot back in time for his vote to count.

b. Australian ballots are, under Vermont statutes, secret ballots. (" An 'Australian ballot' means a uniformly printed ballot, *typically confined to the secret vote election of specified offices* as previously warned to be voted upon by the Australian ballot system. Vt. Stat. Ann. tit. 17, § 2103 *Emphasis added.* Carol Easter, according to what appears in the town office's security camera, handled the ballots of a voter in the voting booth, and, upon information and belief, wrote on at least one of the ballots while the voter was talking to another person, in violation of 17 V.S.A. § 1972:

"A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote or makes a false statement to the presiding officer at an election as to his or her inability to mark his or her ballot or places a distinguishing mark on his or her ballot or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$ 1,000.00. (b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section. " 17 V.S.A. § 1972

c. If an absentee ballot is hand delivered to a voter, the statutes require as follows:

"Not later than three days prior to the election, the board of civil authority or, upon request of the board, the town clerk, shall designate in pairs justices of the peace in numbers sufficient to deliver early voter absentee ballots to the applicants for early voter absentee ballots who have stated in their applications that they are unable to vote in person at the polling place due to illness or physical disability but who have not requested in their applications that early voter absentee ballots be mailed to them. No pair shall consist of two justices from the same political party." Vt. Stat. Ann. tit. 17, § 2538

Carol Easter hand delivered an absentee ballot to Patricia Hill, who had not requested the ballot pursuant to 17 V.S.A. § 2538, and she went

alone without any justices of the peace, in violation of Section 2538 of Title 17.

- d. At least eleven voters on the checklist are non-residents, in violation of Vermont statutes. (“Any person may register to vote in the town of his or her residence in any election held in a political subdivision of this state in which he or she resides who, on election day:(1) is a citizen of the United States;(2) is a resident of the state of Vermont;(3) has taken the voter's oath; and(4) is 18 years of age or more.”) Vt. Stat. Ann. tit. 17, § 2121
- e. Two non-residents, Brendan Flanigan, Robert Flanigan III were placed on the checklist for the first time by Defendant Carol Easter in 2016 even though they have never lived in Victory, Vermont. They were placed on the checklist online, without providing the necessary proof of residency as required by the Help America Vote Act:

“...[A] State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--(A) the individual registered to vote in a jurisdiction by mail; and(B)(i) the individual has not previously voted in an election for Federal office in the State; or(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).(2) Requirements(A.... (ii) in the case of an individual who votes by mail, submits with the ballot--(I) a copy of a current and valid photo identification; or(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that *shows the name and address of the voter.*” 52 U.S.C.A. § 21083. *Emphasis added.*

Defendant Carol Easter knew they were not residents when she placed them on the ballot, and when she sent them their absentee ballots. That

is why she did not require and valid identification that shows the voters' residence. [Exhibit Q-4-Q-5] This violates 17 V.S.A. § 2016 ("A person who willfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a local, primary, or general election shall be fined not more than \$ 200.00.")

f. All of the individual defendants know that Brendan Flanigan and Robert Flanigan III and other eight non-resident Defendants are not residents of the Town of Victory, yet as members of the BCA, the defendants have refused to take steps to remove non-residents from the checklist. This is also a violation of 17 V.S.A. § 2016 .

47. A resident for voting purposes is defined by Vermont Statutes as follows:

"For the purpose of this chapter, 'resident' shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time. Vt. Stat. Ann. tit. 17, § 2122

48. As outlined above, none of the eleven non-resident defendants meet the criteria for residency set forth in 17 V.S.A. § 2122.

49. There are several other names on the checklist who, upon information and belief, are not residents; however, Plaintiff has been unable to verify, within the 15 days allowed for contest of elections to verify the addresses of the other non-resident voters. (" The complaint shall be filed within 15 days after the election in question .") Vt. Stat. Ann. tit. 17, § 2603

COUNT II—PETITION FOR WRIT OF MANDAMUS

50. Plaintiff re-alleges paragraphs 1-49..

51. The Town of Victory Board of Civil Authority has a statutory duty to remove persons from the checklist who are not residents. In addition, the BCA is mandated to review the checklist every odd numbered year prior to September 15th.

“(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority is unable to determine under subdivisions (d)(1) and (2) of this section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.” 17 V.C.A. § 2150

52. Removing names from the checklist must occur at least 90 days before the next election. Because the BCA has willfully refused to review the checklist and to remove non-residents from the checklist, Plaintiff prays this Honorable order that the defendant BCA members set a date forthwith to review the checklist and remove the non-residents from the checklist, pursuant to the statute.

**COUNT III— TEMPORARY RESTRAINING ORDER AND TEMPORARY
AND PERMANENT INJUNCTION**

53. Plaintiff alleges paragraphs 1-52.

54. The eleven defendant non-resident voters are violating 17 V.S.A. § 2014: (“A person, knowing that he or she is not a qualified voter, who votes at a local, primary, or general election for an officer to be elected at that election shall be fined not more than \$200.00.”), as well as Vt. Stat. Ann. tit. 13, § 2904 (“A person of whom an oath is required by law, who willfully swears falsely in regard to any matter or thing respecting which such oath is required, shall be guilty of perjury and punished as provided in section 2901 of this title.”)

55. Plaintiff requests this Honorable Court to order the eleven defendants request that their names be removed from the town of Victory checklist forthwith.

56. Plaintiff further requests that this Honorable Court order that the Defendant Town of Victory cancel its select board election of April 5th, 2017, and to hold an entirely new election for all town offices and all town warnings warned for the March 2017 town meeting after the non-residents are removed from the checklist.

57. This Court has broad authority to issue orders to ensure the integrity of the election process, including ordering new elections, and forwarding information of possible criminal conduct to the state’s attorney:

“After hearing, the court shall issue findings of fact and a judgment, which shall supersede any certificate of election previously issued. If the court finds just cause, the court shall grant appropriate relief, which may include, without limitation, ordering a recount, or ordering a new election. If during the hearing the court receives credible evidence of criminal conduct, the court shall order a transcript of all or part of the testimony to be forwarded to the proper state’s attorney. If a new election is ordered, the court shall set a date for it, after consulting with the secretary of state; in ordering a new election, the court shall have authority to issue appropriate orders, either to provide for special cases not covered by law, or to supersede provisions of law which may conflict with the needs of the particular situation.” Vt. Stat. Ann. tit. 17, § 2603

COUNT IV—ISSUING FINES TO NON-RESIDENT DEFENDANTS AND

FORWARDING TESTIMONY TO STATE'S ATTORNEY

58. Plaintiff re-alleges paragraphs 1-59.
59. As indicated above, Defendants who were not qualified voters who voted in the Town Meeting election are subject to fines of not more than \$200.00.
60. In addition Defendants who signed under oath that they were residents of the Town of Victory are subject to prosecution under the state perjury statute outlined above.
61. Plaintiff prays this Honorable Court issue fines to the non-resident Defendants who voted in the Town Meeting election, and pursuant to the statute noted above, forward the transcript of the hearing to the state's attorney, if warranted.

COUNT V —ISSUING FINES TO DEFENDANT CAROL EASTER

62. Plaintiff re-alleges paragraphs 1-63.
63. Defendant Carol Easter, as indicated above, aided unqualified persons to vote in the Town Meeting election by placing non-resident names on the Victory checklist, and sending absentee ballots to non-residents. As such, she is subject to fines of not more than \$200.00.
64. In addition Defendant Carol Easter violated 17 V.S.A. § 2012: ("A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters, knowing such person not to be a voter in the political subdivision for which such list is made or, directly or indirectly, procures or causes to be procured or aids in procuring the

name of a person to be erased from such list, knowing him or her to be a legal voter in such political subdivision, shall be fined not more than \$200.00.”)

65. Plaintiff therefore requests this Honorable Court issue fines against Carol Easter for her statutory violations.

COUNT VI – AWARD OF ATTORNEY’S FEES

66. Plaintiff re-alleges paragraphs 1-67.

67. Defendants have acted willfully to subvert the purity of elections, in violation of Vermont statutes and constitution.

68. Vermont recognizes, that as a court of equity, this court has the power to award attorney’s fees under special circumstances when justice requires; (“Where an individual is forced to seek judicial assistance to secure a clearly defined and established right, which should have been freely enjoyed without such intervention, an award of counsel fees on the basis of bad faith is appropriate. This principle, which merely shifts the cost of what should have been an unnecessary judicial proceeding to the responsible party, has long been recognized.) *Appeal of Gadhue*, 149 Vt. 322, 328, 544 A.2d 1151, 1154 (1987)
Citations omitted.

69. Plaintiff and other residents of the Town of Victory have a clear constitutional right to free and fair elections, and the right to be elected to office in a free and fair election (“That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into

office, agreeably to the regulations made in this constitution.”) Vt. Const. CH I,
art. VIII

70. Plaintiff therefore requests that Defendants pay costs and attorney’s fees related
to this matter.

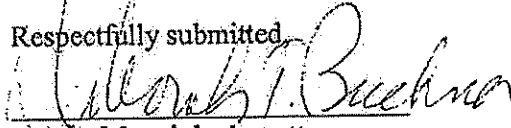
WHEREFORE, Plaintiff prays this Honorable Court:

1. Issue a temporary restraining order, preliminary and permanent injunction
and writ of mandamus as follows:
 - a. Order cancellation of the April 5, 2017 Town of Victory Select board
election.
 - b. Order that the Defendant non-residents request forthwith that their
names be removed from the Town of Victory checklist.
 - c. Order that the Victory Board of Civil Authority meet forthwith and
remove unqualified voters from the Town of Victory checklist.
 - d. After unqualified voters are removed from the checklist, order an
entirely new election for all town offices and warned articles.
 - e. Supervise the new election procedure to ensure there are no further
statutory violations.
2. Issue fines to defendants who have violated the statutes which provide for
fines for violation.
3. After hearing, if warranted, forward testimony to the State’s Attorney.
4. Order that defendants pay Plaintiff her attorney’s fees and costs.
5. Award any and all other relief which to this Honorable Court seems just and
equitable.

Bucknam & Black
1097 Main Street
PO Box 310
St. Johnsbury, VT
05819

Dated at St. Johnsbury, Vermont this 20 day of March, 2017.

Respectfully submitted,



Tracey Martel, by her attorney,
Deborah T. Bucknam, Esq. ERN 1391
dbucknam@vtlegalhelp.com
802-748-5525 Ext. 101

Bucknam & Black
1097 Main Street
PO Box 310
St. Johnsbury, VT
05819

Exit

Town of Victory, VT

Absentee	O	Voter	LastName	FirstName	Middle	Suffix	Address	TownName
		✓	ANDERSON	RICHARD			1475 VICTORY HL VIC	VICTORY
		✓	BACCHIOCHI	ANTHONY			1204 MASTEN RD	VICTORY
		✓	BACCHIOCHI	DONNA			1204 MASTEN RD	VICTORY
✓			BATIN	JENNIFER			1258 VICTORY HL	VICTORY
✓			BISHOP	BRTTANY			4140 VICTORY RD	VICTORY
✓			BLONDIN	JESSE			4140 VICTORY RD	VICTORY
			BOUCHARD	JANET			1291 RIVER RD	VICTORY
✓		✓	BROWN	EDWARD			4262 VICTORY RD	VICTORY
		✓	BROWN	STEVE	M.		7525 RIVER RD	VICTORY
		✓	CLERICI-MENDEL	ANGEL	B.		1768 VICTORY HL	VICTORY
✓			COOKE	LINDA	P.		217 MOUNT TUG RD	VICTORY
✓			COOKE	ZANE	G.		217 MOUNT TUG RD	VICTORY
		✓	EASTER	CAROL			2428 VICTORY HL	VICTORY
✓			EASTER	LIONEL			2428 VICTORY HL	VICTORY
✓			EASTER	STEPHEN			323 RIVER RD	VICTORY
✓			FLANIGAN	BRENDAN			2870 VICTORY HL	VICTORY
✓			FLANIGAN	ROBERT		III	2870 VICTORY HL	VICTORY
✓			FLANIGAN	ROBERT	J.	JR.	2870 VICTORY HL VIC	VICTORY
✓			FLANIGAN	TONI	T.		2870 VICTORY HL VIC	VICTORY
✓		✓	FRECHETTE	WILLIAM			945 GRANBY RD	VICTORY
✓			GRAY	KRYSTAL	M		1258B VICTORY HL	VICTORY
		✓	HARRISON	CATLIN	M		P.O. BOX 295	VICTORY
		✓	HARRISON	JOHN	SHANE		647 GRANBY RD	VICTORY
		✓	HARRISON	YVETTE			647 GRANBY RD	VICTORY
✓			HART	ELLEN	M		20 MASTEN RD	VICTORY
✓			HART	GORDON			20 MASTEN RD	VICTORY
✓			HART	TIMOTHY			20 MASTEN RD	VICTORY
		✓	HENDERSON	VIRGINIA			1061 RIVER RD	VICTORY
✓			HILL	PATRICIA			4270 VICTORY RD	VICTORY
✓			HINELINE	ELISE			1283 MASTEN RD	VICTORY
		✓	HOLT	BRADLEY			1640 VICTORY HL	VICTORY
		✓	HOLT	JOHN			1101 RIVER RD VICTO	VICTORY
			HOVEY	DYLAN	W.		3000 VICTORY HL	VICTORY
		✓	HOVEY	GREGORY			3000 VICTORY HL	VICTORY
			HOVEY	RYAN	R.		2622 VICTORY HL	VICTORY
		✓	HUDSON	SANDRA			323 RIVER RD	VICTORY
		✓	JACQUES-STAATS	MELANIE			3932 BURKE RD	VICTORY
		✓	LONGLEY	KATRINA	M.		80 BUTTONWOOD LN	VICTORY
✓			LOOMIS	FERNE			2754 VICTORY HL	VICTORY
		✓	LYNAUGH	HOWARD			1291 RIVER RD	VICTORY
✓			MACDONALD	JOHN			2754 VICTORY HL	VICTORY
✓			MARCHBANKS	LAWRENCE	STEPHEN		1258 VICTORY HL	VICTORY
			MARDEN	ANDREW JO	GARDEN		2364 VICTORY HL	VICTORY
✓			MARIN	RAYMOND	L.		874 RIVER RD VICTO	VICTORY

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18

A-1



✓	✓	MARTEL	KYLE	E.		200 SERENITY WAY	VICTORY
	✓	MARTEL	RAYMOND	R		200 SERENITY WAY	VICTORY
	✓	MARTEL	TRACEY	L.		200 SERENITY WAY	VICTORY
✓	✓	MCGILL	JOHN	W.		3 DUNPATRICK CR M	VICTORY
✓	✓	MCKINSTRY	MARK			334 MOUNT TUG RD	VICTORY
✓	✓	MCKINSTRY	OTIS			P.O. BOX 52	VICTORY
✓	✓	MCKINSTRY	SYLVIA			P.O. BOX 52	VICTORY
	✓	MENDEL	AMY	F.		1768 VICTORY HL	VICTORY
✓		MITCHELL	ARRICK			323 RIVER RD	VICTORY
✓		MITCHELL	DOMINICK	E		1814 MASTEN RD	VICTORY
✓		MITCHELL	MICHAEL		C	80 BUTTONWOOD LN	VICTORY
✓		MITCHELL	PATRICIA			80 BUTTONWOOD LN	VICTORY
	✓	MITCHELL	WALTER			80 BUTTONWOOD LN	VICTORY
✓	✓	MITCHELL	WALTER JR			80 BUTTONWOOD LN	VICTORY
✓		MOODIE	WAYNE			12588 VICTORY HL	VICTORY
	✓	MORRON	JAMES			4082 VICTORY RD	VICTORY
✓		NEBORSKY	RUTH ANNE			2364 VICTORY HL	VICTORY
✓	✓	NEBORSKY	WALTER JR			2364 VICTORY HL	VICTORY
		NELSON	BRADLEY	G.		1204 MASTEN RD	VICTORY
✓		PEARSON	DARLENE	J.		3164 VICTORY HL	VICTORY
	✓	PETERS	DAWN	E.		750 RIVER RD	VICTORY
	✓	PETERS	ROBERT	C.	JR.	750 RIVER RD	VICTORY
✓		POGINY	ANDREA	L.		1258 VICTORY HL	VICTORY
✓		PRESTON	DOUGLAS			3317 VICTORY HL	VICTORY
✓		PRESTON	ISAIAH	D.		3317 VICTORY HL	VICTORY
✓		PRESTON	JEREMIE	F.		3317 VICTORY HL	VICTORY
✓		RAINEY	LLOYD	W.		1344 RIVER RD	VICTORY
✓		RICH	TINA			1258 VICTORY HL	VICTORY
✓		SALIGMAN	LAURY	E.		3 DUNPATRICK CR M	VICTORY
✓	✓	SCHIFONE	ANTHONY			2364 VICTORY HL	VICTORY
	✓	SHEPARD	CAROLE			343 VICTORY RD	VICTORY
	✓	SOMERVILLE	DALE			257 RIVER RD	VICTORY
	✓	SOMERVILLE	MARLENE			257 RIVER RD	VICTORY
✓		SPERA	ANGELO				VICTORY
	✓	STAATS	WILLIAM			3932 BURKE RD	VICTORY
	✓	STANLEY	JANICE			11 GRANBY RD	VICTORY
	✓	VANDER-HEYDEN	EDDY			1645 MASTEN RD	VICTORY
		WALTERS	JUANITA	CHRISTIN		101 RADAR RD	VICTORY
		WALTERS	PHILEMON	THEOPH		101 RADAR RD	VICTORY
		WELCH	ERIN	L		4262 VICTORY RD	VICTORY

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A-2

VICTORY TOWN SCHOOL DISTRICT
ANTICIPATED FY18 ENROLLMENT

	Paid Tuitions					
	Concord School	Burke Town School	St. Johnsbury Academy	Riverside School	Lyndon Institute	Unknown High School
K:						
Grade 1:						
Grade 2:						
Grade 3:						
Grade 4:	1	1				
Grade 5:						
Grade 6:		1				
Grade 7:				1		
Grade 8:						
Grade 9:						3
Grade 10:					1	
Grade 11:			1			
Grade 12:			1		1	
	1	2	2	1	2	3

Elementary:	3					
Secondary:	8	\$14,884	\$15,225	\$17,634	\$15,766	\$17,632
TOTAL:	11	Budgeted FY18 Tuitions				



Victory Residents Petition To Un-Incorporate Town

BY ARRY ASH NIXON
Staff Writer

VICTORY—A small group of citizens signed a petition seeking to have the town of Victory give up its autonomy as a town and instead join with the Unified Towns and Gores of Essex County.

The question of having Victory become a gore is not coming up on the town warning, said Selectman Walter Neborsky, who decided not to put the citizen-petitioned question on the warning with Chairman Walter Mitchell.

"That's so far-fetched, it's not even funny," said Neborsky.

Vermont Secretary of State Jim Condos said for Victory to become a gore, "the Selectboard in Victory and the Board of Governors for the Essex County Gores," would need to vote on the proposal.

If it passed both legislative bodies, the issue would need to go before voters and finally the Legislature, similar to a charter adoption process, Condos said.

Condos said on Thursday, "This is really un-chartered waters, but I think that is what would happen."

"Another option may be to just ask the Legislature to become an unincorporated town," said Condos.

Condos and Deputy Secretary of State Chris Winters recently met with Victory Town Clerk Carol Easter and Assistant Town Clerk Ferre Loomis.

It's highly unusual for a town to wish to unincorporate and become a gore, said Condos, but it

has happened.

"Most, if not all of the gores were once towns but after population decline," said Condos. He points to the former towns of Somerset and Glastenbury, both of which were disincorporated in 1937, according to historical records.

Rachel Muse, a state archivist, said, "Glastenbury unincorporated by an act of the legislature in 1937, now its referred to as a ghost town." The former town is in Bennington County, she said.

"It was like a mining town, essentially and when the mine stopped producing, people were like, okay, no need to be a town anymore," said Muse.

Victory is tiny in population, too, and many of the town's residents are disabled or elderly and on fixed incomes. The article about a dozen residents hoped to get on the warning, reads "We want to end all rumors, alleged corruption and power struggles. This will free the town of any wrong doing, miscalculations in recording and misappropriated funds. By removing the temptations of corruption we will make our town honest."

"We are very concerned about our town," Loomis, the assistant town clerk said in an interview about the gore question. "We want to make our town into a gore, and that is to help the people. We're only 63 people, we're so tiny."

Loomis said, "Our town is 89 percent elderly and on disability," and she said some people in town think if the state took the town over, they would be better off.

Victory of Yesteryear

According to a book called *Vermont Place-Names: Footprints of History*, by Esther Munroe

Swift, published by the Vermont Historical Society, Victory was chartered as a town on Sept. 6, 1781, and was one of the last towns to be chartered in Essex County. "The town was chartered to Captain Ebenezer Fisk and 64 associates, most of whom were members of a Connecticut line regiment."

The town's name is believed to be one of the few which "derive from an idea rather than from a person or a place," Swift wrote. She wrote there were several theories on how the town was named, including that "Victory was so named because the general feel of victory over the British was in the air in the autumn of 1780."

The town was granted to Fisk and his associates a year earlier, the same day the state granted the town of Navy, now Charleston, in Orleans County, to Abraham Whipple and his associates, Swift wrote. It is presumed Whipple's Naval background in his native Rhode Island led to the original name of Charleston.

In 1970, there were just 42 residents in Victory, according to Swift's historical account, but 80 years earlier, "the town had the sixth largest population in the county."

"Heavily forested in the early days, Victory had been a mecca for the lumberman, and later on, large quantities of potatoes had been grown in the region for their starch and alcohol," she wrote. "In its heyday, Victory had seven villages, three post offices, five schools, six lumber mills, a starch factory, a granite quarry, ten miles of railroad track, four railroad stations and one hotel, plus several boarding houses for the factory and mill workers."

Convicted Child Molester Violates Prohatinn

C-1



C-2



THE CALEDONIAN-RECORD

THURSDAY, FEBRUARY 2, 2017

ESTABLISHED 1837

CALEDONIANRECORD.COM

75 CENTS



SPORTS
Good Shepherd Coach Gets 200th Win
PAGE B1

ST. JOHNSBURY
No Opposition Emerges To Challenge Incumbents
PAGE A3

HAVERTHILL
A Neighborly Thing To Do
PAGE A3



Northern Pass Opposition Group Stays In Shadows

Gets Lawmakers' Positions About Project Wrong

BY ROBERT BLECHL
Staff Writer

VICTORY

Selectmen Refuse Citizens' Petition

Secretary Of State Determines The Town Must Honor The Will Of The Petitioners

BY AMY ASH NIXON
Staff Writer

VICTORY — Town officials say selectmen have wrongly refused citizen petitions and have taken their case to the Vermont Secretary of State.

Town Clerk Carol Easter and Assistant Town Clerk Fern Loomis this week met with Secretary of State Jim Condos and Deputy Secretary

Chris Winters over concerns that two of the town's three select board members refused to accept valid citizen petitions seeking to have three articles on the annual Town Meeting Warning. The three petitions contained the legally-required number of signatures of registered Victory voters.

The petitions address citizens wishing to have a long-time conflict-of-interest policy put back in place, a petition asking voters to have

the town use an outside appraisal firm instead of having town listers, and a petition asking voters if they would want the town to become a town.

Loomis said the petitions gathered by her and Easter, were submitted at the January meeting of the town's select board but board Chair Walter Mitchell and select

See Petition, Page A3

services said... no question," he said. ... might help.

has a new office in Concord. Mission is to give greater to the thousands of Granite s who have grave concerns the significant negative im- the project would have on Hampshire's landscape and an economy while delivering nefits to ratepayers," he said.

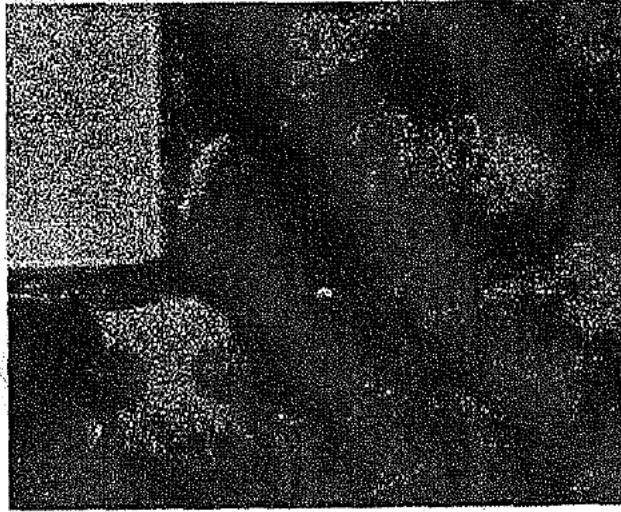
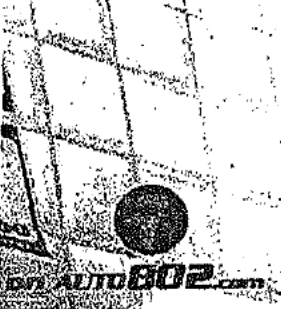
"In attempting to en- courage opinion leaders concerning its position opposing the project, PGS incorrectly failed to recog- nize a few of those leaders who have already made their opposition to the proj- ect well known," said Mer- rill. "PGS has apologized to them individually and steps have been taken to ensure such mistakes do not occur

27. ill unanswered however, is launched PGS, why they t to remain anonymous, if it a board of directors, if it is iving monetary donations, re its Concord office is lod- and how many lawnmakers their positions about Northern ; inaccurately stated.

efore checking to see if she speak to the press, Reardon say there was an action on the 3 web site that allowed those fit to contact their state repre- tative; but the way the feature worded it made it seem like te representatives were North- Pass supporters.

It should not have been word- that way," she said. "It was not re on purpose."

**NT WASTE
ONEY ON
A CAR!**



FILE PHOTO BY AMY ASH HOGAN

Top left is Victory Assistant Town Clerk Feme Loomis. Bottom left is Town Clerk Carol Easter. Above, Victory selectmen Walter Neborsky, foreground, and Chairman Walter Mitchell, at an informational meeting for the 2016 annual meeting.

Petition

Continued from Page A1

Walter Neborsky, voted against putting any of the three requested articles onto the warning.

The warning for the annual meeting must be posted by Sunday, said Easter.

Gore Question Would be Non-Binding

"We are very concerned about our town," said Loomis in a telephone interview on Wednesday. "We want to make our town into a gore, and that is to help the people. We're only 63 people, we're so tiny."

The select board is not required to put the gore question on the warning, but can choose to warn the question as advisory or a non-binding article, state officials advised.

For Victory to be made into a gore, Loomis said legislative action would be required.

A non-binding vote on the gore question would gather townspeople's sentiments about becoming a gore, said Easter, and then townspeople could seek that step through legislation if there is interest and support.

"It would mean that the state

would take over all of our finances," Easter said.

Loomis said, "Our town is 89 percent elderly and on disability. There are only a few young people left, and we thought if we could get the state to run the town, that would help."

The petition seeking to have Victory made into a gore reads, "We want to end all rumors, alleged corruption and power struggles. This will free the town of any wrong doing, miscalculations in recording and misappropriated funds. By removing the temptations of corruption we will make our town honest."

Conflict of Interest, Lister Questions Must be Placed on Warning

According to Deputy Secretary Winters, in a letter written Tuesday to Easter, "Vermont law says that if the voters are given the authority to decide an issue in statute, it must be placed on the warning by the selectboard when they receive a valid petition."

Winters advised Easter that two of the three petitions - the conflict of interest ordinance, and the petition to eliminate the position of listers in Victory - do give voters the authority to decide.

Loomis said the select board

last year rescinded the longheld conflict of interest policy so that Neborsky could be put into the job of road foreman, which clearly stipulated that no town official could earn more than \$500 a month for work for the town.

"They went and abolished the conflict of interest policy, and then Mitchell appointed Mr. Neborsky as road foreman," said Loomis.

According to the minutes of the January select board meeting, Mitchell stated that the conflict of interest policy had not been followed in the two years prior to Neborsky being named to the board, either, and the policy was rescinded.

Of the petition seeking the town be made into a gore, the minutes show Mitchell characterized that as "foolish" and "frivolous."

Mitchell stated that using an outside appraisal firm was an unnecessary expense, the record shows.

Efforts to reach both Mitchell and Neborsky for comment were not successful.

"If you'd like to talk to him, you can come to the selectman's meeting," was the response Mitchell's wife, Pat, gave.

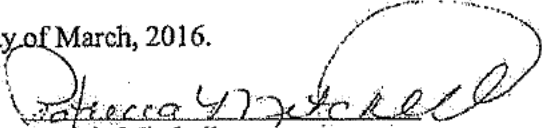
A phone call to Neborsky was not returned.

AFFIDAVIT

COMES NOW Patricia Mitchell, after being duly deposed and sworn, does hereby state under oath as follows:

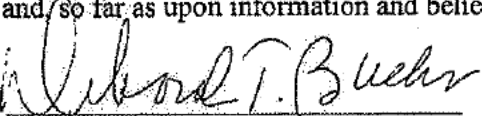
1. I am a resident of the Town of Victory and am Town Health officer.
2. In October, 2016 Crystal Gray called and asked for my help, because she said the trailer they were renting in the Town of Victory had serious health hazards. The man living with her and the children was Wayne Moody.
3. I went over to inspect, and found that there were serious health hazards. [See Exhibit 1-- letter to Department of Health].
4. As a result of my efforts, the property was found to be unsafe to live in, and Ms. Gray and Mr. Moody moved out to St. Johnsbury sometime in November, 2016. I saw Wayne at Price Chopper a few days before Thanksgiving, and he told me they had moved to St. Johnsbury, and he thanked me for my help.
5. Ms. Gray and Mr. Moody originally came from New York, and had lived in Victory for approximately one year.

Dated at St. Johnsbury, Vermont this 10 day of March, 2016.


Patricia Mitchell

**STATE OF VERMONT
CALEDONIA COUNTY, SS.**

At St. Johnsbury, Vermont this 10 day of March, 2017 personally appeared Patricia Mitchel, and, upon oath duly administered, declared the foregoing statements by her to be on the affiant's own knowledge, information, or belief; and so far as upon information and belief, the affiant believes the statements to be true.

Before me, 
Notary Public

D-1



Department of Health
State of Vermont
107 Eastern Avenue #9
St. Johnsbury, VT 05819

Patricia Mitchell
Health Officer
Town of Victory
80 Buttonwood Lane
Victory, VT 05858

October 17, 2016

To Whom It May Concern,

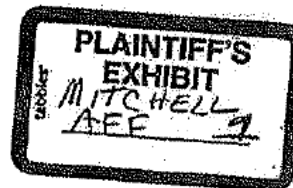
I was contacted by Crystal Gray and Wayne Moodie of 1258B Victory Hill, Victory, Vermont for concerns about the rental property that they are currently living in. The couple's landlord is Shawn Rich on property owned by his mother, Tina Rich. I contacted Rich Wilson of the Agency of Natural Resources to accompany me on October, 17 to inspect the property. Upon inspection, there was mold growing under a kitchen cabinet, exposed insulation on the walls. In two bedrooms, there are no windows, so there is no secondary egress from those rooms. The heat is a problem because of the foundation is not finished or insulated. If more than three electrical items are plugged, the electricity will go out. The staircase has no handrail, another staircase did have a handrail, but only on the beginning and end, but it required an additional handrail in the middle. There was a musty odor throughout. There is no water in the kitchen, so the occupants are washing their dishes in the bathtub. I visualized a used syringe in an opening in the ceiling between the kitchen and living room.

It is my understanding that the dwelling was originally a single family trailer which had a second used trailer added to the property sometime around 2006. I believe at that time the owner was advised that the second trailer was for extra bedrooms a only and not to have independent sewer or water capability.

In my opinion, this property in its current condition presents a health hazard to this family of six, 2 adults and 4 children. It would also be a health hazard to any new family moving in. The family needs a letter written to NECCA so they may obtain financial assistance to relocate. My next call will be to the State Fire Marshall.

Sincerely,

Patricia Mitchell



D-2

AFFIDAVIT

COMES NOW Greg Hovey, after being duly deposed and sworn, does hereby state under oath as follows:

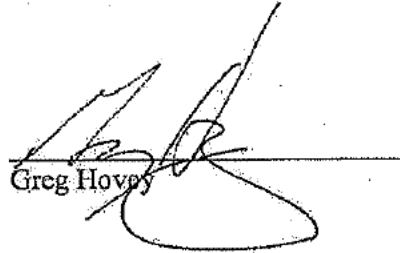
1. I am a full time resident of Victory, Vermont and have a home business that keeps me at home virtually all the time. My street address is 3000 Victory Hill Road, where I have been a resident since August of 1998. I began my home business in March 2013.
2. Robert and Toni Flanigan own a vacation home next door to me. Their address is 2870 Victory Hill Road. In order to get to my home, I have to drive by their vacation home. I also can see their home from inside my house such that I can see their lights when it is dark. My business also requires me to be outside on my property approximately five hours a day, and I can see their dwelling more clearly than I can see their house from the inside of my house.
3. I keep a fairly close eye on the Flanigans because we have had several ongoing legal disputes over the last four years. So, when I see their lights go out, I will drive by their dwelling to see if their car is still there.
4. Robert and Toni Flanigan live in Granby, Connecticut. They have testified under oath that Granby Connecticut is their residence. Robert Flanigan also testified that the Victory home was a vacation home. Robert and Toni Flanigan both work full time in Connecticut and have Connecticut license plates. Their Victory dwelling has been for sale with a realtor since October 2016.
5. As far as I can observe, Robert and Toni Flanigan have not stayed at their place overnight since November 2014. For the past three winters, the stairs to the house have not been shoveled except on the rare occasions when the car is in the yard.

E 1




6. From my observation, between May and October, they come up about once a month to mow the lawn, and then they leave. In the winter, they come about three times.
7. The Flanigans have two adult sons. I have not seen the Flanigan sons in Victory for at least four years.

Dated at St. Johnsbury, Vermont this 17 day of March 2017.


Greg Hovey

STATE OF VERMONT
CALEDONIA COUNTY, SS.

At St. Johnsbury, Vermont this 17 day of March, 2017 personally appeared Greg Hovey, and, upon oath duly administered, declared the foregoing statements by him to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before me, 
Notary Public



BACKGROUND REPORT

Robert J Flanigan

24 Woodcliff Dr, Granby, CT 06035-2119

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F-1





Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
Robert	J	Flanigan	Robert Flanagan, Rob J Flanigan

Birth Information		
Date of Birth	Age	Astrological Sign
April 3, 1959	57	 Aries

Possible Photos	
	

Education
Bachelor's Degree, Legal Studies, General, Senior from University of New Haven (2013-2016)

Jobs		
Position	From	To
Internship At Connecticut Superior Court (2015-2016)	October 1, 2015	April 1, 2016
Internship At Superior Court Rockville Ga 19 (2015-2015)	June 1, 2015	August 1, 2015
Wellness At Ymca Of Greater Hartford (Since 2012)		

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History		
24 Woodcliff Dr Granby, Connecticut 06035 February 1, 1990 - January 31, 2017	North Concord, Vermont 05858 January 1, 2002 - August 31, 2007	7 Cyrus Ln Bloomfield, Connecticut 06002 February 1, 1980 - December 31, 2007
36 N Main St Apt Windsor Locks, Connecticut 06096 February 1, 1994 - June 30, 2004		



BACKGROUND REPORT

Toni T Flanigan

24 Woodcliff Dr, Granby, CT 06035-2119


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Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
Toni	T	Flanigan	Toni T Spera, Toni S Flanigan, Toni Spera-Flanigan

Birth Information		
Date of Birth	Age	Astrological Sign
October 4, 1961	55	 Libra

Possible Photos


Jobs		
Position	From	To

Possible Related Persons		
Related Person	Age	Location
Brendan Flanigan		
Elaine Ann Flanigan		
Robert James Flanigan		
Robert J Flanigan		
Antonio J Spera		

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History		
24 Woodcliff Dr Granby, Connecticut 06035 May 1, 1990 - January 31, 2017	2 Woodcliff Dr 4 Granby, Connecticut 06035 May 1, 2001 - June 30, 2004	2 Lilac Ct Cromwell, Connecticut 06416 November 1, 1989 - July 31, 1993
41 Downey Dr Apt C Manchester, Connecticut 06040 October 1, 1983 - October 31, 1983 2 sex offenders near this location		



BACKGROUND REPORT

Brendan Flanigan

24 Woodcliff Dr, Granby, CT 06035-2119


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Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
Brendan		Flanigan	

Birth Information		
Date of Birth	Age	Astrological Sign
December 1, 1994	22	 Sagittarius

Possible Photos


Jobs		
Position	From	To

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History	
24 Woodcliff Dr Granby, Connecticut 06035 September 1, 2015 - January 31, 2017	6897 Amberly Grove Cv Cordova, Tennessee 38018 23 sex offenders near this location



BACKGROUND REPORT

Robert James Flanigan

24 Woodcliff Dr, Granby, CT 06035-2119


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Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
Robert	James	Flanigan	Rob J Flanigan, Robert J Flanigan

Birth Information		
Date of Birth	Age	Astrological Sign
June 20, 1994	22	 Gemini

Possible Photos	
	

Education
Bachelor's Degree, Legal Studies, General, Senior from University of New Haven (2013-2016)

Jobs		
Position	From	To
Internship At Connecticut Superior Court (2015-2016)	October 1, 2015	April 1, 2016
Internship At Superior Court Rockville Ga 19 (2015-2015)	June 1, 2015	August 1, 2015
Wellness At Ymca Of Greater Hartford (Since 2012)		

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History

24 Woodcliff Dr
Granby, Connecticut 06035
April 1, 2012 - January 31, 2017

STATE OF VERMONT

SUPERIOR COURT ENVIRONMENTAL DIVISION
DOCKET NO. 130-9-13 Vtec
DOCKET NO. 57-4-14 Vtec

*
HOVEY ACT 250 PERMIT *
*
HOVEY ACT 250 PERMIT AMENDMENT *
_____*

DEPOSITION

OF

ROBERT FLANIGAN

Taken on behalf of the Appellee
on Friday, August 8, 2014 at the
law offices of Bucknam & Black, PC,
St. Johnsbury, VT.

APPEARANCES:

DEBORAH T. BUCKNAM, ESQ., of the firm Bucknam &
Black, PC, P.O. Box 310, St. Johnsbury, VT
05819-0310, appeared and represented the Appellee.

HANS G. HUESSY, ESQ., of the firm Murphy Sullivan
Kronk, P.O. Box 4485, Burlington, VT 05406-4485,
appeared and represented the Appellants.

ALSO PRESENT: Toni Flanigan, Greg Hovey

COURT REPORTER: Virginia L. Simmer, RPR

GREEN MOUNTAIN REPORTERS
P.O. Box 1311
Montpelier, VT 05601
(802) 229-9873 (802) 288-9578
(800) 595-9873

G-1



2 ROBERT FLANIGAN: Being first duly sworn by a
Notary Public to tell the truth,
3 deposes and says as follows:
4 EXAMINATION BY MS. BUCKNAM:
5 Q. Would you please state your name and address?
6 A. Robert Flanigan, 24 Woodcliff Drive, Granby,
7 Connecticut.
8 Q. And you're married?
9 A. Correct, yes.
10 Q. What's your wife's name?
11 A. Toni Flanigan.
12 Q. Do you have children?
13 A. Yes.
14 Q. Names and ages?
15 A. Brendan Flanigan 17, Robert Flanigan, III,
16 20.
17 Q. What do you do for a living, Mr. Flanigan?
18 A. United Parcel.
19 Q. What do you do for them?
20 A. Computer work, driving.
21 Q. You're a driver and you work in the office as
22 well?
23 A. Computer work and driving, yeah.
24 Q. Okay. What are your work hours? Do you work
25 full-time?
1 A. Yes, I do.
2 Q. Do you work from home?
3 A. No.

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IN THE VERMONT SUPERIOR COURT
ESSEX COUNTY CIVIL DIVISION

RUTH ANNE NEBORSKY, ANDREW J.)	Case No. 1-1-16 Excv
MARDEN and ANTHONY SCHIFONE,	)	Guildhall, Vermont
Plaintiffs,)	
)	
- against -)	
	)	February 17, 2016
TOWN OF VICTORY BOARD OF	)	1:32 PM
CIVIL AUTHORITY,)	
Defendant.)	

TRANSCRIPT OF MOTION HEARING

BEFORE THE HONORABLE ROBERT R. BENT,
SUPERIOR COURT JUDGE

APPEARANCES:

DEBORAH T. BUCKNAM, ESQ.
Attorney for the Plaintiffs

KYLE C. SIPPLES, ESQ.
Attorney for the Defendant

Transcription Services:

eScribers
700 West 192nd Street
Suite #607
New York, NY 10040
(973) 406-2250

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

H-1



1 MR. SIPPLES: Thank you.

2 THE COURT: All right. Anything else? Any other --

3 MR. SIPPLES: Not of this witness, no.

4 THE COURT: Any other evidence on these issues?

5 MS. BUCKNAM: Yes, Your Honor. I call Carol Easter
6 to the stand.

7 THE CLERK: Please stand and raise your right hand.

8 CAROL EASTER,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BUCKNAM:

12 Q. Please state your name and address.

13 A. Carol Easter, 2428 Victory Hill, Victory, Vermont.

14 Q. And Ms. Easter, you are town clerk of Victory; is
15 that correct?

16 A. Town clerk/treasurer.

17 Q. Thank you. When -- after the last court order, did
18 you request that Mr. Marden show proof that he is in active
19 duty military?

20 A. I did.

21 Q. And you received that proof, is that right, through
22 Ms. Neborsky coming to the town office with that information?

23 A. I got a copy of the front of his ID card but not the
24 back that has his signature, but yes, I got the front of the
25 ID card.

H-2

1 Q. And you also requested that Mr. Schifone provide his
2 driver's license, correct?

3 A. Um hum.

4 Q. And --

5 THE COURT: Is that a yes?

6 THE WITNESS: Yes.

7 Q. And that was also provided to you; is that right?

8 A. Yes.

9 Q. Now, at the -- just prior to the last hearing, there
10 was a checklist for the Town of Kirby, and I'm going to show
11 you what's been marked as Plaintiff's Exhibit 14 and ask you
12 if that's the checklist that was generated or in place --

13 A. This says Victory, not Kirby.

14 Q. I'm sorry. I keep saying that, don't I. In Victory.
15 And the question is is that the checklist that was in place at
16 the time of the last hearing in January?

17 A. I am -- yes, it is.

18 Q. Okay. Thank you.

19 THE COURT: What exhibit number is that?

20 THE WITNESS: I don't know.

21 MS. BUCKNAM: That's 14. I offer Exhibit 14 into
22 evidence.

23 THE COURT: That's last January?

24 MS. BUCKNAM: January 2016.

25 THE COURT: '16 or '15?

1 MS. BUCKNAM: 2016.

2 THE COURT: Okay. Got it.

3 MR. SIPPLES: I've got no objection inasmuch as it
4 identifies whether or not the litigants to this case were or
5 were not on the checklist. If we're admitting it to get into
6 some grand conspiracy theory, then I would object.

7 THE COURT: Well, I guess we'll wait to see where it
8 goes, but it's admitted.

9 MS. BUCKNAM: Thank you, Your Honor.

10 (The Town of Victory checklist for January 2016 was hereby
11 received into evidence as Plaintiff's Exhibit 14, as of this
12 date.)

13 BY MS. BUCKNAM:

14 Q. Now, you've generated a new checklist since then; is
15 that correct?

16 A. Yes, I have had people that have gone online and
17 registered.

18 Q. People who have gone online and registered?

19 A. Yes.

20 Q. So you have accepted online registrations?

21 A. Yes.

22 Q. Ms. Neborsky brought in Mr. Schifone's registration.
23 You did not accept that, correct?

24 A. I took it. I did not act on it because I knew this
25 was coming up.

H-4

1 Q. But you've acted on --

2 A. I got -- I got --

3 Q. Excuse me, ma'am. But you've acted on other
4 applications online, correct?

5 A. Yes, I have.

6 Q. And in fact, when Ms. Neborsky provided you with Mr.
7 Schifone's application for the checklist, you indicated to her
8 that you needed an original; is that correct?

9 A. I don't remember saying that.

10 Q. Okay. So you don't believe you needed an original;
11 is that correct?

12 A. The facsimile that she gave me was what she gave me.

13 Q. Okay. And so the only reason you did not act on that
14 application was because we were going to have this hearing?

15 A. Yes.

16 Q. Okay. Thank you. So I'm going to show you what's
17 been marked as Plaintiff's Exhibit 15 and ask you if that's
18 the new revised checklist.

19 THE COURT: Date again?

20 MS. BUCKNAM: The new revised checklist. I think
21 it's dated February 16th.

22 THE WITNESS: 17th.

23 MS. BUCKNAM: February 17th.

24 BY MS. BUCKNAM:

25 Q. Is that correct?

H-5

1 A. Yes.

2 Q. Okay. And let me find a copy so you can look at it.

3 MS. BUCKNAM: I offer Plaintiff's 15 into evidence.

4 MR. SIPPLES: Again no objection as to the status of
5 the litigants to this case.

6 THE COURT: It's admitted.

7 (A revised Town of Victory checklist was hereby received
8 into evidence as Plaintiff's Exhibit 15, as of this date.)

9 BY MS. BUCKNAM:

10 Q. I'll show you a copy for you to look at because I
11 have some questions to ask you.

12 A. Okay.

13 Q. Okay. Looking at Page 1 of Exhibit 15 and going down
14 to the middle of the page indicates that a Brendan Flanigan
15 was put on the checklist on February 6, 2016; is that right?

16 MR. SIPPLES: Objection to the question. This is a
17 limited proceeding -- it's a statutory proceeding to determine
18 if one of the -- if any or all of the three plaintiffs to this
19 matter should or shouldn't be on the checklist, so the only
20 pertinent facts are their specific facts. The statute talks
21 about their residency. It doesn't weigh with other people or
22 anything like that, so we're beyond the scope of what this
23 hearing -- of the statutory scope of this proceeding.

24 MS. BUCKNAM: There are a number of reasons why this
25 is relevant, Your Honor. One is that the standards this town

H-6

1 uses for different voters are different. Mr. Brendan Flanigan
2 lives in Connecticut, has never lived in Victory and was
3 placed on the checklist in February of 2016. He apparent --
4 ma'am, you need to wait. And as were others.

5 Ms. Easter asked for proof that Mr. Schifone lived
6 in Victory by asking for his driver's license. I will -- I
7 will demonstrate that, in fact, none of the people that were
8 placed on the checklist since the last hearing were asked for
9 their driver's license because they have a Connecticut
10 driver's license. I think it's quite relevant to the issue of
11 who this town considers to be residents.

12 MR. SIPPLES: The problem is it's not up to the town
13 as -- at the end of the day, it's up to the statute, so again
14 we have three people who've asked to be put on the checklist.
15 One has been put on. We have two who did not appear at the
16 original hearing but are here now saying we'd like to be on
17 the checklist.

18 There's a statutory criteria. They either meet it
19 or they don't, but what may or may not have happened to anyone
20 else is not relevant to whether either of the two remaining
21 plaintiffs ought to be on the checklist.

22 MS. BUCKNAM: In addition, Your Honor --

23 MR. SIPPLES: It's not -- you don't weigh it
24 vis-a-vis other people, you look at each person individually.
25 I understand they disagree with other people, but that is not

1 relevant as to whether or not the statutory criteria are met
2 for these people.

3 THE COURT: Let me just -- I'll hear from the --
4 first, I mean, I'm not going to take up your --

5 MS. BUCKNAM: Right.

6 THE COURT: -- your mandamus. Whatever --

7 MS. BUCKNAM: Right.

8 THE COURT: -- comes out, I'm not going to use it to
9 say oh, they don't belong. I mean, we don't -- I don't
10 have --

11 MS. BUCKNAM: I understand that, Your Honor.

12 THE COURT: -- you know, they don't have notice
13 and --

14 MS. BUCKNAM: I accept your decision on that. I
15 understand that but --

16 THE COURT: But I understand you're offering this,
17 though, to show that the standards being applied in this case
18 were not for a reason but arbitrary.

19 MS. BUCKNAM: Correct, Your Honor, and that goes to
20 the abuse of power issue as well.

21 THE COURT: The -- I think that I'm going to take
22 the evidence. The problem is it's a slippery slope. Suddenly
23 I'm starting to examine all facets of the -- what the town
24 does about voting, checklist, things like that.

25 These cases get priority because they're really

1 designed to be answering a fairly simple question: is this
2 person in or out and, you know, darn it all, let's make sure
3 they get to vote and not be disenfranchised, and that's the
4 reason that I have done everything I can do to get these heard
5 quickly.

6 MS. BUCKNAM: And I appreciate that.

7 THE COURT: It's the law and -- but the thread --
8 and I've said I think I have inherent attorneys' fees powers.
9 I know I've said no, and I'm not -- you know, certainly not
10 convinced I'm going to change my mind, but I think if I ignore
11 this evidence, it is evidence, at least to a limited degree,
12 that I ought to hear if this is done in a -- some sort of a
13 malicious way.

14 But the problem is that suddenly you're starting to
15 look under everybody's motives, and I think we could be here a
16 long time answering that question. That's the one concern
17 I've got. I'll let you ask these series of questions --

18 MS. BUCKNAM: Yeah.

19 THE COURT: -- relating to these people, but I'm not
20 probably going further than that.

21 MR. SIPPLES: And I just need to be careful to
22 preserve the record.

23 THE COURT: Yeah.

24 MR. SIPPLES: I renew my objection to the Court's
25 entertaining of attorneys' fees for the reason that it's not

1 authorized by statute.

2 THE COURT: I understand that.

3 MR. SIPPLES: I just don't want anyone to have --

4 THE COURT: No.

5 MR. SIPPLES: -- thought that I waived that based on
6 what your comment just was.

7 THE COURT: I didn't have --

8 MR. SIPPLES: So I guess, therefore, I would object
9 to any evidence pertaining to an award of attorneys' fees. I
10 think it's important I get that objection down for the
11 record.

12 THE COURT: I'm overruling the objection, but again
13 I'm not going to take a lot of evidence.

14 MS. BUCKNAM: Understood, Your Honor.

15 BY MS. BUCKNAM:

16 Q. Ms. Easter, you indicated earlier that you did not
17 place Anthony Schifone on the checklist because you wanted to
18 wait for this hearing and -- but I wanted to ask a follow-up
19 question with Airman Andrew Marden. You had requested proof
20 that he was in the active military, but you also did not place
21 him on the checklist after you received that information; is
22 that correct?

23 A. Because he was also meeting within this lawsuit.

24 Q. Okay. So you decided not to do anything with either
25 of those boys because you knew there was going to be a

H-10

1 hearing?

2 A. Yes.

3 Q. And if you had put them on the list, were you aware
4 that there would probably not be a hearing?

5 A. No, I did not.

6 Q. Okay. So looking again at Brendan Flanigan, he
7 applied to be on the checklist online?

8 A. Yes.

9 Q. And did you ask for his driver's license?

10 A. No. I took Social Security. I did talk to him on
11 the -- on the phone. He lives with his parents. His
12 parent -- both of his parents are on our checklist, Robert and
13 Toni Flanigan. He intends to move to Vermont, and that seems
14 to be the intent of the law.

15 Q. And so you agree that Judge Bent's decision means
16 that you can put anyone on the checklist that you want?

17 MR. SIPPLES: Well, I'm objecting inasmuch as I
18 maybe misunderstand the question, but it sounds like Ms.
19 Bucknam wants this witness to say what the law is or isn't as
20 far as who gets to be on a checklist, so I'm fine if the
21 question is what is your understanding but not --

22 Q. What's your under --

23 MR. SIPPLES: -- that it's definitive.

24 THE COURT: I'm going to -- she's rephrasing.

25 MS. BUCKNAM: Yeah.

H-11

1 BY MS. BUCKNAM:

2 Q. What's your understanding of Judge Bent's decision
3 regarding Ms. Neborsky being on the checklist?

4 A. That even though she spends a lot of time away from
5 Victory Hill that her intent is to live there.

6 Q. So you asked Mr. Schifone for his driver's license,
7 but you did not ask Mr. Flanigan for his; is that fair to say?

8 A. Proof -- I needed proof that he -- and I looked at
9 that --

10 Q. Thank you. And in regard to Robert Schifone, III --
11 I mean, excuse me, Robert Flanigan, III, same thing: he
12 file --

13 A. Yes.

14 Q. -- he filed a application for a check -- to be on the
15 checklist --

16 A. Online.

17 Q. -- online, and you did not ask him for his driver's
18 license either; is that correct?

19 A. No, I did not.

20 Q. And then there was another person that was put on the
21 checklist --

22 THE COURT: How old were these gentlemen, Brendan
23 and Robert?

24 THE WITNESS: Twenty, twenty-one. They still live
25 at home under their parents' care. Both of them are in

1 college.

2 THE COURT: And the parents are domiciled in
3 Victory?

4 THE WITNESS: They own property and pay taxes in
5 Victory, and they've been on our checklist for well over a
6 year.

7 BY MS. BUCKNAM:

8 Q. Well, let's talk about that -- the Flanigans for just
9 a moment. I'm going to show you what's been marked as
10 Plaintiff's Exhibit 24 for identification. Can you identify
11 that?

12 A. That is the Victory tax bill for Toni and Robert
13 Flanigan.

14 Q. Okay. And that was -- that's dated for the year
15 2014, the year they were placed on the checklist; is that
16 right?

17 A. Yes.

18 Q. And it's true, is it not, that that -- that that tax
19 bill is -- was sent to their home in Connecticut, correct?

20 A. Yes.

21 Q. And that they are taxed at a nonresidential rate?

22 A. They are, correct.

23 Q. And you're aware, are you not, that Toni and Robert
24 Flanigan have never had a Vermont -- well, let me rephrase it.
25 That Toni and Robert Flanigan have a Connecticut license plate

1 on their car?

2 A. Yes.

3 Q. And so, therefore, you've never asked Toni and Robert
4 Flanigan for their driver's license; is that correct?

5 A. No. The registration to go on a checklist, it gives
6 you a choice. You can do your driver's license number or you
7 can do the last four digits of your Social Security if you
8 don't have a driver's license -- Vermont driver's license.

9 Q. Now, Ms. Easter, Mr. Schifone also asked for an
10 absentee ballot that Ms. Neborsky gave to you; is that right?

11 A. Yes.

12 Q. So that if this Court decides that Mr. Schifone is a
13 resident of the town, you will provide him with an absentee
14 ballot?

15 A. I will.

16 Q. Now, there's another person on the checklist that's
17 been added since the last hearing, and that is Andrea
18 Poginy --

19 A. Yes.

20 Q. -- correct?

21 A. Yes.

22 Q. And it's true, is it not, Ms. Easter, that Andrea
23 Poginy was taken off the checklist in the September Board of
24 Civil Authority meeting that -- in which Airman Marden and Ms.
25 Neborsky were also taken off?

H-14

1 A. Yes.

2 Q. And you placed Ms. Poginy back on the checklist after
3 the last hearing without -- on your own as town clerk?

4 A. No, I did not.

5 Q. Was there a Board of Civil Authority meeting?

6 A. No, there was not. She filled out the registration
7 form to go back on the checklist.

8 Q. And she's moved back to Victory?

9 A. Not yet.

10 Q. I see. So she's actually -- she's renting her house
11 out to somebody else?

12 A. Yes.

13 Q. So you placed her on the checklist after she filed an
14 application. You didn't ask her for any proof of where she
15 was living; is that right?

16 A. No.

17 Q. You disagree with the Court's decision that Ruth
18 Neborsky is a resident of the town of Victory?


19 MR. SIPPLES: Objection. It's not relevant. She's
20 put her back on the checklist. It's not relevant.

21 THE COURT: Overruled. I think these are all tied
22 together. Go ahead.

23 A. I'm undecided.

24 Q. Have other people applied to be on the checklist
25 other than the six or seven people that have applied since the

H-15



Andrea Poginy

Add Friend Message


Timeline About Friends 1 Mutual Photos More

DO YOU KNOW ANDREA?

To see what she shares with friends, send her a friend request.




1 Mutual Friend

 **About**

To see what she shares with friends, send her a friend request.

I - 1

PLAINTIFF'S
EXHIBIT
I

<p>Sponsored Overview</p>  <p>What's on your mind? Contact and Basic Info att.com Time to upgrade your trad Family and Relationships the latest in wearable tech!</p> <p>Details About Andrea</p> <p>Life Events</p>	<p><input type="checkbox"/> No workplaces to show May 29, 1986</p> <hr/> <p><input type="checkbox"/> No schools to show</p> <hr/> <p><input checked="" type="checkbox"/> Lives in Saint Johnsbury, Vermont From Saint Johnsbury, Vermont</p> <hr/> <p><input type="checkbox"/> In a relationship</p>
---	---

I-2



BACKGROUND REPORT

Isaiah Preston

20 Joy Dr, South Burlington, VT 05403-6151

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J-1



Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History	
20 Joy Dr South Burlington, Vermont 05403 September 1, 2014 - January 31, 2017	275 Woodland St Manchester, Connecticut 06042 September 1, 2014 - October 31, 2016



BACKGROUND REPORT

Angelo V Spera

30 Gardner Lake Hts, Salem, CT 06420-3723

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K-1



Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History		
30 Gardner Lake Hts Salem, Connecticut 06420 January 1, 2001 - January 31, 2017	30 Gardner Acres Rd Norwich, Connecticut 06360 November 1, 2015 - January 31, 2017	194 Browning Rd Norwich, Connecticut 06360 July 1, 2002 - December 31, 2011
543 Franklin Ave 3 Hartford, Connecticut 06114 April 1, 1995 - January 31, 2003	94-612 Kupuohi St Apt F8 Waipahu, Hawaii 96797 July 1, 2000 - November 30, 2001 100 sex offenders near this location	



BACKGROUND REPORT

Laury E Saligman

3 Dunpatrick Cir, Montpelier, VT 05602-2133

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L-1




Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
Laury	E	Salgman	Laury Ellen Salgman

Birth Information		
Date of birth	Age	Astrological Sign
February 10, 1968	49	 Aquarius

Possible Photos



Education
SM, Environmental Health Science from Harvard T.H. Chan School of Public Health (1993-1995)
BS, Physics from Georgetown University (1986-1990)
Baldwin

L-2

Jobs		
Position	From	To
Mba Candidate, Focus In Sustainability & Entrepreneurship At University Of Vermont School Of Business Administration, Semba Program (Since 2015)		
Mba Candidate, Focus In Sustainable Business & Entrepreneurship At University Of Vermont School Of Business Administration (Since 2015)		
Fellow At Audubon Toyota Together Green (2012-2013)	May 1, 2012	August 1, 2013
Co-Founder & Managing Partner At Conservation Collaboratives (Since 2007)		
Co-Founder & Managing Director At Conservation Collaboratives (Since 2007)		
Marketing Director At Ethical Markets Media (2004-2005)	June 1, 2004	July 1, 2005
Marketing & Communications, Center For Enviro Leadership In Business At Conservation International (2001-2004)	January 1, 2001	December 31, 2004
Marketing Director At Community Energy (2000-2001)	December 1, 2000	November 1, 2001
Founder At Indoorhealth.Com (1998-2000)	September 1, 1998	April 1, 2000
Enviro Technologies And Marketing At Air Products & Chemicals (1995-1998)	September 1, 1995	July 1, 1998
Research Fellow At Us Environmental Protection Agency (1992-1993)	July 1, 1992	June 1, 1993
Executive Officer At Laury Saligman		
Founder At Conservation Collaboratives		

Possible Related Persons		
Related Person	Age	Location
John Williams McGill		
Ira Saligan		
Alice H Saligman		
Arden V Saligman		
Carolyn Dee Saligman		

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History		
3 Dunpatrick Cir Montpelier, Vermont 05602 August 1, 2007 - January 31, 2017 1 sex offenders near this location	72 Linden St Apt 2 Brookline, Massachusetts 02445 July 1, 1988 - February 28, 2014	10554 Macarthur Blvd Potomac, Maryland 20854 November 1, 2004 - September 30, 2012
7414 Birch Ave Takoma Park, Maryland 20912 December 1, 2005 - April 30, 2008	1630 Page St San Francisco, California 94117 July 1, 1988 - January 31, 2008 23 sex offenders near this location	1330 New Hampshire Ave Nw 723 Washington, District Of Columbia 20036 March 1, 2002 - December 31, 2007
4817 Derussey Pkwy Chevy Chase, Maryland 20815 October 1, 2004 - April 30, 2007	4817 De Russey Prkwy Chevy Chase, Maryland 20815 April 1, 2005 - April 30, 2005	4817 De Russey Prkwy Chevy Chase, Maryland 20814 March 1, 2005 - March 31, 2005
1632 30th St Nw 3 Washington, District Of Columbia 20007 June 1, 2004 - December 31, 2004 4 sex offenders near this location	Washington, District Of Columbia 20090 October 1, 2002 - October 31, 2002	135 S 18th St Philadelphia, Pennsylvania 19103 June 1, 2001 - April 30, 2002 1 sex offenders near this location
301 G St Sw Apt Washington, District Of Columbia 20024 October 1, 1992 - July 31, 2001 8 sex offenders near this location	1707 Pine St Philadelphia, Pennsylvania 19103 April 1, 2001 - June 30, 2001 1 sex offenders near this location	70 W Chestnut St Macungie, Pennsylvania 18062 October 1, 1995 - November 30, 1999
2001 Delancey St 2nd Philadelphia, Pennsylvania 19103 April 1, 1999 - October 31, 1999 1 sex offenders near this location	72 Linden St Boston, Massachusetts 02127 October 1, 1997 - January 31, 1999 7 sex offenders near this location	Po Box 311 Mendham, New Jersey 07945 November 1, 1996 - January 31, 1997
1910 Holly Ridge Dr Apt Mc Lean, Virginia 22102 July 1, 1993 - July 31, 1993	4628 4th Rd N Arlington, Virginia 22203 July 1, 1988 - December 31, 1991	161 Cotton St Philadelphia, Pennsylvania 19127



BACKGROUND REPORT

John Williams Mc Gill

3 Dunpatrick Cir, Montpelier, VT 05602-2133

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L-4

Personal Information

This section contains available known aliases, birth records, and phone information gleaned from public records.

Names and Aliases			
First Name	Middle Initial	Last Name	Known Aliases
John	Williams	Mc Gill	John Williams McGill, J Mc, J Mc Gill, John Mc, John W McGill

Birth Information		
Date of Birth	Age	Astrological Sign
July 27, 1964	52	 Leo

Possible Photos


Education
St. Paul's School (1979-1982)
Princeton University

Jobs		
Position	From	To
Co-Director At Conservation Collaboratives (Since 2008)		
Advisor And Volunteer At International Fund For China'S Environment (Since 2002)		

Possible Related Persons		
Related Person	Age	Location
Michael W McGill		
Laury E Saligman		

L-5

Location Information

This section includes all of the available locations related to this person. Locations listed may include current residence, past residences, and places of work.

Location History		
3 Dunpatrick Cir Montpelier, Vermont 05602 August 1, 2007 - January 31, 2017 1 sex offenders near this location	4817 Derussey Pkwy Chevy Chase, Maryland 20815 June 1, 2005 - May 31, 2014	72 N Prospect St Burlington, Vermont 05401 December 1, 2006 - May 31, 2007 3 sex offenders near this location
7414 Birch Ave Takoma Park, Maryland 20912 November 1, 2005 - March 31, 2007	10554 Macarthur Blvd Potomac, Maryland 20854 January 1, 2004 - April 30, 2006	8220 Greenwood Ave Takoma Park, Maryland 20912 October 1, 2001 - January 31, 2004
4602 Derussey Pkwy Chevy Chase, Maryland 20815 April 1, 1999 - September 30, 2001	1400 K St Nw # 600 Washington, District Of Columbia 20005 October 1, 1998 - February 28, 1999 4 sex offenders near this location	7133 7th St Nw Washington, District Of Columbia 20012 October 1, 1996 - October 31, 1998 2 sex offenders near this location
1820 Clydesdale Pl Nw 2 Washington, District Of Columbia 20009 August 1, 1996 - May 31, 1998 24 sex offenders near this location	7120 Piney Branch Rd Nw Washington, District Of Columbia 20012 July 1, 1996 - January 31, 1997 2 sex offenders near this location	Po Box 855 Exeter, New Hampshire 03833 April 1, 1993 - April 30, 1994

Town Of Victory, VT Warning For Town Meeting 2017

Shall the voters of Victory, Vermont authorize the elimination of the office of Town Listers in accordance with 17 V.S.A. 2651C replacing it with professionally certified assessors who shall have the same powers, discharge the same duties, proceed in the discharge thereof the same manner, and be subject to the same liabilities as are prescribed for the listers of the board under the provisions of Title 32?

Print name	Signature	Address
Sandra Hudson	<i>Sandra Hudson</i>	323 River Rd Victory, VT
Stephen Easter	<i>Stephen Easter</i>	"
Arnack Mitchell	<i>Arnack Mitchell</i>	Woff Conaway N.H. <i>intends to move to Victory, VT</i>
Robert Flanigan	<i>Robert Flanigan</i>	2870 Victory Hill Rd
Toni Flanigan	<i>Toni Flanigan</i>	2870 Victory Hill Rd
Rob Flanigan	<i>Rob Flanigan</i>	2870 Victory Hill rd
<i>Bob Flanigan</i>	<i>Bob Flanigan</i>	2870 Victory Hill rd

PLAINTIFF'S
EXHIBIT
M

RECEIVED
JAN 02 2017
BY: *S. Easter*

AFFIDAVIT

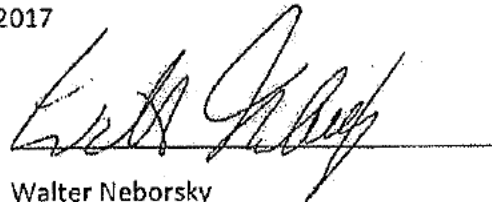
COMES NOW, Walter Neborsky, after being duly deposed and sworn, does hereby state under oath as follows:

On August 1, 2016 the BCA had a meeting to reorganize and to nominate a Chair of the BCA which I, Walter Neborsky, was nominated and voted in as Board of Civil Authority Chair, at that meeting, I requested that we purge the Town of Victory's checklist. The JP's refused saying it was too close to Elections. I said well let's set a meeting date to purge the checklist after the Elections. They (The JP's, Town Clerk, Select board) all agreed to do so but no date was set at that time due to The JP's, Town Clerk, and one (1) Select board member not willing to commit to a date.

At the September 2016 Select Board meeting I announced that there would be a BCA meeting following the Select Board meeting, to set a meeting date to purge the checklist. When the meeting was called to order at 7:01PM The JP's present (Sandra Hudson, Janice Stanley, & Dawn Peters) told me that they wouldn't purge the checklist due to it being too close to an election. I suggested that we go ahead and send challenge letters. Again, they refused got up and left the meeting, along with the Town Clerk (Carol Easter), and Selectman (Lionel "Skip" Easter).

In November 2016, we had a meeting to schedule a recount for the JP Election. I brought the subject up that we had agreed to set a meeting date to purge the checklist after the Election, they said that they had never agreed to purge the checklist and that they would not do so. This was the last attempt on my part to try and get the checklist purged. The JP's (Sandra Hudson, Janice Stanley, & Dawn Peters), Town Clerk (Carol Easter), and Select board member (Lionel "Skip" Easter) would not meet so there would be no quorum. I decided to wait till the JP Elections to try again.

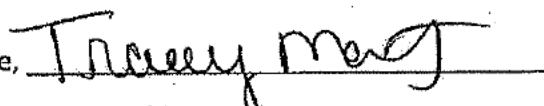
Dated at Victory, Vermont this 12th day of March 2017


Walter Neborsky

STATE OF VERMONT

ESSEX COUNTY, SS.

At Victory this 12th day of March, 2017 personally appeared **Walter Neborsky**, and upon oath duly administered, declared the foregoing statements by him to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before me, 
Notary Public

My Commission expires 2/10/19



**BOARD OF CIVIL AUTHORITY
MINUTES
SEPTEMBER 7, 2016
102 RADAR RD VICTORY, VT 05858
6:00PM**

Board Present: Walter Neborsky & Walter Mitchell

Public Present: Dale Somerville

Walter Neborsky called the BCA meeting to order 6:00 PM.

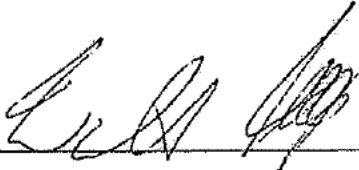
Portland Pipeline

Abatement Request

Meeting was called to order at 6PM. No one else from the BCA board attended the meeting. Nothing was discussed or agreed upon. No Quorum.

Meeting was moved to September 10, 2016 per town attorney Dan Richardson to match meeting Dawn Peters (Asst. Chair) and Carol Easter set on September 6, 2016 that was not supposed to have occurred.

Meeting adjourned at 6:05PM



Walter Neborsky, Chair

0-1



BOARD OF CIVIL AUTHORITY
MINUTES
SEPTEMBER 10, 2016
102 RADAR RD VICTORY, VT 05858
5:00PM

Board Present: Walter Neborsky & Walter Mitchell

Public Present: Dale Somerville

Walter Neborsky called the BCA meeting to order 5:00 PM.

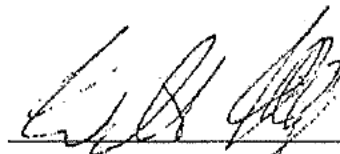
Portland Pipeline

Abatement Request

Meeting was called to order at 5PM. No one else from the BCA board attended the meeting. Walter Neborsky tried to call Dawn Peters and Carol Easter which neither one answered. Nothing was discussed or agreed upon. No Quorum.

Meeting was moved to September 12, 2016 following the Selectboard meeting at 7:00PM.

Meeting adjourned at 5:35PM



Walter Neborsky, Chair

BOARD OF CIVIL AUTHORITY
MINUTES
SEPTEMBER 12, 2016
102 RADAR RD VICTORY, VT 05858
7:00PM

Board Present: Walter Neborsky & Walter Mitchell

Public Present: Dale Somerville

Walter Neborsky called the BCA meeting to order 7:01 PM.

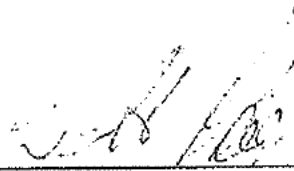
Prior to calling the BCA meeting to order Sandra Hudson, Dawn Peters, and Jan Stanley left the building following the Select board meeting not staying for the BCA meeting. All 3 are members of the BCA.

Portland Pipeline

Abatement Request

Meeting was called to order at 7:01PM. Town Clerk, Carol Easter and Selectman, Lionel (Skip) Easter walked out of the meeting. No discussion was had and no decisions made. No Quorum.

Meeting adjourned at 7:03PM



Walter Neborsky, Chair

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IN THE VERMONT SUPERIOR COURT
ESSEX COUNTY CIVIL DIVISION

RUTH ANNE NEBORSKY, ANDREW J.)	Case No. 1-1-16 Excv
MARDEN and ANTHONY SCHIFONE,	)	Guildhall, Vermont
Plaintiffs,)	
)	
- against -)	
	)	February 17, 2016
TOWN OF VICTORY BOARD OF	)	1:32 PM
CIVIL AUTHORITY,)	
Defendant.)	

TRANSCRIPT OF MOTION HEARING

BEFORE THE HONORABLE ROBERT R. BENT,
SUPERIOR COURT JUDGE

APPEARANCES:

DEBORAH T. BUCKNAM, ESQ.
Attorney for the Plaintiffs

KYLE C. SIPPLES, ESQ.
Attorney for the Defendant

Transcription Services:

eScribers
700 West 192nd Street
Suite #607
New York, NY 10040
(973) 406-2250

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

P-1



1 A. Yes, sir.

2 Q. And in order to receive that benefit therefore, you
3 established residency in Massachusetts?

4 A. I -- yes, I established that I had a Mass., license
5 and that I was -- that's where I was living at the time.

6 MR. SIPPLES: Okay.

7 THE COURT: Okay, folks. Any -- did you want to ask
8 him something else?

9 MS. BUCKNAM: No, Your Honor. I was going to talk
10 to Anthony next.

11 THE COURT: Okay. All right.

12 MS. BUCKNAM: I call Anthony Schifone to the stand.

13 THE CLERK: Would you please stand and raise your
14 right hand?

15 MR. ANTHONY SCHIFONE: I will.

16 THE COURT: Mr. Schifone, can you hear?

17 MR. SCHIFONE: Yes. Yes, I can.

18 ANTHONY SCHIFONE,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. BUCKNAM:

22 Q. Please state your name and address.

23 A. Anthony Carmello Schifone, 2364 Victory Hill Road,
24 Vermont.

25 Q. And presently are you --

P-2

1 A. Victory, Vermont.

2 Q. All right. Presently are you a student somewhere?

3 A. Yes, I'm a full-time student at the College of Idaho.

4 Q. And what year are you in?

5 A. I am in my sophomore year of college.

6 Q. And did you ever apply for -- to vote anywhere?

7 A. Yes, I did.

8 Q. Can you tell the Court when you made applications and
9 to what town?

10 A. My senior year I -- my senior year in high school, I
11 filled out an application at my school's voter drive, but I
12 was afraid my school did it incorrectly or something. I
13 wanted to be sure I was on the list, so I also did it at the
14 town hall in Victory.

15 Q. So you filled out the application at the town hall
16 itself?

17 A. Yeah.

18 Q. Do you know when that was approximately?

19 A. I can't give an accurate date because it was quite
20 some time ago.

21 Q. Okay. Well, you became eight -- what year were you
22 eighteen?

23 A. Oh, wow. 2014.

24 Q. Okay. And what's your --

25 THE COURT: So long ago.

IN THE VERMONT SUPERIOR COURT
ESSEX COUNTY CIVIL DIVISION

IN RE:	)	Case No. 42-11-16 Excv
)	
PETITION FOR RECOUNT FOR	)	Guildhall, Vermont
VICTORY JUSTICE OF THE)	
PEACE	)	December 2, 2016
	)	1:30 PM
)	

TRANSCRIPT OF HEARING ON THE APPEAL
BEFORE THE HONORABLE THOMAS A. ZONAY,
SUPERIOR COURT JUDGE,
CALVIN COLBY, ASSISTANT JUDGE

APPEARANCES:

DEBORAH BUCKNAM, ESQ.
Attorney for Tracey Martel

WALTER NEBORSKY
Board of Civil Authority

CAROL EASTER
Town Clerk

Transcription Services:	eScribers, LLC
	352 Seventh Avenue
	Suite 604
	New York, NY 10001
	(973) 406-2250

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE

Q-1



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1 entitled to inquire so --

2 THE WITNESS: Okay, ask your question again.

3 BY MS. BUCKNAM:

4 Q. Were -- did Robert and Tony Flanagan send in absentee
5 ballots?

6 A. They do (sic).

7 Q. And did their sons send in absentee ballots?

8 A. They did.

9 Q. And it's true, is it not, Ms. Easter, that when we
10 were here on another matter involving voting that you admitted
11 that the Flanagans don't live in the Town of Victory.

12 A. I'm not going to answer it.

13 THE WITNESS: I'm sorry, Your Honor, because this is
14 getting into the issue of --

15 THE COURT: Ms. Easter?

16 THE WITNESS: What?

17 THE COURT: The Court understands this is not --

18 THE WITNESS: Go ahead, I don't care.

19 THE COURT: -- easy for you.

20 THE WITNESS: I'm not going to answer her question,
21 because she is putting me on the spot as far as who is on the
22 checklist, and who isn't on the checklist.

23 THE COURT: Well, the Court will decide what the
24 facts need to, as far as legal conclusions, but it's a
25 reasonable question for the issues that have been raised here

Q-2

1 today that the Court's going to have to consider.

2 So can you answer the question, please?

3 THE WITNESS: No, I cannot answer the question.

4 THE COURT: Why not?

5 THE WITNESS: I plead the fifth.

6 THE COURT: The fifth, and you have the right to
7 remain silent and invoke the Fifth Amendment if you believe an
8 answer may incriminate you. And if you believe a -- so it's
9 your position, and the Court will absolutely respect you to
10 plead the fifth if you believe any answer you may give may
11 tend to incriminate you. Is that what you're telling the
12 Court?

13 THE WITNESS: What? Answer him.

14 THE COURT: No, people, stop. If you believe the
15 answer could incriminate you you do not have to answer it at
16 all.

17 THE WITNESS: Okay. I will answer the question, but
18 I'm going to make this statement first.

19 There are multiple people that are on that checklist
20 that should not be. And it all started with Judge Bent's
21 decision that if you intend to move to the Town of Victory you
22 have a right to be on the checklist.

23 The Flanagans own property and pay taxes in the Town
24 of Victory. They are -- they live down in Connecticut as well
25 as Vermont, and they come up quite often because I see them.

Q - 3

1 And they're on the checklist. They're not on any checklist in
2 Connecticut, they are on Victory's because they intend to move
3 up here. That's my answer.

4 THE COURT: All right. You said they're not on a
5 checklist in Connecticut?

6 THE WITNESS: No, they are not.

7 THE COURT: Anything further, Ms. Bucknam?

8 THE WITNESS: And we're getting into an area that has
9 nothing, I feel, to do with the JP voting.

10 THE COURT: And if that is -- if the Court concurs
11 with that assessment that would be reflected in the Court's
12 decision.

13 THE WITNESS: Okay.

14 THE COURT: Anything further, Ms. Bucknam?

15 MS. BUCKNAM: Yes, Your Honor.

16 BY MS. BUCKNAM:

17 Q. The Flanagans are on the checklist even though they
18 both have -- Tony and Robert Flanagan both have full-time jobs
19 in Connecticut, is that right?

20 A. Yes.

21 Q. And they have two grown sons who you placed on a
22 checklist last January, correct?

23 A. Yes.

24 Q. And those two grown sons also do not live in the Town
25 of Victory?

Q-4

1 A. No, but they intend to be up here.

2 Q. And the -- you have no idea when they plan to move up
3 here, is that right?

4 A. No, I don't.

5 Q. You have no idea when the elder Flanagans plan to
6 move up here, is that right?

7 A. No, I have no date.

8 Q. And you are aware that the Flanagans actually have
9 put their house in Victory up for sale, correct?

10 A. No.

11 Q. You're not aware of that?

12 A. No, I'm not. But to me that's none of my business.

13 MS. BUCKNAM: That's all I have, but I want to -- I
14 plan to call a rebuttal witness on that issue, Your Honor.

15 THE COURT: All right.

16 MS. BUCKNAM: I call Walter Neborsky back to the
17 stand.

18 MR. NEBORSKY: I'm still sworn?

19 THE COURT: You are, sir, thank you for asking.

20 DIRECT EXAMINATION

21 BY MS. BUCKNAM:

22 Q. Mr. Neborsky, how long have you lived in the Town of
23 Victory?

24 A. Actually, it'll be twenty years December 16th.

25 Q. And you know the Flana -- you know Robert and Tony

Q-5

AFFIDAVIT

COMES NOW, Walter Mitchell, after being duly deposed and sworn, does hereby state under oath as follows:

On February 15, 2017 we had a BCA meeting. At the end of the meeting I asked Carol Easter when the Absentee Ballots were going to be available, Carol responded "When I get around to it, and if you don't like it, then sue me!"

Dated at Victory, Vermont this 12 day of March, 2017



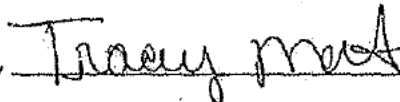
Walter Mitchell

STATE OF VERMONT

ESSEX COUNTY, SS.

At Victory this 12th day of March 2017 personally appeared **Walter Mitchell**, and upon oath duly administered, declared the foregoing statements by him to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before Me,



Notary Public

My Commission expires 2/10/19



AFFIDAVIT

COMES NOW Ruth Neborsky, after being duly deposed and sworn, does hereby state
under oath as follows:

1. I am a resident of Victory, Vermont, and I was forced to go to court to have my name put back on the voter checklist. My two sons, one who is in the military, and one who is a full time college student, were also ordered to be placed on the voter checklist by the court in 2016.
2. The Town of Victory opposed putting my name and my son's names on the checklist, so we had two days of hearing.
3. My husband, Walter Neborsky, asked the town clerk on February 15, 2017 for the ballots so that my sons could vote by absentee ballot. She refused.
4. On February 22, 2017 my husband again asked for the ballots. The town clerk refused to provide those to him. I had to call the town clerk while I was at work, and told her that she had to give the ballots to my husband. She finally agreed. The ballots for both of my sons were sent out on February 22, 2017. [See attached Exhibit]
5. As a result of the late mailing, my son, Andrew Marden, who is stationed in Oklahoma, was not able to return his absentee ballot in time. It arrived the day after the election.
6. Because the race for Select board was tied, a new election is being held on April ⁵ 7, 2017.
7. The last time we had a re-vote in Victory, Carol Easter automatically sent out absentee ballots to those who had voted in the original election.
8. This time, Carol has not sent out absentee ballots, and she failed to inform anyone of the new procedure, and failed to inform anyone when the ballots were ready.

5-1

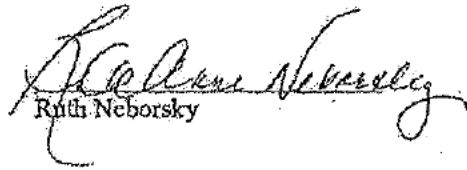


9. When my husband found out that she did not send out absentee ballots, he requested absentee ballots for my sons for April 7th, 2017 election.

10. Carol Easter refused.

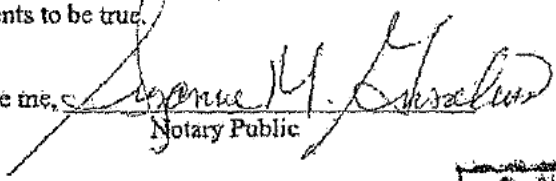
11. I called her to request the ballots for my children. She refused to send them. She screamed at me and told me that I had to give her my son's addresses. I refused, because my son Airman Andrew Marden received a letter making vicious, vile and utterly false allegation about me. It was horrible letter, and the only way the writer of the letter was able to get his address was through the Town Clerk.

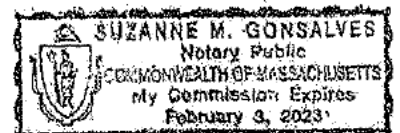
Dated Falmouth, Massachusetts this 20th day of March, 2017.


Ruth Neborsky

**COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE COUNTY, SS.**

At Falmouth, Massachusetts this 20th day of March, 2017 personally appeared Ruth Neborsky, and, upon oath duly administered, declared the foregoing statements by her to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before me, 
Notary Public



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