

Approved Minutes
TOWN OF STRATTON SCHOOL BOARD MEETING
Residency Hearing
August 11, 2020, 5:30 PM

Present

Board:

Thomas Montemagni (Chair)
Allison Young (Vice Chair)
Lorraine Weeks-Newell (Secretary)

Administration:

Bill Anton (Superintendent)

Members of the Public:

Betsy LaHue
Andrea Fornier

Peter Barus (Recorder)

Call to Order

The meeting was called to order at 5:34 PM.

It was explained that this would be an evidentiary hearing on a Residency Affidavit. Introductions were made, Bart and Caroline Richards as applicants, Attorney Pietro Lynn for the Board, Mr. Anton as WCSU Superintendent.

Ms. Weeks-Newell asked about the basis for the Superintendent's decision on the Residential Affidavit for the Richards family.

Mr. Anton explained that his role as Agent for the School Board was to determine Residency; and that his finding was that the Applicants had not demonstrated intent to remain in Vermont indefinitely; that this was based on Ms. Richards not moving full-time to Vermont; that the children attending 7th and 12th grades remain in school in New Jersey; that the condominium in Vermont may not be adequate to house the family permanently; that the NJ domicile has not been given up; that these facts did not indicate intent to maintain the Vermont residence as their principal dwelling.

The Applicants were recognized and invited to address the meeting.

Ms. Richards discussed the process of relocating; that both she and Mr. Richards had grown up in Vermont, and lived locally since 1973; that the family decided in early 2019 to start the process of moving, "done with NJ"; that relocation is a hard process what with community and family ties in NJ; that Bergen County (NJ) is stressful, but the 17-year-old has one more year of High School, is on the cross country team, and could lose letters of recommendation and college possibilities if leaving the NJ school now; that the family had decided to buy in Stratton and move in stages; that leaving a 14-year-old in a house without parents would be impossible, so the adults are living apart for now to have an adult in each house; that Ms. Richards had planned to let go of her pension from teaching in in NJ and had looked for a job in Vermont, and was in the hiring process when the pandemic rendered the job unavailable; that she cannot now leave her current job, uprooting the children; that therefore Mr. Richards has moved to Vermont, and she is staying in NJ until a Vermont job is found, and while getting the oldest child through his senior year; that splitting households is not something that could be done just for a school voucher; that their goal is to get to Vermont, and the pandemic has altered timing but not intention; that the NJ house will not bring an acceptable price at this time; that they have to stage the move differently than they had planned since 2019.

Mr. Richards discussed their intention to move to Vermont; that he had started the transition well before considering a school voucher and had obtained a Vermont driver license in 2019, is now voting in Vermont, and bought the Vermont house in March of 2019; that the family is constantly on Stratton Mountain, he is on the ski patrol, the oldest child is an instructor, the youngest races, everyone is volunteering; that he had been a fire and rescue first-responder for fifteen years in NJ, and was joining in Vermont when the pandemic paused the process; that they could not possibly come to Vermont for a year and then leave; that the 14-year-old would not be in a school dormitory setting; that there were no local high schools to which Ms. Richards could apply for work; that the couple will make less money as a result of this move; that they can't just quit and move all at once; that putting the NJ house on the market now would not be financially viable, and it would not be worth the amount of voucher in any case; and as to the size of the Vermont home, they had lived there every weekend together, including for most of the current emergency, with three students doing remote learning, one teacher doing remote teaching, and Mr. Richards working remotely, all in the three-bedroom condominium; that it is indeed their full-time domicile; that it would not make sense to pull the children out of 7th and 12th grade at their present school and appeal for two vouchers instead of one.

Ms. Richards noted that she had read the Residency statute, and had believed splitting households was not an issue, and found it confusing to be denied at this point. Mr. Lynn explained that the question was whether a parent is domiciled in Stratton, and that if so, there is Residency; and that the Board's job is to gather facts and then decide based on the facts

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whether there is Residency; that the Superintendent's mandate is to make sure the full information is brought to the Board so it can make the decision required by statute. Mr. Richards asked about the determination of intent to stay, noting that it felt subjective. Mr. Lynn explained that he was reluctant to give what could be construed as legal advice in the midst of an evidentiary hearing; that his job was to advise the Board; and that although statute and facts can be complicated it would not be appropriate for him to advise the parties.

The Chair invited questions.

Mr. Lynn noted that he had not seen the documents, and asked Mr. Richards if he was also a teacher, teaching remotely. Mr. Richards explained that he runs the East Coast and Canada Oracle Hardware Division, and has normally been on the road in Canada or the US, but Canada is closed for now; and that Oracle has closed its NY office and directed all staff to work from home, doing everything remotely in Sales; and that he had paid Vermont payroll taxes this year as an employee residing in Vermont.

Ms. Richards noted that Mr. Richards is primary parent to one child during this transition; that they had practiced all last year, and that friends in Vermont have agreed to take that child in temporarily if he was unexpectedly called away. Mr. Richards confirmed that the family had worked all this out well in advance.

Deliberative Session

"Deliberative Session" was explained to the parties, and that the Board's decision would be communicated subsequently in writing. The parties, the Superintendent, the Recording Secretary and members of the public were dismissed.

The following kindness of Ms. Young:

Ms. Young motioned to enter Deliberative Session. Second by Ms. Weeks-Newell. By roll call vote, all in favor. The Board entered Deliberative Session at 5:57 PM and returned to regular session at 6:18 PM.

Mr. Lynn will draft the decision letter to the Applicants.

Ms. Young moved to enter into Executive Session with Attorney Lynn. By unanimous consent, the Board entered Executive Session at 6:18 PM and returned to regular session at 6:37 PM. No action was taken.

Ms. Young moved to Adjourn. Second by Ms. Weeks-Newell. By roll call, all in favor. The meeting was Adjourned at 6:37 PM.

Respectfully submitted, Peter Barus, Recorder, August 11, 2020