

Town of Wilmington, Vermont, Vacant Selectboard Seat – Resolution to Appoint

WHEREAS, on or about January 2020, the Town Clerk for the Town of Wilmington issued a press release for informational purposes, outlining that “Nominating Petitions for town and school offices are now available at the Town Clerk’s office and on the town website www.wilmingtonvermont.us, and are due by 5:00p.m., Monday, January 29. Nominating petitions must be signed by 1% of the registered voters (16 signatures),” and

WHEREAS, the Nominating Petition for Mr. Mark O’Maley to be a nominee for election to the office of Selectboard for a 3-year term at the local election to be held in Wilmington on the 3rd day of March, 2020, was stamped received for record on January 27, 2020 at 2:00 p.m., and

WHEREAS, the Nominating Petition for Mr. Mark O’Maley, “Consent of Candidate” printed on the bottom of each page, where the candidate assents to the printing of his name requiring a legal signature to appear on the ballot as a candidate for the office of Selectboard for a 3-year term was unsigned, and

WHEREAS, on Tuesday, March 3, 2020, Town Meeting Day, Mr. Mark O’Maley’s name appeared on the ballot as a candidate for the office of Wilmington Selectboard, and received the most votes, thereby being elected to the position, and

WHEREAS, as of July 7, 2020, although politely reminded on several occasions by various town officials, that he was required to taken an oath of office, Mr. Mark O’Maley has not appeared at the Office of Town Clerk in the Town of Wilmington to take the oath of office for Selectboard, as required pursuant to 24 V.S.A. § 831, since the election held on March 3, 2020, nor has Mr. Mark O’Maley made other arrangements to take the oath of office, nor has he appeared at any meeting of the Wilmington Selectboard, to take his seat, nor has he performed any other duty expected of a Selectboard member, and

WHEREAS, Mr. Mark O’Maley has not responded to the email, voicemail, or a letter written by the Selectboard Chair, sent certified mail and a return receipt received by the Town, encouraging Mr. O’Maley to respond in person, in writing or by telephone to state his intention regarding the acceptance of office as a member of the Wilmington Selectboard, and

WHEREAS, on March 15, 2020, Mr. Mark O’Maley stated to a reporter via email, “I wrote to the town via snail mail **declining the election results**. I refer you back to the town as to how I ended up on the ballot.” (Attached as Exhibit A, emphasis added), and

WHEREAS, the Town did not receive such letter, but by and through this resolution hereby accepts the representations made in Exhibit A, by Mr. Mark O’Maley, that he informed the Town via United States Mail that he was refusing to accept his election to the office as a member of the Wilmington Selectboard and that he later affirmed his refusal to accept his election to the office as a member of the Wilmington Selectboard to a member of the media, which was in turn relayed to the Town, and

WHEREAS, based on Exhibit A, the Selectboard finds that pursuant to 17 V.S.A. § 2654 Mr. Mark O'Maley has refused to accept election to the office of Wilmington Selectboard member, and

NOW THEREFORE, BE IT RESOLVED that the Selectboard finds as follows:

1. That based on the foregoing recitation, Mr. Mark O'Maley, has refused to accept election to the office of Wilmington Selectboard member pursuant to 17 V.S.A. § 2654.
2. That the seat on the Wilmington Selectboard that Mr. Mark O'Maley has refused to accept, is hereby declared vacant pursuant to 17 V.S.A. § 2654 and 24 V.S.A. § 963.
3. That this resolution and findings shall be posted in at least two public places in the Town of Wilmington and both in and near, the Town Clerk's office within 10 days of the Selectboard's adoption of this resolution. And furthermore, a copy of this resolution and findings shall be sent to Mr. Mark O'Maley via email and certified mail, return receipt requested.
4. That the Selectboard shall fill the vacancy so created above at its next regularly scheduled meeting of August 18, 2020 pursuant to the requirements of 24 V.S.A. § 963(a) to serve until an election is had for the seat.

Dated at Wilmington, Vermont this 7th day of July, 2020.



Thomas Fitzgerald

John Gannon



Vincent Rice



Sarah Fisher

Christine Richter

From: John Gannon <john.gannon@me.com>
Sent: Thursday, July 9, 2020 4:45 PM
To: Christine Richter
Subject: Re: revised page to sign

Try this one.

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4. That the Selectboard shall fill the vacancy so created above at its next regularly scheduled meeting of August 18, 2020 pursuant to the requirements of 24 V.S.A. § 963(a) to serve until an election is had for the seat.

Dated at Wilmington, Vermont this 9th day of July, 2020.


Thomas Filipek


John Gannon


Vincent Rice

Sarah Fisher

On Jul 9, 2020, at 2:36 PM, Christine Richter <crichter@wilmingtonvt.us> wrote:

----- Forwarded message -----

From: **Mark O'Maley** <[REDACTED]>
Date: Sun, Mar 15, 2020 at 11:26 AM
Subject: Re: Selectboard
To: Chris Mays <[REDACTED]>

EXHIBIT A

Hi Chris

I wrote to the town via snail mail declining the election results. I refer you back to the town as to how I ended up on the ballot.

Sent from somewhere mobile