TOWN OF CRAFTSBURY SPECIAL SELECTBOARD MEETING MINUTES (DRAFT)

Friday, May 30, 2025 - 9:00 AM Craftsbury Town Hall & Zoom Meeting

Present: Bruce Urie, Jim Jones, Alison Blaney, Jim Barlow (Attorney), Michelle Warren (Selectboard Clerk)

Call to Order Jim Jones called the meeting to order at 9:00 AM.

Agenda Adjustment Bruce Urie moved to move the "Meet and Greet" agenda item to be discussed after the "Reply to Open Meeting Law Violation Complaint" discussion. Alison Blaney seconded the motion. All members present voted Aye. The motion carried.

Reply to Open Meeting Law Violation Complaint

- Alison Blaney made a motion: "To find that the premature general public knowledge of the discussion with attorney Barlow would place the Selectboard at a substantial disadvantage." Bruce Urie seconded the motion. All members present voted Aye. The motion carried.
- Alison Blaney made a second motion: "To enter into executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard." Bruce Urie seconded the motion. All members present voted Aye. The motion carried.

Executive Session The Selectboard entered Executive Session at 9:10 AM. The Selectboard exited Executive Session at 9:55 AM.

Reply to Open Meeting Law Violation Complaint (Continued) Bruce Urie read the reply the Selectboard will be sending to Mr. LaRock (attached to these minutes).

Jim Barlow, Meet and Sign to be on Retainer The Selectboard met with Attorney Jim Barlow, who explained his engagement letter. Alison Blaney and Bruce Urie inquired about his potential assistance with unclaimed parcels and updating town policies, to which Mr. Barlow expressed willingness to work with the town. He stated his rate was $150/hour and highlighted his extensive municipal legal experience with over 22 Towns. Jim Barlow advised that the Selectboard could review and sign the engagement letter at a future Selectboard meeting. The Selectboard will place the engagement letter on their next agenda.

Road Access for Antiques & Uniques, Approve A&U Event This item will be tabled until the next Selectboard meeting. The Fire Department will need to provide input regarding the road closing.

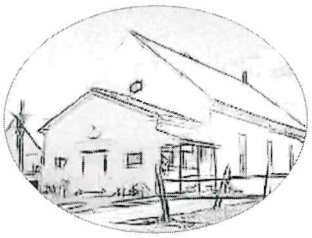
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E-cycling Plan This item will be tabled until the next Selectboard meeting. The Fire Department's input will be needed to decide on the E-Cycling Plan.

Adjournment The meeting adjourned at approximately 10:20 AM.

(Minutes prepared by Michelle Warren, Town Clerk)

DRAFT



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May 30, 2025

Dear Mr. LaRock,

This letter serves as the Town of Craftsbury's response to your Open Meeting Law complaint, dated and received on May 21, 2025.

In your complaint, you allege that the notice and agenda for the regular Selectboard meeting on May 20, 2025, indicated a start time of 7:00 PM. However, you observed a conversation between the Selectboard and Kurtis Mellett occurring prior to this start time. You claim that the Selectboard meeting began before the 7:00 PM time specified in the notice, in violation of 1 V.S.A. §314(c)(1). Additionally, you allege that this portion of the meeting was not recorded, violating 1 V.S.A. §312(a)(3)(B), and that no minutes were taken, in violation of 1 V.S.A. §312(b).

After reviewing your complaint and the events of May 20, 2025, the Selectboard has determined that no violations of the Open Meeting Law occurred and that no cure is necessary. While the Selectboard does not believe a violation occurred, if the conversation were deemed to constitute a meeting, any failure to record it or take minutes was inadvertent, not intentional. The Selectboard addresses each of your allegations below.

At approximately 6:50 PM, Kurtis Mellett entered the Craftsbury Town Hall and informed the Selectboard members that he would not be able to attend the meeting that evening. Mr. Mellett is your neighbor and the owner of the gravel pit from which the Town sources materials for road maintenance under an agreement between him and the Town. You have been involved in litigation with Mr. Mellett regarding the gravel pit.

When Mr. Mellett arrived before the scheduled start time and indicated his unavailability, the Selectboard members informed him that discussion with him would be removed from the agenda and that the gravel pit would be discussed again in a future meeting when he was available. The Selectboard members further indicated their intention to revisit the gravel payment structure in a future meeting, noting that future payments would likely be based on an inventory of the gravel rather than the current quarterly payments. Mr. Mellett also informed the Selectboard of the status of the gravel pit litigation.

According to the Open Meeting Law, a “meeting” is defined as a gathering of a quorum of members of a public body for the purpose of discussing the business of that body or for taking action. 1 V.S.A. §310(3). However, the Open Meeting Law includes a specific exemption for communications for scheduling a meeting and organizing an agenda, provided that no other business of the Selectboard

is discussed or conducted. Any communications that result in written or recorded information must be available for inspection and copying under the Public Records Act. 1 V.S.A. §310(5)(B)(i) and (ii).

In this case, the exchange between the Selectboard members and Mr. Mellett was limited to discussing his unavailability, the removal of his item from the agenda, and rescheduling his participation in a future meeting. Mr. Mellett also informed the board of the status of the litigation. This conversation did not constitute a "meeting" of the Selectboard as defined in the Open Meeting Law, as it did not involve deliberation, policy determination, or any decision-making by the Selectboard, nor did it involve the appropriation or expenditure of funds. Rather, the conversation was effectively a ministerial and operational task. Under the Open Meeting Law, such routine administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered. 1 V.S.A. §312(g).

The requirements for recording meetings under 1 V.S.A. §312(a)(3)(B), and for the preparation of meeting minutes under §312(b), apply only when a meeting has occurred as defined under 1 V.S.A. § 310(3). As explained above, the conversation with Mr. Mellett occurred prior to the warned start time of the meeting and did not constitute a "meeting" under the statute, as it involved no deliberation, decision-making, or discussion of public business by the Selectboard. Rather, it was an exchange related to Mr. Mellett's unavailability and removal from the agenda, a topic for future discussion (i.e., future gravel payments), and the status of the litigation. Accordingly, because no official meeting was convened at that time, the statutory obligations to record the interaction or prepare minutes were not triggered.

Although the Selectboard believes that the conversation with Mr. Mellett was not a meeting, no Open Meeting Law violation occurred, and therefore no cure is required, to the extent that the conversation with Mr. Mellett may have constituted a meeting, the failure to record the exchange and take minutes of the conversation was entirely inadvertent and unintentional. The conversation will be addressed through a supplement to the May 20, 2025, meeting minutes describing the exchange with Mr. Mellett.

Finally, in response to your concern that the Town's website does not provide information about how to file a complaint in violation of 1 V.S.A. §314(e), we note that this information was available at the time of your complaint and continues to be available at https://www.townofcraftsbury.com/town-government-info under the heading "Open Meeting Complaint Form."

Thank you for bringing your concerns to our attention.

Sincerely,

Craftsbury Selectboard