

Special Selectboard Meeting

Tuesday, January 30, 2018

12:00 pm

Present: Doon Hinderyckx, Jim Bowen, Tom Schnabel

Guests: William Brokof, Dylan Kelley, Mason Wade, Harland McKirryher, Walt Wells, Kevin McLoughlin, Keefer Irwin, Tom Pierce, Virginia Bowman, Linda Leehy, Susan Morse, Joe Cahill, Dean Mendell, Robert Franks (Bethel resident)

Doon called the meeting to order at 12:00 pm. The agenda is the acknowledgement of an open meeting law violation. He read the following statement: In accordance with 1 V.S.A. 314(b) (2) (A), the Selectboard of the Town of Rochester makes the following acknowledgement and statement of intention to cure on Open Meeting Law violation:

On January 25, 2018, at 12:00 PM, the Selectboard of the Town of Rochester held a meeting at the Rochester Town Office. Attorney Jim Barlow and resident Bruce Lewellen (correct spelling is Flewelling) were present. The purpose of the meeting was to discuss the matter of *Mason Wade v. Town of Rochester*, pending civil litigation to which the Town is a party. At 12:10 PM, the Selectboard voted to go into executive session for the purpose of discussing *Mason Wade v. Town of Rochester*. Attorney Jim Barlow and Bruce Lewellen (Flewelling) attended the executive session at the Selectboard's request. The executive session concluded at 1:30 PM.

After conclusion of the executive session, the Selectboard voted to instruct Attorney Barlow to contact Attorney Charlie Merriman, counsel for Mr. Wade, about the pending litigation. The meeting concluded at 1:40 pm.

The Rochester Selectboard acknowledges that the meeting held on January 25, 2018, was not conducted in accordance with the requirements of the Vermont Open Meeting Law. Specifically, the Selectboard failed to give notice of the special meeting in accordance with 1 V.S.A. 312(c) (2).

Pursuant to 1 V.S.A 314(b) (4) (A), the Selectboard declares void its vote to instruct Attorney Barlow to contact Attorney Merriman about the pending litigation.

Pursuant to 1 V.S.A. 314(4)(B), the Selectboard adopts the following specific measures to prevent future violations: At the start of each meeting, the Selectboard will review the Open Meeting Law notice requirements for holding a regular, special, or emergency meeting and will confirm, on the record, that the notice requirements have been fulfilled for that meeting.

Doon noted that this beginning sentence will be added to each agenda to verify that we fulfilling the notice requirements of the Open Meeting Laws. He explained that this

mistake came in part due to many meetings, and the ball was dropped. He expressed the board's apologies for that. The mistake was found by the board and corrected. They will continue to be vigilant as the board is here as townspeople's representatives.

Doon made motion to instruct Attorney Barlow to contact Attorney Merriam to discuss the litigation. Jim seconded. All in favor, Doon will contact Jim Barlow to contact Attorney Merriam.

Harland asked about the sign that was put up at the bridge which specifies only town trucks can turn around. Doon noted that the sign could be edited and that the point is to ensure people know that the town trucks need the space to turn around. Keefer drove out this morning and saw the sign. She also noted that there is a snow pile that is taking up a couple parking spaces that could be plowed off to the side. She asked about what trucks are plowing up there, as the smaller ones didn't seem to have trouble turning around. The bigger trucks are being used. Jim explained that the single axle truck was traded which is what used to be used to plow. Short discussion ensued. Susan noted that she agreed with Harland that there never has been a problem in the area in the past. She used to spend time at Mason's house before he owned it. She is also concerned that Dan is saying that he will plow the road regardless, and Harland reiterated that there has never been a problem turning trucks around regardless of how big they are. Dean also noted that he reached out to Chris Mattrick that they have always utilized the road as a trail. The road "becomes a trail" in the winter when there is snow on it. He hopes moving forward that the town crew will create a snow plug so it will create a trail beginning. Discussion continued about potential work taking place on the road. Walt asked if the parking area could be enlarged, which would be up to the landowner, Harland.

Doon reminded all that the focus of this meeting was the open meeting law violation which has been corrected. He explained that agendas/meetings are posted at the town office, two other places in town and on the website. They will be emailed to the editor of the Herald.

Mason asked if a voter wants to be an email list are they allowed to. Specifically notices about public issues including tax sales which are a public notice. Doon noted that anything that is sent to the Herald can be sent to anyone who wants to provide an email. Mason asked to clarify that this be special meetings public meetings, anything sent to a voter or property owner that has requested it. The board thanked all for attending.

Entered Executive session at 12:25 pm. Exited at 12:55. Action: The board will work on a letter to be distributed regarding the board's desires for the road crew's conduct.

Meeting adjourned at 1:00 pm

Respectfully submitted,

Joanne McDonnell