

# Town of Mendon

## Selectboard

September 9, 2024

Members of Selectboard present: Val Taylor, Megan Smith, Seth Bridge

Town Officers and employees present: Sara Tully, Town Administrator & Health Officer

Rutland County Sheriff Deputy Rider is present.

Visitors present: Brian and Carol Gates, Justin Lindholm, Steve Ellerin, Dennis Charles, Scott Carr

V. Taylor called to order at 5:33 PM at the Town Office.

Pledge of Allegiance

### Agenda:

Motion by V. Taylor to approve the agenda. Motion seconded by M. Smith. The Selectboard unanimously approved the motion.

### Administrative Matters

*Selectmen's Orders* were reviewed.

Motion by V. Taylor to approve the minutes for 8/26/24 as amended to add wording that the tax rate will be amended at the next meeting. Motion seconded by M. Smith. The Selectboard unanimously approved the motion.

Motion by V. Taylor to approve orders for \$60,543.77 and \$7,895.07. Motion seconded by S. Bridge. The Selectboard unanimously approved the motion.

Motion by V. Taylor to approve payroll for \$10,794.12. Motion seconded by M. Smith. The Selectboard unanimously approved the motion.

*Rural and Nonmetro Election Infrastructure Grant Program \$5,000* The Selectboard executed the grant paperwork.

### Announcements:

Taxes Due at office, postmarked, online at [www.mendonvt.gov](http://www.mendonvt.gov) or deposited in secure mailbox at the office by 9/9/24.

Mendon students' grades K-12 are eligible for discounted ski passes at Killington/Pico. Please contact Sara Tully Town Administrator at 802-558-3935 if you believe your child should be on the eligible list.

Public Comment: B. Gates asked the Selectboard if there was any restriction for him at the Town Office and whether he needed a chaperone. The Chair responded that all residents are treated the same in the Town Office. M. Smith asked if he had any further comments and B. Gates challenged M. Smith that he was being cut off. C. Gates participating in the meeting remotely interrupted the meeting demanding time be given to her husband. The Chair established a decorum of the meeting demanding mutual respect.

### Business

*Recreation Economy for Rural Communities (RERC) Program* M. Smith reported that she researched the program and conferred with the Recreation Committee and determined the town does not have a current project for the .Recreation Economy for Rural Communities (RERC) Program

*Open Meeting Law Complaint* The Selectboard acknowledged the town received a complaint of violating the Open Meeting Law. The Selectboard conducted an investigation and issued the following public notice on September 6, 2024:

#### Public Notice from the Office of Selectboard:

On August 27, 2024 the Town of Mendon Selectboard received a letter from Mr. Brian Gates alleging that he had been excluded from a Mendon Planning Commission meeting on August 19, 2024. The letter alleged a violation of Vermont's Open Meeting Law and cited 1 VSA 314. The Selectboard investigated the allegation and finds:

The August Mendon Planning Commission meeting was scheduled for August 19, 2024 at 5:15 pm. A hearing was noticed for 5:30 pm and a second hearing was noticed for 6:30 pm. Arrangements for law enforcement personnel are made in advance for in-person meetings at the Mendon Town Office for the public's safety and security pursuant to a directive from the Selectboard.

The Mendon Planning Commission Chair arrived at the Town Office shortly before 5:15 pm on August 19. Because law enforcement was not present at that time, she attempted to reach town officials by phone in order to ascertain the status of law enforcement's presence at the meeting. For that reason she was not in the meeting room at 5:15 pm and there was not a quorum of MPC members in the meeting room at 5:15 pm. Mr. Gates

proceeded towards the meeting room and the Mendon Planning Commission Chair indicated that the meeting had not started. Mr. Gates continued to proceed to the meeting room and entered it while the MPC Chair made phone calls in the office area of the Town Clerk's Office. After confirming the status of law enforcement's plan to arrive at the meeting, she went to the meeting room and convened the meeting at approximately 5:30 pm after confirming that a quorum was present. Mr. Gates was in the room at the time the meeting convened and remained in the room for 1 hour and 45 minutes before he voluntarily left the meeting which is visible on the recording of the meeting posted on the Mendon website at [www.mendonvt.gov](http://www.mendonvt.gov).

It is our determination that Mr. Gates was not excluded from the August 19 MPC meeting. No violation Open Meeting Law has occurred and no cure is necessary.

*Selectboard Rules of Procedures 2024 Amended* The Selectboard reviewed an amendment to the Selectboard Rules of Procedure for meetings to secure the meeting space until law enforcement is present at the meetings. The amendment reads:

Effective July 1, 2024, the Open Meeting Law requires public meetings to be held in-person or hybrid in-person with remote access. All in-person meetings will be conducted with law enforcement present. Access to the public building will be limited to members of the Board, town staff and invited members of the public to distribute meeting materials prior to the meeting being called to order. The general public will have access to the meeting space once law enforcement is present and prior to the public meeting being called to order. If law enforcement becomes unavailable to attend the public meeting, the meeting will be re-warned or called to order only to conduct business to adjourn to a set date and time in the future in accordance with the Open Meeting Law. Starting 5 minutes prior to the scheduled public meeting, the Chair of the public body will keep the public informed of the reason for delay if the public building is not yet open to the public.

Motion by V. Taylor to adopt the Selectboard Rules of Procedure as amended. Motion seconded by M. Smith. The Selectboard unanimously approved the motion.

Employee evaluations and salaries Motion by V. Taylor to Enter Executive Session at 5:51 PM with the Selectboard and S. Tully present to discuss employee evaluations per 1 V.S.A.

§313(a)(3). Motion seconded by S. Bridge. The Selectboard unanimously approved the motion.  
The Chair declared the Board out of Executive Session at 6:27 PM.  
No action taken as a result of the discussion in Executive Session.

V. Taylor moved to adjourn the Selectboard meeting at 6:32 PM. Motion seconded by M. Smith.  
The motion passed unanimously.

Date Approved \_\_\_\_\_

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Val Taylor

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Sara Tully - Clerk of the Board

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Seth Bridge

\_\_\_\_\_  
Megan Smith