

Mendon Planning Commission Minutes Special Meeting - March 3, 2025

Present: Justin Lindholm, Fred Bagley, Dick Howe, Sarah Buxton, Steve Ellerin and Teri Corsones were present.

Open Meeting Law Complaint: Brian Gates was present in person and Carol Gates was present via the GoToMeeting platform for a special meeting scheduled at 4:00 pm on March 3, 2025 regarding an open meeting law complaint filed by Mr. and Mrs. Gates on February 25, 2025. Larry Courcelle was also present via the GoToMeeting platform, as well as an unidentified person who connected remotely to the meeting but did not identify themselves or otherwise participate.

Findings: The complaint filed by Mr. and Mrs. Gates alleged that Mr. Gates was denied access to a public meeting at 5:40 pm on February 24, 2025 at the Mendon Town Office when he knocked on the door and was denied entry. The complaint alleges a violation of 1 VSA §§312 and 314 and Act 133.

The Mendon Planning Commission is in the process of updating the Mendon Zoning Regulations. The Town of Mendon applied for and was awarded a Municipal Planning Grant (MPG) to assist with the update. The Rutland Regional Planning Commission is serving as a consultant for the MPC pursuant to the MPG. During the several months following the award of the grant the MPC had an unusually high number of lengthy noticed hearings, leaving little time to work on the zoning update. The RRPC consultant advised the MPC in October 2024 that a working group consisting of less than a quorum could work informally on the update while the consultant developed a draft update for MPC review and for the required public hearings. Three MPC members volunteered to assist, as reflected in the October 7, 2024 MPC minutes. The volunteers periodically shared their work with the MPC, as reflected in the November, December, January and February MPC minutes. No more than the three MPC members who originally volunteered ever met informally to assist the RRPC consultant. A quorum was never present at the review meetings, including on February 24, 2025.

Applicable Law: 1 V.S.A. §312 provides that meetings of a public body are open to the public. 1 V.S.A. §310(5) defines a meeting as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. 1 V.S.A. §314 provides that when a

written notice of an open meeting law complaint is filed, the public body shall respond within ten calendar days and either acknowledge that a violation has occurred and state an intent to cure or determine that no violation occurred and no cure is necessary.

Decision: The Mendon Planning Commission consists of seven members. Four or more MPC members constitute a quorum. When fewer than four MPC members gather it does not constitute a public meeting. Fewer than four MPC members were at the Mendon Town Office at 5:40 pm on February 24, 2025. Their gathering did not constitute a public meeting to which Open Meeting Law requirements apply.

The Mendon Planning Commission responded to the complaint of an open meeting law violation within ten calendar days. Justin Lindholm made a motion to determine that no violation occurred, and no cure is necessary for the reasons stated above. Dick Howe seconded the motion, and the motion passed unanimously.

The next regular meeting of the Mendon Planning Commission is scheduled for Tuesday, March 11, 2025 at 5:15 pm at the Mendon Town Office.

Respectfully submitted,

Therese Corsones, Chair