

**Minutes of the
Mendon Zoning Board of Adjustment on the
Open Meeting Law Complaint filed by Carol and Brian Gates**

Present: Board of Adjustment members, John J. Kennelly and , Susannah Loffredo were present in person, Harvey Zara and Teri Corsones were present via the GoToMeeting platform ("GTM").

Brian Gates and Carol Gates filed an Open Meeting Law Complaint on April 23, 2025. Mr. Gates was present via GTM for a special meeting scheduled at 6:15 pm on April 30, 2025 regarding the open meeting law complaint filed by the Gates. Patricia Lancaster, Seth Bridges, and Sarah Buxton were present in person. Sara Tully was also present via GTM. Other unidentified persons were present at the meeting but did not identify themselves or otherwise participate.

Findings:

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

On February 27th 2025 at 5:19pm Zoning Board of Adjustment members Therese Corsones, Jack Kennelly and Harvey Zara along with Rodney McPhee Esq., arrived at the Town Office in Mendon for a Scheduled Hearing regarding the property belonging to Mr. Gordon Stake. Mr. McPhee is the Attorney for Mr. Stake. Locking the door behind them.

At 5:21pm Megan Smith, Greg Smith, and Gordon Stake arrived at the Town Office in Mendon. Harvey Zara opened the door and allowed them all into theOffice.

At 5:24pm Mr. Stake left the Office for a minute and the locked door was opened by Megan Smith. At 5:27 pm Mrs. Gates arrived at the Town Office in Mendon for the scheduled hearing and was told by Megan Smith that the Sheriff was required to be present before she would be allowed into the hearing room. Mrs. Gates told Megan Smith "other members of the public are inside without the Sheriff, not letting me in is discriminatory".

Megan Smith came back 2 minutes later and told Mrs. Gates that she "was in the Back room and had no idea that anyone had been in the Hearing Room". After which Mrs. Gates was allowed into the office.

The Board reviewed the complaint and then went into a deliberative session, the room was cleared, and after approximately 10 minutes the Board came out of the deliberative session and the meeting resumed. The Chair advised that the Board had come to a unanimous decision on the Complaint.

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 Board of Adjustment presently consists of four members, three of which were in attendance at the February 27, 2025 hearing.

The two minute delay in access to the building, between the time Mrs Gates arrived at the Town office and her entrance into the office (which Mrs. Gates claims was at 5:29) did not prevent Mrs. Gates attendance and participation in the hearing.. The hearing did not start until sometime after 5:30, and Mrs. Gates was in the room where the hearing was going to occur prior to the beginning of the hearing.

The Mendon Zoning Board of Adjustment responded to the complaint of an open meeting law violation within ten calendar days. A motion was made that no violation occurred, and no cure is necessary for the reasons stated above., The motion was seconded and passed unanimously.

The Chair then asked if any member of the public wanted to be heard. Mr. Gates and Mrs. Gates made statements in which Mr. Gates expressed his displeasure with the Board's decision.

A motion to adjourn the meeting was made, it was seconded and the Board closed the meeting at approximately 6:50pm.

Respectfully Submitted,

John J. Kennelly, Chair