

Town of Isle La Motte
Select Board Meeting
February 3, 2021
5:00PM @ ILM School

Members present: Selby Turner, Rustam Spaulding & Paul Zera
Other present: Cathay Tudhope, Sylvia Jensen, Debbie Spaulding, Peter Brzozowy & Lyle Andrews.

Meeting called to order at 5:14PM by Chair, Selby Turner.

1. Additions to agenda
 - Sylvia Jensen had discussion; a question on the warning.
2. Executive Session- No need (Noble to change 'Executive session' to state 'Executive session if needed.')
3. Minutes of December 2, 2020 (revision)
 - Sylvia Jensen had discussion; did not see the revised minutes on website.
 - Spaulding had discussion; it's been made clear by CIUUSD that you do not represent the board. That sentence has since been removed.
 - Sylvia Jensen had discussion; thank you.
 - **Motion by Spaulding to approve changes to December 2, 2020 minutes, 2nd by Zera-- All in favor.**

Minutes of January 26, 2021

- **Motion by Spaulding to approve January 26, 2021 minutes, 2nd by Zera-- All in favor.**
4. Warrants for payroll & payables
 - **Motion by Turner to ratify 2/2/2021 payroll, signed by Spaulding in the amount of \$2,072.41 2nd by Zera-- All in favor.**
 - **Motion by Spaulding to ratify 1/15/2021 payable, signed by Zera in the amount of \$50,472.87, 2nd by Zera-- All in favor. (Largest amounts for snow plowing & road salt.)**
 5. Monthly budget & balance sheet
 - Sylvia Jensen had discussion; how much of the funds was carried over from 2020?
 - Turner had discussion; there was a surplus in the road budget for around \$15,000 but it will be applied to the Town's match portion necessary for the next road grant. We have a road grant that will be coming to us for 2023 that got held off because of COVID-19 (lack of funding).
 6. Lister certificate of no appeals pending
 - Deborah Spaulding had discussion; this will be given to the Town Clerk to file with the Grand List.

-Motion by Spaulding to sign and accept certificate of no appeal or suit pending, 2nd by Zera-- All in favor.

7. Request for absentee mailings

- Turner had discussion; I thought the request was to mail out a ballot to everyone.
- Spaulding had discussion; it is, and the Town will be mailing ballots to each person.
- **Motion by Spaulding to mail out ballots to everybody on the voter checklist, 2nd by Zera-- All in favor.**

8. Engineer study

- Turner had discussion; this is regarding the study of the Town hall being renovated, replaced or moved to the school. I still think this study would be too premature as we have two years until a decision with the school can be made.
- Spaulding had discussion; I went back and looking through the minutes from December 4, 2019. Will the select board agree with the town hall committee to have an engineering assessment done on all three options- renovating the Town Hall, rebuilding the Town Hall or moving the Town Hall to the School. This will require spending money and there was no motion, second or a vote and I would say at this point because it's probably going to cost thousands of dollars, and need a hydrogeologist to study the ground that's there.
- **Motion by Spaulding to not hire an engineer and at least wait until after Town meeting and the Select Board can have another look at it if we need to, 2nd by Zera--All in favor.**
- Sylvia Jensen had discussion; can you offer discussion to Barbara Callahan, I'm not sure if her hand is up.
- Spaulding had discussion; we have a pretty comprehensive study (15 pages) done in 2008. Lyle also did a heat study.
- Sylvia Jensen had discussion; and another assessment was done in 2019.
- Barbara Callahan had discussion; Selby I know you said a decision is a way out, I think to me it would be proactive, there are grants to defray some of the cost and I think if we do it now, we can take our time on it and not need to rush and to do it right.
- Turner had discussion; I agree ultimately, we need to do it, but it is still premature. This board has made a decision that we are going to hold it off for right now, by then there may be a whole new board, and they may have a different solution. A month can even make a huge difference on material cost too. Suggested to Barbara to bring this up again in the fall possibly and see what the board thinks at that time.
- Barbara Callahan had discussion; I believe at the January 9, 2020 meeting there was a motion.
- Spaulding had discussion; she talking about 'Turner had been in contact with the only commercial engineer.'
- Sylvia Jensen had discussion; I believe she may be referring to December 2019 minutes.
(multiple people speaking, some of this conversation was difficult to hear)

9. Response to complaint of open meeting law

- Turner had discussion; this has been through VLCT and also the attorney general's office. The AG's advice to us as a Town could not find any basis for a violation.
- Spaulding had discussion; read response to complaint of alleged open meeting law violation. (See attached)
- **Motion by Spaulding to accept response to open meeting law complaint, 2nd by Turner-- All in favor.**
- Sylvia Jensen had discussion; Thank you.
- Turner had discussion; the Attorney General's office asked for a copy of this and I will forward it to her.

10. Road Commissioner's Report

- Turner had discussion; lots of salt and sand. We do have an issue with people plowing their driveways and leaving snow in the road, I think we actually have an ordinance for that. I am unsure how we can enforce it, but it is very dangerous.
- Lyle Andrews; that is a State Law. I can put this on the Constable's Facebook page.
- Sylvia Jensen had discussion; put it on Front Porch Forum.

11. Other business

- Sylvia Jensen had discussion; A question about the warning. Can you explain 'Article 2: Will the legal voters of the Town of Isle La Motte authorize the select board to move Town Offices to the school at no additional cost?' Can you explain what those costs are your referring to? Is this the operating cost or actual move?
- Spaulding had discussion; that's it, no additional cost to the Town. Operating costs are basically all being paid by CIUUSD as long as they own it.
- Sylvia Jensen had discussion; okay so one question; in your budget I see a couple of items-- One being the \$14,500 to be appropriated to the school. We didn't do it last year.
- Turner had discussion; there are a couple reasons this didn't happen last year. CIUUSD took over in the middle of the year more or less, and they did not submit an appropriation request. They wanted it, but it can't be given without a request. Also, the School was closed and I think it was just a serendipitous set of circumstances that they didn't get this. This is paid every year; this building needs to be ready as an emergency Shelter- During the ice storm hundreds of meals were served out of here.
- Sylvia Jensen had discussion; I need a better understanding. If March's vote on Article 2 is Yes-- are you anticipating using the \$4,500.00 budgeted for town hall in addition to the \$14,500.00?
- Spaulding had discussion; this discussion should actually be on February 27th at the informational meeting but I'm going to answer it. The only costs that will transferred from the Town Hall is Telephone, internet, fax, and garbage, but those are expenses that are going to be paid either way.

- Turner had discussion; If the Town voted down moving here on a temporary basis, the budget would stay the same. We would still be paying the \$14,500 to preserve the space, we would still have the expense at Town Hall.
- Spaulding had discussion; if you look at the warning it shows 2018 total budget of \$544,083.00. 2019 total budget is 531,731.00, so this year's budget is only \$4,000.00 more than last year even though that \$14,500.00 was missed last year but is in this year. If they had requested it last year it would have been put in the budget.
- Sylvia Jensen had discussion; you took no questions at the budget meeting where the budget was accepted. You have to take questions. What is the expected lease amount from CIUUSD for the rented office space rental?
- Turner had discussion; why are you saying no questions can be asked, they can. What you are asking is that you can ask questions and then make changes.
- Spaulding had discussion; there is no specific amount. CIUUSD wants somebody in here.
- Sylvia Jensen had discussion; so, your saying we can come in here for \$4500.00.
- Turner had discussion; No, \$14,500.00 is what we are going to pay whether we occupy this space or not.
- Spaulding had discussion; this \$14,500.00 has to be paid for community use of the building, Town meetings, special meeting, plus the emergency shelter.
- Turner had discussion; where do you suppose we would have our community use, our meetings or the emergency shelter?
- Sylvia Jensen had discussion; we can discuss that at the February 27th informational meeting. When is this voting by mail going to go out? Is it this week, next week? They will be voting by February 27th. Is that a correct assumption?
- Spaulding had discussion; I wouldn't make that assumption.
- Debbie Spaulding had discussion; right now, you have \$14,500.00 for the school and \$4500.00 for town hall operation. If we vote to move to the school, we are going to be saving by not having to use all of the \$4,500.00. If we vote to move down here, you're just going to basically moth ball the building.
- Turner had discussion; bottom line, if people don't like it they vote it down.
- Barbara Callahan had discussion; asking for clarification; on the \$14,500.00 that was not in the budget last year. The CIUUSD has requested that this year?
- Zera had discussion; Yes. They wanted it last year but they never sent in the request. This is something that has been paid for years.
- Barbara Callahan had discussion; a couple questions about the Town Report. Is Sarah now responsible for putting this together?
- Select board had discussion; Sarah has offered to do this.
- Barbara Callahan had discussion; are you aware that in last year's town report, the trustee of public funds report was incomplete? I've spoken with Sarah and Chet. A bank statement was included rather than a full accounting of these funds. I told Chet I would help him do this and Joyce said she would take a look at the report.

- Turner had discussion; I am not aware of this. The most important thing is to get that to Sarah to be included in the report.
 - Spaulding had discussion; Id like to make a correction on a statement. Someone said that CIUUSD had requested the \$14,500, they did not. The School quit often did not request this and the select board put it in there anyways so the town would have use of the school. We offered it this year before they sent the request. They probably would have requested it first, because they were upset last year when they were not going to receive it. (Town Clerk did receive CIUUSD's request.)
 - Sylvia Jensen had discussion; to continue on ton report. There has always been a planning commission report; the planning commission has not met for three years, so there will not be a report included this year.
- **Motion by Spaulding to adjourn meeting at 5:47PM, 2nd by Zera-- All in favor.**
- Respectfully submitted,
Sarah Noble, Select board Clerk

Select board approved on: _____

Paul Zera

Rustam Spaulding

Selby Turner

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
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OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
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February 2, 2021

Ms. Sylvia Jensen
4200 Main Road
Isle LaMotte, Vermont 05463

Sent email to sylvia.jensen@yahoo.com

RE: Open Meeting Law Complaint

Dear Ms. Jensen,

I received your complaint that actions taken by the Isle LaMotte Select Board "Board" violated Vermont's Open Meeting Law, "OML" 1 V.S.A. § 310, *et seq.* I reviewed your allegations, the materials you provided, and discussed the matter with counsel for the town and the Board Chair. While I understand the cause of your concern, I do not find that an enforcement action by the Attorney General's Office ("AGO") is warranted at this time, as described below.

You alleged that the Board:

1. Met without posting agendas, or otherwise complying with the OML on December 21st & 28th.
2. Discussed your request to Michael Clark, Superintendent of the Grand Isle Supervisory Union School District, to would allow you to show a closed school building to a commercial real estate owner for valuation purposes only and decided to send a letter to Mr. Clark reading your request.

With respect to the first complaint, I was informed by Mr. Turner, the Board Chair, that the meetings referenced in your first complaint, and one additional meeting in January, were considered "working sessions" to assemble the budget to be voted upon in open meeting. The Board had considered such meetings to be purely administrative functions, at which no money was appropriated, spent, or encumbered, in accordance with 1 V.S.A. § 312(g) and 1 V.S.A. § 310(3)(B). He stated that no actions were taken at the meetings.

It can be argued, however, that such meetings are not purely administrative and given the broad definition of a meeting in the OML, Mr. Turner agreed that such meetings would be open in the future. He further stated that the public would have an opportunity to comment on the budget materials assembled prior to the opportunity to vote on it.

With respect to the second complaint, Mr. Turner informed me that no meeting or discussion took place to discuss the letter to Mr. Clark. He admits that he wrote the letter in question, but if no meeting or discussion occurred with a quorum of the members, writing the letter did not violate the OML.

Based upon the results of my inquiry, I believe the first matter will be cured and the second was not a violation, therefore the AGO declines to bring an enforcement action at this time.

Please note that all citizens have the right to file an enforcement action under Vermont's Open Meeting law. For more information, you may wish to review the Vermont Secretary of State's guide to Vermont's Open Meeting law at: <https://www.sec.state.vt.us/media/786069/oml-rev-sept-2016.pdf> (see "How does a member of the public enforce the open meeting law?" page 13).

In addition, and to the extent you wish to speak with your own lawyer, the Vermont Bar Association offers a Lawyer Referral Service. Their attorneys provide an initial 30-minute consultation for no more than \$25. For more information about the Lawyer Referral Service, contact 1-800-639-7036 or visit:

<https://www.vtbar.org/FOR%20THE%20PUBLIC/Find%20a%20Lawyer/Lawyer%20Referral%20Service%20Information.aspx>.

Kind Regards.

Michelle Anderson

Michelle Anderson
Assistant Attorney General

**RESPONSE TO COMPLAINT OF ALLEGED OPEN MEETING
LAW VIOLATION**

The Isle La Motte Select Board met and reviewed the complaint of alleged Open Meeting Law Violation. Upon review of the complaint, the Isle La Motte Select Board has determined that there was an inadvertent violation of the Open Meeting Law regarding the warning of "Working Sessions". The Isle La Motte Select board intends to cure the violation by ~~hereby~~ adopting the policy of Warning all "Work Sessions" to prevent future violations of the Open Meeting Law.

Isle La Motte Select Board

Dated Feb 3 2021

Edy Tu. dui

Paul Zera

Paul Zera

