



To: The Hinesburg Selectboard
From: Trevor M. Lashua, Town Administrator
Date: August 3, 2016
Re: Open Meeting Law Complaint

An open meeting law complaint was received by the Town on August 1st. The complaint was filed by attorney James Dumont on behalf of five residents whom he also represents in the Public Service Board proceedings related to the Geprags Park-Vermont Gas matter.

The complaint alleges that a discussion on July 27th constituted an illegal meeting, and that the illegal meeting influenced the decisions of the Selectboard on July 28th.

Statute gives the Town 10 days to respond to a complaint alleging a violation of the open meeting law. The two main options in responding are:

- 1) Find that no violation exists and no remedy or “cure” is required.
- 2) Find that an inadvertent violation exists, and proceed with a remedy or a “cure.” An example of a “cure” for the inadvertent violation is a vote to ratify or void prior action of the Selectboard.

The complaint’s two main components are addressed below as clearly and directly as possible.

July 27th – The complaint alleges that a conversation between three individuals (Town Attorney Bud Allen, Will Dodge of Downs Rachlin Martin representing Vermont Gas, and the Town Administrator) was an illegal, post-adjourment meeting of the Vermont Gas-Geprags subcommittee. The Town Administrator is the only member of the subcommittee in the conversation, which was brief and non-substantive. The discussion between the three individuals did not include an offer of any kind, did not involve a public body, and had no impact on the duly warned meeting of the Selectboard occurring July 28th.

July 28th – The Selectboard met July 28th in a duly warned meeting. The agenda noted that the topic was an item of potential action. The version of the documents serving as the basis of the discussion and decision were made available more than five days prior to the meeting. All that occurred during the meeting occurred in open session, with the vote coming after nearly two hours of discussion and public comment. The meeting on July 28th followed five months of discussion and deliberation occurring during Selectboard and subcommittee meetings open to the public.

There is no violation of the open meeting law.

Recommended motion:

Consider a motion finding that no open meeting law violation has occurred and that no “cure” or other remedy is required.