

ALLEGATION OF OPEN MEETING LAW VIOLATIONS

June 6, 2022

To Whom It May Concern,

Prior to my appointment to the Weston Conservation Commission, it had been my intent to attend a commission meeting. I was unable to attend a meeting on January 6 due to illness, no agenda was posted for a meeting on February 3, and the agenda for March 3 – which was posted that morning – indicated the meeting would be held remotely, via Zoom, and included no information that would allow public participation.

I was appointed to the conservation commission at the selectboard's April 12 meeting. At the conservation commission's meeting on May 5, no quorum was present but during a conversation with co-chair Deborah Hennessey and members Don Hart and Loretta Murphy, I expressed concern over the Open Meeting Law, which I had requested to be included on the agenda. Deborah Hennessey indicated that she did not take a particularly strict stance on the Open Meeting Law.

I requested that the statutes regarding open meetings be included on the agenda for June 2 and at that meeting I distributed copies of Vermont's Open Meeting Law (1 V.S.A. §312) and Act 78, which temporarily allows remote-only meetings of public bodies. After pointing out numerous instances of conservation commission agendas that were not posted at all or were posted improperly, I brought up the fact that 11 of the meetings held by the commission via Zoom had no accommodation for public participation. I pointed specifically to the February meeting with no agenda and the agenda for March which included no way for public participation.

As I tried to make the case for the commission to address these issues before someone filed a formal complaint, I was repeatedly interrupted by co-chair Andrew Harper who said "You fucked up" over and over as he argued it was my fault I could not attend those meetings because I had made no effort to do so. Deborah Hennessey said I should have called someone if I wanted to attend.

The information on how to attend should have been included on the agendas and I insisted that the commission needed to deal with these violations by acknowledging them and at least adopting a policy to prevent future violations. The co-chairs disagreed, with Andrew Harper saying that the commission didn't need policies and that I didn't "live in reality" and was in "la-la land" if I expected the commission to follow every statute to the letter.

Don Hart pointed out that other boards in town follow statutes closely and Andrew Harper said that if I had problems or concerns about the way the conservation commission conducted itself I should put my concerns in writing and be specific.

This letter serves that purpose and is a written notice alleging violations of Vermont's Open Meeting Law.

SOME ALLEGED VIOLATIONS

June 4, 2020: No agenda posted. Held via Zoom with no public access.

July 2, 2020: No agenda posted. Held via Zoom with no public access.

October 1, 2020: "Details to follow" on agenda. Held via Zoom with no public access.

November 5, 2020: "Details to follow" on agenda. Held via Zoom with no public access.

December 3, 2020: Held via Zoom with no public access.
January 7, 2021: Held via Zoom with no public access.
February 4, 2021: No access information on agenda.
April 1, 2021: Held via Zoom with no public access.
May 6, 2021: Held via Zoom with no public access.
September 2, 2021: No agenda posted.
October 7, 2021: No agenda posted.
February 3, 2022: No agenda posted. Held via Zoom with no public access.
March 3, 2022: Agenda posted same day. "Details to follow" on agenda.

By law, the Weston Conservation Commission has 10 calendar days from receipt of this notice to respond publicly and either deny or acknowledge these violations. If the commission chooses to acknowledge, it has 14 calendar days from that acknowledgement to cure them.

I will consider these violations cured after the Weston Conservation Commission 1) holds a duly warned special meeting to acknowledge them, 2) ratifies or declares void any action taken at meetings not noticed in accordance with the law, 3) completes training regarding the requirements of the Open Meeting Law and 4) adopts internal procedures or policies to assist in future Open Meeting Law compliance.

Sincerely,



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