



Town of Montgomery - P.O. Box 356
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Minutes of the
SPECIAL MEETING OF THE
SELECTBOARD & WATER COMMISSION
Monday August 31st 2026
6:00pm
Town Office (86 Mountain Road)
View Recording:

https://www.youtube.com/playlist?list=PLrBf_FpjKbwcSJm_gBqfFSmPGaVWJXBB7

In attendance - Charlie Hancock, Chris Dixson-Boles, Dennis Himes, Daniel Khan (via zoom); Visitors – Cliff Loos, Anita Woodward, Larry Letourneau, Karie Quintin, Alissa Hardy, Pat Farmer, Carol Farmer, Sue Peters, Teresa Almy, Amy Godfrey, Doug Kopacz, Josh Howard, Will Cribbs (NWATV); via Zoom: Gabrielle Lumbra, Chris Johnson, Peter Locher

1. Review and make any changes to the agenda – no changes made
2. Review/approve minutes of the August 21st special meeting (*board action*) – motion to approve as written by Dennis; seconded by Mark; approved 5-0
3. Review and analysis of latest Complaint(s) received concerning violation(s) of State of Vermont Open Meeting Law and Municipal Conflict of Interest Policy (*discussion/board action*)
 - a. Chris reviewed report of complaint(s) from Josh Howard
 - i. Mark moved that after reviewing the facts and applying the law as described in the report that the Selectboard find that no violation occurred and the no cure is necessary. Seconded by Dennis; passed 4-0-1 (Charlie abstaining)
 - b. Chris reviewed report of complaint(s) from Karie Quintin
 - i. Mark moved that after reviewing the facts and applying the law as described in the report the Selectboard find that no violation occurred and the no cure is necessary. Seconded by Dennis; passed 4-0-1 (Charlie abstaining)
4. Board Process on Receiving Written Comments/Communications (*discussion/board action*)
 - a. Charlie expressed a desire that the board develop a process/policy for how to handle written comments/communications received by the board w/ an expressed desire (from the individual submitting them) that they be included in the minutes of a Selectboard meeting. The volume and timing of the communications received, as well as the content of some comments (including profanity) warrants a clear process for addressing this. Charlie reminded the board that under 1 VSA 312, the minutes need only include 1) those present, 2) all motions, proposals, resolutions made, and 3) the result of any votes. The

minutes exist to record the selectboard's business, not as a forum for public discussion. Discussion ensued. The item was tabled to a future meeting.

5. NWFX Lease Agreement (*discussion/board action*)

- a. Charlie review the amended lease agreement feedback and changes based on the Board's initial comments/questions regarding the first draft supplied by NWFX. Discussion ensued.
- b. Mark made a motion to accept the lease agreement with an amendment to article 3 indicating that service be provided at a municipal property of the Town's choosing (rather than strictly designating the PSB); seconded by Chris; approved 4-0-1 (Dennis abstaining)

6. Bridge Rental Agreement w/ Town of Georgia (*discussion*)

- a. The Town of Georgia needs a temporary bridge for a timber sale they are looking to conduct on their Town Forest. Montgomery has a bridge which is in storage. Charlie is asking the Town in his capacity as County Forester whether the Town would loan or rent the bridge to the Town of Georgia. Discussion ensued. Charlie will bring back a written lease agreement for further review.

7. Town Hall Committee Charter (*discussion/board action*)

- a. A request was made by the Committee to amend board composition from 7 members to 5 members.
- b. Motion to amend charter from a 7 member committee to a 5 member committee from Mark; seconded by Chris; approved 5-0

8. Public Comment – public comment was received, *see video recording*.

9. Open Mail / Sign Orders / Administrative Matters

10. Review Action Items for Board Members

11. Adjourn - Motion to adjourn made by Mark; seconded by Dennis; approved 5-0; meeting adjourned at 7:28pm

Response to 08/23/2026 written complaint from Josh Howard

Allegation 1: Pursuant to Vermont's Open Meeting Law (1 V.S.A. § 312), meeting minutes must serve as a true indication of all public business, including a record of official documents received and any material public access disruptions.

Facts:

Josh's document, "FORMAL STATEMENT OF EVIDENCE REGARDING ATTORNEY BIAS" was included in the 8/21 Selectboard minutes.

Relevant Law:

1 VSA § 312 (b)(1) requires that "Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) all members of the public body present;

(B) all other active participants in the meeting;

(C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) the results of any votes, with a record of the individual vote of each member if a roll call is taken."

Analysis:

1 VSA § 312 sets a minimum standard of requirements for what must be included in meeting minutes. This standard does not include a list of documents received, and it does not require written comments submitted by the public to be included in the minutes in their entirety. The standard also does not specifically include public access disruptions.

In this instance, the referenced document was included in the 8/21 Selectboard minutes (8/21 Selectboard minutes, pages 13-15).

Recommendation:

No violation occurred.

Allegation 2: “The town's interactive public Zoom link failed to function, completely blocking **remote citizen participation**.”

This represents the second meeting where this specific technological failure has occurred. The Selectboard has long-standing, firsthand knowledge of this systemic defect, as members of the Selectboard personally tried to open the broken link a few weeks ago, live during a public meeting. Because the Board possessed clear advance notice that remote public access was non-functional and failed to correct it, proceeding with official board deliberations constitutes a distinct and actionable Open Meeting Law violation.”

Facts:

In the 7/20 Selectboard meeting, Josh commented that the Zoom link was not working. (7/20 Selectboard meeting recording, starting at 9:07). Several people in the room tried the link, and the consensus seemed to be that the link was not clickable on some phones, but copy/pasting the link worked.

The meeting Agenda for the 8/21 Selectboard meeting included a Zoom link, as well as the Zoom Meeting ID and Passcode.

Three members of the public (John Chamberlin, Alissa Hardy, and Brent Godin) participated in the 8/21 meeting via Zoom. They were offered an opportunity to make a public comment (see meeting recording, starting at 1:24:28). All three participants responded when their names were called, mostly stating that they did not have any comments to add.

At 5:01 PM on 8/21, a community member posted on the “Montgomery, Vermont Area Community Forum” Facebook group, encouraging people to join the Selectboard meeting via Zoom. The post included an incorrect link to the Zoom meeting.

Relevant Law:

1 VSA § 312 (a)(3) requires state-level public bodies to hold all special and regular meetings in a hybrid fashion. This requirement does not apply to local bodies, such as the Montgomery Selectboard. (1 VSA § 312 (a)(3)(C)). Local public bodies are required to provide electronic access to a meeting, if they receive a written request for access. 1 VSA § 312 (j)

The Vermont Secretary of State provides an Open Meeting Training Video (<https://sos.vermont.gov/municipal-division/open-meetings>), that provides more information about these requirements. The discussion of hybrid meetings starts around 15:11 into the video.

Analysis: The Selectboard is not required by 1 VSA § 312 to hold meetings in a hybrid format, unless a written request for electronic access to that specific meeting has been received. No such request was received for the 8/21/2026 meeting. Nevertheless, the 8/21 Selectboard meeting was held as a hybrid meeting. Three members of the public participated in the meeting remotely, via Zoom.

Many factors can cause someone to have trouble connecting to a Zoom meeting. These factors can include internet connection issues, problems with the Zoom app, or user error. The Selectboard has no control over any of these factors.

In the 7/20 meeting, Josh reported difficulty clicking on the Zoom link. Several people in the room tried the link, and the consensus seemed to be that the link was not clickable on some phones, but copy/pasting the link worked. The URL for the Zoom link is generated by Zoom.

Zoom support provides some troubleshooting steps, which include manually entering the Meeting ID and Passcode:

https://support.zoom.com/hc/en/article?id=zm_kb&sysparm_article=KB0068749

The “Montgomery, Vermont Area Community Forum” Facebook post that contained an incorrect link may have also contributed to some members of the public having trouble connecting to the 8/21 Zoom meeting. The Selectboard has no control over the Facebook group, or the account that posted the incorrect link.

Recommendation: No violation occurred.

Response to 08/21/2026 written complaint from Karie Quintin

Allegation 1: Charlie's 3/31/25 email violated Open Meeting Law (1 VSA § 312)

Facts and Relevant Law:

See "Report on Investigation into Ethics and OML Complaints", Issue #1 (8/21/26 Selectboard minutes, pages 3-4)

Analysis:

This issue has already been addressed. See "Report on Investigation into Ethics and OML Complaints", Issue #1 (8/21/26 Selectboard minutes, pages 3-4).

Emails can constitute a "meeting" under 1 VSA § 312, but in this case, Charlie's email does not meet the definition of a "meeting" because it did not discuss business of the Selectboard.

Recommendation:

No violation occurred.

Allegation 2: Charlie's 3/31/25 email violated the Public Records Act (1 VSA § 316)

Facts:

Charlie's 3/31/25 email was released in response to a 7/27/26 public records request from Karie Quintin. The email is attached to the minutes of the 8/3/26 Montgomery Selectboard meeting, and includes the list of BCC recipients.

Relevant Law:

1 VSA § 316 lays out the process by which a member of the public may inspect or copy any public record.

Analysis:

The BCC function is commonly used when sending a mass email, in order to avoid sharing the email address of each recipient with all of the other recipients. The email was released in response to a public records request on 7/27/2026. The response to the public records request included the list of BCC recipients.

Recommendation:

No violation occurred.

Allegation 3: Charlie's 3/31/25 email constituted Abuse of Town Resources and Impermissible Electioneering

Facts:

The email was sent from montgomeryselectboard.charlie@gmail.com, a free gmail account created by Charlie. The email did not use any non-public or confidential town information. No town resources were used to send the email.

Relevant Law:

Vermont Municipal Code of Ethics (24 VSA § 1993)

(c) Misuse of position. A municipal officer shall not use the officer's official position for the personal or financial gain of the officer, a member of the officer's immediate family or household, or the officer's business associate.

(d) Misuse of information. A municipal officer shall not use nonpublic or confidential information acquired during the course of official business for personal or financial gain of the officer or for the personal or financial gain of a member of the officer's immediate family or household or of an officer's business associate.

(e) Misuse of government resources. A municipal officer shall not make use of a town's, city's, or village's materials, funds, property, personnel, facilities, or equipment, or permit another person to do so, for any purpose other than for official business unless the use is expressly permitted or required by State law; ordinance; or a written agency, departmental, or institutional policy or rule. An officer shall not engage in or direct another person to engage in work other than the performance of official duties during working hours, except as permitted or required by law or a written agency, departmental, or institutional policy or rule.

Analysis:

A common thread running through the recent complaints seems to be the misconception that Selectboard members must remain neutral/impartial on public policy questions, and that it is somehow improper for them to advocate for a policy position.

This is not the case. Selectboard members are elected officials, and it is entirely acceptable for them to hold and advocate for policy positions. See "Report on Investigation into Ethics and OML Complaints", Issue #2 (8/21/26 Selectboard minutes, pages 4-6).

The 2022 article "Ask MAC: Do Selectpersons have to be Impartial", by VLCT Municipal Assistance Center Attorney Garret Baxter, also explains this common misconception:

"Do Selectpersons Have to be Impartial?"

Not always – it depends on the context. Like all other elected officials at the local, state, or federal level, selectpersons are first and foremost politicians. Politicking involves finding common ground where it exists; engaging in horse trading; advocating for or against people, projects, and positions; and sometimes taking sides.

There's a widespread misconception in local government that a selectboard must be impartial in all matters that come before it. This is simply not the case.

Context is key. Many people run for office because of something they want to accomplish or because of a particular issue that sparked their spirit of civic engagement. Publicly taking a position on an issue will generally not disqualify a selectperson from participating in a legislative (rulemaking) or executive (administrative) context so long as some unique benefit is not conferred upon them that is not afforded the rest of the general public. Bias – a preference or inclination that inhibits impartial judgment – typically only becomes a disqualifying factor when a selectperson acts in a quasi-judicial context (i.e., when it is acting like a court). Examples of when a selectboard serves in this role include when it's hearing a dog bite complaint or when it's sitting in judgment of a tax appeal as a member of the board of civil authority (BCA). “

<https://www.vlct.org/article/ask-mac-do-selectpersons-have-be-impartial>

The email did not use any nonpublic or confidential town information. Therefore, there was no violation of 24 VSA § 1993 (d). It did not use any town resources, therefore there was no violation of 24 VSA § 1993 (e). The email provided no personal or financial benefit for Charlie, therefore there was no violation of 24 VSA § 1993 (c).

Recommendation:

No violation occurred.

Allegation 4: The August 17 meeting violated 1 VSA § 312 which states the public must be able to hear the conduct of the meeting and be heard throughout.

Facts:

The audience microphones were not working during part of the August 17 Special Town Meeting.

Law:

Vermont Open Meeting Law (1 VSA § 310 (5)) Defines the term “Meeting”. (5)(E) explicitly excludes Special Town Meetings: “Meeting” does not mean a gathering of the voters of a municipality for purposes of conducting an annual or special municipal meeting.

1 VSA § 312 (a)(C)(2)(ii) says “Each member who attends a meeting without being physically present at a designated meeting location shall: (ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

Analysis:

Vermont Open Meeting law explicitly excludes Town meetings and Special Town Meetings from the law. Therefore, 1 VSA § 312 does not apply to the August 17 Special Town Meeting.

The cited section of 1 VSA § 312 (be able to hear the conduct of the meeting and be heard throughout the meeting [1 VSA § 312 (a)(C)(2)(ii)]) applies to meetings where a member of the body is attending remotely. Even if 1 VSA § 312 did apply to the Special Town Meeting, Town Meetings do not allow remote participation, so this section would not apply.

Recommendation:

No Open Meeting Law violation occurred.

Allegation 5: The August 17 Special Town Meeting should be invalidated based on Charlie's conflict of interest, his failure to abstain, and failure to provide a legally audible forum. Charlie must "abstain from participating in or presiding over any and all citizen petitions or special meetings in the future."

Facts:

On 06/15/2026, the Selectboard adopted the Short Term Rental Ordinance. On 07/06/2026, the Selectboard received a petition seeking a special meeting to disapprove the ordinance.

On 07/13/2026, the Selectboard warned the August 17 Special Meeting, to act on the following article of business: "Shall the town of Montgomery disapprove the Short-Term Rental Ordinance adopted by the Selectboard on June 15th, 2026, thereby rendering said ordinance null, void, and of no legal effect? (via petition) 24 V.S.A. § 1973"

The Special Town Meeting was held on 8/17, and was presided over by Jacob Racusin, the moderator elected by the town. The audience microphones were not working during the first part of the meeting. The moderator encouraged everyone to speak loudly, or come to the front of the room and use the moderator's microphone if needed, and offered to repeat questions or comments, as needed so that everyone could hear. The microphone issue was fixed during the meeting.

Relevant Law:

17 VSA §§ 2640-2667 regulates the conduct of Town Meetings. 17 VSA § 2641 requires that a town meeting be warned "not less than 30 nor more than 40 days before the meeting".

17 VSA § 2666 requires that "Neither the warning, the notice, the official voter information cards, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on."

17 VSA § 2667 requires that "The legislative body of the municipality shall take reasonable measures to ensure that voters who are elders or have a disability may conveniently attend annual or special meetings; provided, however, that such measures need not be taken if doing so would impose undue hardship on the town. Measures may include location of meetings on the ground floor of buildings or providing ramps or other devices for access to meetings."

24 VSA § 1973 allows voters to petition to "disapprove" an ordinance by submitting a petition signed by at least 5% of the voters, within 44 days of the adoption of the ordinance. 24 VSA § 1973 then requires the Selectboard to "call a special meeting within 60 days from the date of receipt of the petition"

Analysis:

The Selectboard received a petition calling for a vote to disapprove the Short Term Rental Ordinance. The Selectboard warned the meeting, as required by 17 VSA § 2641. The warned article did not contain any opinion or comment, so there was no violation of 17 VSA § 2666.

This is the only action the Selectboard takes with respect to a petition. The question then goes to the voters of the town at the Special Town Meeting.

17 VSA § 2667 requires “reasonable measures to ensure that voters who are elders or have a disability may conveniently attend” unless doing so causes undue hardship. The Town Hall where the Special Meeting was held has ramps, and an elevator to ensure wheelchair-accessibility. There is no specific requirement that microphones be provided.

The audience microphones were not working at the beginning of the meeting. The moderator made reasonable efforts to ensure that everyone could hear the proceedings. He encouraged everyone to speak loudly, or come to the front of the room and use the moderator’s microphone if needed, and offered to repeat questions or comments, as needed so that everyone could hear.

The complaint claims that Charlie has a conflict of interest, but does not identify a specific conflict. This Conflict of Interest claim has already been addressed in “Report on Investigation into Ethics and OML Complaints”, Issue #2 (8/21/26 Selectboard minutes, pages 4-6).

Charlie’s affiliations with VLCT, Vermont Land Trust, Working Lands Enterprise Board, etc. do not create a conflict – not because “these are reputable organizations whose missions benefit Vermont communities” – but because none of these organizations have any stake in the outcome of Montgomery’s Wastewater project or Short Term Rental ordinance.

A conflict of interest does not exist in a vacuum. It must be tied to a particular issue. In order for one of Charlie’s affiliations to cause a conflict on a particular issue, there would need to be evidence that Charlie, through his affiliation with the organization, stands to gain (or lose) something based on the outcome of a selectboard decision. The complaint doesn’t identify which organization is involved, or what interest that organization might have in the wastewater or STR issues.

The complaint also claims that Charlie was not “impartial”. There is no requirement that Selectboard members be “impartial” on questions of public policy.

The job of the Selectboard is to “supervise the affairs of the town” (24 V.S.A. § 872). When a proposal, such as the Wastewater project, or STR ordinance, comes before the Selectboard, each Selectboard member studies the issue, asks questions, listens to public comment on the issue, and discusses the issue with other members in open meetings. Each member forms their own opinion as to whether they are in favor, or opposed to the measure at issue. Having an opinion on a public policy issue is not evidence of a conflict.

In many cases, as in the case of the STR ordinance, petitions are brought for the purpose of reversing or undoing an action taken by the Selectboard. Therefore, it should not be surprising for a Selectboard member to be opposed to an article that is brought by petition. The fact that a Selectboard member disagrees with the petitioner’s policy position does not indicate that there must be some hidden conflict of interest.

At the town meeting, voters ask questions, share their opinions, and hear perspectives from both sides of the issue, and the voters make a decision.

There is no requirement that Selectboard members remain silent during this process. As the elected representatives of the voters, it is entirely appropriate for Selectboard members to explain the Selectboard's actions, and the reasoning behind them, to the voters.

The special town meeting is not a selectboard meeting. It is a meeting of the voters of the Town of Montgomery. Charlie did not "preside over" the meeting. The presiding officer of the meeting was Jacob Racusin, the Moderator elected by the town. Charlie's actions during the special town meeting included participating in floor debate when recognized by the moderator, and voting. These are actions that are available to every voter at the meeting.

Recommendation:

The petition to disapprove the Short Term Rental Ordinance was handled properly by the Selectboard. There is no cause to invalidate the result of the August 17 Special Town Meeting. Charlie has no obligation to abstain from future special meetings or Selectboard action on voter petitions.