



Town of Montgomery - P.O. Box 356
Montgomery Center, VT 05471
802-326-4719
www.montgomeryvt.us

Minutes of the
SPECIAL MEETING OF THE
SELECTBOARD & WATER COMMISSION
Friday August 21st 2026
5pm
Town Office (86 Mountain Road)
View Recording:
<https://us02web.zoom.us/j/67b9U8r>
Passcode: &67b9U8r

In attendance: Chris Johnson, Laurie Ellis, Cliff Loos, Karie Quintin, Tosca Smith, Tereasa Almy, Larry Letourneau, Anita Woodward, Lynn Locher, Peter Locher; via zoom: John Chamberlin, Alissa Hardy, Brent Godin

Meeting called to order at 6:35pm

1. Review and make any changes to the agenda – no changes made
2. Review/approve minutes of the August 17th regular meeting
 - a. Motion to approve as written by Chris, second Dennis; 5-0
3. Review and analysis of Complaint(s) received concerning violation(s) of State of Vermont Open Meeting Law and Municipal Conflict of Interest Policy (*discussion/board action*)
 - a. Chris provided background on the process and reviewed the complaints being addressed. Chris reviewed the report prepared (*see attached for full report*) and read the report regarding the open meeting complaint into the record.
 - i. Mark made a motion that the selectboard find that no violation occurred and that no cure is necessary, and that a copy of the report be attached to the minutes of this meeting; seconded by Dennis; 4-0-1 (Charlie abstaining)
 - b. Chris then moved onto the Conflict of Interest Complaints, reviewed complaints and responses to demands for disclosure and recusal, reviewing report and recommendations (*see attached*).
 - i. Daniel moved to accept the recommendation regarding issue #2 in the report; seconded by Mark; 4-0-1 (Charlie abstaining)
 - ii. Mark moved to accept the recommendation regarding issue #3 in the report; seconded by Dennis; 4-0-1 (Charlie abstaining)
 - iii. Mark moved to accept the recommendation regarding issue #4; seconded by Chris; 3-0-2 (Charlie and Daniel abstaining)

- iv. Mark moved to accept the recommendation regarding the addendum; seconded by Chris; 4-0-1 (Charlie abstaining)
 - c. Daniel read an additional response to the conflict of interest matter and his prior recusal, and requested that it be recorded in the minutes of the meeting (*see attached*).
- 4. Public Comment – public comment was held. See recording. Additional written complaints were received from Josh Howard and Karie Qunitin.
- 5. Adjourn
 - a. Motion to adjourn made by Dennis; seconded by Mark; approved 5-0
 - b. 6:35pm

GERALD R. TARRANT
RONALD A. SHEMS
NICHOLAS A.E. LOW
K. HEATHER DEVINE
MICHAEL R. LUCEY

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MICHAEL J. TARRANT II
DAVID K. MEARS
SARAH E. BUXTON
STEPHEN F. COTEUS, *of counsel*

TO: Town of Montgomery Selectboard
FROM: Sarah Buxton, Counsel for the Town of Montgomery
RE: Report on Investigation into Ethics and OML Complaints
DATE: August 20, 2026 – **WITH ADDENDUM ADDED August 21, 2026**

**** PRIVILEGED AND CONFIDENTIAL – ATTORNEY-CLIENT COMMUNICATION ****

The Selectboard received written complaints from Clifford Loos, Josh Howard, and Karie Quintin at its August 3, 2026 meeting and on August 14, 2026. The complaints allege various ethics violations and an Open Meeting Law violation, citing state law and local policies. The Selectboard asked me to review and investigate the complaints and prepare proposed findings and recommended actions for its consideration. I have completed that review and provide my analysis, findings, and recommendations below.

Issue #1: Open Meeting Law Complaint

Allegation (From Karie Quintin): Chair Charlie Hancock allegedly violated the Open Meeting Law by emailing dozens of voters and a quorum of the Selectboard, urging them to vote a certain way at an upcoming special town meeting.

Facts: Mr. Hancock sent an email from montgomerySelectboard.charlie@gmail.com to dozens of voters, including town officials and a majority of Selectboard members, reminding recipients to attend the April 1 special town meeting and vote NO on both articles. He explained why he believed a no vote was warranted and asked recipients to encourage others to attend and vote. Although the email was sent to a discrete group, the email was later posted publicly with the August 3, 2026 Selectboard meeting minutes.

Law: The OML declares that all meetings of a public body are open to the public at all times. 1 VSA § 312. The legislature defined 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 VSA § 312. It also defines “business of the public body” as “the public body’s governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power.” 1 V.S.A. § 310(2). It exempts annual or special municipal meetings from the OML, declaring them not to be public bodies to which the law applies. 1 V.S.A. § 310(6)(B).

Analysis: First, we must determine if the email was a meeting under the OML, considering its format, participants, and purpose. As an initial matter, the use of email, rather than an in-person gathering, does

not exclude the applicability of the Open Meeting Law. See 1 V.S.A. § 310(5)(B). We also find that a majority of Selectboard members were included as recipients of the email.

We then assess whether the purpose was to “discuss” or act on “the public body’s governmental functions.” The email’s stated purpose was to: (1) remind recipients to participate in the upcoming special town meeting; (2) explain Mr. Hancock’s view of the consequences of each article; and (3) ask recipients to encourage others to attend and vote. There is no evidence that a discussion between the Selectboard members followed. But even if it had, the email addressed matters related to the governmental function of the *Town electorate*, not the Selectboard. It is the electorate which had sole authority to act on the public questions at issue. Both questions were brought by petition and could only be decided by voters. Thus, the email did not discuss or seek action on Selectboard business; it addressed business to be decided by voters at a special municipal meeting. Therefore, the email did not constitute a “meeting of a public body” under the OML.

Recommendation: After reviewing the facts and applying the law as described here, the Selectboard may make a finding that no violation occurred, and no cure is necessary.

Issue #2 (Karie Quintin): Conflict-of-Interest Allegations Against Charlie Hancock; Demands for Disclosure and Recusal

Allegations. Ms. Quintin asks whether Mr. Hancock’s email of March 31, 2025 violated the Town’s Conflict of Interest policy because he advocated for a position in the email. She further alleges that Mr. Hancock has a conflict of interest, or an appearance of a conflict of interest, and must recuse from official action concerning the Short-Term Rental (“STR”) citizen petition and from future action on the municipal wastewater and streetscape projects.

Facts. See Facts section in #1 (above) for description of the March 31, 2025 email. Mr. Hancock has publicly supported the wastewater and streetscape projects and has continued to participate in Town matters concerning those projects. In 2024, the Vermont Council on Rural Development awarded Mr. Hancock the *Community Leadership Award*, recognizing his work on the village streetscape and municipal wastewater systems. Mr. Hancock’s past and present civic and organizational affiliations are numerous and include, or have included, the Vermont Land Trust, Working Lands Enterprise Board, Vermont Natural Resource Council, Vermont Climate Council, Vermont Council on Rural Development, Vermont League of Cities and Towns, Northern Borders Regional Commission, and Vermont Community Foundation, to name a few. The facts do not reveal that any organization or person affiliated with Mr. Hancock has a personal or pecuniary interest in the wastewater or streetscapes project, or in short-term rentals in the Town of Montgomery.

Applicable Law. The statewide Municipal Code of Ethics is now the controlling standard. As of January 1, 2025, state law superseded local ethics policies, but municipalities may retain supplemental policies that do not conflict with state law. The Town’s 2018 Conflict of Interest Policy remains in effect only to the extent it does not conflict with current statute.

Under 24 V.S.A. § 1991(5), a conflict of interest is a “direct or indirect interest or such an interest, known to the officer, of a member of the officer’s immediate family or household, or of a business associate, in the outcome of a particular matter pending before the officer or the officer’s public body, or that is in conflict with the proper discharge of the officer’s duties. “Conflict of interest” does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter.” The Town policy similarly defines a conflict as a personal or pecuniary interest in the outcome of a matter before the public body and excludes an interest no greater than that of persons generally affected.

If an actual conflict or a legally sufficient appearance of one exists, the officer must immediately recuse from the matter, take no further action or influence the decision, and make a public statement explaining the recusal. The statute provides some exceptions to this requirement that are not relevant to the facts or circumstances in the matter at hand.

Montgomery’s Conflict of Interest Policy includes a Code of Conduct (Section IV(A)), which is set out separately from its more proscriptive requirements regarding conflicts of interest (Sections IV(A)-IV(E)). There is no enforcement mechanism for the Code of Conduct, likely out of recognition that the Selectboard’s power to regulate the conduct of another duly elected officer is quite limited. As stated previously, the Conflict of Interest provisions are lawful and enforceable only to the extent they are not superseded by the state Code.

In Section IV(A), the municipal Code of Conduct states, in relevant part, that “to the best of their ability, all elected and appointed office holders will: ... 8. Retain independent judgment and refuse to surrender that judgment to individuals or special interest groups. ... 11. Represent the entire community. ... and 13. Refrain from using board membership for political, personal, or business profit or advancement.”

Analysis. Under state law, a conflict of interest depends on whether the official or a family member of the official gains a specific benefit as a result of the official's municipal act. A conflict is not established merely because an official has expressed a policy view, supported a municipal project, received public recognition for past civic work, or belongs to an organization whose mission is in some general way related to local government or community development. This interpretation brings about an impractical, unworkable, and undesirable result that would conflict with Vermont’s long-standing tradition of civic engagement, participation, and service.

A conflict inquiry asks whether the official has a specific interest that could compete with their duty to act in the interests of the municipality. Common examples include a personal or family financial interest, a contract or employment relationship, an ownership interest, a business-associate interest, or another concrete benefit or burden not shared by the public generally.

The same is true for an appearance of conflict. Vermont does not use a standard based on the subjective concern of a single observer or on the existence of political disagreement. The statute asks whether a reasonable individual with knowledge of the relevant facts would perceive a conflict. That objective standard protects public trust without treating ordinary participation in civic and policy debates as disqualifying. It also ensures that recusal remains tied to a particular matter and concrete facts, rather than functioning as a general sanction for prior advocacy, criticism, or disagreement with a public official’s views.

The allegations do not show an actual conflict under 24 V.S.A. § 1991(5) or Town Policy. There is no evidence of a direct or indirect interest for Mr. Hancock, his family, or associates in the outcome. No personal benefit, contract, property interest, or other concrete gain from the STR petition or the wastewater and streetscape projects is shown. The fact that Mr. Hancock previously advocated for a public infrastructure project reflects a policy position, which is entirely appropriate for a member of a legislative body to hold.

Mr. Hancock's award for prior civic work does not create a conflict, as it does not provide a current or future financial benefit or other particularized interest. Similarly, Mr. Hancock's organizational affiliations do not establish a conflict without evidence of a concrete interest in the outcome. Mr. Hancock's past and present roles do not, by themselves, create a conflict.

These facts also do not create an objectively reasonable appearance of conflict. Claims that gaining recognition for public service or taking on leadership roles to enhance one's reputation or political standing do not show personal or financial gain. They are too general and speculative to constitute a conflict under 24 V.S.A. § 1992.

The Town's Conflict of Interest Policy does not change this conclusion. Section IV(A) directs officeholders to represent the entire community and to retain independent judgment, rather than yield that judgment to individuals or special-interest groups. There is no evidence that Mr. Hancock surrendered his judgment, held an interest distinct from the Town's interest, or acted contrary to what he believed served the community as a whole. Section IV(A)(13) also prohibits using board membership for political, personal, or business profit or advancement. Here, however, no specific profit or advancement has been identified beyond the general claim that Mr. Hancock's public role may enhance his reputation.

Recommendation. No conflict of interest, appearance of conflict, or obligation to disclose or recuse has been substantiated. The evidence does not show a direct or indirect interest by Mr. Hancock or an associate in the outcome. The concerns raised relate to advocacy, policy positions, or civic involvement – they are not concrete competing interests under the law or Town policy.

Issue #3 (Clifford Loos): Objection to use of legal services funded by the town to advise town officials on conflict-of-interest matters.
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Allegation. Mr. Loos claims that it is unlawful for Selectboard members to use municipally funded legal services for counsel and advice on conflict-of-interest matters specific to their situation.

Applicable Law. Under 24 V.S.A. § 1993, a municipal officer is prohibited from “making 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.”

Rule 1.13 of the Vermont Rules of Professional Conduct (“Vt. R. Prof. Cond.”), applicable to licensed attorneys, states that lawyers representing an organization represent the organization through its duly authorized constituents. Vt. R. Prof. Cond. Rule 1.13(a). Comment [1] of the rule clarifies that “An organizational client ... cannot act except through its officers, directors, employees, shareholders and other constituents.”

Analysis. A municipal officer may use town-funded legal counsel for conflict-of-interest advice when the issue arises from the officer’s official duties. The Municipal Code of Ethics applies to municipal officers in their official capacity, not to private citizens. Public officials may—and should—consult Town counsel on ethics issues to help ensure compliance with the law. Section 1993 would prohibit using town-funded legal counsel for personal matters, such as a private dispute with a neighbor or a family issue.

Town officials who seek legal advice about complying with the Municipal Code of Ethics do so in their official capacity, because the Code does not govern their private conduct. Ensuring that municipal officers understand and comply with the Code serves the Town’s interests.

Rule 1.13 of the Vermont Rules of Professional Conduct simply recognizes that an attorney representing the Town acts through the Town’s authorized officers – its Selectboard members –acting in their official roles.

Recommendation. No violation of law or rule has occurred. Town officers are encouraged to seek counsel when needed to remain in compliance with the Vermont Municipal Code of Ethics.

Issue #4 (Josh Howard): Demand for recusal of Charlie Hancock and Daniel Khan; Notice of Defect; Conflict of Interest Charge.
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Allegations:

A. Mr. Howard alleges that Mr. Hancock violated the Town’s Conflict of Interest policy by advocating for the wastewater project in the March 31, 2025 email and is thus disqualified from voting on the project.

B. Mr. Howard alleges that Mr. Khan may not participate in decisions regarding the wastewater project because he and a close family member own properties that would be directly impacted by the project and would benefit from the project.

C. Mr. Howard alleges that the Board lacks the power to adopt changes to the Conflict of Interest Policy because it failed to adhere to state law regarding ordinance adoption.

D. Mr. Howard alleges that Mr. Hancock violated the Town’s Conflict of Interest Policy by erroneously omitting details from meeting minutes and subsequently altering the minutes, and bypassing a legal publication timeline.

Facts.

A. See Facts in Issue #1.

B. Mr. Khan’s mother owns two businesses that would be served by and would benefit from the municipal wastewater system. Mr. Khan owns a home that would be served by and would benefit from the municipal wastewater system. The minutes of the August 3, 2026 reflect that Mr. Khan “stated that he does not believe he has a conflict of interest re: either the wastewater project or STR Ordinance, however he will temporarily recuse himself from both topics until such a time when he can receive guidance from an attorney.”

C. Item 6(c) of the August 3, 2026 Agenda listed “Municipal Conflict of Interest Policy Review and proposes Amendments (Discussion, potential board action). The Agenda also contained draft changes to the policy. The minutes of August 3, 2026 reflect that the Board took no action on the agenda item.

D. The facts alleged are not substantiated in the record. The analysis considers the facts presented as true, for the purpose of making a finding and recommendation.

Applicable Law.

A. See applicable law in #2.

B. See applicable law in #2.

C. 24 V.S.A. § 1972(a)(1) states that “[t]he legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.” An additional procedure is also required but not noted here.

D. 1 V.S.A. § 312 (b)(1) states that “[m]inutes 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.”

See also the law described in C. of this section and Issue #2 above.

Analysis.

A. As noted in Issue #2, the allegations do not show an actual conflict under 24 V.S.A. § 1991(5) or Town Policy. There is no evidence of a direct or indirect interest for Mr. Hancock, his family, or associates in the outcome. No personal benefit, contract, property interest, or other concrete gain from the STR petition or the wastewater and streetscape projects is shown. The fact that Mr. Hancock previously advocated for a public infrastructure project reflects a policy position, which is entirely appropriate for a member of a legislative body to hold.

B. Under 24 V.S.A. § 1991(5), a conflict of interest “does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter.” The analysis to follow in this scenario is whether the benefit or loss exceeds that of a person in a similar position. For Mr. Khan, the question is whether he would stand to gain more than a similarly situated property owner served by the wastewater system. Similarly, Mr. Khan’s mother should be compared to other business owners. The benefit analysis is limited to what the system provides (e.g., capacity, cost, dependability, function, etc.) and not the additional value that the owner may derive if they choose to make further improvements. There is no evidence that Mr. Khan or his family would benefit any more from the wastewater system than any other situated person. Therefore, no conflict or appearance of conflict exists.

C. Mr. Howard complains that changes to the Town’s Conflict of Interest Policy must follow the procedural requirements outlined in 24 V.S.A. Chapter 59. The procedural requirements called for only apply to ordinances and certain types of rules. They do not apply to policies adopted by a town. Only the standard notice procedures outlined in the Open Meeting Law apply. Therefore, no violation occurred.

D. As stated in C. previously, no publication deadline applies to changes to municipal policy.

As to the alteration of minutes and completeness of minutes, the contents of the minutes are left to the discretion of the body. If the body did not take action on an event or occurrence, it is up to the body whether it wants to include it. Even if the Chair or someone else altered the minutes, which is often done before approval, during approval, and even sometimes after the minutes have been approved, they can only be valid as approved minutes upon approval of the body itself. It is ultimately the body's authority to determine what happened in a meeting and to approve the legal record of actions taken. Because it's

not possible to deem the minutes legally defective, and the Chair cannot act alone to alter or approve the minutes formally, there is no violation of the law or policy.

Recommendation. The body should find that Mr. Hancock and Mr. Khan did not have a conflict in any of the scenarios identified and therefore did not violate the Municipal Code of Ethics or the Town's Conflict of Interest Policy.

ADDENDUM – ADDED August 21, 2026

The following allegations were also brought verbally during recent meetings. The Board has asked me to review the issue and recommend a course of action.

Allegation (Verbal): A citizen has alleged that Mr. Khan has a conflict of interest related to the adoption of the short-term rental ordinance because he owns a commercial lodging establishment in Town.

Facts: Mr. Khan owns Crofter's Green, a licensed commercial lodging establishment that uses many platforms, including Airbnb, to promote and rent units. As a lodging establishment, his business is already regulated by the state of Vermont. Municipalities do not have the authority to regulate lodging establishments.

The stated purpose of Montgomery's Short-Term Rental Registry Ordinance is to establish "an orderly process for compiling a database of all Short-Term Rentals in the Town, identify[] contact information for each Short-Term Rental, and establish[] basic requirements for the operation of Short-Term Rentals." Mr. Khan's lodging units are also expressly excluded from regulation under the ordinance because they are not defined as Short-Term Rentals. *See* Sec. 3.1.10 "Short-Term Rental" means a furnished house, condominium, or other dwelling room or self-contained dwelling unit, or a portion thereof, rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, but excluding the following: 3.1.10.1 a lodging establishment, as the term is defined in 18 V.S.A. § 4301, which holds a current license to operate a lodging establishment with the Vermont Department of Health . . ."

[Incidentally, the ordinance has already been approved by the Selectboard, with Mr. Khan casting the only vote against it. Procedurally, the Selectboard would not take further action on the ordinance unless or until it is amended or rescinded.]

Law: Under 24 V.S.A. § 1991(5), a conflict of interest is a "direct or indirect interest or such an interest, known to the officer, of a member of the officer's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the officer or the officer's public body, or that is in conflict with the proper discharge of the officer's duties. "Conflict of interest" does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter." The Town policy similarly defines a conflict as a personal or pecuniary interest in the outcome

of a matter before the public body and excludes an interest no greater than that of persons generally affected.

Analysis: As a threshold matter, the ordinance does not apply to Mr. Khan's business. But even if it did, there is no evidence of a benefit or loss attributable to Mr. Khan personally that exceeds that of a person in a similar position. In other words, he would not stand to gain or lose more than a similarly situated short-term rental property owner. Therefore, no conflict or appearance of conflict exists.

Recommendation: After reviewing the facts and applying the law as described here, the Selectboard may make a finding that no conflict of interest exists.

8/21 Statement on Conflict of Interest by Selectman Daniel Khan

I want to formally address questions that have been raised about a possible conflict of interest involving two matters currently before the Town of Montgomery: the Short-Term Rental Ordinance and the Municipal Wastewater Project.

At the August 3, 2026 Selectboard meeting, and in the absence of formal legal guidance at that time, I chose to temporarily recuse myself from both matters until I could obtain counsel.

This week the Town's attorney provided the following guidance:

- Re: Wastewater Project: "Under 24 V.S.A. § 1991(5), a conflict of interest "does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter." The analysis to follow in this scenario is whether the benefit or loss exceeds that of a person in a similar position. For Mr. Khan, the question is whether he would stand to gain more than a similarly situated property owner served by the wastewater system. Similarly, Mr. Khan's mother should be compared to other business owners. The benefit analysis is limited to what the system provides (e.g., capacity, cost, dependability, function, etc.) and not the additional value that the owner may derive if they choose to make further improvements. There is no evidence that Mr. Khan or his family would benefit any more from the wastewater system than any other situated person. Therefore, no conflict or appearance of conflict exists."
- Re: STR Ordinance: "As a threshold matter, the ordinance does not apply to Mr. Khan's business. But even if it did, there is no evidence of a benefit or loss attributable to Mr. Khan personally that exceeds that of a person in a similar position. In other words, he would not stand to gain or lose more than a similarly situated short-term rental property owner. Therefore, no conflict or appearance of conflict exists."

Based on this legal opinion, I am ending my temporary recusal and will resume full participation on both matters.

I understand that some community members may disagree with the Town attorney's conclusion. I respect those concerns and take my responsibilities as a Selectboard member seriously. Precisely because I take the role seriously, I will not continue a recusal that lacks a legal foundation. The Selectboard is designed to operate with five elected members. Continuing to sit out these issues without a legal basis would be a disservice to the voters who elected me and to the Town as a whole, which is entitled to a complete and functioning board. I will continue to make myself available to all voters, and reaffirm my commitment to work toward greater awareness, transparency, and community engagement/participation in these and future matters pertaining to town governance.

Sincerely,

Daniel Khan



Municipal Clerk <municipalclerkmontgomery@gmail.com>

**Submission of Public Records / Written Testimony for Tonight's Special Meeting
(Josh Howard)**

josh howard <bub_howard@yahoo.com>

Fri, Aug 21, 2026 at 9:11 AM

To: Municipal Clerk <municipalclerkmontgomery@gmail.com>

Dear Clerk Reighley,

Pursuant to Section IV.C.3 of the Town of Montgomery Conflict of Interest Ordinance and Vermont Open Meeting Law guidelines, please accept the attached public record document as an official exhibit and written testimony to be appended to my formal **Conflict of Interest and Mandatory Recusal Challenge** regarding Item 6.c/Wastewater Project.

I am formally requesting that this document—an official internal municipal email thread between Attorney Sarah Buxton and Selectboard Chair Charlie Hancock. dated April 2, 2025—be entered directly into the **permanent municipal record and packet for tonight's special meeting, Friday, August 21, 2026.**

FORMAL STATEMENT OF EVIDENCE REGARDING ATTORNEY BIAS

I am submitting official municipal records proving that Town Attorney Sarah Buxton is operating with a documented lack of objective neutrality regarding taxpayer charter petitions and town projects.

On April 2, 2025, following a highly contested taxpayer petition vote, Attorney Buxton emailed Chair Hancock stating, *"What a relief! ... I advise calling the SOS before you go through the trouble though, in case they interpret it differently and you don't have to do it."*

A taxpayer-funded municipal attorney is legally mandated to remain absolutely impartial. Openly celebrating a political outcome as a "relief" and advising an elected official on how to actively avoid statutory compliance demonstrates clear bias. Because the town attorney is actively celebrating political outcomes in writing with the Chair, her legal guidance regarding my active Conflict of Interest and Recusal Challenges is fundamentally compromised. I demand a formal, independent review of these conflicts by an outside authority.

Please reply to confirm that this record has been received and will be distributed to all Selectboard members prior to the start of the 5:00 PM meeting.

Respectfully submitted,
Josh Howard
Resident and Taxpayer

8:31



31

post%20election%20notes...



Done



2 of 3

.view=pt&search=all&permthid=thread-f:1828299431097467069&simpl=msg-f:182829943109746706... 1/3

7/27/26, 9:41 AM

Gmail - vote process - reconsideration

Good morning,

I was glad to get the results of yesterday's vote. What a relief!

I think you've been through this before, but I wanted to flag a few things. First, there's a 30 day reconsideration deadline (May 1) for a petition to be submitted with 5% of registered voters. Second, you need to certify the vote to the SOS within 10 days and supply various documents. I double checked the statute this morning to see if it distinguished between performing this duty when an article fails; it does not. I advise calling the SOS before you go through the trouble though, in case they interpret it differently and you don't have to do it.

Enjoy the rest of the day!

Sarah

Sarah E. Buxton | Attorney

Tarrant | Gillies | Shems LLP

Attorneys at Law

44 East State Street

Montpelier, VT 05602

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Charlie Hancock <montgomeryselectboard.charlie@gmail.com>
To: Sarah Buxton <sarah@tarrantgillies.com>
Cc: Liz Reighley <municipalclerkmontgomery@gmail.com>

Wed, Apr 2, 2025 at 10:05 AM

Thanks Sarah.

Liz, let me know if you need anything re: SOS

Sarah, you also mentioned minutes of the hearings -- can you remind me what's needed there?

[Quoted text hidden]

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<https://mail.google.com/mail/u/0/?ik=d63417e8f9&view=pt&search=all&permthid=thread-f:1828299431097467069&simpl=msg-f:182829943109746706...> 2/3

7/27/26, 9:41 AM

Gmail - vote process - reconsideration

Please note that this email message, along with any response or reply, is considered public record, and thus, subject to disclosure under the Vermont Public Records Law (1 V.S.A. § 315-320). Thank You.

Municipal Clerk <municipalclerkmontgomery@gmail.com>
To: Charlie Hancock <montgomeryselectboard.charlie@gmail.com>
Cc: Sarah Buxton <sarah@tarrantgillies.com>

Thu, Apr 3, 2025 at 9:22 AM

Thanks Sarah. I will reach out to SOS to see what is needed.



KQ 8.21.26.

I anticipate that Charlie may respond that his affiliations with VLCT, Vermont Land Trust, Working Lands Enterprise Board, and other organizations do not create a conflict because these are reputable organizations whose missions benefit Vermont communities.

That does not address the question I am raising.

I am not alleging that these organizations are bad organizations, nor that membership or affiliation with one automatically creates a conflict.

The question is whether the totality of Mr. Hancock's outside affiliations, prior advocacy, official communications, and ongoing involvement in matters affecting Montgomery could reasonably create an appearance of conflict under the Town's own Conflict of Interest Policy.

His response explains why he believes his affiliations are beneficial. It does not answer whether those affiliations, taken together with his prior advocacy and ongoing municipal involvement, create an appearance of conflict.

This is particularly relevant because the wastewater project involves major public infrastructure, financing, contracts, development capacity, and future land-use implications. Mr. Hancock has acknowledged prior advocacy concerning the project and has indicated that he intends to remain involved in wastewater-related bids, contracts, and financial decisions.

I also believe his role as an ambassador associated with Jay Peak should at least be disclosed and considered. I am not alleging that this affiliation itself creates a conflict, or that Jay Peak has any particular interest in Montgomery's wastewater decisions. I am saying that, given the significance of regional development and Jay Peak to Montgomery, it is reasonably relevant to transparency and to the overall appearance-of-conflict analysis.

The appropriate questions are therefore:

1. What does Montgomery's Conflict of Interest Policy require when an appearance of conflict exists?
2. Has the Board independently evaluated whether an appearance of conflict exists, rather than relying solely on Mr. Hancock's own conclusion that he can remain impartial?
3. Would a reasonable member of the public, knowing his affiliations, prior advocacy, official communications, and continuing involvement in wastewater-related municipal decisions, reasonably question whether he can administer related citizen matters with complete neutrality?

I am not asking the Board to presume misconduct or improper motive. I am asking it to apply its own Conflict of Interest Policy and protect public confidence in impartial decision-making.

The issue is not whether Mr. Hancock's outside organizations are worthwhile. The issue is whether his relationships and activities, considered together, create an appearance of conflict that the Town's policy requires the Board to address.

Written complaint from Karie Quintin, received 8/21/26 (continued)

Most importantly, the Board should independently make that determination rather than simply accepting Mr. Hancock's personal conclusion that no conflict exists.

"I am here tonight to formally challenge the actions of our Selectboard Chair regarding a mass email sent to a select list of 77 individuals, which actively lobbied against a citizen petition article and disparaged me as the petitioner.

The Attorney General and the Secretary of State have already acknowledged receipt of my formal complaints. This board is now on a strict **10-day statutory clock** to address this matter. Whether or not a quorum responded to that email, the chair's actions violate Vermont law on three distinct fronts:

1. **Open Meeting Law (1 V.S.A. § 312):** Public business must be guided in the open, not via hidden email networks. The chair cannot claim this was personal 'free speech'—he acted under the **apparent authority** of his official title to intentionally derail a valid voter petition. Furthermore, if a quorum of this board was included on that email list, this constitutes an illegal '**serial**' electronic deliberation under **1 V.S.A. § 310**. [1]
2. **Public Records Act Violations (1 V.S.A. § 316):** Because this email discussed municipal business, the message and its entire recipient list are public records. Utilizing the BCC function to obscure who received this official guidance is an active attempt to create a secret public record. Before anyone attempts to minimize this or deny who was involved: the full record of every single hidden BCC recipient is already out in the open. [1]
3. **Abuse of Town Resources and Impermissible Electioneering:** Public officials cannot use town data, municipal communication channels, or the weight of their office to run political campaigns against citizen-backed articles. Restricting this official advocacy to a hidden echo chamber of 77 individuals—rather than the entire public—violates procedural due process and corrupts the integrity of the upcoming vote.

Conclusion:

This behavior is a pattern. We saw this track record during the 2025 wastewater petition, and it brings us directly to the August 17 short-term rental ordinance meeting.

Instead of remaining a neutral leader, the chair used the center microphone to actively promote the ordinance. He highlighted its work with an outside agency where he serves as Vice Chair. His history of using hidden digital channels suggests that his public verbal support on August 17 comes from a deeper conflict of interest.

Furthermore, the August 17 meeting broke **1 V.S.A. § 312**, which states the public must be able to hear the conduct of the meeting and be heard throughout. By refusing to pause the meeting when the microphones broke, the chair failed the legal requirement to keep the meeting audible and accessible for everyone, including those with disabilities. [1]

Therefore, I demand two actions tonight:

- **First:** This board must launch an immediate investigation into any behind-the-scenes electronic messages leading up to August 17.
- **Second:** This board must consider the August 17 meeting **invalidated** due to the chair's conflict of interest, his failure to abstain, and the failure to provide a legally audible public forum. [1]

Moving forward, the chair has completely damaged his ability to be impartial. He must completely step back and **abstain from participating in or presiding over any and all citizen petitions or special meetings in the future**. I expect these complaints to be written into tonight's minutes and formally addressed within your 10-day legal window.