

Approved: _____

Date

Date

Date

Date

Date

**SPECIAL MEETING OF THE
ORWELL SELECT BOARD**

December 19, 2025

Town Office

NOT APPROVED

Select Board: Andrea Treadway, Chair

Rob Barnes

Mike Christian

Joe Pouliot

Les Wood, Vice Chair

The Special Select Board Meeting was called to order at 9:02 A.M., by Andrea Treadway, Select Board Chair.

A. Consideration and action on the three Open Meeting Law violation allegations received.

Andrea stated the Select Board received two complaints, from Julia Beamish and James C. Robinson, for the agenda not being posted on the Town website. This was an oversight and was mentioned at the meeting of December 8, 2025, that the agenda did not upload. Andrea read the complaints (see attached). Andrea spoke with the town lawyer about how to handle the complaints.

- 1) The Selectboard acknowledges the mistake of the agenda not being posted on the website. The cure is for the Town to have in place a system to make sure the agenda uploads properly to the website and more than one person is able to access and upload to the website in the future. Accordingly, the Select Board, moves to adopt a policy of having three Town staff or officials trained to upload agenda to the website to prevent this problem in the future.

Les Wood moved to adopt a policy of having three Town staff or officials trained to upload agenda to the website to prevent this problem in the future. Mike Christian seconded the motion. The motion passed 5 Yes 0 No.

- 2) **Andrea Treadway moved to ratify all actions taken by the Select Board, at the December 8, 2025, regular meeting, despite failing to post the agenda of that meeting on the Town website. Joe Pouliot seconded the motion. The motion passed 5 yes 0 No.**

Select Board members discussed also double checking the website to be sure the Agenda is on. Andrea Treadway stated that on the meeting of December 22, 2025, they will approve the minutes of the December 8, 2025, Select Board meeting and the December 19, 2025, Special Meeting.

- 3) Third violation: regarding adoption of ATV Ordinance and ATV Ordinance Subcommittee.

Andrea read the complaints about the "Public Hearing on ATV Ordinance dated 6/12/2025", "Select Board Meeting of 6/23/2025" and the "Select Board Meeting of 12/8/2025" (see attached) received from Julia Beamish.

Mike Christian moved that we find that there is no violation on the third complaint alleging that there were unwarned or private meetings of the ATV Ordinance Committee and/or Select Board at which time the ATV Ordinance was discussed. This allegation of an Open Meeting Law Violation is denied since there were no unwarned Committee or Select Board meetings about the ATV Ordinance between June 23rd and December 8th. All correspondence about the ATV Ordinance during that period of time was with the Town Attorney and is confidential under the attorney client privilege. Joe Pouliot seconded the motion. The motion passed 5 Yes 0 No.

B. Any Other Business That May Come Before the Board.

Andrea Treadway and Joe Pouliot attended a meeting on Thursday morning with Shelly Pottorf, Architect and Jason McNolty, All Points Construction and Restoration. The Select Board were all given a copy of the schedule of the work for the Town Office, Town Garage and Firehouse from All Points Construction and Restoration. This will be discussed at Monday night's Select Board Meeting.

C. ADJOURNMENT.

Joe Pouliot moved to adjourn the meeting at 9:14 a.m. Mike Christian seconded the motion. The motion passed 5 Yes 0 No.

Respectfully submitted,
Betty Walker
Clerk of the Board

OPEN MEETING LAW COMPLAINT FORM

Town of Orwell

Date: 12/10/2025

Attn: Orwell Select Board/Orwell Town Clerk

Address: P.O. Box 32

Orwell, VT 05760

Phone: 802-948-2032

Email: selectboard@townoforwellvt.org

FACTUAL DESCRIPTION OF THE COMPLAINT:

Prior to bringing a civil action in the Civil Division of the Superior Court in the county in which the alleged violation has taken place for appropriate injunctive relief or for a declaratory judgement,

Vermont law requires any person aggrieved by an alleged violation of the Open Meeting Law to provide the public body with a written notice that alleges a specific violation and requests a specific cure of such violation.

- Date and Time Occurred: 12/08/2025
- Name of Public Body: *Orwell Selectboard*
- Specific Violation Alleged: *Improper warning of regularly scheduled Selectboard meeting. Agenda was not posted on town website before the meeting.*
- Specific Cure Requested: *Repeat all business conducted during the 12/08/2025 meeting in a future, properly warned meeting. Require all Selectboard members to attend a refresher Vermont Open Meeting Law training.*

Please provide any additional facts that may assist the Town of Orwell in its investigation below:

12/06/2025, 7 PM: meeting agenda not posted on the Town of Orwell website.

12/07/2025, 1 PM: meeting agenda not posted on the Town of Orwell website.

12/08/2025, 7 PM: meeting agenda not posted on the Town of Orwell website.

The requirement to post meeting agendas on the town websites within prescribed times is neither subjective nor subject to interpretation. It is clearly defined in the Vermont Open Meeting Law 1 V.S.A. § 312(d). Failure to post the agenda was a clear violation of the law.

If you need more space, please attach sheets to this form.

Submit this document, and any supporting documentation, to the address at the top of this form.

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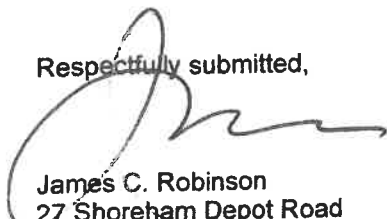
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Respectfully submitted,



James C. Robinson
27 Shoreham Depot Road
Orwell, Vermont 05760

OPEN MEETING LAW COMPLAINT FORM

Town of Orwell

Date: 12/11/2025

Attn: Orwell Select Board/Orwell Town Clerk

Address:

P.O. Box 32

Orwell, VT 05760

Phone: 802-948-2032

Email: selectboard@townoforwellvt.org

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- Date and Time Occurred: *06/23/2025 6:00 PM to present.*
- Name of Public Body: *Orwell Select Board.*
- Specific Violation Alleged: *Orwell ATV ordinance developed outside of open meetings, without adequate public discussion or consideration of public comments, suggestions, requests, and concerns. This is a violation of the following direction by the Vermont Secretary of State: "Discuss all business and take all actions in open meeting, unless an exception in statute applies."*
- Specific Cure Requested: *1. Disband the current de facto committee developing the ATV ordinance and appoint a new de jure committee that includes one Select Board member who has demonstrated that s/he is neutral on the matter of a town ATV ordinance, plus two volunteer community members who are open-minded to both sides of the ATV ordinance debate, represent the interests of the town as a whole, and are free of conflict of interest regarding the ATV ordinance. The three-person committee will then develop and recommend an ordinance for a vote by the full Select Board. 2. Ensure that all Select Board members attend a refresher Vermont Open Meeting Law training.*

Please provide any additional facts that may assist the Town of Orwell in its investigation below:

06/12/2025 Public hearing on ATV ordinance: A public hearing was conducted to update and solicit comments from the public on the proposed ATV ordinance. At the conclusion of the hearing, the Select Board Chairwoman stated that there would be another public hearing after the completed ordinance was reviewed by the town attorney. At the start of that hearing a group of Orwell residents submitted proposed revisions of the draft ordinance to better reflect the town's interests and protect Orwell residents.

06/23/2025 Select Board meeting: During questions and comments to the ATV Committee by the public, the meeting abruptly ended when a committee member stormed out as he yelled obscenities at a member of the public. Discussion was formally adjourned. The de jure ATV committee was subsequently disbanded. Since that time, a de facto committee has continued to work on the ordinance in private and outside of open meeting. A cost estimate and budget for ordinance implementation has not been presented or prepared.

12/08/2025 Select Board meeting: The Select Board considered the draft ATV ordinance with the town attorney's comments on it. The chairwoman stated that the public was not allowed to see this version of the draft ordinance, that it is not "public record," and the public would only be allowed to see it when it is completed.

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