

NORWICH PLANNING COMMISSION
AFFORDABLE HOUSING SUBCOMMITTEE

AGENDA
Monday, August 17, 2020

START TIME: 6:00pm

<p>Zoom Meeting Details: Topic: Affordable Housing Subcommittee Time: Aug 17, 2020 06:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/83853676298 Meeting ID: 838 5367 6298 877 853 5257 US Toll-free</p>

1. Approve Agenda
2. Comments from the Public
3. Approve Minutes – 7-20-20
4. Update on Open Meeting Law (OML) Requirements
5. Discussion
 - a. Policy
 - b. Education / Outreach
 - c. Fundraising / Land
6. Webpage for Norwich Affordable Housing Subcommittee
7. Announcements, Reports & Correspondence
8. Other Business
9. Comments from the Public

Enclosures:

7-20-20 AH Draft Minutes

6-15-20 AH Draft Minutes

Email re OML

Pages from A_Guide_TO_OPEN_MEETINGS_Jan_2019

Town of Norwich
Affordable Housing Sub-committee
Draft Minutes
June 15, 2020

Location: Act 92 compliant virtual Open Meeting via Zoom

Members Present: Jeff Lubell (Chair), Jeff Goodrich, Paul Manganiello, Brian Loeb, Kathleen Shepard, Creigh Moffatt, Ralph Hybels

Public Present: Karen Wynkoop, Leah Romano

Meeting called to Order: 5:04pm

1. Approve Agenda: Manganiello moved and Goodrich seconded a motion to approve the agenda. Motion carried 7 – 0.
2. Comments from the Public: Karen informed the meeting that her trailer mounted tiny house is being readied for a site in Norwich.
3. Approve Minutes of May 18, 2020: Goodrich moved and Manganiello seconded a motion to approve the minutes of May 18, 2020. Motion carried 7 – 0.
4. Announcements: None
5. Committee Process:
 - The subcommittee will meet the third Monday of the month at 6:00pm
 - The meeting will run for 60 minutes (longer as agreed)
 - Members will be prompted to suggest items during the fourth week of the month, will be able to submit items for the agenda by the end of the first week of the month, and then the agenda will be set and posted second week of the month (1 week prior to meeting)
6. Recruiting new members: With Planning Commission approval the subcommittee will post notice to the listserv and town email list by June 29, 2020. This notice will also be added to the AHSC webpage. Non-Norwich residents are eligible to apply
7. Establishing working groups:

Education	Fundraising/Land*	Policy (recommendations to PC)
Manganiello	Loeb	Goodrich
Moffatt	Lubell	Lubell
Shepard	Moffatt	Hybels

*fundraising scope was broadened to include obtaining land or site control

Volunteers (non AHSC members) are welcome to join on specific tasks (subject to Planning Commission approval).

8. Identification of items for future agendas: None

Meeting Adjourned 5:57pm

Respectfully submitted,
Rod Francis

Town of Norwich
Affordable Housing Sub-committee
Draft Minutes
July 20, 2020

Location: Act 92 compliant virtual Open Meeting via Zoom

Members Present: Jeff Lubell (Chair), Jeff Goodrich, Paul Manganiello, Brian Loeb, Kathleen Shepard, Creigh Moffatt,
Public Present: Gordon Greenfield
Staff: Rod Francis

Meeting called to Order: 6:04pm

1. Approve Agenda: Manganiello moved and Goodrich seconded a motion to approve the agenda. Motion carried 6 – 0.
2. Comments from the Public: None.
3. Approve Minutes of July 1, 2019 and June 15, 2020: Goodrich moved and Manganiello seconded a motion to approve the minutes of July 1, 2019 and June 15, 2020. Motion carried 6 – 0.
4. Outreach to Potential New Members / Working Group Participants: Lubell reported that there had been five inquiries submitted and that he was following up with each to learn more about their interest in the work of AHSC and provide them with any needed information.

Gordon Greenfield discussed his professional background and interest in the work of AHSC. AHSC members agreed to forward his application to join AHSC to the Planning Commission.

5. Short-Term Goals / Plans of Three Working Groups. Subcommittee members worked to define the scope and work product of each working group.
 - Education / Outreach: Shepard agreed to convene the group with Manganiello and Moffatt as members
 - Fundraising / Land: Loeb agreed to convene the group with Lubell and Moffatt as members
 - Policy: members Goodrich, Lubell and Hybels

6. Announcements, Reports & Correspondence: None

7. Other Business: None

8. Comments from the Public

9. Meeting Adjourned 7:08pm

Respectfully submitted,
Rod Francis

From: Herb Durfee
Sent: Tuesday, August 11, 2020 10:24 AM
To: Rod Francis
Cc: Miranda Bergmeier; Claudette Brochu; Melissa Horwitz; Chris Katucki; Stuart Richards; Frank, Jennifer
Subject: RE: Open Meeting Law

Rod,

Stuart Richards and Chris Katucki are correct. Based on research with VLCT I conducted concerning two groups – the Selectboard Tracy Hall Working Group and the joint working group of the Energy Committee/Planning Commission on the preferred solar sites – they had to comply with the OML, even though a quorum of the respective board/committee/commission were not present/participating. Eventually, the Tracy Hall Working Group “repaired” itself as part of its “sunset” and the joint Energy/PC group drifted apart but work collapsed either under the Energy Committee or the PC both of whom comply with the OML.

So, as you move forward with such working group, please make sure they comply with the OML. Thx

Herb

Herbert A. Durfee, III
Town Manager
Town of Norwich
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Norwich, VT 05055
802-649-1419 ext. 102
802-698-3000 (cell)
802-649-0123 (fax)

From: Rod Francis [mailto:norwichvtpanner@gmail.com]
Sent: Monday, August 10, 2020 7:52 PM
To: Stuart Richards
Cc: Melissa Horwitz; Herb Durfee; Rod Francis; Jaci Allen; Claudette Brochu; Miranda Bergmeier; Jenny Prosser; Doug Wilberding; Marcia Calloway; Ernie Ciccotelli; Ernie Ciccotelli; Linda Cook; Jeff Goodrich; Chris Katucki; Kris Clement; Margaret Cheney; John M Farrell; Stephen Flanders
Subject: Re: Open Meeting Law

I have no desire to stretch this argument out.

The working group comprises three (3) members of the Planning Commission. A quorum of the Planning Commission is four (4).

The working group has no power to make a decision, call a meeting, set policy or expend public funds. Under 1 VSA Section 310 the work sessions of the working group do not constitute a "meeting".

To date the working group has met to discuss what exactly it should/could do. The broad idea is that this working group should research questions and find applicable work in other communities **to present to the Planning Commission in a publicly warned and recorded meeting**, where any decision, soliciting of public input, or discussion of policy would take place in accordance with 1 VSA Section 310.

Rod Francis
Planning Director
Zoning Administrator
Town of Norwich

On Mon, Aug 10, 2020 at 5:42 PM Stuart Richards <srichards@globalrescue.com> wrote:

Rod,

You are reading the text of 1 VSA Section 310 differently than I am. You are also reading it differently than Jenny Prosser the attorney at the Secretary of State's office. Please refer to my attached email to her and her attached response. I strongly believe that in the interest of transparency and the importance of this critical issue that you reconsider your disagreement with the plain text of 1 VSA Section 310. The notion that calling a subcommittee of the Planning Commission a "working group" to me is an effort to avoid what needs to be and is required to be publicly transparent.

Please let me know whether you will reconsider your position and require the 3 member body to observe the Open Meeting Law. If you reconsider please forward an account of all the meetings that have occurred and henceforth have the "working group" observe the statutes that pertain to the Open Meeting Law. Kindly also make this email including the attachment a part of the next Selectboard and Planning Commission correspondence as well as the "working group's" correspondence.

Stuart Richards

From: Rod Francis <norwichvtplanner@gmail.com>

Date: Monday, August 10, 2020 at 3:50 PM

To: Stuart Richards <srichards@globalrescue.com>, Melissa Horwitz <horwitzmelissa@gmail.com>

Cc: Herb Durfee <HDurfee@norwich.vt.us>, Rod Francis <RFrancis@norwich.vt.us>, Jaci Allen <allenjaci@gmail.com>, Claudette Brochu <cbrochu30@gmail.com>, Miranda

Bergmeier <mbergmeier@norwich.vt.us>, Jenny Prosser <jenny.prosser@sec.state.vt.us>

Subject: Re: Open Meeting Law

CAUTION: This email originated from outside of GLOBAL RESCUE LLC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Stuart,

This email is acknowledgement that your email was received.

I dispute the interpretation of Open Meeting Law you provided.

I refer you to 1 VSA Section 310.

I am also copying the current Chair of the Planning Commission.

Rod Francis

Planning Director

Zoning Administrator

Town of Norwich

On Mon, Aug 10, 2020 at 3:20 PM Stuart Richards <srichards@globalrescue.com> wrote:

All,

Please be aware that the 3 member Wastewater/Sewer “working group” that was appointed by the Norwich Planning Commission which is being overseen by the PC is subject to the Open Meeting Law. Regardless of what it is called it is required to issue timely agendas, timely minutes, meet public participation requirements, meet quorum requirements, etc. Please acknowledge receipt of this email and your agreement with the foregoing. In addition, please print out in its entirety the attached Scoping Statement and make it a part of this email and also provide information of any meetings of this 3 member “working group” that may have occurred.

I would appreciate your making this email part of the next Selectboard packet and next Planning Commission packet

Thank you for your assistance,

Stuart L. Richards, Senior Vice President
Global Rescue LLC

Ph: Direct 617-459-4199, Main 617-459-4200

Fax: 858-712-1295

<http://www.globalrescue.com>

Why do we have an open meeting law?

Vermont's open meeting law requires all meetings of public bodies to be open to the public at all times, unless a specific exception applies. 1 V.S.A. § 312(a)(1). The purpose of the law is to promote transparency, accountability, and better decision-making in government.

In general, the law requires public bodies to:

- Provide advance public notice of meetings, including meeting agendas.
- Discuss all business and take all actions in open meeting, unless an exception in statute applies.
- Allow members of the public to attend and participate in meetings.
- Take meeting minutes and make them available to the public.

To whom does the open meeting law apply?

The open meeting law applies to “public bodies” of the state and its municipalities. “Public body” includes any state or municipal board, council, or commission, as well as any committee or subcommittee of these bodies. 1 V.S.A. § 310(4). This means the open meeting law governs the meetings of local selectboards and school boards, planning commissions and development review boards, boards of civil authority and of abatement, auditors and listers, municipal public library trustees, cemetery and recreation commissions, and various other groups referenced in state statute or by a town's charter. It also applies to the meetings of any committee or subcommittee that is created or empowered by a public body to do its work, no matter its size.

Although the law generally applies to all state and municipal public bodies, it does not apply to individual officials. There is no public right to sit in a public official's office and watch him or her conduct town business, or to oversee the work assignments of staff or other personnel. 1 V.S.A. § 312(g).

The open meeting law does not generally apply to nonprofit corporations, although a particular nonprofit may be required to comply with the law through language found elsewhere in statute, in its corporate governance documents, or in agreements with funding sources. For example, a nonprofit's articles of incorporation could designate it as an instrumentality or authority of the state (potentially bringing it within the definition of a “public body” in 1 V.S.A. § 310(4)), or a grant or contract could require open meeting law compliance as a condition of funding. Otherwise, you might look to a nonprofit's articles of incorporation or bylaws for guidance on its meeting procedures and participation requirements.

When does the open meeting law apply?

A board or other public body must comply with the open meeting law any time a “quorum” holds a “meeting,” that is, gathers to discuss its business or to take action. 1 V.S.A. § 310(3)(A).