

Town of Norwich
Agenda for Selectboard Special Meeting March 17, 2020
Multi-Purpose Room, Tracy Hall, 300 Main Street, Norwich, VT

Agenda Item	Action	Packet Materials	Expected start & end time
1-Approval of the agenda	Chair: will be asked to add or remove agenda items	n/a	6:30 - 6:35 (5 minutes)
2-Public comment	Public invited to speak to any item not on the agenda	n/a	6:35 - 6:45 (to completion)
3-Information on virus mitigation from Vermont Emergency Management and Vermont Department of Health	Board to determine if additional actions by the Town are warranted	due to ongoing, daily changes packet info may not be available but verbal update will be provided	6:45 – 7:00 (15 minutes)
4-Upholding Open Meeting Law (OML) during likelihood of teleconferencing, update from Vermont League of Cities and Towns(VLCT) and Sec. of State	Acknowledgement by Board of OML requirements	Memo from VLTC and Sec of State-chair	7:00 - 7:15 (15 minutes)
5-Options for conference call services and accommodating for the public's use	Board to decide on conference call service to be used to facilitate public engagement	Information on Skype/Zoom/other options-vice chair	7:15 - 7:45 (30 minutes)
6-Briefing on Continuity of Operations plan	Board to be updated on plan. Discussion will include supply inventory and options for re-supply of essential products including cleaning supplies and Personal Protective Equipment (PPE).		7:45 - 8:30 (45 minutes)

7-Town plans to support residents in case of significant self isolation cases (phone trees to check-in, financial assistance)	Identify plans in place at this time and how to coordinate/expand efforts. What other plans need to be put in place at least on contingency basis. (Need flip-chart and markers.) Send info out via recognized sources and determine who will do.		8:30 - 9:00 (30 minutes)
8-What else are we not thinking of?	Identify possible gaps in our plan	n/a	9:00 - 9:15 (15 minutes)
9-Adjourn			9:15

Open Meeting Law FAQs Related to COVID-19 **VLCT Municipal Assistance Center**

In response to questions posed by VLCT members about Vermont's Open Meeting Law in light of COVID-19 (commonly known as coronavirus), the Municipal Assistance Center has assembled the following information related to public meetings and how public bodies can continue to meet and take action through, for example, electronic meetings. The information is excerpted from our Open Meeting Law FAQ. For the full document, please visit www.vlct.org/municipal-assistance/municipal-topics/vermonts-open-meeting-law.

For additional information about municipal emergency planning assistance and coordination, please visit our Coronavirus Resources and Recommendations webpage, www.vlct.org/coronavirus.

Note that these requirements for electronic meetings are in addition to the notice and agenda requirements of non-electronic public meetings (except for emergency meetings).

Must we allow the public to physically attend our meetings?

Yes. Under the Open Meeting Law, "(a)ll meetings of a public body are declared to be open to the public at all times." 1 V.S.A. § 312(a)(1).

Can we prohibit the public's physical attendance at a meeting?

No. The Open Meeting Law has an express physical location requirement. There is no exception in the law.

Can our public body hold an electronic meeting?

Yes. Each member who attends electronically must identify himself or herself when the meeting is convened and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call.

Must there be a physical location for the public to attend the meeting of a public body?

Yes. If a majority or more of the members of a public body participate in a meeting electronically (e.g., conference call, GoToMeeting, or Skype), there must be a designated physical location where the public has the opportunity to attend and participate. The agenda for such a meeting must designate the physical location. At least one member of the body or a staff person or other designee must be present at that physical location.

What are some best practices if we are holding an electronic meeting?

- Advocate and advise for your citizens to attend by electronic means. In order to do so, your municipality should strive to provide ample technological support.
- Avoid close contact with people that are sick. According to the Vermont Department of Public Health:
 - Close contact means being within six feet of someone who has tested positive for COVID-19 for a long time. This happens when caring for, being intimate partners with, living with, visiting, or sharing a health care waiting area. If you have been in close contact with someone who has tested positive for COVID-19: stay home, limit contact with others, and call Health Department Epidemiology at 802-863-7240 to discuss whether you need to see a provider and how you will monitor yourself for symptoms.

When someone tests positive for COVID-19, the Health Department conducts outreach to close contacts of the individual.

- Close contact does not mean being more than six feet away in the same indoor environment for a long period of time, walking by, or briefly being in the same room with someone who has tested positive for COVID-19. In these situations, you should observe yourself for symptoms. You do not need to call the Health Department.
- Follow the CDC recommendations for businesses/employers:
<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
- Follow the CDC recommendations for mass gatherings/large events:
<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>.
- Follow the Vermont Department of Health's guidance:
<https://www.healthvermont.gov/response/infectious-disease/2019-novel-coronavirus>, here:
 - Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
 - Avoid close contact with people who are sick.
 - Stay home when you are sick.
 - Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
 - Clean and disinfect frequently touched objects and surfaces.

Must the public be able to participate (not just attend) in an electronic meeting?

The law says that “members” of a public body must be able to hear and be heard throughout the meeting but doesn’t explicitly address public attendees. However, we think in order to have gainful participation in public meeting, the same standard should be applied to public attendees. In other words, the public body should set up their electronic meeting in such a way that enables all public attendees to hear and be heard (at least when there’s a public comment period) throughout the meeting.

If a member is unable to attend a meeting, can they vote by email or proxy?

No. The law does not allow for voting by email or by proxy (i.e., having another person vote on behalf of the member). However, it does allow a member to attend a meeting by electronic means (e.g., conference call, GoToMeeting, or Skype), and to vote at that meeting, so long as the other requirements of the Open Meeting Law are met.

Can we hold an emergency meeting?

An emergency meeting may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. In general, we think that if the public body can wait 24 hours, a special meeting should be noticed. To learn how to notice a special meeting please reference our quick guide to meetings here:

<https://www.vlct.org/sites/default/files/documents/Resource/December%202017%20OML%20Quick%20Guide.pdf>.

What are the notice and minutes requirements for an emergency meeting?

There is no requirement for an agenda for an emergency meeting. There is no specific requirement for announcing and posting notice for emergency meetings, although some public notice must be given as soon as possible before any such meeting. Minutes must be taken at every public meeting, including an emergency meeting.

Can we cancel public meetings? How?

Public bodies may cancel meetings at any time. There are no requirements in the open meeting law for how to give public notice of a meeting cancellation, but we recommend giving notice via the same method for noticing a meeting, which is posting the notice in two public places and in the clerk's office and to the municipal website if there is one.

Miranda Bergmeier

From: claudette brochu <cbrochu30@gmail.com>
Sent: Sunday, March 15, 2020 8:37 PM
To: Miranda Bergmeier
Subject: Fwd: Conference Call systems

For packet 3/17/20.

C

----- Forwarded message -----

From: **Condos, Jim** <Jim.Condos@vermont.gov>
Date: Sat, Mar 14, 2020 at 7:53 AM
Subject: Re: Conference Call systems
To: <MUNINET@list.uvm.edu>

The Secretary of State's Office is receiving many inquiries about Open Meeting Law compliance in light of the COVID-19 outbreak - and as we understand so is VLCT with whom we have discussed this.

Current law permits selectboard members, and other members of public bodies, to fully participate in meetings from a remote location, provided that certain requirements are met.

Any member who participates remotely via electronic or other means must be able to hear and be heard throughout the meeting. This means that participating by speakerphone or Skype, for example, can be appropriate, while participation by email is not. Each member who participates remotely must identify himself or herself when the meeting is convened. Any vote that is not unanimous must be taken by roll call.

And this next point is important:

If a quorum or more of members will be participating remotely, the Open Meeting Law requires that the meeting agenda designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, staff member, or other designee must be physically present at the location.

The above requirements do presume that a physical location will always be provided for members of the public to attend, participate, and express their opinions on matters being considered at public meetings. These requirements do not preclude, however, the ability of a public body to provide an additional means for members of the public to participate from a remote location, if members of the public so choose. Tools such as Zoom,

Skype, or GoToMeeting can be used to maximize public participation and to provide community members who cannot physically attend with a way to make their voices heard.

And to be very clear: The Secretary of State's Office does not have any authority to amend or waive any portion of the Open Meeting Law – that would generally require action by the Vermont Legislature. We do suggest that public bodies consider offering and encouraging use of electronic conferencing tools as an alternative, though not exclusive, means of citizen participation in public meetings.

We also strongly recommend that selectboards and other municipal public bodies consult with their municipality's counsel for advice about legal options in handling specific scenarios. In addition, the Vermont League of Cities and Towns has compiled [this list of resources and recommendations for towns](#) preparing for a public health emergency.

Jim Condos

Secretary of State
State of Vermont

Please note that my email address has changed to: jim.condos@vermont.gov.

P: 802.828.2148

sos.vermont.gov

[Facebook](#) | [Twitter](#)

128 State Street
Montpelier, VT 05633

Notice: By Vermont's public records law, emails (and other documents) acquired/created by a government agency are considered public records and subject to disclosure, unless specifically excluded by the Public Records Act.

From: Vermont Municipal Government Discussion Network <MUNINET@list.uvm.edu> **On Behalf Of** Josh Arneson

Sent: Saturday, March 14, 2020 7:43 AM

To: MUNINET@LIST.UVM.EDU

Subject: Re: Conference Call systems

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Sandi,

Richmond is going to start using Free Conference Call for calling into public meetings <https://www.freeconferencecall.com/>

I personally have never used this service but our recently hired Town Planner has used it and says it works well.

Josh Arneson

Town Manager
Town of Richmond
P.O. Box 285
Richmond, VT 05477
(802) 434-5170

On Fri, Mar 13, 2020 at 5:04 PM Scott Woodward [Pomfret] <scott.woodward@pomfretvt.us> wrote:

Hi Sandi,

Zoom, as most services do, offers both options: dial-in option or joining from the Internet via a smart phone or computer.

Scott

> On Mar 13, 2020, at 5:01 PM, Sandi Switzer <townadmin@wallingfordvt.com> wrote:

>

> Hi Scott,

> I was just speaking to someone from Zoom.

> We are interested in a system whereby people can just phone in and not do it over the internet so as not to limit access.

> The sales person wasn't sure they could do that.

> How do you use Zoom? Do people follow a link or can they call?

> I just want something so the Board can meet and the public can call in.

> Thanks

>

>> On 2020-03-13 16:51, Scott Woodward [Pomfret] wrote:

>> Sandi,

>> Great question. There are a number of services out there, some better

>> than others. Two of the better ones are GoToMeeting and Zoom. These
>> kinds of services can typically accommodate up to about 100
>> participants. I use Zoom and I pay about \$158 per year for the
>> service.
>> Having this kind of service to augment public meetings is a good
>> option, especially now in the context of COVID-19.
>> Scott
>> Pomfret Selectboard
>>>> On Mar 13, 2020, at 4:26 PM, Sandi Switzer <townadmin@wallingfordvt.com> wrote:
>>>> The Town of Wallingford is seeking input on conference call systems whereby citizens can dial a phone
number and use an access code to participate in a public meeting rather than physically attend.
>>>> Interest is in audio systems and not video conferencing.
>>>> What system do you use?
>>>> What is the cost?
>>>> What equipment was required?