

**STATE OF VERMONT
ENHANCED 911 BOARD**

Special Meeting #2 – 4/10/24

6 Baldwin Street, Room #315, Montpelier, VT and via Microsoft Teams

1:01 PM – Call to Order

Chair Roger Marcoux brought the meeting to order. The following were in attendance:

Board Members Present

Sheriff Roger Marcoux, Chair
Chief Steven Locke, Vice-Chair
Captain Lance Burnham
Kelly Kennedy
Chief Eric Nordenson
Brian Keefe
Heather Dale Porter

Staff Members Present

Barbara Neal, Executive Director
Soni Johnson, Board Clerk

Others Present

David Borsykowsky
Stephen Whitaker
Joe Newton

Approval of Agenda

Motion: Chief Locke made a motion to accept the agenda as written; 2nd by Captain Burnham. There was no discussion and the motion passed unanimously by voice vote.

Public Comment

Stephen Whitaker provided comments concerning:

- The Board consistently provides no comment/discussion on issues he raises during public comment.
- A proposed change to statute would impact the privacy protections currently in place for 911 data (wholesale data will be collected and distributed from the 911 Board to VEM).
- The Board continues to not deal with gaps in cell phone coverage and issues with resiliency.

Open Meeting Law Violation Complaint

Chair Marcoux discussed an open meeting law violation notification received from Stephen Whitaker; it was received by Chair Marcoux (via email) on 4/4/24 and shared with Board members on 4/8/24. A copy of the notification email has been attached to these minutes for the record.

The purpose of today's meeting is to consider the complaint, and respond as required by law, by seeking input & guidance from legal counsel.

Executive Session

Chair Marcoux entertained a motion that the Board make a finding that the premature general public knowledge about confidential attorney-client communications would clearly place the Board at a substantial disadvantage.

- Move: Chief Locke
- 2nd: Chief Nordenson
- Discussion: Chief Marcoux originally stated that Brian Keefe made this motion. Brian advised that it had been made by Chief Locke.
- Vote: There being no further discussion the motion passed by voice vote and show of hands.

Chair Marcoux entertained a motion that the Board enter into Executive Session for the purpose of confidential attorney-client communications and the provision of legal services to the Board.

- Move: Dale Porter
- Second: Kelly Kennedy
- Vote: The motion passed unanimously by voice vote and show of hands.

Executive Session was entered at 1:10 PM. Present were Board members, Executive Director Neal, Board Clerk Soni Johnson, and David Borsykowsky (from the Attorney General's Office).

Kelly Kennedy made a motion to exit Executive Session; 2nd by Captain Burnham. The motion passed unanimously by voice vote and show of hands. Executive Session ended at 1:39 PM.

Action Related to Executive Session

Chair Marcoux entertained a motion that the Board acknowledge that a violation of the open meeting law occurred during an exchange of emails among Board members and the Executive Director on 3/27/24-3/28/24.

- Move: Chief Locke
- 2nd: Chief Nordenson.
- Discussion: None
- Vote: The motion passed unanimously by voice vote and show of hands.

Chair Marcoux advised Board members that the law requires that following the acknowledgement of a violation of open meeting law, the public body cure the violation and adopt specific measures to reduce the risk of future occurrences.

Chair Marcoux noted that the violation was cured during the 4/2/24 special meeting, as the subject matter was discussed and the consensus that was reflected in the email exchange was affirmed in an open meeting.

Chair Marcoux then entertained a motion that the following steps be taken to avoid a recurrence:

1. 911 Board members and the Executive Director will receive annual training on the Open Meeting Law, beginning today with an initial training by legal counsel.
2. Board staff and leadership will be careful not to initiate conversations about policy outside of a public meeting.
3. Executor Director Neal will ensure practices are implemented for email correspondence with Board members.
 - Move: Chief Nordenson
 - 2nd: Kelly Kennedy
 - Discussion: Chief Locke asked that the Board make sure to identify a process to guarantee that annual training takes place.
 - Vote: There being no further discussion, the motion passed unanimously by show of hands and voice vote.

Training

David Borsykowsky provided Board members with an overview of open meeting law, the circumstances under which that law can be violated, and recommendations concerning communication between members outside of public meetings. Open Meeting Law information and guidelines can be found on the Secretary of State's website: <https://sos.vermont.gov/municipal-division/open-meetings/>.

In conclusion, Chair Marcoux thanked David Borsykowsky for the training and reviewed the following points from today's meeting:

- The Board has acknowledged the violation of open meeting law.
- The violation was cured with the special meeting held on 4/2/24.
- Steps have been adopted to avoid a recurrence of the violation.
- Board members and the Executive Director have received training, from legal counsel, on the open meeting law.

Chair Marcoux advised that he considers the matter to be closed and he will keep members informed of any further comments, questions, or concerns.

Adjournment

Motion: There being no further business, Captain Burnham made a motion to adjourn; 2nd by Chief Locke. There was no discussion and the motion passed unanimously by voice vote. The meeting adjourned at 2:06 PM.

Respectfully submitted:

Soni Johnson
Soni Johnson, Board Clerk

4/12/24
Date

FINAL