BARRE UNIFIED UNION SCHOOL DISTRICT SPECIAL BOARD MEETING

February 18, 2025 at 5:00 p.m.

In-Person: Spaulding High School Library, 155 Ayers Street, Barre **Virtual Option:** Click this link to join the meeting remotely:

Meeting ID: meet.google.com/vxi-arvi-mgb

Phone Numbers: (US)+1 929-777-4801 PIN: 769 689 006#

PLEASE NOTE: If you attend the meeting virtually and the video link fails, we will still proceed with the meeting at the assigned in-person location. You must state your name for the record to satisfy the Open Meeting Law.

Public comment is welcomed and limited to 2 minutes per agenda item. The board will hear public comments and questions, but won't respond directly during public comments. This can feel impersonal, but is in place to allow the board to stay on task and address the work of the board for that meeting.

AGENDA

- 1. Call to Order
- 2. Pledge and Mindfulness Moment
- 3. Additions or Deletions with Motion to Approve the Agenda
- 4. Public Comment
- 5. Current Business
 - 5.1. Open Meeting Law Violation
- 6. Adjournment

MEETING NORMS

- 1. Keep the best interest of the school and children in mind, while balancing the needs of the taxpayers
- 2. Make decisions based on clear information
- 3. Honor the board's decisions
- 4. Keep meetings short and on time
- 5. Stick to the agenda
- 6. Keep remarks short and to the point
- 7. Everyone gets a chance to talk before people take a second turn
- 8. Respect others and their ideas



BUUSD

Barre Unified Union School District

BRIEFING MEMO BUUSD BOARD MEETING AGENDA ITEM SPECIAL BUUSD BOARD MEETING AGENDA: 2/18/2025

Consent Item No.:	D	Discussion Item No.		_ Action Item No.		
AGENDA ITEM DESCR	APTION()	How the item shall a	appear	on the agenda): (Open Me	eeting

Law Complaint

SUBJECT(Explain what the item is): Acknowledge the receipt of the complaint and determine validity

SUBMITTING STAFF PERSON or COMMITTEE MEMBER:

Michael Boutin

RESOURCES NEEDED INCLUDING STAFF TIME: None

STAFF RECCOMENDATION: Deem it invalid

DESIRED OUTCOME(What is the purpose of this item):

Fulfill requirements under state statute 1 V.S.A. § 314

BACKGROUND/SUPPLEMENTAL INFORMATION(If there is an background/history regarding it please advise):

On February 12, 2025, a resident from Barre Town presented the board chair with an Open Meeting Law complaint. The complaint alleged that the meeting minutes were not posted on the website. However, the meeting minutes were posted on the website as per 1 V.S.A. § 312 requires. Minutes were at the bottom of the list and were also embedded in the agenda. The board chair emailed the resident two times requesting that he withdraw his complaint. However, he reiterated that he would not withdraw it. Therefore, under 1 V.S.A. § 314 the board shall meet and address the complaint.

LINK(S):

https://legislature.vermont.gov/statutes/section/01/005/00314 https://legislature.vermont.gov/statutes/section/01/005/00312

ATTACHMENTS: Open Meeting Law Violation Complaint

INTERESTED/AFFECTED PARTIES: BUUSD Board and staff

RECOMMENDED ACTION/MOTION:

Motion to acknowledge the receipt of the complaint and authorize the chair or superintendent to notify the complainant that there was no violation and there is no need for a cure.

OML Complaint hand delivered to Board Chair 2/12/2025

February 12, 2025

To: Michael Boutin, BUUSD Board Chair

From: Parent, Community Member, Taxpayer

Re: OML Violation – BUUSD Board Meeting Minutes

There is an Open Meeting Law violation following the full board meeting on December 19, 2024. Please advise and respond according to 1VSA314(b)(2). In accordance with 1VSA314(b)(1), the violation is:

 A violation of 1V.S.A.312(b)(2). – "Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website."

After December 19, 2024, no meeting minutes have been posted to the BUUSD website. Timely posting of meeting minutes has been discussed multiple times among the Board, Board Chair, and Superintendent.

The cure for this violation would be for the Board Chair and Superintendent to get the meeting minutes since December 19th posted immediately, ensure future meeting minutes are posted in accordance with statutory requirements, and complete Open Meeting Law training and more specifically the meeting minutes posting requirements of 1V.S.A.312(b)(2).

FY25

BOARD

- · 2025-02-12 Addendum
- 2025-02-12 Agenda
- 2025-01-22 Addendum 2
- 2025-01-22 Addendum
- 2025-01-22 Agenda
- 2025-01-15 Addendum
- 2025-01-15 Agenda
- · 2025-01-08 Addendum
- 2025-01-08 Agenda
- 2024-12-19 Minutes
- 2024-12-19 Agenda
- 2024-12-11 Minutes
- 2024-12-11 Addendum
- 2024-12-11 Agenda
- 2024-12-04 Minutes
- 2024-12-04 Addendum

Screen shot showing that the minutes were available



Meeting Minutes & Agendas

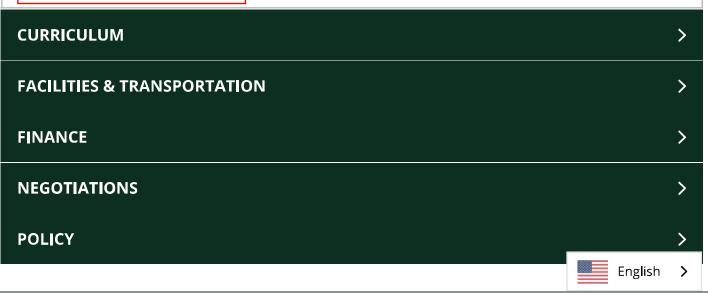
FY25



- 🖺 2024-12-11 Addendum
- 🖹 2024-12-11 Agenda
- **1** 2024-12-04 Minutes
- **2024-12-04 Addendum**
- 🖺 2024-12-04 Agenda
- **1** 2024-11-13 Minutes
- **a** 2024-11-13 Addendum 2
- 🗎 2024-11-13 Addendum
- 🖺 2024-11-13 Agenda
- 🖺 2024-10-30 Agenda Board Retreat
- **a** 2024-10-23 Minutes
- 🖺 2024-10-23 Agenda
- **2024-10-09 Minutes**
- 🖺 2024-10-09 Addendum
- **1** 2024-10-09 Agenda
- **1** 2024-09-25 Minutes
- 🖺 2024-09-25 Addendum
- 🖺 2024-09-25 Agenda
- **1** 2024-09-11 Minutes
- 🖺 2024-09-11 Agenda
- **1** 2024-08-28 Minutes
- **2024-08-28 Addendum**
- 🖺 2024-08-28 Agenda
- **1** 2024-08-21 Minutes
- 🖺 2024-08-21 Addendum 2



2024-08-21 - Addendum 🖺 2024-08-21 - Agenda **1** 2024-08-14 - Minutes **1** 2024-08-14 - Addendum 2 **1** 2024-08-14 - Addendum **1** 2024-08-14 - Agenda **1** 2024-08-07 - Minutes 2024-08-07 - Addendum 🖺 2024-08-07 - Agenda **1** 2024-07-31 - Minutes 2024-07-31 - Agenda Special Mtg **1** 2024-07-24 - Minutes 🖺 2024-07-24 - Agenda 2024-07-10 - Agenda (Cancelled) **2025-01-22 - Minutes 1** 2025-01-15 - Minutes **1** 2025-01-08 - Minutes



Board & Committee Meeting Schedule

BUUSD Policy Committee Mtg

Feb 19 2025 6:00 PM - 8:00 PM Spaulding High School Library, 155 Ayers St, Barre or Via Google Meet Meeting Details

CANCELED: BUUSD Board Meeting

Feb 26 2025 6:00 PM - 8:00 PM In-Person: Spaulding High School Library, 155 Ayers St, Barre Meeting Details

BUUSD Board Meeting

Mar 12 2025 6:00 PM - 8:00 PM In-Person: Spaulding High School Library, 155 Ayers St, Barre Meeting Details

Archived Board Minutes Per School Year

2023-2024	>
2022-2023	>
2021-2022	>
2020-2021	>
2019-2020	>
2018-2019	>
2017-2018	>
2016-2017	>

2015-2016

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Digital trail showing minutes were posted Finalsite – Website Document Posting Data

Title 2025-01-08 - Minutes Name 2025-01-08-Minutes.pdf Description Thumbnail Alt Text First page of the PDF file: 2025-01-08-Minutes Tags Updated 1/13/2025 4:39pm Tina Gilbert Created 1/13/2025 4:39pm Tina Gilbert Title 2025-01-15 - Minutes Name 2025-01-15-Minutes.pdf Description Thumbnail Alt Text First page of the PDF file: 2025-01-15-Minutes Tags Updated 1/16/2025 3:00pm Tina Gilbert Created 1/16/2025 2:59pm Tina Gilbert Title 2025-01-22 - Minutes Name 2025-01-22-Minutes.pdf Description Thumbnail Alt Text First page of the PDF file: 2025-01-22-Minutes Tags Updated 1/24/2025 1:14pm Tina Gilbert Created 1/24/2025 1:14pm Tina Gilbert

First email to the resident



Michael Boutin <mboutin@buusd.org>

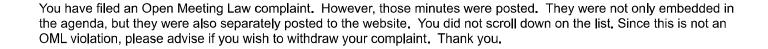
OML Complaint

Michael Boutin <mboutin@buusd.org>

Thu, Feb 13, 2025 at 1:35 PM

To:

Cc: JoAn Canning <jcannbsu@buusd.org>





Second email to the resident

Michael Boutin <mboutin@buusd.org>

OML Complaint

2 messages

Michael Boutin <mboutin@buusd.org>

Sat, Feb 15, 2025 at 12:50 AM

To: JoAn Canning <jcannbsu@buusd.org>

I am reaching out to you again to attempt to see if you were able to find the minutes that were on the website. They were posted and available on the website as required by the Vermont Open Meeting Law. As previously stated, you just had to scroll down to see them. Since this was not a violation, would you kindly withdraw your complaint? If you do not withdraw, we will have to schedule a meeting to address the complaint that is not valid. Please advise.

Michael Boutin BUUSD School Board Director 5 Hillside Ave Barre, VT 05641 802-272-2858

CONFIDENTIAL COMMUNICATION

The information contained in this communication, including any attachments, maybe confidential, constitutes privileged communication, and is intended only for the use of the addressee. This message may not be forwarded without prior consent from the sender. The information in this e-mail may also be protected by the rights afforded under Family Educational Rights and Privacy Act (FERPA) and school district policies. Any unauthorized use, forwarding, distribution, disclosure, printing or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please return the e-mail and delete any copies of this message immediately. Any inadvertent disclosure of this communication shall not compromise the confidential nature of the communication.

Michael Boutin <mboutin@buusd.org>
To: BUUSD Board <buusd-board@buusd.org>

Sat, Feb 15, 2025 at 12:50 AM

[Quoted text hidden]



Response from the resident

Michael Boutin <mboutin@buusd.org>

OML Complaint

Reply-To:

To: mboutin@buusd.org

Sun, Feb 16, 2025 at 4:25 PM

Putting the minutes in a different location goes against the intent of the law and, to be frank, not done according to policy. Saying they were embedded in the agendas while technically makes them posted, the fact they were posted differently from all all other minutes makes them harder for anyone to access them. Even the board members present could not find them easily like the others the night. I do not wish to withdraw, this needs to be addressed in the name of full transparency. Some use transparency as an empty campaign promise as I actually believe in it.

Yahoo Mail: Search, Organize, Conquer

[Quoted text hidden]

Statute Regarding Minutes

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 1: General Provisions

Chapter 005: Common Law; General Rights

Subchapter 002: PUBLIC INFORMATION

(Cite as: 1 V.S.A. § 312)

§ 312. Right to attend meetings of public agencies

- (a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.
 - (2) Participation in meetings through electronic or other means.
- (A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.
- (B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body that is not unanimous shall be taken by roll call.
- (C) Each member who attends a meeting without being physically present at a designated meeting location shall:
 - (i) identify himself or herself when the meeting is convened; and
- (ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the agenda required under subsection (d) of this section shall 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 public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location. The requirements of this subdivision (D) shall not apply to advisory bodies.

- (3) State nonadvisory public bodies; hybrid meeting requirement. Any public body of the State, except advisory bodies, shall:
- (A) hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;
 - (B) electronically record all meetings; and
- (C) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.
- (4) State and local advisory bodies; electronic meetings without a physical meeting location. A quorum or more of the members of an advisory body may attend any meeting of the advisory body by electronic or other means without being physically present at or staffing a designated meeting location. A quorum or more of the members of any public body may attend an emergency meeting of the body by electronic or other means without being physically present at or staffing a designated meeting location.
- (5) State nonadvisory public bodies; State and local advisory bodies; designating electronic platforms. State nonadvisory public bodies meeting in a hybrid fashion pursuant to subdivision (3) of this subsection and State and local advisory bodies meeting without a physical meeting location pursuant to subdivision (4) of this subsection shall designate and use an electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.
 - (6) Local nonadvisory public bodies; meeting recordings.
- (A) A public body of a municipality or political subdivision, except advisory bodies, shall record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting.
- (B) A municipality is exempt from subdivision (A) of this subdivision (6) if compliance would impose an undue hardship on the municipality.
- (C) A municipality shall have the burden of proving that compliance under this section would impose an undue hardship on the municipality.

(b)(1) Minutes 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.
- (2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.
- (c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).
- (2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.
- (3) Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
- (4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) A person may request in writing that a public body notify the person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

- (d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:
- (A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and
- (B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.
- (2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.
- (3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.
- (B) Any other adjustment to the agenda may be made at any time during the meeting.
- (e) Nothing in this section or in section 313 of this title shall be construed as extending to the Judicial Branch of the Government of Vermont or of any part of the same or to the Public Utility Commission; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this State.
- (f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.
- (g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.
- (h) At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.
- (i) Nothing in this section shall be construed to prohibit the Parole Board from meeting at correctional facilities, with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.
 - (j) Request for access.

(1) A resident of the geographic area in which the public body has jurisdiction, a member of a public body, or a member of the press may request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting, but not to a series of regular meetings, special meetings, emergency meetings, or field visits.

- (2) The request shall be made in writing, as specified by the public body, not less than two business days before the date of the meeting. The public body shall not require the requestor to provide a basis for the request.
 - (3) The public body shall grant the request unless:
- (A) there is an all-hazards event as defined in 20 V.S.A. § 2 or a state of emergency declared pursuant to 20 V.S.A. §§ 9 and 11;
 - (B) there is a local incident as defined in section 312a of this subchapter; or
 - (C) compliance would impose an undue hardship on the municipality.
- (4) A public body shall have the burden of proving that compliance under subdivision (3) of this subsection would impose an undue hardship on the public body.

[Subsection (k) effective January 1, 2025.]

- (k) Training.
- (1) Annually, the following officers shall participate in a professional training that addresses the procedures and requirements of this subchapter:
- (A) for municipalities and political subdivisions, the chair of the legislative body, town manager, and mayor; and
 - (B) for the State, the chair of any public body that is not an advisory body.
- (2) The Secretary of State shall develop the training required by subdivision (1) of this subsection and make the training available to municipalities and political subdivisions and public bodies. The training may be in person, online, and synchronous or asynchronous. (Amended 1973, No. 78, § 1, eff. April 23, 1973; 1979, No. 151 (Adj. Sess.), § 2; 1987, No. 256 (Adj. Sess.), § 2; 1997, No. 148 (Adj. Sess.), § 64, eff. April 29, 1998; 1999, No. 146 (Adj. Sess.), § 7; 2013, No. 143 (Adj. Sess.), § 2; 2015, No. 129 (Adj. Sess.), § 1, eff. May 24, 2016; 2023, No. 133 (Adj. Sess.), § 3, eff. July 1, 2024; 2023, No. 133 (Adj. Sess.), § 5, eff. January 1, 2025.)

Statute that tells the board what to do

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

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Title 1: General Provisions

Chapter 005: Common Law; General Rights

Subchapter 002: PUBLIC INFORMATION

(Cite as: 1 V.S.A. § 314)

§ 314. Penalty and enforcement

- (a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting subject to this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$500.00.
- (b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.
- (2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within 10 calendar days by:
- (A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or
- (B) stating that the public body has determined that no violation has occurred and that no cure is necessary.
- (3) Failure of a public body to respond to a written notice of alleged violation within 10 calendar days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.
- (4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

- (A) either ratifying, or declaring as void, any action taken at or resulting from:
- (i) a meeting that was not noticed in accordance with subsection 312(c) of this title; or
- (ii) a meeting that a person or the public was wrongfully excluded from attending; or
- (iii) an executive session or portion thereof not authorized under subdivisions 313(a)(1)-(10) of this title; and
 - (B) adopting specific measures that actually prevent future violations.
- (c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the court considers of greater importance, proceedings before the Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:
 - (1)(A) the public body had a reasonable basis in fact and law for its position; and
- (B) the public body acted in good faith. In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or
- (2) the public body cured the violation in accordance with subsection (b) of this section.
 - (e) A municipality shall post on its website, if it maintains one:
- (1) an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and
- (2) a copy of the text of this section. (Amended 1979, No. 151 (Adj. Sess.), § 4, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), § 5; 2013, No. 143 (Adj. Sess.), § 4; 2015, No. 129 (Adj. Sess.), § 2, eff. May 24, 2016; 2017, No. 113 (Adj. Sess.), § 1; 2023, No. 133 (Adj. Sess.), § 7, eff. July 1, 2024.)