



**BOARD OF COMMISSIONERS &
CVRPC Executive Committee
JOINT SPECIAL MEETING
Thursday June 18, 2026 @ 5:30 pm**

Physical Location - 29 Main Street, Suite 4, Montpelier, VT

Hybrid Meeting with Remote Participation via Zoom¹

<https://us02web.zoom.us/j/81136818419?pwd=dDFDbDhrTm56TUNQUlp3WEorYzRZZz09>

Dial in via phone: 1-929-436-2866 • Meeting ID: 811 3681 8419 • Passcode: 722490

Page **AGENDA**

- 5:30² Introductions/Roll Call/Confirmation of Meeting Recording
Adjustments to the Agenda
Public Comments (Please aim to limit comments to 3 minutes)**
- 5:35 Accusation of Open Meeting Law Violation (action – enclosed)**
- June 9, 2026 Board of Commissioners Meeting
 - June 5, 2026 Brownfields Advisory Committee
- 6:00 Adjourn**

CVRPC aims to conduct meetings in a respectful, orderly, and productive manner. The purpose of this meeting is for the public body to complete its work as outlined in the meeting agenda. All members of the public will be given an opportunity to comment during the public comment period on matters being considered by the public body at this meeting. However, meetings are not debates. The Chair of this public body is charged with running this meeting and all statements and questions will be directed to the Chair once a speaker is recognized.

Respondents from the public body and staff will try to answer any questions of a factual nature.

¹ Persons with disabilities who require assistance or alternate arrangements to participate in are encouraged to contact us at 802-229-1015 or cvrpc@cvregion.com at least 3 business days prior to the meeting for which services are requested.

² Times are approximate unless otherwise advertised.

Une assistance linguistique gratuite est disponible pour accéder à tous les programmes



MEMO

Date: June 18, 2026

To: Board of Commissioners; Executive Committee

From: Christian Meyer, Executive Director

Re: Response to Open Meeting Law Violation Accusation – June 9, 2026 Board of Commissioners meeting

☒ **ACTION REQUESTED:** Respond to the notice of alleged violation of Open Meeting Law by acknowledging the violation of open meeting law and stating the Boards intent to cure the violation or by determining no violation has occurred.

The following memo outlines the alleged violations of open meeting law received by CVRPC, and the possible actions triggered by said allegation.

Allegation

On June 10, 2026, CVRPC received the attached notice alleging violation of open meeting law at the June 9, 2026 Board of Commissioners meeting. The allegation was submitted by Stephen Whitaker, a resident of Montpelier.

Background

In alignment with the Rules of Meeting Conduct and Public Participation, adopted 5/12/2026, Chair Carbee opened public comment during the opening of the meeting. As acknowledged in the accusation, Mr. Whitaker spoke for roughly eight minutes (Timestamp 00:06:29 to 00:14:30 on the meeting recording). Mr. Whitaker used his time to discuss his objections to the adopted policy on public participation. The Chair allowed Mr. Whitaker time beyond what has been prescribed in the policy and did not limit the content Mr. Whitaker chose to discuss.

Later in the agenda, when the Board move to action on the appointment of the executive director to represent CVRPC on the Board of the 87 State Street Local Development Corporation Mr. Whitaker again interjected that he had public comment despite the Chair Carbee never opening the item to additional public comment. Chair Carbee informed Mr. Whitaker that his comment would not be taken at that time. The verbal altercation is recorded at timestamp 01:02:00.

Restricting additional public comment during the agenda item was inline with the Rules of Meeting Conduct and Public Participation.

In his allegations Mr. Whitaker cites the following statute:

1 V.S.A. § 312 (h). Public Information

1 V.S.A. § 314. Penalty and enforcement

24 VSA § 4302. General Provisions; Definitions (Municipal and Regional Planning and Development)

24 V.S.A. § 4345a. Duties of regional planning commissions

24 V.S.A. § 4348. Adoption and amendment of regional plan

24 V.S.A. § 4345b. Intermunicipal service agreements

What does statute say?

Per 1 V.S.A. § 312 (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.”

Per 1 V.S.A. § 314(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”

While, 24 VSA § 4302, § 4345a, § 4348, and § 4345b all relate to the work and role of a regional planning commission, Mr. Whitaker does not articulate how they impact the specific allegations of open meeting law violation.

What does the VLCT and the SOS say about restricting public comment?

The Vermont League of Cities and Towns states that both time restrictions and restrictions limiting public comment to a certain part of the agenda (“place restrictions”) are considered **content-neutral restrictions** and public bodies may implement content-neutral time and place, restrictions so long as “the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting.” This position is further supported by the VT Secretary of State’s office which states that public comment can be restricted to one part of the agenda (though they recommend allowing the public to comment on each item as the public body proceeds through the agenda).

Further, VLCT guidance supports that CVRPC correctly adopted the Rules of Meeting Conduct and Public Participation. These Rules are administrative in nature, rather than regulatory. All that was required for adoption was a majority vote by a public body at a duly warned public meeting. The rules can take effect as soon as they are adopted

In their Open Meeting Law Training Video, the Vermont Secretary of State's office states, "Many public bodies allow public comment at the start of the meeting, while others place it as the final agenda item. Some bodies allow public comment whenever anyone is present that has something to add to the conversation. We recommend allowing the public to comment on each item as the public body proceeds through the agenda." This guidance further supports that CVRPC has not violated OML by allowing public comment during a limited part of the agenda.

Next Steps

Per 1 V.S.A. § 314(b)(2) possible actions the public body may take include:

"(A) acknowledging the violation of (Open Meeting Law) 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."

In acknowledging the violation and in moving to cure, Per 1 V.S.A. § 314:

"(b)(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."



OML Violation Notice June 9

From Stephen Whitaker <whitaker.stephen@gmail.com>

Date Wed 6/10/2026 8:04 AM

To Peter Carbee - Chair, CVRPC Commissioner & TAC Appointee - Washington <accuratecounts.vt@gmail.com>

Cc Christian Meyer <meyer@cvregion.com>

Stephen Whitaker

Montpelier, Vermont

whitaker.stephen@gmail.com

June 10, 2026

Board of Commissioners

Central Vermont Regional Planning Commission

29 Main Street, Suite 4

Montpelier, Vermont 05602

**Re: Notice of Willful Open Meeting Law Violation — Board of Commissioners Annual Meeting, June 9, 2026;
Notice of Intent to Request State's Attorney Review Under 1 V.S.A. § 314**

Pursuant to 1 V.S.A. § 312(h), I hereby provide notice of a willful Open Meeting Law violation that occurred at the CVRPC Board of Commissioners Annual Meeting held June 9, 2026. Given the willful character of this violation, I also provide notice of my intent to request that the Washington County State's Attorney consider prosecution under 1 V.S.A. § 314.

Statutory Framework

1 V.S.A. § 312(h) requires that a public body provide a reasonable opportunity for the public to comment on a matter under consideration during the meeting — while the matter is being deliberated, not merely at the opening of the meeting before any agenda item has been presented. Once a presiding officer recognizes a speaker and that speaker has the floor, recognition may not be withdrawn on the basis of the speaker's identity.

1 V.S.A. § 314 provides that any person who willfully violates the Open Meeting Law may be guilty of a criminal offense and fined up to \$500. This is not a civil penalty — it is a criminal provision, enforceable by the State's Attorney. The legislature included it because the right of the public to observe and participate in the deliberations of public bodies is a fundamental democratic guarantee, and willful suppression of that right warrants criminal accountability.

Background: Explicit On-the-Record Notice Before the Violation Occurred

At the opening of the June 9, 2026 Annual Meeting, I delivered public comment stating explicitly, on the record, that the CVRPC code of conduct adopted May 12, 2026 has no force of law with respect to the public's rights under 1 V.S.A. § 312(h) and 24 V.S.A. §§ 4302, 4345a, and 4348. I stated that the code was not adopted pursuant to the requirements of 24 V.S.A. § 4345b — 30 days advance notice to every municipal legislative body, a public hearing, a 67 percent supermajority vote, and a 35-day municipal veto window — and therefore cannot override statutory public participation rights. I stated that enforcing the code against a member of the public exercising those rights would itself constitute an Open Meeting Law violation.

During that comment, Board Chair Peter Carbee attempted to cut off my remarks, citing the code of conduct's time limitation. I informed Chair Carbee directly that the limitation was unenforceable, that I was exercising statutory rights, and that I had a few remaining paragraphs to complete. I continued and completed my comment.

Later in the same meeting, Commissioner John Brabant, in explaining his abstention on the motion to deny a previously filed Open Meeting Law complaint, stated on the record that he believed the Commission was in violation of state law and that he intended to contact the Secretary of State's office regarding the Commission's compliance. He stated that the code of conduct as written does not reflect even its drafting committee's intent: 'that is not in the document that we have in effect right now.'

By the time the violation described below occurred, Chair Carbee had been told — by a member of the public on the record in explicit statutory terms, and by one of his own commissioners — that the code of conduct he was enforcing was unlawful. He proceeded to enforce it anyway.

The Violation

During the Annual Meeting, the Board considered a motion to appoint Executive Director Christian Meyer to represent CVRPC on the board of the 87 State Street Local Development Corporation. The motion was on the floor and discussion was open.

Chair Carbee recognized me during the discussion period. I had the floor and began speaking to a matter directly relevant to the motion under deliberation: specifically, assurances previously made by the Executive Committee regarding transparency and public records related to the 87 State Street building and the disposition of approximately \$100,000 in public funds associated with that project.

Chair Carbee subsequently attempted to withdraw his recognition upon realizing I was a member of the public rather than a commissioner at the table. Commissioner Jerry D'Amico then loudly yelled the words 'shut up' at me while I held the floor. I stated: 'The law is on my side and you're trying to enforce a policy that's in violation with the law, and I'm going to make my comments.' Commissioner John Brabant then called the question. Chair Carbee moved immediately to a vote. The motion passed with my comment incomplete and my properly-granted floor recognition having been improperly withdrawn on the basis of my identity as a member of the public.

Why This Violation Is Willful

A violation is willful when the person committing it acts with knowledge that the conduct is unlawful, or with reckless disregard of that fact. The record here is unusually clear. Chair Carbee had been told — in the same meeting, approximately thirty minutes earlier, on the record — that the code he was invoking has no force of law and that enforcing it constitutes an Open Meeting Law violation. He had been told the same by Commissioner Brabant. He withdrew recognition from a speaker who had the floor on the basis of that speaker's identity, and moved to a vote while that speaker's comment remained incomplete.

The Board had also voted earlier in the same meeting to deny a previously filed Open Meeting Law complaint arising from the same code of conduct — over Commissioner Brabant's abstention and his stated belief that the Commission was violating state law. That denial further establishes that the Board was on notice of the legal deficiency of its policy and chose to continue enforcing it.

This is not inadvertent. It is willful enforcement of a policy the Board had just been told was void, against a speaker who had been properly recognized and had the floor, with a commissioner directing 'shut up' at that speaker while he exercised his statutory rights.

Requested Remedy

I request that the Board of Commissioners:

1. Acknowledge the violation;

2. Direct that public comment on agenda items be permitted at all CVRPC and CVRPC committee meetings consistent with 1 V.S.A. § 312(h), effective immediately;
3. Direct that recognition once granted to a member of the public not be withdrawn on the basis of the speaker's identity;
4. Convene a properly-noticed special meeting at which the Board re-votes individually all substantive actions taken at the June 9, 2026 Annual Meeting — including the Meyer/LDC appointment and the regional plan pre-application submission — after providing full and unrestricted public comment on each agenda item consistent with § 312(h);
5. Initiate a review of the May 12, 2026 code of conduct for compliance with 24 V.S.A. § 4345b and report results to the full Board at the next regular meeting; and
6. Place this notice in the permanent record of the Board of Commissioners.

Notice of Intent Regarding 1 V.S.A. § 314

As stated above, § 314 makes willful violation of the Open Meeting Law a criminal offense punishable by a fine of up to \$500. The elements of a willful violation are present here: Chair Carbee was told explicitly, on the record, that the conduct he was about to engage in was unlawful; he was told the same by a sitting commissioner; and he proceeded anyway. Commissioner D'Amico directed 'shut up' at a speaker who had been properly recognized and had the floor. These are not close calls.

I am providing this notice to the Board first because the Board retains the ability to remedy this situation without further escalation. If the Board acts promptly to acknowledge the violations, rescind the unlawful code of conduct, restore public participation rights, and re-vote the June 9 actions in a properly-conducted meeting, that remedial action will be part of the record I provide to the State's Attorney. If the Board does not act, that will also be part of that record.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont



MEMO

Date: June 18, 2026
To: Board of Commissioners; Executive Committee
From: Christian Meyer, Executive Director
Re: Response to Open Meeting Law Violation Accusation – June 5, 2026, Brownfields Advisory Committee

☒ **ACTION REQUESTED:** Respond to the notice of alleged violation of Open Meeting Law by acknowledging the violation of open meeting law and stating the Boards intent to cure the violation or by determining no violation has occurred.

The following memo outlines the alleged violations of open meeting law received by CVRPC, and the possible actions triggered by said allegation.

Allegation

On June 10, 2026, CVRPC received the attached notice alleging violation of open meeting law at the June 5, 2026 Brownfields Advisory Committee meeting. The allegation was submitted by Stephen Whitaker, a resident of Montpelier.

Background

During the public comment item of the agenda, Mr. Whitaker read his written comments. Whitaker was initially permitted roughly eight minutes (timestamp 00:07:15 to 00:15:40), and then was permitted to continue for an additional six minutes (timestamp 00:20:00 to 00:26:10). As such, Mr. Whitaker was permitted to have his comment fully heard.

In addition to VT Open Meeting Law, Mr. Whitaker invokes 24 V.S.A. § 4345b. Intermunicipal service agreements, though fails to identify how this statute pertains to the allegation. Staff can only affirm that no intermunicipal service agreements were included on the BAC June 5, 2026 meeting agenda.

What does statute say?

Per 1 V.S.A. § 312 (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.”

What does the VLCT and the SOS say about restricting public comment?

The Vermont League of Cities and Towns states that both time restrictions and restrictions limiting public comment to a certain part of the agenda (“place restrictions”) are considered **content-neutral restrictions** and public bodies may implement content-neutral time and place restrictions, so long as “the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting.” This position is further supported by the VT Secretary of State’s office which states that public comment can be restricted to one part of the agenda (though they recommend allowing the public to comment on each item as the public body proceeds through the agenda).

Further, VLCT guidance supports that CVRPC correctly adopted the Rules of Meeting Conduct and Public Participation. These Rules are administrative in nature, rather than regulatory. All that was required for adoption was a majority vote by a public body at a duly warned public meeting. The rules can take effect as soon as they are adopted

In their Open Meeting Law Training Video, the Vermont Secretary of State’s office states, “Many public bodies allow public comment at the start of the meeting, while others place it as the final agenda item. Some bodies allow public comment whenever anyone is present that has something to add to the conversation. We recommend allowing the public to comment on each item as the public body proceeds through the agenda.” Further supporting CVRPC’s action to allow public comment only during one portion of the meeting agenda.

Next Steps

Per 1 V.S.A. § 314(b)(2) possible actions the public body may take include:

“(A) acknowledging the violation of (Open Meeting Law) 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.”

In acknowledging the violation and in moving to cure, Per 1 V.S.A. § 314:

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(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.”



BAC OML Violation Notice

From Stephen Whitaker <whitaker.stephen@gmail.com>

Date Wed 6/10/2026 8:22 AM

To Peter Carbee - Chair, CVRPC Commissioner & TAC Appointee - Washington <accuratecounts.vt@gmail.com>

Cc Christian Meyer <meyer@cvregion.com>; Janet Shatney <ppadirector@barrecity.org>

Stephen Whitaker

Montpelier, Vermont

whitaker.stephen@gmail.com

June 10, 2026

Board of Commissioners

Central Vermont Regional Planning Commission

29 Main Street, Suite 4

Montpelier, Vermont 05602

Re: Notice of Open Meeting Law Violation — Brownfield Advisory Committee Meeting, June 5, 2026; Request for Corrective Action Before Executive Committee Acts on BAC Recommendation

Pursuant to 1 V.S.A. § 312(h), I hereby provide notice of Open Meeting Law violations that occurred at the June 5, 2026 meeting of the CVRPC Brownfield Advisory Committee. I respectfully request that the Board of Commissioners take corrective action before the Executive Committee acts on the BAC's recommendation to authorize the Supplemental Site Investigation at 203 Country Club Road.

Statutory Requirements

1 V.S.A. § 312(h) requires that a public body provide a reasonable opportunity for the public to comment on a matter under consideration by the body during the meeting — while the matter is being deliberated. This right cannot be eliminated by internal policy.

Factual Record

The June 5, 2026 BAC meeting began approximately fifteen minutes late because quorum required Board Chair Peter Carbee to participate by cell phone. The meeting was also closed approximately fifteen minutes early.

When the Supplemental Site Investigation authorization was called as an agenda item, I sought to comment on the matter then under deliberation. I had the floor and had begun making substantive comments addressing documented conflicts of interest and fiduciary obligations directly relevant to the agenda item, including:

- (1) The absence of any work plan for the \$86,928.85 authorization — the contractor had stated on the record that no work plan exists and that the figure is 'a budgetary placeholder';
- (2) Two documented misrepresentations of EPA guidance by Onterris in consecutive advisory memoranda, after correction had been placed on the record, consistently minimizing the food production exposure pathway;
- (3) The Onterris procurement conflict — a \$3,000 grant-writing engagement that migrated to multi-year sole-source implementation without competitive re-procurement, in potential violation of 2 CFR §§ 200.318–319 and EPA FAQ D.17;
- (4) The structural conflict of interest of BAC member Kevin Casey, who served as the City of Montpelier's designated AAI User on the Phase I ESA of 203 Country Club Road, certifying no knowledge of contamination indicators at a pre-FIFRA golf course on the same day Stone Environmental identified REC1 for organochlorine pesticides, and who now votes on funding decisions for the investigation of that same parcel; and
- (5) The imminent greenhouse soil disturbance that would permanently destroy the SSI evidentiary baseline before a single sample is taken.

Board Chair Carbee intervened and attempted to cut off my comment, invoking the CVRPC code of conduct adopted May 12, 2026, which purports to restrict public comment to a general opening period before agenda items are presented. BAC Chair Janet Shatney correctly overruled Chair Carbee, stating that the committee was on the agenda item. Despite this overrule, I was not permitted to complete my comment. The committee then voted — four agenda items, four unanimous approvals, zero substantive discussion — without my comment having been fully heard.

Basis for Violation

The code of conduct invoked has no force of law. It was not adopted pursuant to 24 V.S.A. § 4345b, which requires 30 days advance written notice to every municipal legislative body in the region, a public hearing, a 67 percent supermajority vote, and a 35-day municipal veto window. None of those requirements were met. The code cannot override the public's rights under 1 V.S.A. § 312(h). Cutting off a speaker who has the floor during deliberation on a live agenda item is a violation regardless of internal policy.

The violation is compounded by the substantive content that was suppressed. The BAC authorized \$87,000 in public funds without hearing documented evidence of contractor misrepresentation, unresolved procurement and conflict-of-interest concerns, and imminent irreversible harm to the investigation it was funding. Fiduciary duty requires that a public body hear material adverse information before committing public funds. It did not.

Requested Corrective Action

Because the Executive Committee has not yet acted on the BAC's recommendation, corrective action is still available without unwinding a final decision. I respectfully request that the Board of Commissioners:

1. Acknowledge the Open Meeting Law violation;
2. Void the BAC's recommendation to authorize the \$86,928.85 SSI funding before the Executive Committee acts on it;
3. Direct that a new BAC meeting be convened at which public comment on the SSI agenda item is fully heard — including the Onterris procurement conflict, the Kevin Casey conflict of interest, the absent work plan, and the greenhouse soil disturbance emergency — before any recommendation is made to the Executive Committee;
4. Direct the Executive Committee to take no action on the SSI authorization until that process is complete; and
5. Place this notice in the permanent record of the Board of Commissioners.

Respectfully submitted,

Stephen Whitaker

Montpelier, Vermont