



City Council - Public Safety Committee

**Wednesday, September 2, 2026, 5:30 PM, Remote via Zoom OR In-person at City Hall,
Queen City Room 3rd Floor ***NOW IN SHARON BUSHOR CONFERENCE ROOM, 1ST
FLOOR***, 149 Church St, Burlington**

When: Sep 2, 2026 05:30 PM Eastern Time (US and Canada)
Topic: Public Safety Committee Special Meeting 9/2

Join from PC, Mac, iPad, or Android:
<https://zoom.us/j/98089697410>

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+13126266799,,98089697410# US (Chicago)

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Webinar ID: 980 8969 7410

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1. Adopt the Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Minutes

2.1. Motion to adopt previous meeting's minutes

3. Public Forum

Subject	3.1. Verbal Comments
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Meeting September 2, 2026 - Public Safety Committee Trespass Appeal Agenda - Wednesday, September 2, 2026, 5:30 PM, Remote via Zoom OR In-person at City Hall, ~~Queen City Room 3rd Floor~~ ***NOW IN SHARON BUSHOR CONFERENCE ROOM, 1ST FLOOR***, 149 Church St, Burlington

Category 3. Public Forum

Department

Type

4. Appeal of Trespass Order/Hearing

Subject 4.1. In re: Matter of Scott Martin

Meeting September 2, 2026 - Public Safety Committee Trespass Appeal Agenda - Wednesday, September 2, 2026, 5:30 PM, Remote via Zoom OR In-person at City Hall, ~~Queen City Room 3rd Floor~~ ***NOW IN SHARON BUSHOR CONFERENCE ROOM, 1ST FLOOR***, 149 Church St, Burlington

Category 4. Appeal of Trespass Order/Hearing

Department

Type

Recommended Action

5. Adjournment

Subject 5.1. Motion to adjourn

Meeting September 2, 2026 - Public Safety Committee Trespass Appeal Agenda - Wednesday, September 2, 2026, 5:30 PM, Remote via Zoom OR In-person at City Hall, ~~Queen City Room 3rd Floor~~ ***NOW IN SHARON BUSHOR CONFERENCE ROOM, 1ST FLOOR***, 149 Church St, Burlington

Category 5. Adjournment

Department Council and Board

Type

Recommended Action

6. Informational and Non-Discrimination Statements

Subject 6.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

Meeting September 2, 2026 - Public Safety Committee Trespass Appeal Agenda - Wednesday, September 2, 2026, 5:30 PM, Remote via Zoom OR In-person at City Hall, ~~Queen City Room 3rd Floor~~ ***NOW IN SHARON BUSHOR CONFERENCE ROOM, 1ST FLOOR***, 149 Church St, Burlington

Category	6. Informational and Non-Discrimination Statements
Department	Council and Board
Type	

NOTICE OF TRESPASS

This notice is a Warning that you are not permitted on the property listed below. Your continued presence on this property is an act of unlawful trespass as defined by Vermont law.

YOU MUST LEAVE IMMEDIATELY

You may not return to this property unless you have the permission of the owner or a person in lawful possession, or are present under some other legal authority.

This will remain in effect until 9/19/26 (date). [May be up to one year.]

If you remain or return without permission or authority you may be arrested and prosecuted for trespass under 13 V.S.A. § 3705.

**Burlington City Hall
149 Church St.
Burlington, VT 05401**

Offense: Unreasonable Disruption / Remaining in building for more than 10 minutes...
not following reasonable direction of city hall staff

Chocolate Thunder Security [Signature] 8/20/26
Owner / Person in lawful possession or his or her agent – Print & Signature Date

(By signing, you acknowledge that you are the owner or person in lawful possession or his or her agent)

"Sam" 11:45 AM 8/20/26
Warned Person / Date of Birth – Print & Signature Date

If no signature was obtained, did this person receive a verbal Notice? Circle one: YES NO

[Signature] 11:45 AM 8/20/26
Person who served Notice – Print Signature Date

MEANS TO APPEAL:

[https://www2.burlingtonvt.gov/Archives/bd/BUSJVT4F1139/Signed CC Ordinance Burlington Code of Ordinances - Chapter 21, Offenses and Miscellaneous Provisions, Sec. 21-45A Trespass on City Property.pdf](https://www2.burlingtonvt.gov/Archives/bd/BUSJVT4F1139/Signed%20CC%20Ordinance%20Burlington%20Code%20of%20Ordinances%20-%20Chapter%2021,%20Offenses%20and%20Miscellaneous%20Provisions,%20Sec.%2021-45A%20Trespass%20on%20City%20Property.pdf)

Scott Martin



August 21, 2026

Burlington City Clerk's Office
City Hall, 149 Church Street
Burlington, VT 05401

RE: Written Appeal of Notice of Trespass Issued August 20, 2026 — Burlington City Hall, 149 Church Street

To the City Clerk's Office / Public Safety Committee of the Burlington City Council:

Pursuant to Burlington Code of Ordinances Chapter 21, Section 21-45A(f), I am submitting this written appeal of the Notice of Trespass issued to me on August 20, 2026 at Burlington City Hall, 149 Church Street. The notice was issued by security personnel identified as "Chocolate Thunder Security" (agent signature appears as "Dan Ferre"), and bars me from the property until September 19, 2026. This appeal is filed within seven (7) calendar days of issuance, as required by 21-45A(f)(1).

Hearing Request

I am not requesting a hearing at this time. I ask that the designated hearing panel consider this written submission and issue a decision on the record, per 21-45A(f)(4).

Grounds for Appeal

1. The stated "10-minute" limit is not established in the governing ordinance. The Notice of Trespass lists "unreasonable disruption / remaining in building for more than 10 minutes" as an offense. Section 21-45A of the Code of Ordinances — the legislated authority under which this notice was issued — contains no such time limit. To the extent a 10-minute rule was applied to me, it derives only from an internal City Hall policy document that has no identified author, no cited adoption authority, and no publicly available date of adoption beyond a stated effective date of July 21, 2026 provided informally by the City Attorney's Office. Enforcing an unlegislated internal policy as grounds for a trespass notice, when the underlying ordinance imposes no such requirement, is not a proper basis for exclusion from public property.

2. The notice does not designate a filing location for this appeal, and I was denied that information on-site. Section 21-45A(f)(1) requires that "the appeal shall be filed at the location designated in the notice of trespass." The notice I was given does not designate any such location. When I asked the security officer who served the notice where a written appeal should be submitted, he did not provide an answer and told me I could "look it up online." I am filing this appeal with the City Clerk's Office as the office responsible for City Council and committee filings, and copying the City Attorney's Office, in a good-faith effort to reach the correct venue given the absence of a designated filing location on the notice itself. I ask that, if this is not the correct office, this appeal be forwarded to the correct recipient or that I be notified promptly so I may refile without prejudice to the seven-day filing window.

3. My request for a waiver for constitutionally protected activity was refused without referral to the proper authority. Section 21-45A(f)(5) provides that an individual issued a notice of trespass may request a waiver from the issuing official for purposes including "the exercise of constitutionally protected activities." I made this request on-site, on the basis that my presence and recording activity in City Hall constituted the exercise of First Amendment rights and newsgathering/investigative activity. The request was denied on the spot without referral to the issuing official or any explanation of the process described in the ordinance.

4. The underlying conduct does not support the offenses cited. I was in City Hall conducting an investigation and recording in common areas and through windows into areas visible from public space, including a conference room with glass doors and no posted restriction. I did not receive a clear, timely explanation of any rule I was violating before being timed out and, ultimately, trespassed. Police were subsequently called while I was asking clarifying questions about the appeal process itself — not refusing to leave — and I left the property before officers arrived.

Requested Relief

I request that the Notice of Trespass dated August 20, 2026 be rescinded, or in the alternative, that I be granted a waiver under 21-45A(f)(5) to access Burlington City Hall for the purpose of conducting government-accountability reporting and exercising constitutionally protected activity, including recording in public areas and areas visible from public space.

Please direct any written decision or further correspondence to the address and phone number listed above. Thank you for your attention to this matter.

Sincerely,

Scott Martin

Scott Martin

cc: Joseph Dempsey, Public Information Officer, Burlington City Attorney's Office
Enclosure: Copy of Notice of Trespass, dated August 20, 2026

Scott Martin



August 31, 2026

Public Safety Committee, Burlington City Council
c/o Hayley McClenahan, Esq., Assistant City Attorney
Burlington City Attorney's Office
City Hall, 149 Church Street
Burlington, VT 05401

**RE: Written Submission in Support of Appeal — Notice of Trespass
Issued August 20, 2026, Burlington City Hall — Hearing Scheduled
September 2, 2026**

To the Public Safety Committee:

I submit this written statement in support of my appeal of the Notice of Trespass issued to me at Burlington City Hall on August 20, 2026, filed August 21, 2026 pursuant to Burlington Code of Ordinances Section 21-45A(f). I understand a hearing has been scheduled for Wednesday, September 2, 2026 at 5:30 PM, and that I am not permitted to attend that hearing in person because the Notice of Trespass remains in effect pending the Committee's decision. I address that circumstance separately below, and I am prepared to appear by Zoom.

1. The Determination That Exigent Circumstances Exist Is Not Supported and Should Be Reconsidered

I was informed by email dated August 28, 2026 that the issuing official determined, under Section 21-45A(f)(2), that exigent circumstances exist such that a stay of the trespass pending my appeal 'is not consistent with the public welfare.' Section 21-45A(f)(2) defines exigent circumstances narrowly, as 'any situation in which the issuing city official/officer determines that a person presents an immediate and substantial threat or danger to the health, safety, or welfare of another person.'

At no point during my visit on August 20, 2026 did I threaten any person, make any physical contact, raise my voice beyond ordinary conversation, or engage in any conduct that could reasonably be described as an immediate and substantial threat or danger to anyone's health or safety. I was recording in common areas and areas visible through glass from public space, and I asked questions of staff and security, including questions about the appeal process itself. I respectfully ask the Committee to review the basis, if any, for the exigent circumstances determination, and to identify what specific threat or danger I am alleged to have presented. Absent such a showing, I ask that the Committee find the exigent circumstances determination unsupported and direct that the standard stay under 21-45A(f)(1) apply.

2. The Offenses Cited Do Not Match the Ordinance

The Notice of Trespass lists as offenses 'unreasonable disruption/remaining in building for more than 10 minutes' and 'not following reasonable directive of city hall staff.' I am not aware of any provision in Chapter 21, Section 21-45A, or elsewhere in the Code of Ordinances that establishes a 10-minute time limit for a member of the public present in City Hall. To the extent this limit was applied to me, it appears to derive solely from an internal, unlegislated policy document, not from the ordinance itself. I ask the Committee to consider whether an offense with no basis in the governing ordinance can properly support a Notice of Trespass issued under that ordinance.

3. The City's Own Written Clarification of the Policy Confirms the Notice Does Not Meet Its Required Standard

On August 30, 2026, Chief Administrative Officer Katherine Schad, responding by email to a member of the public inquiring about this matter, quoted the City Hall policy's prohibited-behaviors provision in full. As quoted by Ms. Schad, the relevant provision does not prohibit merely remaining in a public area of City Hall for more than ten minutes. It prohibits: 'Remaining in a public area of City Hall without explicit business for a period of longer than 10 minutes, with the intent to cause annoyance, disruption, or the obstruction or impeding of City employees from carrying out City business.'

The Notice of Trespass issued to me alleges only 'unreasonable disruption/remaining in building for more than 10 minutes.' It does not allege, and no one has alleged, that I acted with intent to cause annoyance, disruption, or obstruction of City employees. I was recording in common areas and asking procedural questions, including questions about the appeal process itself. Even accepting, for purposes of argument only, that this unlegislated policy could form a valid basis for a Notice of Trespass, the City's own written description of that policy, provided after the fact by its Chief Administrative Officer, confirms that the notice issued to me does not meet the policy's own stated standard.

4. My Request for a Waiver for Constitutionally Protected Activity Was Not Honored

Section 21-45A(f)(5) allows an individual issued a Notice of Trespass to request a waiver from the issuing official for purposes including 'the exercise of constitutionally protected activities.' I made this request on-site on August 20, 2026, on the basis that my presence and recording activity constituted the exercise of First Amendment rights and investigative activity. The request was denied on the spot, without referral to the issuing official or any explanation of the process described in the ordinance. I renew that request here and ask the Committee to consider it as part of this appeal.

5. Fairness of the Hearing Process

I note, respectfully, that I have been informed I may not attend my own appeal hearing in person, at City Hall, because the very notice under appeal remains in effect. I do not raise this to suggest the Committee has acted improperly, but I ask that the Committee be mindful of this circumstance in weighing the fairness of the process, and I confirm that I intend to appear by Zoom as permitted.

6. Underlying Conduct

I was in City Hall on August 20, 2026 conducting a public-accountability investigation and recording in common areas and through windows into spaces visible from public areas, including a conference room with glass doors and no posted restriction on recording. I did not receive a clear, timely explanation of any rule I was violating before I was told to leave, and, ultimately, before I was issued the Notice of Trespass. The Burlington Police Department was contacted while I was asking clarifying questions about the appeal process itself, not while refusing to leave, and I left the property before officers arrived.

Requested Relief

I respectfully request that the Committee: (1) reconsider and reverse the exigent circumstances determination and restore the automatic stay under Section 21-45A(f)(1) for the remainder of this appeal; (2) rescind the Notice of Trespass dated August 20, 2026; or, in the alternative, (3) grant a waiver under Section 21-45A(f)(5) permitting me to access Burlington City Hall for the purpose of conducting government-accountability reporting and exercising constitutionally protected activity, including recording in public areas and areas visible from public space.

Thank you for your consideration. I am prepared to appear by Zoom at the September 2, 2026 hearing and to answer any questions the Committee may have.

Respectfully submitted,

Scott Martin (SAM Oversight)

JESSICA C. BROWN, ESQ.
City Attorney
KIMBERLEE J. STURTEVANT, ESQ.
ACA, Director of Litigation
HAYLEY I. McCLENAHAN, ESQ.
Assistant City Attorney
EMMETT WOOD, ESQ.
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149 Church Street
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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

To: Public Safety Committee
From: City Attorney Jessica Brown
Re: Trespass Appeal of Scott Martin
Date: September 1, 2026

On August 20, 2026, Scott Martin was trespassed from City Hall for thirty days as a result of his refusal to comply with the City Hall building policy and to follow the directive of a member of the City Hall security staff. The City requests that this trespass be upheld in its entirety.

While City Hall is accessible to members of the public and regularly hosts public meetings and other public events, its primary use, on a day-to-day basis, is as an office building. Members of the public may access City Hall, during limited hours, to conduct business with the City staff who work within City Hall, to attend scheduled public meetings and public events, and to use the bathrooms that are made available to the public.

Spaces in which government entities are managing internal operations fall into the category of nonpublic forums. Nonpublic forums are government space that “is not by tradition or designation a forum for public communication.”¹ Examples of spaces courts have held to be nonpublic forums include offices of government employees² and **lobby areas of government buildings**.³

Government entities may establish reasonable restrictions for nonpublic and limited public forums. The City of Burlington has established a City Hall building policy to maintain the safety of City staff working in City Hall and to protect the ability of City staff to carry out City business without disruption, obstruction, or harassment.⁴ A summary of the City Hall building policy is publicly posted at City Hall with information about where to find the full policy on the City’s website.

Pursuant to the City Hall building policy, members of the public are welcome in City Hall to attend scheduled meetings/appointments with City staff, for drop-in services at the City Clerk’s Office, for scheduled public meetings and events, for wedding ceremonies, and to use the public bathrooms on the first floor. Otherwise, members of the public who remain in City Hall without specific business are asked to leave after approximately 10 minutes. Members of the public who fail to follow and comply with the reasonable direction of City Hall staff or contracted security personnel are subject to a 30-day notice of trespass from City Hall.

¹ *Minnesota Voters All. v. Mansky*, 138 S. Ct. 1876, 1885 (2018) (quoting *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37, 46 (1983)).

² See e.g., *Lavite v. Dunstan*, 932 F.3d 1020, 1029 (7th Cir. 2019).

³ See e.g., *Make the Rd. by Walking, Inc. v. Turner*, 378 F. 3d 133, 145-46 (2d Cir. 2004); *United States v. Gilbert*, 920 F.2d 878, 884-85 (11th Cir. 1991).

⁴ [City-Hall-Policy---Prohibited-Behaviors](#) – Of note: The City Hall building policy does not currently entirely prohibit filming in City Hall (unless permission is granted) although, arguably, the policy could include this restriction as lobbies of government buildings are not traditional public forums.

On August 20, 2026, Scott Martin remained in City Hall for more than 10 minutes having no appointment or specific business. Scott Martin was filming in the lobby areas of City Hall as well as filming into the restricted third-floor office wing that includes the CEDO and Mayor's offices. He also filmed into the Sharon Bushor Conference Room on the first floor of City Hall during an internal staff meeting that was not open to the public. Mr. Martin was informed that the meeting was not public, was asked to stop filming, and refused.

After Mr. Martin had been in City Hall for more than 10 minutes, he was approached by a member of the security staff and was asked if he had an appointment or specific business in City Hall. Having none, Mr. Martin was informed that he would need to leave. He was warned that if he did not leave, he would be issued a notice of trespass. He was also warned that if he was issued a notice of trespass and refused to leave, the police would be notified.

After refusing to follow the directive of the security staff instructing him to leave City Hall, Mr. Martin was issued a 30-day trespass notice, pursuant to the City Hall policy, and was provided with instructions for filing an appeal of the trespass notice.

The City Hall building policy and protocol were followed in this matter. Mr. Martin was properly directed to leave and was properly warned that his refusal to follow the directive of the security staff would result in the issuance of a notice of trespass. Once trespassed, Mr. Martin was properly notified of his right to appeal.

Based on all of the information outlined herein, the City requests that the trespass notice issued to Scott Martin be upheld in its entirety.

