

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, MARCH 9, 2022

Present:

Trustees: Steve Hatfield, Diane Lehouiller, Will Jennison, BJ Putvain, Ken Tourangeau

Others: Rosemary Audibert, Kyle Nuse, Brian Monaghan, Kristen Shamis

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Will called the meeting to order at 6:00.

2. Changes, Additions to Proposed Agenda

Will added an application for a facility use agreement and the dedication for the village report. At Diane's request he added discussion of how motions to go into executive session should be worded.

Kyle Nuse said she would like to ask BJ some questions about campaign material he put out. She wants to do it in a public meeting because she thinks other people would also be interested. Will asked BJ if he wanted to have the conversation in the meeting or afterwards. BJ said afterwards. Will said BJ will talk to Kyle after the meeting.

3. Discussion of Hiring Recruiting Services for Village Manager Position

Rosemary said Susan contacted several people who have worked with Rick McGuire at the VLCT assistance center and all gave favorable references. The price depends on how much we want him to do. Rosemary has the names of several other recruiters. She knows the first one charges 20% of the annual salary. She doesn't know about the others. The board agreed to put out an RFP and send it to all 4 recruiters whose names the village has.

4. Application for Facility Use Agreement

Be-Longing for Justice has submitted an application for a vigil at the village green. In answer to questions from Will and Ken, Diane explained that the vigil is to show support for Ukraine. **Steve moved to approve Be-Longing for Justice's application to have a candlelight vigil on the village green on March 11, 2022 from 5:00 to 7:00 pm, Diane seconded and the motion was passed.**

5. Dedication of Village Report

Rosemary suggested two possible dedications for the village annual report and the board agreed on one of them.

6. Possible Executive Session for Confidential Attorney-Client Communications and a Personnel Matter

Diane said she would like to add a purpose for the attorney-client communications. She gave an example of a motion including a purpose: "regarding the performance of an administrator." Just saying it is for confidential attorney-client communications isn't enough. They recommend being more specific. Will asked if that is what is recommended or what is required to be legal. Diane said they say you should do that in order not to get into trouble if someone should dispute the reason for going into executive session. You can't give away information that is confidential but you should state a purpose and be very clear about it.

Ken asked how executive session motions are generally written for the selectboard. Rosemary said they are usually in two parts and the purpose is in the first part. Diane said the selectboard recently

had an executive session about a truck and they did state what it was about without giving away anything that would hurt their negotiations. We want to be perfectly clear. It is important.

Will asked Brian Monaghan for his thoughts. Brian said he thinks there is a balance to be struck. Diane brings up a good point. He thinks simply stating that the executive session relates to an employee issue is sufficient. No employee names should be included. He thinks there is enough information for the public and to satisfy the requirements of Open Meeting Law if the motion is to go into executive session to obtain confidential attorney-client advice related to an employee issue.

Kyle said her understanding is that before the board decides whether to go into executive session they should have as much discussion as possible in public before crossing that threshold where further discussion may put the board at a disadvantage. She is curious why this agenda was warned as a possible executive session but we haven't heard any preliminary discussion that would lead into an executive session. Will said he doesn't know what the board could talk about in open session. Kyle said in executive session the board only discusses things that absolutely cannot be out in public and very few things fall into that category. Will said Brian Monaghan has said that the information he is going to talk about is confidential and the personnel matter is confidential. Brian said the agenda says "possible executive session" to give everyone notice that an executive session is possible. Of course the board is going to vote on it. In the motion about whether public discussion would put the board at a substantial disadvantage the board has to consider the concept that discussion of attorney-client privileged information in public will place the village or an employee at a substantial disadvantage. That is the discussion that has to happen as part of the first motion. If the board passes that motion then there is a second one, which is actually to go into executive session.

Kyle said it getting really concerning how many executive sessions are at every meeting. The public is wondering what is going on. At what point do we know what is going on and how taxpayer money is being spent and how time is being spent? Will said the board is feeling the same. He can't say when. If the board could tell the public, they would. They are not trying to hide anything. They will release as much information as they can and they will release it as soon as they can but until that point the advice they have received is not to discuss it in public because the board is liable for releasing personal information.

BJ moved to find that premature general public knowledge of a possible executive session for confidential attorney-client communication pursuant to 1 VSA § 313(1)(F) would clearly place the village at a substantial disadvantage, Ken seconded and the motion was passed.

BJ moved to enter executive session for a personnel matter pursuant to 1 VSA § 313(4) for an employee issue, inviting all board members, Rosemary, Brian Monaghan and Kristen Shamis, Ken seconded and the motion was passed at 6:25. The board came out of executive session at 6:54.

7. *Adjourn*

The meeting was adjourned at 6:55.

Minutes submitted by Donna Griffiths