

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE SELECTBOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF SPECIAL SESSION
March 15, 2022**

***Hybrid meeting held via teleconference and in-person.**

MEMBERS PRESENT: Mike Ashooh (Chair), Luce Hillman, Kate Lalley, Matt Wormser. (Cate Cross was absent.)
ADMINISTRATION: Lee Krohn, Town Manager; Nini Anger, Executive Assistant to the Town Manager.
OTHERS PRESENT: Members of the public participating in the meeting included Linda Riell, Sean Moran, Corey McDonald, Lee Suskin, Mike Donoghue, Media Factory.

1. CALL TO ORDER

Chair Mike Ashooh called the hybrid in-person and teleconference meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Matt Wormser, SECOND by Luce Hillman, to approve the agenda as presented. VOTING: unanimous (4-0); motion carried.

3. APPEAL: Denial of Public Records Request by Corey McDonald

TESTIMONY

Town Manager, Lee Krohn, explained in an effort to be prudent and cautious with matters potentially involving Human Resources and personnel, the public records request for the document from Jim Baker's investigation of events at the Police Department was denied based on two counts under 1VSA317 relative to personal and personnel documents and inter- and intra-departmental communications preliminarily of policy or actions. The decision from the Selectboard on the appeal must be issued in writing by March 18, 2022 at the latest.

Appellant, Corey McDonald, stated the statute, 1VSA317(c)(7), is clear that documents relating to the management and direction of a law enforcement agency are subject to public record requests. The Selectboard is asked to reconsider the denial of the request for public records relative to the document from Jim Baker.

PUBLIC COMMENT

Sean Moran asked for clarification of the scope of work by Jim Baker per the contract and the cost. Mike Ashooh read the letter of agreement between the Town of Shelburne and Mr. Baker. The letter was made available to the public.

Lee Suskin stated in a quasi-judicial hearing any conflict of interest or ex parte communication with the Town Manager or the appellant needs to be disclosed. [The Selectboard members said they had no conflicts of interest or ex parte communications.] Lee Suskin also suggested portions of the document that the Town Manager felt could not

be disclosed could be redacted and the redacted document could be released. [The appellant argued redactions could be made, but on the whole the record constitutes records relating to direction of a law enforcement agency. Lee Krohn stated the report from Jim Baker is brief and to the point and would be difficult to redact and not simply disclose all information.] Lee Suskin referred to guidance from the Secretary of State relative to free and open government records, promoting transparency, accountability, and better decision making in government, and noted the Vermont Supreme Court supports the right to access public documents with the identity or motive of the request being irrelevant.

Mike Donoghue pointed out Jim Baker is not a town employee so the report is not inter- or intra-departmental communications. The report is a straight contract item and should be released. The Vermont Constitution says when in doubt give it out. Also, there is question whether this is a quasi-judicial matter. [It was noted only the Selectboard, Town Attorney, and Town Manager have seen the report. Lee Krohn said in his opinion conversation between the Town Manager and the Selectboard constitutes intra- or inter-departmental communications.]

4. DELIBERATIVE SESSION

MOTION by Matt Wormser, SECOND by Luce Hillman, to go into deliberative session. VOTING: unanimous (4-0); motion carried.

Deliberative session was convened at 7:26 PM and the regular meeting resumed at the conclusion of deliberative session.

5. ACTION FOLLOWING DELIBERATIVE SESSION

Mike Ashooh announced the Selectboard agreed the report can be released with some redactions to avoid compromising privacy. The Selectboard will consult with an attorney on who does the redaction and will release the redacted report by the end of the day on 3/18/22.

6. ADJOURNMENT

MOTION by Luce Hillman, SECOND by Matt Wormser, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at PM.

RScty by tape: MERiordan

For the Selectboard

Date