



**Town of Milton – Special Selectboard Meeting
43 Bombardier Road, Milton VT 05468
In Person and/or via Zoom – Community Room
Thursday, January 6, 2022 at 5:00 p.m.**

MINUTES

Selectboard Members Present: Darren Adams, Chair; Michael Morgan, Vice Chair; Chris Taylor, Clerk; Brenda Steady, Member; John FitzGerald, Member

Selectboard Members Absent: None

Staff Members Present: Don Turner Jr., Town Manager; John Bartlett, Director of Admin, Facilities, HR and IT

Others Present: Mike Hoey, WVNY/WFFF, Local 22/24 News, Colchester; Rachel Mann (Remote); WCAX3 (Remote); Lisa Rees (Remote); Joseph McLean, Town's Legal Counsel (Remote)

I. Call to Order

M. Morgan called the meeting to order at 5:00 p.m.

II. Flag Salute

M. Morgan led the attendees in the Pledge of Allegiance.

III. Agenda Review

No changes to the agenda.
D. Adams joined the meeting.

IV. Public Forum

None.

V. Open Meeting Complaint

D. Adams communicated that the meeting was called to address an Open Meeting Complaint. The Town's attorney would like to communicate with Selectboard members in Executive Session.

VI. Executive Session – Confidential Attorney/Client Communication

Motion made by C. Taylor to find that premature knowledge about Confidential Attorney/Client Communication would cause the Town or person to suffer a substantial disadvantage. Second by J. FitzGerald at 5:02 p.m. Motion approved unanimously.

Motion made by C. Taylor to move enter into executive session at 5:02 p.m. to discuss Confidential Attorney/Client Communication under the provisions of 1 VSA 313 (A)(1) of the Vermont

Statutes; to include the following; Selectboard members: D. Adams, M. Morgan, C. Taylor, J. FitzGerald and B. Steady; D. Turner, Town Manager; Joseph McLean, Town Legal Counsel (by phone). Second by M. Morgan. Motion approved unanimously.

Motion made by C. Taylor to close executive session at 6:01 p.m., with a second by M. Morgan. Motion approved unanimously.

VII. Action as a Result of Executive Session

D. Adams read the following brief statement from the Town's Legal Counsel, Joseph McLean:

"A former Town employee, Sheila Mooney, filed a September 15, 2021 Letter of Complaint with the Selectboard regarding another Town employee. The Selectboard consulted with its attorneys. The Town's attorneys retained an independent investigator to look into the allegations. The Town's attorneys provided the Board with legal advice in executive session. No member of the Selectboard requested a return to open session to consider a motion to act on the complaint. I reported back to Ms. Mooney that the Board had determined that no violation of law or Town policy occurred. She subsequently filed a complaint with the Secretary of State's office on December 29, 2021, and the Attorney General's office on January 4, 2022, alleging that the Board had violated the Open Meeting Law by improperly "taking action" in executive session.

"While the communication to Ms. Mooney may have resulted in a misimpression, I do not believe that any violation of the Open Meeting Law occurred. The Board took no formal or binding action in executive session. The Board had no obligation to respond formally to the complaint; this was not a quasi-judicial matter requiring a decision. We responded to Ms. Mooney, as a courtesy.

"Nonetheless, out of an abundance of caution, I offer the following motions to address the alleged Open Meeting Law violation and to cure the same, to the extent it is necessary:"

Motion made by D. Adams to deny an Open Meeting Law violation, as alleged by Ms. Mooney, occurred in connection with the Board's executive session discussion, as there was no formal or binding action taken and therefore no cure is necessary. Second by B. Steady. Motion approved unanimously.

Motion made by D. Adams to ratify and confirm the Selectboard Chair's December 17, 2021 letter to Ms. Mooney regarding her Letter of Complaint, with the clarification that (1) the Board discussed the matter in executive session but did not take any vote and (2) there was no motion made after the executive session to make any determination or pursue any course of action. Second by B. Steady. Motion approved unanimously.

VIII. Adjournment

Motion made by M. Morgan to adjourn the meeting at 6:08 p.m., with a second by J. FitzGerald. Motion approved unanimously.

All documents pertaining to this meeting may be viewed using the following link:

<https://miltonvt.box.com/s/f5a80oeyy31xongxobt4c2eaowtbe4a>

A video recording of this meeting can be found at the following location:

<https://miltonvt.box.com/s/ww08en619r8nscskliiqz698apfig26>

Respectfully Submitted,

Brittany Tradup

APPROVED MINUTES:

_____ Date: _____

Chris Taylor, Clerk

Filed with the Milton Town Clerk's Office on this _____ day of _____, 2022.

ATTEST: _____, Milton Town Clerk

DRAFT