

Minutes of the Special Selectboard Meeting of Wednesday, December 16, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager.

There were 3 people in the audience.

Also participating: Suzanne Lupien.

Cook opened the meeting at 6:30 pm.

1. Review of Opinions from Attorney Klesch Re: Terms of Employment of Town Manager (Executive Session May be Required). Layton **moved** (2<sup>nd</sup> Goulet) to find that premature general public knowledge of the confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard regarding terms of employment of the Town Manager would clearly place the municipality at a substantial disadvantage. Flanders asserted and Ashley agreed that the discussion of the motion did not adequately support the standard of "would clearly place the municipality at a substantial disadvantage," needed as a finding to justify entering Executive Session. Further discussion ensued. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Pursuant to Title 1 VSA § 313(a)(1)(F), Layton **moved** (2<sup>nd</sup> Goulet) to enter into Executive Session for the purpose of discussing the confidential attorney-client communications having found that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage and invite Attorney John Klesch to join by telephone. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Flanders abstained from participating in the Executive Session. The Selectboard moved into Executive Session at 6:54 pm. At 7:47 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.**

Pursuant to Title 1 VSA § 313(a)(6), Layton **moved** (2<sup>nd</sup> Ashley) to enter into Executive Session for the purpose of discussing the John Klesch opinion letter. **Motion passed.** The Selectboard moved into Executive Session at 7:55 pm. At 8:39 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.** Layton **moved** (2<sup>nd</sup> Flanders) to make public from the Town Manager's Office by noon on December 17, 2015 the John Klesch attorney opinion concerning the Norwich Town Manager. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook). Ashley **moved** (2<sup>nd</sup> Flanders) to authorize the Town Manager to release the documents covered by the public records request when they become available from the attorneys. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook).

2. Town Manager Evaluation (Executive Session May be Required). Pursuant to Title 1 VSA § 313(a)(3), Flanders **moved** (2<sup>nd</sup> Layton) to enter into Executive Session for the purpose of discussing the Town Manager evaluation. **Motion passed.** The Selectboard moved into Executive Session at 8:55 pm. At 10:10 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.** No action was taken as a result of the Executive Session.

Flanders **moved** (2<sup>nd</sup> Ashley) to adjourn. **Motion passed.** Meeting adjourned at 10:11 pm.

Approved by the Selectboard on January 13, 2016.

Linda Cook  
Selectboard Chair

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PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH  
SELECTBOARD.