

Ferrisburgh Select Board
Special Meeting
June 11, 2015
6:00 pm.

Members present: Jim Benoit, Steve Gutowski, Loretta Lawrence, and Michael Muir

Absent: James Warden

Others present: Town Attorney - James Carroll, Charles Piasecki, and Gloria Warden

Chairman, Steve Gutowski, called the meeting to order at 6:00 pm. The purpose of this meeting was to respond to a written complaint from Charles Piasecki concerning the VT Open Meeting Law.

James Carroll, Town Attorney, explained the new VT Open Meeting Law and educated the board about the correct way to apply this law whenever going into any probable executive session. Discussion ensued.

Loretta Lawrence made the following motion:

“The Ferrisburgh Selectboard hereby acknowledges, that in moving to go into executive session pursuant to 1 V.S.A. S-313(a)(1)(F) at its meeting of May 19, 2015, the Selectboard did not make a specific finding concerning premature general public knowledge and substantial disadvantage as required in S-313(a)(1). The Selectboard hereby confirms that the discussion involved the disclosure and consideration of attorney-client communications involving the rendering of professional legal services concerning the relative merits of legal options in responding to the Mile Point noise complaints and that, based on the advice of counsel, the premature disclosure of these communications would place Ferrisburgh at a substantial disadvantage. The Selectboard operated in good faith and with the belief that the executive session of May 19, 2015 was permitted under S-313(a)(1)(F) given the Board's consideration of counsel's advice on its legal options.

The Selectboard further determines that no action was taken as a result of the executive session of May 19, 2015 and therefore no cure by way of ratification or voiding an act of the Selectboard is warranted or necessary under S-314(b)(4)(A). Given that the determination to go into executive session by a public body necessarily requires "the exercise of judgment on a case by case basis," *Trombley v. Bellows Falls Union High School District No. 27*, 160 Vt. 101, 105, 624 A.2d 857 (1993), it will be difficult to formulate a specific measure that will provide accurate guidance under any given scenario for identifying a matter which is subject to an exception under VOML and the making of findings under S-313(a)(1). That said, the Selectboard recognizes that the use of executive session under 1 V.S.A. S-313(a)(1) requires a specific finding concerning premature public knowledge prior to entertaining a motion to go into executive session and that it will, in the future, follow this procedure.”

Motion seconded by Jim Benoit. Motion passes 4-0.

Mr. Piasecki thanks the Select Board for their attention to this matter and states that he is satisfied with the results of the discussion.

Motion by Jim Benoit to adjourn the meeting. Motion seconded by Michael Muir. Motion passes 4-0.
Meeting adjourned at 6:35 pm.

Respectively submitted,
Loretta Lawrence, Board Clerk