

ST. JOHNSBURY BOARD OF SELECTMEN
MONDAY, March 4, 2013

SPECIAL SELECTBOARD MEETING

The St. Johnsbury Selectboard met in the Pomerleau Building, 1st floor on Monday, March 4, 2013 at 5:00 p.m. for the Special Meeting of the Selectboard. Present were: Chairman Jim Rust, Rodney Lamotte, Bernard Timson, Kevin Oddy, Vice Chairman Alan Ruggles, and Interim Town Manager Merelise O'Connor.

The meeting opened with the Pledge of Allegiance at 5:00 p.m.

PUBLIC ATTENDANCE: Tom Moore, Lisa Briggs, Tim Persons, Mike Fortier, Hugh Wescott, Sharon Heidemann, Werner Heidemann, Willey Nickerson, Tim Ayell, Ray Labounty Jr., Earl Jensen, Lorraine Jensen, Ashley Duprey, Alex Brown, Town Clerk Stacy Jewell.

Press: Taylor Reed-Caledonian Record, and KATV

Minutes: For January 25, a motion by Ruggles, seconded by Lamotte, minutes approved as presented, vote was unanimous. For January 26, a motion by Ruggles, seconded by Oddy, minutes approved as presented, vote was unanimous. For January 28, a motion by Ruggles, seconded by Lamotte to approve with corrections of "spending not budgeting", road certification reduction of .8 miles, tar sands consensus, flood mitigation information, vote was unanimous. For January 29, a motion by Lamotte, seconded by Oddy to approve with corrections of spelling errors, vote was unanimous. For February 11, a motion by Oddy, seconded by Ruggles to approve with correction to the title to distinguish between special and regular meeting, vote was unanimous. For February 18, a motion by Ruggles, seconded by Lamotte to approve as presented, vote was unanimous.

Water / Sewer Budget: On a motion by Selectman Ruggles, seconded by Lamotte, the Board voted to approve the Water and Sewer budget with two minor (number placement) corrections.

5:15 PM On a motion by Selectman Lamotte, seconded by Selectman Timson, the Board voted to go in to Executive Session for the purposes of an update on the Town Manager Search.

6:30 PM Bernard Timson made a motion to come out of Executive Session, which was seconded by Rodney Lamotte.

Jim Rust stated that the Board had received information, which was supplied by Abby Friedman from the Vermont Leagues of Cities and Towns regarding the background search on the Town Manager candidate. Included was a financial and criminal background check on Mr. Mark Shea, a candidate for the Town Manager position. The Board had spoken with the candidate to confirm his continued interest in the position. The Chair asked for a motion to approve Mark Shea to be town manager pursuant to a contract being drawn up and being approved by the Selectboard and Mark Shea at a salary of \$65,00 and standard benefit package, to serve as an at will employee, exempt status. The motion was made by Lamotte, seconded by Timson. There was further discussion.

Alan Ruggles stated his reservations of the candidate, due to his lack of experience. Alan stated that nothing he had learned today about the candidate's background had changed his mind.

Kevin Oddy agreed with the reservations, and stated that the contract must include that he be an at-will employee, and can be removed for any reason at any time.

Jim Rust stated that he also has concerns. He stated that the salary of \$65,000 was so directed because of those outstanding concerns. He would like to see a contract drawn up by the Town attorney, reviewed by the candidate's attorney and reviewed at the March 11th, 2013 meeting.

Bernard Timson stated that Mark Shea would not have been his first choice, but his second or third choice. He further stated that he will make a good man for the job.

Resident Raymond Labounty addressed the board with some questions. He first wanted to know why the board did not warn the Executive Session. He asked about the 24 hour posting requirement of the meetings. He also questioned whether it was legal to make the decision of appointing a Town Manager during that session. He stated that he was not happy about the 11th hour nature of the appointment, and why was there such a rush to push this through. He stated this was not in the best interest of the Town. He questioned the reason for not waiting until there was a new Selectboard in place, and urged for prudence and real transparency. He said the appointment of a new Town Manager should be a 5-0 vote; the new Town Manager ought to be embraced by the entire Board. He said that if the board had waited, there would be more people present to listen to the deliberation. Mr. Labounty was going to check in to the legality of the process. He does not think it is legal, is dead set against it.

Lisa Briggs also had concerns with it being a 3-2 vote. The full confidence of the board had not been satisfied. She stated that there needed to be performance measures in place which would provide a non-biased review.

Chairman Rust stated that the "at-will" section of the contract would apply to any candidate they have considered. A contract will be in place, and the lawyers would begin to discuss the terms. They selected this candidate and finalized the process with this board so they did not have to start over when/if a new board is seated after the elections.

Lisa Briggs asked if there would be an evaluation process in place without having to speak to a Manager's subordinates such is current process.

Jim Rust referred to a personnel policy that is currently being drafted.

Mike Fortier commented that he agreed with the other people who had spoken. It was not professional to act the way the board is acting, and in his opinion, this was their one last act of defiance.

Resident Raymond Labounty spoke again and stated that the need was to select the most efficient, well-rounded individual, who was already experienced in this field. It is critical to get the right person for the Town. He stated that the current Interim Town Manager has the credentials to run a town, and we as a Town should accept nothing less, or we are not doing the Town justice.

Jim Rust stated that Mark Shea had his first job in municipal government in Southern Vermont. He stated that due diligence to the process has been done. Rust explained that Mr. Shea had earned an MPA.

Resident Raymond Labounty stated that he wanted to be heard. He stated his opinion that the Board wanted to get an inexperienced person so Jim could lead them.

Vice Chair Alan Ruggles stated that he agreed with Raymond Labounty's comments. He stated this was not a wise decision.

Selectman Timson moved to call the question, seconded by Selectman Lamotte. The motion was approved, 3-2.

The Board returned to the motion made earlier by Lamotte. The vote was 3-2 with Alan Ruggles and Kevin Oddy voting against the appointment.

A motion by Rodney Lamotte, seconded by Bernard Timson to adjourn meeting, vote was unanimous.

Approved 03/25/2013