

**Kingston, New Hampshire
Board of Selectmen
Special Meeting of April 17, 2023
FINAL MINUTES**

The meeting was called to order at 4:00 PM by the Chairman.

PRESENT: Acting Chair Chris Bashaw; Glenn Coppelman, Charles Hart, Select Board Members

BOARD BUSINESS

Professional Conduct Complaint

Acting Chair Bashaw opened the meeting and explained that this is a special meeting in regard to a professional conduct complaint against a Select Board member, who has recused himself from this proceeding. He said that the Board is acting under the advice and guidance of Town Counsel. At the request of the Plaintiff, who has waived his right to privacy, this meeting is being held in public session compliant with RSA 91-A.

Selectman Bashaw went on to make the following statements:

- It was brought to the Board's attention that while meeting with Police Chief Johnson in his capacity as a Select Board liaison, Board member St. James made certain inappropriate remarks to the Chief.
- These remarks were unprofessional, offensive, and particularly inappropriate in the context of an employer's performance review of an employee.
- NH RSA 42:1 requires every town officer to take an oath of office which requires town officers to "faithfully and impartially discharge and perform all duties" incumbent upon them in their roles.
- Board member St. James' inappropriate language and behavior did not violate his oath of office. But he should be mindful of his oath going forward and abide by it in all of his activities as Board member going forward.
- Due to the inappropriate comments made by Board member St. James, I believe it is necessary to remove him from his role as Select Board liaison to Town departments and employees over which he has, or would have, a supervisory role.
- We as a select board are the face of Kingston. We are held to the highest standards of professionalism while undertaking our official duties. While we may not always get along with other officials or employees, our personal disagreements must always be put aside for the good of the Town. We must always use language that is professional, respectful, and neutral.

Selectman Bashaw then asked for this quorum of the board to vote on removing Mr. St James from his role as liaison to town employees. He asked for a motion to remove

Board member St. James from his role as Select Board liaison to town departments for the remainder of his current term as Select Board member.

MOTION: by Selectman Hart

SECOND: by Selectman Coppelman

Board Member Coppelman said he understands, under the circumstances, the removal from representation of this board to departments with Town employees. However, he questioned whether the wording includes removing Board Member St. James from being involved with boards and committees that are comprised of volunteers and do not include Town employees.

Chair Bashaw said he had asked this question of Counsel, and she clarified that this removal is only from departments with Town employees and is not meant to remove Board Member St. James as a liaison to committees.

All in favor via roll call vote

Chair Bashaw then said he also believes the Board should send a signed written letter to Board Member St. James to reflect the vote, and the discussion here tonight. It should further express the Board's expectations for Board Member St. James moving forward; the letter will be sent promptly after the conclusion of this meeting. He said that a letter has been drafted by Counsel for this use. He read it into the record (see attached). He then asked for a motion to issue this letter to Board Member St. James.

MOTION: by Selectman Hart, to send the letter as written

SECOND: by Selectman Coppelman

Selectman Coppelman commented that this letter was not crafted by anyone here; he said he has no argument with it, though it seems overly long and repetitive, but wants to stress that it was written by Counsel with the language she felt was appropriate.

All in favor via roll call vote

PUBLIC COMMENT:

Attorney John Ventura, of Ventura Law LLC, Newton NH, introduced himself as Joel Johnson's attorney, and said he had written a letter to this board which was apparently read in non-public session last week. He said he is requesting that those non-public minutes be unsealed. The Board agreed to this. He then asked for permission to read the letter into the record. This was also agreed to, and he read the letter (see attached). Attorney Ventura then commented that while it's great that Board Member St. James has been removed as a liaison, he feels that this still does not protect the Town's employees to the best of the Board's ability. He asked the board to consider if Board Member St. James would do this to the Chief of Police, what would he subject other employees to? Attorney Ventura said that this action was taken to protect the employees of the Town. He said that if Mr. St. James is still a Select Board member, he will still interact with employees, and that his client is asking for nothing less than removal from his elected position.

Selectman Coppelman suggested that this request should be relayed to the Town's Counsel before any further conversation takes place. All were in agreement.

Meeting Adjourned (Coppelman/Bashaw/All) at 4:17 pm

Respectfully submitted: Susan H. Ayer, Administrative Assistant to the Select Board



April 10, 2023

Town of Kingston
Board of the Selectman

Re: Chief Joel Johnson

To Whom it may concern,

Please be advised that this office represents the interests of Joel Johnson, Chief of Police for the Town of Kingston, New Hampshire. The purpose of this correspondence is to notify and put the Board on notice of some disturbing circumstances that Chief Johnson has recently been subjected to by a member of your Board.

On April 4, 2023, Chief Johnson was visited at the Kingston Police Department by Selectboard member, Kevin St. James. The purpose of the meeting was official Town business and was to discuss the Chief's yearly performance review. It is my understanding that St. James, at some point, was the Selectboard liaison to the Police Department and that part of his duty was to review the yearly performance evaluation with the department heads that he is assigned to. On this date, for reasons unknown to Chief Johnson, St. James initiated a conversation regarding an upcoming election in which St. James is a candidate. St. James inquired of the Chief as to why he, Johnson, was "backing" another candidate and how dare he do so. Chief Johnson was extremely uncomfortable discussing politics during the scope of his review, especially since his direct supervisor was suggesting that he was not loyal to him. Chief Johnson was uncomfortable with the topic and had to measure his answers quite carefully so as not to negatively influence his performance review.

At another point in the same review, the topic of Mr. St. James's availability to the Department was discussed. It was the Chief's position that he is available to all selectman at any time and that other selectman, prior to St James, made a conscious effort to visit the Department from time

to time to keep informed about the progress of the Police Department. It was at this point that St. James iterated that he was not as readily available because he has a full-time job and is quite a busy man. In fact, St. James asked the Chief what he was supposed to do? St. James then made a reference to the Chief, essentially asking him if he “wanted him to perform oral sex upon the Chief”. As you can imagine, this is paraphrased, and St. James used much more colorful language to describe the act. To say this is not only inappropriate language for a supervisor to use with a subordinate, but the very suggestion that he perform a sexual act upon an employee is absurd. Unfortunately, this is not the only time this exact same question was phrased to the Chief by St. James. A similar conversation occurred just a few short months earlier regarding St. James’s availability, when St. James suggested, again, “do you want me to perform oral sex upon you?”.

I trust that the Town takes these unlawful acts very seriously. It is my assumption that the original reading of this letter will be in a non-public session, as it pertains to a personnel matter involving Chief Johnson as an employee of the Town. If further action is required to address this matter after your non-public session, Chief Johnson waives any further privacy rights regarding this issue under RSA 91:A. In fact, he will insist upon the discussion taking place in a public session. We expect that the Town will take swift and decisive action to remove Mr. St. James from any position that may allow him to further harass Chief Johnson in any way. If we deem your actions regarding the matter inadequate, we will be forced to take all legal action available under the law.

I look forward to your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Ventura", with a stylized flourish extending to the left.

John Ventura, Esq.

April 17, 2023

Kevin St. James
38 Ball Road
Kingston, NH 03848
Kstjames@kingstonnh.org

RE: Inappropriate Conduct and Language as a Kingston Select Board Member

Kevin:

You have acknowledged that, while meeting with Police Chief Johnson in your capacity as the duly authorized liaison of the Board of Selectmen to the Police Department, you made certain inappropriate remarks to the Chief. Such comments are unprofessional in any setting, but are particularly inappropriate in the context of an employer's performance review of an employee. This behavior is unfitting for a member of the Kingston Select Board and shall not be tolerated.

As a representative of Kingston's governing body, you are held to a professional standard when conducting business on behalf of the Board. Remarks related to an employee's political affiliation are irrelevant to their job duties or job performance, and can have an intimidating effect upon the employee. Political affiliation discrimination of Town employees will not be tolerated. While acting in an official capacity on behalf of the Board, it is expected that no member of this Board would discuss an employee's support of their re-election campaign. Such commentary by you is unacceptable to the Board.

Moreover, your additional harassing remarks to the Chief were offensive, unprofessional, and open the Town to potential liability. We, the Select Board, will not tolerate such language or any other potentially harassing or discriminatory conduct while a member is acting in their official capacity as a member of the Town's governing body.



Due to your inappropriate behavior, we have voted to remove you from your role as Select Board liaison to those Town departments over which you have a supervisory role. For the remainder of your term as Select Board member, you are not authorized to liaise directly with the Town's employees on behalf of the Board, except to the extent such matters come before a quorum of the Board at a duly noticed meeting.

NH RSA 42:1 requires every town officer to make and subscribe the oath of office set forth in the New Hampshire Constitution, Part II, Article 84, which requires town officers to "faithfully and impartially discharge and perform all duties" incumbent upon them in their roles.

While we do not believe that your inappropriate language and behavior in this instance violated your oath of office, we trust you will be mindful of your oath going forward, however, and abide by it in all your activities as Board member.

You, as a Select Board member, are the face of this Town. As members of Kingston's governing body, we are held to the highest standard of professionalism while undertaking our official duties. Our job is to act in all ways, and at all times, for the benefit of the Town. While we may not always get along with other officials or employees, our personal disagreements must always be put aside for the good of the Town. We must always use language that is professional, respectful, and neutral. You shall not make inappropriate remarks or engage in any harassing or discriminatory conduct while acting in your capacity as a Board member at any time. This is the expectation that we have for you in everything you do as Select Board member moving forward.

Sincerely,


Christopher Bashaw, Acting Chair
Glenn Coppelman, Member
Charles A. Hart, Member