

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT BOS MEETING

TOWN OF WESTBROOK, CONNECTICUT  
BOARD OF SELECTMEN  
SPECIAL MEETING  
Tuesday, September 8, 2020  
Via ZOOM

CALL TO ORDER

First Selectman Bishop called the meeting to order at 5:30 p.m. In attendance included: First Selectman Bishop, Selectman Hall, and Selectman Fuchs, Ken Butterworth, IT, Chris Ehlert, BOF member, Tony Cozza, BOF member, Duncan Forsyth, Town Attorney, Kate Sullivan, DTC Chairwoman, Paul Winch, Kate Gilstad Hayden, BOF member, Bonnie Hall, ZBA Chairman, Lee McNamar, WPCA Chairman, Jim Crawford, Registrar, and several members of the audience.

DISCUSSION AND POSSIBLE ACTION – BOF Vacancy

Ms. Sullivan, DTC Chairwoman, requested that the following be read:

“Dear Selectman Bishop, Hall and Fuchs,

I have become aware of a Special Meeting of the Board of Selectmen on Tuesday, September 8, 2020 at 5:30 pm with the following item on the agenda:

Discussion and possible action – BOF vacancy – pursuant to State Statutes Section 7-343 and Section 7-107 – per Attorney Forsyth’s letter

I would like this letter to be read at your Board of Selectmen meeting on September 8<sup>th</sup>.

I am questioning this Board of Selectmen meeting as the Board of Finance is following the direction of Town Attorney Duncan Forsyth of filling the vacancy per his letter of August 13, 2020 which First Selectmen Bishop requested from Attorney Forsyth the following: “You have asked for our guidance regarding the resignation of the Chairman of the Board of Finance and the process to both appoint a new Chairperson and fill the current vacancy.” (See letter attached).

In addition, Mr. Bishop at the Board of Selectmen’s Thursday, July 23, 2020 meeting states per your minutes “Mr. Bishop reported on the protocol for BOF member replacement as follows: The Chairmen of the Town Committees, RTC/DTC will be informed of the resignation and encouraged to provide a nomination for replacement. The BOF will then schedule a Special BOF meeting to interview candidates and vote on a replacement. **The BOS has no role in the process.**” (See Attached Minutes)

I find it concerning that all public communication from Mr. Bishop and Attorney Forsyth to the Board of Selectmen and Finance highlight the Board of Finance statutory authority.

In addition, the Board of Finance at its Regular meeting of August 19, 2020 unanimously voted to follow the process as described in Attorney Forsyth August 13<sup>th</sup> memo.

The Board of Finance has a Special Meeting scheduled for Wednesday, September 16, 2020 at 6pm to interview the two candidates to be considered for the Board’s vacancy.

Two Candidates have voiced an interest to serve on the Board of Finance. These candidates' voices should be heard as they have stepped up to serve. The Board of Finance should interview these candidates and chose the candidate that they believe is the best candidate to fill the vacancy.

Anything less than the Board of Finance filling its own vacancy would be nothing short of the Board of Selectmen ignoring the will of the Board of Finance as voted upon at its August 19<sup>th</sup> meeting and thwarts the democratic process. The Board has been meeting for 5 months without a Chairperson conducting 6 meetings and carrying out all of their statutory requirements and such should fill its own vacancy per CT General Statute.

I ask the Board of Selectmen to step back from implementing this statute and unfairly disrupting the Board of Finance's interviewing and selecting process to fill Paul Connolly's former seat. Your actions go against the statutes that are in place and will be construed as strictly partisan rather than allowing a vote to proceed. It is very disappointing that the Board of Selectmen in our town does not believe in the democratic process governed by the rules and statutes in place for each Board. It is important that this executive action does not take place at tonight's special meeting.

Sincerely,

Kate Sullivan  
Chair of WDTC"

Mr. Bishop outlined the protocol relative to appointment to the vacant BOF position as a result of the resignation submitted by Paul Connelly on 7/23/20. Various State Statutes (7-343 and 7-107) applicable to the process and letters from Attorney Forsyth outlining said process were included in the BOS packet. The timeline of events, beginning on 7/23/20 (date of Mr. Connelly's resignation) was reviewed by First Selectman Bishop.

**As noted, since Mr. Connelly resigned on 7/23/20, the 30 day period ended (on August 21). Accordingly, pursuant to State Statute 7-107, as outlined in Attorney Forsyth's letter dated 9/2/20 (attached), since the BOF did not fill the position within 30 days, the BOS may appoint an individual to the vacant position.**

After an extensive discussion (approximately 1.5 hours), including comments and participation from the audience members, the following motion was made:

**Mr. Bishop made a motion to appoint Paul Winch to the Board of Finance, with a term to expire November 2021, pursuant to Connecticut General Statute, Section 7-107. John Hall seconded the motion. Mr. Bishop and Mr. Hall voted in favor of the motion. Mr. Fuchs abstained from the vote. The motion passed.**

#### ADJOURNMENT

Mr. Bishop made a motion to adjourn the meeting at 6:45 p.m. Mr. Hall seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski  
Executive Assistant

Attest,

Noel Bishop  
First Selectman

September 2, 2020

Noel Bishop  
First Selectman  
Town of Westbrook  
866 Boston Post Road  
Westbrook, CT 06498

Dear Noel:

You have asked for our guidance regarding the resignation of the Chairman of the Board of Finance and the process for filling the current vacancy.

Section 7-343 of the Connecticut General Statutes provides that a vacancy on the Board of Finance shall be filled by the remaining members of the Board at a special meeting called by the Chairman for that purpose and who shall be appointed by a majority vote of the remaining members. Pursuant to Section 7-107, unless otherwise provided by law, if a Board or Commission which has the authority to fill a vacancy fails to do so within 30 days after the vacancy occurs, the Board of Selectman or the chief executive authority may appoint a qualified person to fill the vacancy until the next municipal election. Since the statute utilizes the term "may", the decision by the Board of Selectmen, or the chief executive authority, to fill the position is discretionary. If thirty days has passed since the Board of Finance vacancy became effective, the Board of Selectmen could, if it so chose, fill the vacancy on its own which individual would serve until the next municipal election.

If you have any additional questions, please do not hesitate to contact me.

Very truly yours,

Duncan J. Forsyth  
Duncan J. Forsyth