

December 13, 2017

The Stonington Board of Selectmen held a regular meeting on this date at the Stonington Police Department at 7:00 p.m. Present were First Selectman Rob Simmons, Selectwoman Kate Rotella and Selectman John Prue. Also present were members of the public.

(1) Call to Order

Mr. Simmons called the meeting to order at 7:00 p.m.

(2) Pledge of Allegiance

(3) Comments from the Public

Mr. Nick Kepple and Ms. Kaylan Randolph from the Stonington Free Library Board of Trustees thanked the Town for their ongoing support of the library. Mr. Kepple stated that the library recently submitted a budget request to the Town and encouraged the Board to reassess the funding that is provided not only to their local library but to all libraries within the Town. Mr. Kepple continued that the library is at a critical juncture and if the Town is unable to approve their request they will have to eliminate services and/or draw from and potentially eliminate the libraries endowment. Ms. Randolph added that having a functioning local library is a way to grow the grand list as it is often a deciding factor when young families move into town.

(4) Approval of the Minutes

- A motion was made by Mr. Prue, seconded by Mrs. Rotella and voted unanimously to approve the November 22, 2017 Board of Selectmen regular meeting minutes.

(5) Correspondence

- Mr. Simmons took in correspondence from Mr. Ben Tamsky in the form of an application for the Planning and Zoning Commission.
- Mr. Simmons took in correspondence from Ms. Leslie Driscoll in the form of an application for the Architectural Design Review Board.
- Mr. Simmons took in correspondence from Mr. Keith Brynes, Town Planner, regarding a public hearing to be held on March 20, 2018 to discuss an amendment to the Plan of Conservation and Development to adopt the Coastal Resilience Plan.
- Mr. Simmons took in email correspondence from the Connecticut Port Authority stating that the Town of Stonington has been awarded a SHIPP Grant of \$255,000 for the South Pier.
- Mr. Simmons took in email correspondence from the Connecticut Port Authority stating that the Town of Stonington has been awarded a SHIPP Grant of \$135,000 for the Breakwater.

(6) Appointment/Reappointment/Resignation

Appointment – Stonington Housing Authority

A motion was made by Mrs. Rotella, seconded by Mr. Prue and voted unanimously to appoint Mr. Kevin Beverly to the Stonington Housing Authority as a regular member.

Reappointment – Economic Development Commission

A motion was made by Mrs. Rotella, seconded by Mr. Prue and voted unanimously to reappoint Mr. Richard Balestracci to the Economic Development Commission as a regular member.

Resignation– Planning and Zoning Commission

A motion was made by Mrs. Rotella, seconded by Mr. Prue and voted unanimously to accept the resignation of Mr. Harry Boardsen from the Planning and Zoning Commission, with regret.

(7) Old Business

Discussion – Acting First Selectman

Mr. Simmons stated that the Town Charter states that within thirty (30) days from the swearing in the First Selectman is to appoint an Acting First Selectman.

A motion was made by Mr. Simmons, seconded by Mrs. Rotella to appoint Mr. Prue as the Acting First Selectman.

In discussion, Mrs. Rotella read into the record Chapter 5, Section 5-4 of the Town Charter a copy of which is attached to these minutes as Attachment "1".

Mrs. Rotella stated that she wanted everyone to understand what the charter says as there was a misconception that the Acting First Selectman role went to the second highest vote getter.

Mrs. Rotella read a statement into the record, a copy of which is attached to these minutes as Attachment "2".

Mr. Prue stated that he felt no disrespect by Mrs. Rotella's statement and that it was important for her to do so and include her qualifications. Mr. Prue continued that he too is very qualified and has ten years of working experience with Directors and people within the Town Hall. He added that he is new to the Board but very well versed in the operations of the Town Hall. Mr. Prue stated he believes they are both equally qualified.

Mr. Simmons stated he has a draft memorandum on the subject of Acting First Selectman and encouraged his colleagues to recommend changes which he will then put in final form, a copy of which is attached to these minutes as Attachment "3". Mr. Simmons stated he will forward a letter to the Town Clerk on the subject, a copy of which is attached to these minutes as Attachment "4".

With no further discussion, the motion carried.

(8) New Business

Discussion – Zoning Permit Fee Refund

Mr. Simmons stated that he received a letter from Jim and Deanna Goodman requesting a refund of \$1046.50 for a recent zoning permit fee which they have since withdrawn as they decided not to build on the lot. Mr. Simmons added after discussing with Mr. Jason Vincent, Director of Planning, it was noted that virtually no town resources were expended.

A motion was made by Mr. Prue, seconded by Mrs. Rotella and voted unanimously to table the discussion of the Zoning Permit Fee Refund until the next regular meeting.

In discussion, Mr. Prue stated that he would like the opportunity to research the zoning regulations and the ordinance to see if it speaks to refunding of fees. Mr. Prue added that a policy may be needed for future reference.

With no further discussion, the motion carried.

Discussion – Land Records Indexes Auditor

Mr. Simmons stated that Ms. Cindy Ladwig, Town Clerk, forwarded a letter to the Board regarding the retirement of Weth-Bloom, Milvae & Birmingham, Associates who will be retiring at the end of 2017 after completing the yearly audit. Mr. Simmons added that she recommends appointing R. Cris Palmer of Cove Road.

A motion was made by Mr. Prue, seconded by Mrs. Rotella and voted unanimously to appoint R. Cris Palmer as the land records indexes auditor.

In discussion, Mrs. Rotella asks if this is done by every municipality. Mr. Simmons states that he believes that to be correct. Mr. Prue asks where the report goes once it is complete. Mr. Simmons states that it goes to the State.

With no further discussion, the motion carried.

Discussion – Waiver of Wetlands Permit

Mr. Simmons stated that he received a memo from Mr. Bill King, Stonington Public Schools Director of Operations and Facilities, requesting a waiver of \$260.00 for a wetlands permit fee to develop the parcel of property for the bus depot which is located behind Davis Standard.

A motion was made by Mrs. Rotella, seconded by Mr. Prue and voted unanimously to authorize the waiver of the application fee in the amount of \$260.00.

In discussion, Mrs. Rotella asked what is the use of the property. Mr. Simmons stated that it is used to park the school buses. Mr. Simmons added that the Town does not own the buses but is responsible for housing them and that the development of the property will save the Town money as they can all be located in one area.

With no further discussion, the motion carried.

Request - Assign Map 152, Block 2, Lot 7A, Street Number 132 Hewitt Road, Mystic, CT 06355

A motion was made by Mrs. Rotella, seconded by Mr. Prue and voted unanimously to approve the request.

Discussion - Holiday Closings

Mr. Simmons stated that the operations of the Town Hall during the holidays would follow past practice to include closing on Monday, December 25th and Tuesday, December 26th. The landfill will be closed on Sunday, December 24th and Monday, December 25th but will be open regular hours on Tuesday, December 26th as well as Wednesday, December 27th.

A motion was made by Mr. Prue, seconded by Mrs. Rotella and voted unanimously to approve the closings.

In discussion, Mrs. Rotella stated that it didn't matter what was done as past practice and that it is a nice thing to do for the employees of the Town since we live in a community that understands the importance of family.

With no further discussion, the motion carried.

(9) Comments from the Public

Ms. Rebekah Kepple of 7 Bradley Street asked for clarification as to if the application from Mr. King had been approved by the Inland Wetlands Commission. Mr. Simmons stated she could call the Town in the morning to inquire.

(10) Comments from the Selectmen

Mr. Prue thanked Ms. Haskell for putting together the list of vacancies on the Boards and Commission. Mr. Prue suggested that a press release be sent out to encourage residents to apply. Mr. Prue wished everyone a wonderful holiday.

Mrs. Rotella stated that it was good to see so many students in attendance at the meeting and wished everyone a happy safe holiday.

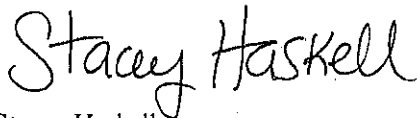
Mr. Simmons stated that he has plans to travel December 29th-January 7th and will complete a letter of instruction for Mr. Prue. Mr. Simmons added that the next regular meeting is scheduled for December 27th which will fall during the holidays. He added the meeting may be cancelled but if any urgent business needs to be addressed he will hold a meeting and the other members can phone in if they cannot attend in person.

Mr. Simmons stated that he is happy to send out a press release regarding openings on Boards and that those who volunteer are a terrific asset to the Town. He added that this past budget year was not easy and it is unknown what will be coming in the next budget season, but he knows it won't be easy.

Mr. Simmons wished everyone a wonderful holiday and happy new year.

(11) Adjourn

There being no further business to come before this Board, the meeting was adjourned at 7:44 p.m.

A handwritten signature in cursive script that reads "Stacey Haskell".

Stacey Haskell
Recording Secretary



Stonington Connecticut

Stonington Town Hall 152 Elm St., Stonington, CT 06378
Monday - Friday, 8:30am - 4:00pm

4. The maintenance and custodial work for all public building, parks, playgrounds, road or other facility except where such responsibility is specifically granted to another Board, Agency or Department by this Charter or by ordinances adopted pursuant to this Charter.
5. The entering into and execution of contracts on behalf of the Town for any services required by any Office, Board, Agency, Commission, Committee of the Town, except the Board of Education.

Section 5-3. Delegation and Assignment of Duties

- A. The First Selectman may assign and delegate duties appropriately.
- B. The First Selectman shall be an ex-officio member of all Boards, Agencies, Commissions and Committees of the Town, but without the right to vote and may appoint, in writing, another Selectman as representative hereto.

Section 5-4. Acting First Selectman

- A. Within thirty days after a Board of Selectman has taken office, the Board shall elect one of its members to function as Acting First Selectman in the absence of the First Selectman.
- B. The acting First Selectman shall have all duties and responsibilities of the First Selectman.
- C. The Acting First Selectman shall serve as follows:
 1. When so instructed in writing by the First Selectman, during the temporary absence of the First Selectman.
 2. Automatically, in the event the First Selectman shall be absent from office for more than thirty (30) consecutive days.
 3. Whenever the Board of Selectmen shall declare that an Emergency exists and the First Selectman cannot be reached. The absence of the First Selectman shall not constitute an Emergency.
 4. When a vacancy occurs in the office of First Selectman. If a vacancy occurs, said vacancy shall be filled pursuant to the applicable General Statutes.

ATTACHMENT "2"

Statement from Selectwoman Rotella

When acting on Town management this is truly a time when politics should take a back seat. I was hoping that recognition of my qualifications, experience and my proven ability to work in the Best interest of the Town and across party lines would have been given the merit deserved. In addition to being the second highest vote getter, I expressed my interest and made my case however while it was a very tough decision for you First Selectmen Simmons it appears the decision came down to party. I am not trying to disregard or disparage Mr. Prue experience but I have two years' experience in the Selectmen position and over ten years in municipal government management.

I believe that this was a great opportunity missed to finally move forward showing our commitment to work together and to your credit you would have appointed the first female acting Selectmen.

I respect your decision and am committed to work together as a team, but would have been remiss if I did not voice my opinion as female leader in our community. I hope that I am setting an example for young women out there. Speaking up can be very scary and uncomfortable but sometimes you have to speak up to stay true to yourself and what you believe in.

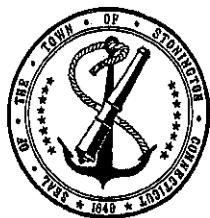
Now let's move forward and do the work of the Town together.

ATTACHMENT "3"

MEMORANDUM TO: THE BOARD OF SELECTMEN
FROM: ROB SIMMONS, FIRST SELECTMAN
SUBJECT: ACTING FIRST SELECTMAN [AFS]
DATE: DECEMBER 05, 2017

1. QUESTION OF APPOINTMENT. A question has been raised regarding the appointment of the Acting First Selectman of the Town of Stonington as to whether it goes to the highest vote getter of the two Selectmen regardless of party. Neither charter provision nor state statute requires or suggests that the Acting First Selectman be the highest vote getter of the two Selectmen regardless of party affiliation. That said, further discussion is warranted.
2. PAST PRACTICE. In years past, from 1995 to the 2015, the Acting First Selectman has been the Selectman candidate elected on the same ticket as the First Selectman in the prior election.
 - a. In 2016 First Selectman Simmons recommended Selectman Spellman as his AFS because they ran on the same slate;
 - b. First Selectman Haberek chose Selectmen Balestracci and Crouse;
 - c. First Selectman Brown chose Selectman Bessette;
 - d. First Selectman Dibble chose Selectman Brown; and
 - e. First Selectman Maranell chose Selectmen McDonough and Gomes.
3. DEVIATIONS FROM PAST PRACTICE: One recent deviation from past practice was when First Selectman Crouse chose Selectman Simmons. But that was an appointment negotiated between Crouse, Simmons and Stonington Democratic Town Committee Chairman Scott Bates during the Haberek transition in 2015. And the newest member of the Board, Selectman Spellman, was unaffiliated and appointed not elected. Also, while Simmons was so elected as AFS he was never "instructed in writing by the First Selectman" to serve in that capacity.

4. **LEGAL RAMIFICATIONS OF PAST PRACTICE.** While there are obvious political implications to the past practice, a legal implication is that should the AFS need to call or email the First Selectman during a planned absence it might constitute a meeting under FOI if they were not of the same party. It would, therefore, have to be posted which could create a 24 hour delay in communication and decision making.
5. **TOWN CHARTER.** Section 5-4, A. of the Town Charter states that "Within 30 days after a Board of Selectmen has taken office, the Board shall elect one of its members to function as Acting First Selectman in the absence of the First Selectman." Since the current Board was sworn in on November 17th, we have until December 16th to act. That will logically involve the next regular meeting on December 13th.
6. **PRACTICAL IMPLICATIONS.** First Selectman Simmons has long-standing plans to be out of the country from approximately December 29, 2017 to January 7, 2018. As such, he needs an AFS to serve in his absence. It is also likely that he will be out of state/country on another occasion next year; and in the year following. For purposes of this trip and thereafter, First Selectman Simmons anticipates asking the Board that they appoint Selectman John Prue as AFS. Should Selectman Prue be unable to serve in this capacity at some future date, First Selectman Simmons would consider appointing Selectwoman Rotella to serve as "Acting First Selectwoman."
7. **CONCLUSION.** As a matter of past practice, the appointment of the AFS goes to the person of the same party or slate as the First Selectman rather than to the highest vote getter of the two Selectmen regardless of party. Nonetheless, there is nothing to prevent the First Selectman asking the Board to appoint the minority party Selectman or Selectwoman if the need arises and circumstances make it congenial to a majority of the Board of Selectmen, bearing in mind that they cannot communicate without posting a meeting notice 24 hours in advance of their conversation during the period of absence without risking a complaint of violation of FOI.



TOWN OF STONINGTON

SELECTMAN'S OFFICE
ROB SIMMONS
FIRST SELECTMAN

152 Elm Street • Stonington, Connecticut 06378
(860) 535-5050 • Fax (860) 535-1046
rsimmons@stonington-ct.gov

December 20, 2017

Ms. Cindy Ladwig, Town Clerk
Town of Stonington
152 Elm Street
Stonington, CT 06378

Dear Ms. Ladwig,

Cindy:

Section 5-4 of the Town Charter provides that within 30 days of taking office, the Board of Selectmen "shall" elect one of its Members to function as Acting First Selectman [AFS] in the absence of the First Selectman. On December 13, 2017, at a regular meeting, the Board unanimously elected Selectman John Prue as AFS.

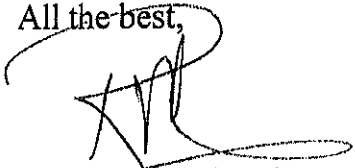
The Charter goes on to say that the AFS "shall serve when so instructed in writing by the First Selectman" during the temporary absence of the First Selectman.

During the period from 0800H on December 29, 2017 to 0800H on January 8, 2018, I will be temporarily absent from the Town of Stonington on vacation with my wife. On this basis I request that you notify Selectman John Prue that he needs to be sworn in as AFS to assume "all the duties and responsibilities of the First Selectman" as described in the Town Charter.

I assume that John will be in town on call for each of the working days of my absence and I recommend that he visit Town Hall at least once per day at a convenient time to sign official correspondence. The details of his duties are contained in the attached copy of Chapter V of the Town Charter titled THE FIRST SELECTMAN.

Thank you for your consideration of this matter.

All the best,

A handwritten signature in black ink, appearing to be 'R. Simmons', written over a horizontal line.

Robert R. "Rob" Simmons

Attachment: a/s

C/c: Selectman John Prue

Stacey Haskell, Executive Assistant to the First Selectman