



BOARD OF SELECTMEN

RICHARD H. SMITH TOWN HALL

Special Meeting December 27, 2018

Attendance: Selectmen Angus McDonald, Duane Gates, and Bill Burdick, Susan Huybensz, Jim Olson, Kim Olson, Wilfried Roemhild, Joanna Roemhild, Lenore Grunko, Mike DiNello, Jonathan Kastner and Amy Winchell

Call to Order:

This special meeting was called to order at 6:30 pm by McDonald.

Discuss and possible action regarding appointment to Planning and Zoning:

Jonathan Kastner: regular member Term to Expire: 12/01/2020

McDonald explained that the recent resignation of Planning and Zoning Commission (P&Z) regular member Sara Denegres created a vacancy. McDonald stated that it is longstanding practice that when a regular member vacancy occurs for the alternate member with the longest tenure as an alternate be given first choice to move from alternate to regular member, and that Mr. Kastner has written a letter requesting just that. McDonald explained that Mr. Kastner has been a member of the Planning and Zoning Commission for over thirty years in roles ranging from alternate to chairman, and that he is currently an alternate member of the P&Z.

McDonald noted that he had received an email from Mr. Robert Ghinder and read the letter into the record and then read the response McDonald had sent to Mr. Ghinder. Both are attached to these minutes.

McDonald opened floor to discussion. Susan Huybensz expressed her opinion that Mr. Kastner should not be a member of the P&Z based on his working for the Town and his position as defined by the Town website and that the Town Ordinance prohibited his membership.

McDonald responded that this question had been asked and answered in 1993 and produced a memorandum from 1993 prepared by Town Council, Jane Marsh, attached here. McDonald also read an email from Council written on December 19, 2018 in response to these questions:

“The General Statutes contain 7-421(e) which authorizes a town to adopt an ordinance that permits municipal employees to serve on zoning and planning commissions, so it is not considered wrong, per se, to have town employees serve on those boards. Therefore we are left to determine what Deep River's ordinance means. It could have prohibited all employees from serving or it could have allowed all employees to serve, or anything in between. Since the town chose to use the words "Salaried office" rather than any employment, which would have been easy to say, I take this to mean something different from all employees. An ordinance was not even needed if all employees were to be banned, as the default is that municipal employees cannot serve without such an ordinance. Words used are taken to have their ordinary meaning and no words can be disregarded as unimportant if there is a reasonable interpretation by using them. Therefore, in my opinion, Jonathan is not a salaried employee because he is paid by the hour, and therefore he can serve.
Jane”

Gates noted that the website is not current, nor accurate, and that Gina Sopneski is, in fact, Selectmen's Assistant. Gates also asked if this appointment would be confirmed at the next Town meeting and McDonald confirmed that a meeting was being planned for January 8, 2019 and that this appointment would be part of that meeting.

There being no further discussion, Burdick moved, Gates 2nd, to move to appoint Jonathan Kastner as a regular member of the Planning and Zoning Commission, with a
Term to expire: 12/01/2020

APPROVED 2 – 0
McDonald Abstained