



## Special Town Meeting

January 8, 2019

A Special Town Meeting was held on Tuesday, January 8, 2019 after moving to the Town Hall Auditorium due to the large number of attendees. The meeting was attended by the Board of Selectmen including First Selectman Angus McDonald and Selectman Duane Gates. Also in attendance were videographers Margo Hilfiger and John Greene and approximately 83 residents.

First Selectman Angus McDonald called the meeting to order at 7:00 PM. Duane Gates made a motion to appoint David Oliveria as moderator which was seconded by Jim Olson. The motion was approved unanimously. David Oliveria appointed Town Clerk Amy Winchell to act as clerk of the meeting who then read the call.

A motion to accept the call as read was made by Richard Balducci and seconded by Bruce Edgerton. The motion was approved.

Motion to approve Item #1 was made by Richard Balducci and seconded by Bruce Edgerton.

**To approve actions of the Board of Selectmen's regular meeting of November 13, 2018:**

**Appointments to the Community Health Committee:**

<b>Nancy Howard: regular member</b>	<b>Term to expire: 12/01/2020</b>
<b>Michael Spaner: regular member</b>	<b>Term to expire: 12/01/2020</b>
<b>Michael H. Tomlinson: regular member</b>	<b>Term to expire: 12/01/2020</b>

There being no discussion, a voice vote was held. **The motion was approved unanimously.**

At Jane Samuels' request, Richard Balducci made a motion to approve the Planning & Zoning Commission appointments in item #2 individually. Seconded by Susan Huybenz, a voice vote was held. **The motion was approved unanimously.**

**To approve actions of the Board of Selectmen's regular meeting of November 27, 2018:**

**Appointments to the Planning and Zoning Commission:**

<b>Anthony R. Bolduc: regular member</b>	<b>Term to expire: 12/01/2021</b>
<b>Bruce Edgerton: regular member</b>	<b>Term to expire: 12/01/2021</b>
<b>Christopher Desrosiers: alternate member</b>	<b>Term to expire: 12/01/2021</b>

**Appointments to the Zoning Board of Appeals:**

<b>Edward Judd: regular member</b>	<b>Term to expire: 12/01/2021</b>
<b>Charles Rayner: regular member</b>	<b>Term to expire: 12/01/2021</b>
<b>Lenore T. Kuhn: alternate member</b>	<b>Term to expire: 12/01/2021</b>

Motion to approve **Anthony R. Bolduc** in item #2 was made by Richard Balducci and seconded by Mark Reyher. There being no discussion, a voice vote was held. **The motion was approved with one No vote.**

Motion to approve **Bruce Edgerton** in item #2 was made by Richard Balducci and seconded by Jim Olson. There being no discussion, a voice vote was held. **The motion was approved with two No votes.**

Motion to approve **Christopher Desrosiers** in item #2 was made by Richard Balducci and seconded by Tony Bolduc. There being no discussion, a voice vote was held. **The motion was approved unanimously.**

Motion to approve **all members of the Zoning Board of Appeals** listed in item #2 was made by Richard Balducci and seconded by Jim Olson. There being no discussion, a voice vote was held. **The motion was approved unanimously.**

Motion to approve item #3 was made by Richard Balducci and seconded by Jim Olson.

**To approve actions of the Board of Selectmen's regular meeting of December 27, 2018:**

**Appointments to Planning and Zoning Commission:**

<b>Jonathan Kastner: regular member</b>	<b>Term to expire: 12/01/2021</b>
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Discussion: There was a question as to why the Planning & Zoning Commission appointments were done at two separate meetings. Angus explained that the November 27<sup>th</sup> meeting was to re-appoint those currently serving whose terms were expiring. The appointment at the Board of Selectmen meeting on December 27<sup>th</sup> was to fill a vacancy that had occurred earlier in December. A few residents asked if it was ethical to appoint a Town Hall employee to the Planning & Zoning Commission. First Selectman Angus McDonald stated that this question has come up before and read the legal opinion of our Town Attorney, Jane Marsh from 1993 including an update from her on the present employment situation. (This opinion is attached to these minutes). Ben Whelan said that is just one person's opinion and Charlie Brashears pointed out that it is a legal opinion and therefore carries more weight. Pat Czepiel asked why it wasn't a conflict of interest to serve when Jonathan works at the Town Hall. Angus replied that Jonathan does not work directly for him and that Jonathan's office is on a different floor removed from the Selectmen's office. Furthermore, to suggest that he would have any influence over Jonathan's actions on the Commission is an insult to the integrity of both men. Angus also stated that Jonathan has been serving on this Commission for about 30 years as a regular member and Chairman. He recently stepped down from regular member to alternate only to accommodate an alternate member who was also serving on the Lower Connecticut River Valley Regional Planning Committee. That committee had changed its requirements making it necessary for all members to be regular members of their Planning & Zoning Commissions. It is standard practice, when filling a vacancy on P&Z, to appoint the longest serving alternate member. It was asked if there should be term limits but Angus emphasized the importance of experience and knowledge on this Commission. There was concern expressed that all town boards seem to lack a balance of women members. Jim Olson stated that he has served some 17 years on Boards of Education and that he was routinely asked to renew his term because there were no volunteers willing to step up for the job. Brett Thompson asked for a more transparent nomination process. Angus said a list of vacancies is printed in the quarterly Town Newsletter and under each Board or Commission on our town website. Interested parties can inquire about and/or volunteer for vacancies through a link under Selectmen Department on our town website. Since Jonathan's appointment, three people have expressed interest in serving. Tony Bolduc mentioned Section 8-11 of the General Statutes of Connecticut regarding disqualification of member of zoning authorities. He also said he had done some research of the subject in the Town Clerk's vault but that a section of Board of Selectmen minutes from 1970 appeared to be missing. (Note: it has since been determined by the Town Clerk that the gap appears to be the result of

a transition of Selectmen minutes previously being included in the Town Acts books, to filing Board of Selectmen minutes independently of Town Meeting minutes). Discussion of "floating zones" scheduled for P&Z public hearing next week was discouraged because, as per the Freedom of Information Act, only items on the agenda of a special meeting may be discussed at said meeting. Cheri-Ann Perry and Simon Potter questioned why Jonathan could serve on both P&Z and the newly reactivated Economic Development Commission but another resident could not serve on both P&Z and the Design Advisory Board. Angus explained that, by State statute, one person could not serve on two land use commissions such as P&Z and the Design Advisory Board at the same time. This conflict does not exist for P&Z and EDC. Tom Metcalf stated that the development in Deep River over the past 30 years has yielded positive results and Jonathan has been a part of that. Deep River is on the right path and Jonathan's appointment to P&Z will help that to continue.

There being no further discussion, a vote was taken by show of hands.  
**The motion to appoint Jonathan was approved: 42 Yes / 35 No.**

Motion was made by Bruce Edgerton and seconded by Jim Olson to adjourn. The motion was approved and the meeting was adjourned at 7:49 PM.

ATTEST: Amy M. Winchell, Town Clerk