

**BOARD OF SELECTMEN SPECIAL MEETING MINUTES  
MAY 29, 2020  
VIA TELECONFERENCE**

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A special meeting of the North Haven Board of Selectmen was held via teleconference on Friday, May 29, 2020 at 11:00 a.m.

**Members Present:**

Michael J. Freda, First Selectman  
William J. Pieper, Second Selectman  
Sally J. Buemi, Third Selectman

**Staff:**

Valerie Goodkin, Executive Assistant  
Edward Swinkoski, Director of Finance and Administration

**Others:**

Attorney Jeffrey Donofrio  
Attorney William Ryan

Due to technical difficulties, Mr. Freda convened the meeting at 11:45 a.m. and confirmed the attendance of Selectmen William Pieper and Sally Buemi, Director of Finance Edward Swinkoski, and Attorneys Jeffrey Donofrio and William Ryan.

Mr. Freda explained that in accordance with Governor Ned Lamont's Executive Order 7B Section 1, which suspends the open meeting requirements of in-person participation, this meeting is being conducted via teleconference.

The Board discussed the following resolution with regard to the Board of Selectmen establishing the due date and number of installments for the payment of property taxes for the FY 2020-2021. Miss Buemi questioned the authority of the of Board of Selectmen to handle this versus the Board of Finance. Upon her review of the Governor's EO 7I, she did not see anything giving the BOS this duty versus the BOF who the BOS had authorized to adopt the budget and set the mill rate. Attorney Donofrio felt very comfortable with the BOS acting on this item as the EO does not give the duty to the BOF. It is silent on both sides, therefore, since the BOS is acting as the legislative body it would certainly be within the scope of their authority. Mr. Freda commented that in his discussions within CCM in many of these matters, home rule is established by the municipal attorney. After a lengthy discussion, Miss Buemi motioned with a second from Mr. Pieper to adopt the resolution as follows:

On May 20, 2020, the Board of Finance, as the budget making authority for the Town, adopted a budget for the July 1, 2020 – June 30, 2021 fiscal year in the amount of \$108,691,154 (Board of Education \$57,324,245) (Town \$51,366,909) and set the mill rate at 30.72.

Pursuant to Governor Lamont's Executive Order 7I, the Board of Selectmen hereby establishes the due date and number of installments for the payment of property taxes (*Real Estate, Personal Property, Motor Vehicle and Supplemental Motor Vehicle*) in accordance with Sections 12-142 and 12-144a of the Connecticut General Statutes;

**BE IT RESOLVED** that for the fiscal year July 1, 2020 to June 30, 2021, and, in accordance with Sections 12-142 & 12-144 of the Connecticut General Statutes, insofar as the adopted budget calls for the laying of a tax on property other than motor vehicles, the tax shall be due and payable in two semi-annual installments on July 1, 2020 and January 1, 2021, respectively, and the payment due July 1<sup>st</sup> shall be payable without penalty by August 3, 2020 (*Please note: Pursuant to Governor Lamont's Executive Orders 7S & 7W, the Board of Selectmen has resolved that the final date to pay the installment due July 1<sup>st</sup> without penalty (grace period) has been extended to October 1, 2020) and February 1, 2021, respectively;*

**AND BE IT FURTHER RESOLVED** that insofar as such tax applies to motor vehicles, in accordance with Section 12-144a of the Connecticut General Statutes, such tax shall be due in a single installment on July 1, 2020 and payable without penalty by August 3, 2020 (*Please note: the Board of Selectmen has resolved, pursuant to Governor Lamont's Executive Order 7S & 7W, that the final date to pay the installment due July 1 without penalty (grace period) has been extended to October 1, 2020*); and as to supplementary taxes on motor vehicles, as provided in Section 12-71b of the Connecticut General Statutes, such tax shall be due in a single installment on January 1, 2021 and payable without penalty by February 1, 2021.

VOTE: Freda – yes; Pieper – yes; Buemi – yes

Moving to the next item on the agenda regarding the protocol for board/commission members requesting services from Town attorneys. Miss Buemi expressed her dismay regarding several recent attempts to get an opinion from the Town's attorneys. She stated that during her tenure as Selectman, she has had many conversations with the attorneys on many various issues, and was surprised that the latest attempts have gone without response. She inquired how and when can she discuss various legal matters. Mr. Freda explained that the Town attorneys, both the firm of Ciulla and Donofrio and Ryan and Ryan, are not in-house counsel and both firms have many other clients. It is difficult for them to always be available, especially on short notice. Also, in regard to board and commission members going outside the chair or Town to seek legal opinions, there is no way to account for the legal expenses incurred as well as having all the board members receive the same information. There needs to be a protocol in place. Attorney Donofrio commented that with approximately 25 boards, commissions and public agencies of the Town, each averaging 5 members, that potentially can mean that 100 plus members can have access to the attorneys. In other towns they work in, the requests go through the town council, town manager, mayor, first selectman, or finance director. It was suggested that when seeking an opinion from the town attorney Miss Buemi contact the First Selectman's office.

Miss Buemi inquired as to the reason that items 4 and 5 were put in executive session on the agenda, especially since she has already discussed in open session at various meetings, and did not feel that the items met the criteria of the five reasons permitted under FOIA. Attorney Donofrio indicated that Miss Buemi may have discussed the items in open session in the past, but since she is asking for the legality of the issues, and he has not commented in public previously, he felt discussing the items in executive session was completely appropriate under CGS § 1-200(6) as the discussion involved employees of the Town.

At 12:45 pm, Mr. Freda motioned with a second from Mr. Pieper to enter into Executive Session, inviting Direct of Finance Edward Swinkoski, Attorney Jeff Donofrio and Attorney William Ryan to discuss the following:

- a. The appointment of an Acting Treasurer for the Town of North Haven.
- b. The appointment of Captains in the Fire Department during the FY 2019-2020 Budget.
- c. The tentative agreements reached with, and ratified by, the Social Workers and Library Unions.

VOTE: Freda – yes; Pieper – yes; Buemi – no

At 1:25 p.m., Mr. Freda motioned with a second from Mr. Pieper to come out of Executive Session.

VOTE: Freda – yes; Pieper – yes; Buemi – yes

Miss Buemi motioned with a second from Mr. Pieper to approve the tentative agreement reached with, and ratified by, the Social Workers Union.

VOTE: Freda – yes; Pieper – yes; Buemi – yes

Mr. Pieper motioned with a second from Miss Buemi to approve the tentative agreement reached with, and ratified by, the Library Union.

VOTE: Freda – yes; Pieper – yes; Buemi – yes

At 1:35 p.m., with no further business before the board Miss Buemi motioned to adjourn Mr. Pieper seconded.

VOTE: Freda – yes; Pieper – yes; Buemi – yes