

OFFICE OF THE
FIRST SELECTMAN

Telephone (203) 563-0100
Fax (203) 563-0299

Email to: lynne.vanderslice@wiltonct.org



Lynne A. Vanderslice
First Selectwoman

Lori A. Bufano
Second Selectwoman

Joshua S. Cole
Selectman

Deborah A. McFadden
Selectwoman

Ross H. Tartell
Selectman

TOWN HALL
238 Danbury Road
Wilton, CT 06897

BOARD OF SELECTMEN MEETING
Monday August 3, 2020
Held Electronically

PRESENT: Second Selectwoman Lori Bufano, Joshua Cole, Deborah McFadden, Ross Tartell (joined meeting at 7:11 pm)

ABSENT: First Selectwoman (Excused)

A. Call to Order

Ms. Bufano called the meeting to order at 7:03 pm

B. Public Comment

None

C. Consent Agenda

Motion moved by Ms. McFadden seconded by Mr. Cole and carried 3-0 to approve the Consent Agenda as follows.

- Minutes
 - Board of Selectmen Meeting – July 21, 2020
 - Board of Selectmen Special Meeting Executive Session - July 28, 2020

D. Discussion and/or Action

1. Follow-up Items from July 21st Meeting

- Legal Questions
Ms. Bufano read a statement from the First Selectwoman and reviewed the attached from legal counsel. After review, Ms. McFadden noted she accepted Town Counsel's opinion but still had questions she would like addressed regarding appointment of BoS members to the WPCA and board/commission with regard to term of service.
- POCD task 3.4.3 Centralized Town Clerk and Land Use
Ms. Bufano read a statement from the First Selectwoman regarding the POCD task 3.4.3 Centralized Town Clerk and Land Use. The statement was reviewed and discussed by the board.

2. Extension of Interim Fire Chief Agreement – August 1 up to September 30th

Ms. Bufano reviewed the Extension of Interim Fire Chief Agreement – August 1 up to September 30th. After review and discussion, motion moved by Ms. McFadden to approve the Extension of the Interim Fire Chief Agreement from August 1 up to September 30th. Motion seconded by Mr. Tartell and carried 4-0

3. Request to add POW/MIA Flag to Flagpole at Town Hall
Ms. Bufano reviewed a request (see attached email) from Bill Glass (Commander, James B. Whipple Legion Post 86, Wilton) to add the POW/MIA Flag to the Flagpole at Town Hall. It is noted that Congress passed a law last year requiring the flag be flown with the US flag at all Federal government buildings, while state and local government are encouraged to do so. After discussion and input, motion made by Ms. McFadden to approve the request to add POW/MIA Flag to the Flagpole at Town Hall. Motion seconded by Ms. Bufano and carried 4-0.

E. Selectmen's Report

1. First Selectman

Ms. Bufano read a statement from the First Selectwoman giving an update on absentee ballots.

2. Selectmen

Ms. McFadden

Ms. McFadden encouraged all to look out for emergency notifications regarding the pending storm. She also encouraged all, if they have not done so to sign up for Code Red alerts.

Mr. Cole

Mr. Cole reminded all to sign up at www.wiltonct.org for notifications from the town.

Mr. Tartell

Mr. Tartell noted in his educational effort to support local Wilton businesses that he attended a Facebook live event given by Will Haskell and Commissioner David Lehman of the State Department of Economic and Community Development.

Ms. Bufano

No Report

F. Public Comment

None

G. Adjournment

There being no further business, motion moved by Ms. McFadden, seconded by Mr. Tartell to adjourned meeting at 7:24 pm. Motion carried 4-0.

Respectfully submitted

Jacqueline Rochester

Taken from video!

From: [Vanderslice, Lynne](#)
To: [Rochester, Jacqueline](#)
Subject: for meeting
Date: Friday, July 31, 2020 4:05:15 PM

This plus Ira's charge

EMAIL FROM DEB REGARDING HOLD OVER:

Lynne,

Here is the concern I raised tonight about whether the Fire Commission is properly constituted. I think it is important for Ira to review this asap.

- 14A-4 states that Fire Commissioners serve for two-year terms. 14A-4 does not provide the right to remain in the position longer until a successor is appointed (i.e. holdover).
- C-41 provides holdover for "required appointed officers" as described in C-35, but Fire Commissioners do not fall into this category.
- C-41 also provides holdover for other appointed officials as described in C-36 "unless otherwise provided in this Charter." Since 14A-4 specifically provides for only a two-year term, the term of a Fire Commissioner is in fact "otherwise provided in this Charter." Accordingly C-41 does not create holdover for Fire Commissioners.
- The Fire Commission has had only one legal member since last year.
- It is not clear whether actions made during recent months by the Fire Commission were done legally. It would be best to fill the Commission and ratify past actions.

Thanks,

Deborah

EMAIL FROM IRA REGARDING WPCA:

Wednesday, July 22, 2020 2:57 PM

Lynne: I understand that a conflict question was raised as to whether the members of the Board of Selectmen (BOS) could also serve as the Water Pollution Control Authority (WPCA). In my opinion there is no conflict. Indeed, Westport's Charter provides that the BOS is also the WPCA. The WPCA is governed by separate statutes and regulations. The WPCA's authority is very focused, and I see no conflict. Ira Bloom

Ira W. Bloom
Berchem Moses PC
1221 Post Road East
Westport, CT 06880

Direct Dial: (203) 571-1715
Fax: (203) 226-1641
ibloom@berchemmoses.com
www.berchemmoses.com
My Profile



MEMORANDUM

To: Lynne Vanderslice, First Selectwoman
From: Ira W. Bloom, Esq.
Date: July 23, 2020
Re: Fire Commission Terms of Office

Issue:

Has the Wilton Fire Commission been operating in a lawful manner?

Executive Summary:

The Fire Commission is properly constituted and operating legally. Charter Section C-41, which provides that the term for appointed town officials “shall be two years and until a successor shall have taken office” can be reasonably interpreted to include members of the Fire Commission. The provision that terms are extended “until a successor shall have taken office” is not uncommon in other towns and has important value in providing for unforeseen contingencies. It is also true that the Charter variously uses the terms officers, officials and boards, and the next Charter Revision Commission should focus on this area and clarify the terminology.

Discussion:

Chapter 14A of the Wilton Code of Ordinance established the Wilton Fire Commission. Section 14A-1 provides that the Wilton Fire Commission shall have three members, and Section 14A-4 provides that such members be appointed for two-year terms. Specifically, Section 14A-4 states that:

Commissioners shall be sworn to the faithful performance of their duties and shall be appointed for a term of two years commencing on the first day of December, except that of the original three Commissioners appointed by the Board of Selectmen, the term of the first two appointed shall end on December 1, 1971, and the term of the third appointed shall end on December 1, 1972.

Although Section 14A-5 empowers the Board of Selectmen to appoint a new member for any remaining portion of a term in the event of a vacancy on the Commission, the Chapter is silent as to whether the completion of a two-year term by an existing member constitutes such a vacancy.

The Charter, however, provides at Section C-41 that the term for appointed town officials “shall be two years and until a successor shall have taken office.” While this language specifically applies to certain officials listed in Charter Section C-35, it also applies to “such *other appointed officers* as may be required by this Charter or by other law” under Section C-35. Because the Charter variously uses



the terms officers, officials and boards, the term “*officers*” in Section C-35 can be reasonably interpreted to include members of appointed boards and commissions, including those of the Fire Commission.

Charter Section C-41 further provides that “The terms of office of *other appointed officials* shall be the same [i.e, two years and until a successor shall have taken office] unless otherwise provided in this Charter or by other law creating the same.” Given that the Code provisions applicable to the Fire Commission are silent as to the effect on existing membership at the conclusion of the two-year term if a successor has not yet taken office, the Code does not “otherwise provide” for terms of office. Therefore, it is also reasonable to interpret Section C-41 as applicable to the Fire Commission members as “*other appointed officials*.”

While the Charter generally authorizes the establishment of the Fire Commission by ordinance, it also takes precedence where any ambiguities exist in the Code. “It is well established that a [town's] charter is the fountainhead of municipal powers. The Charter serves as an enabling act, both creating power and prescribing the form in which it must be exercised.” *Windham Taxpayers Ass'n v. Bd. of Selectmen of Town of Windham*, 234 Conn. 513, 529, (1995). Here, the Charter provides that the terms for appointed “officers” and “officials” is two years and until a successor has taken office. These provisions can be reasonably interpreted as applicable to the Fire Commission. As a result, if the term of any Fire Commission member has expired, but a successor has not yet been appointed, that member can lawfully continue acting in his or her capacity on the Fire Commission.

From: [Vanderslice, Lynne](#)
To: [Rochester, Jacqueline](#)
Subject: RE: Agendas - August 3, 2020
Date: Friday, July 31, 2020 3:30:42 PM

Send them this with the stuff previously sent. Also send info on the 4 candidates.

From: Bill Glass <woglass@optonline.net>
Sent: Wednesday, June 17, 2020 12:43 PM
To: Rochester, Jacqueline <jacqueline.rochester@WILTONCT.ORG>; Gioffre, Sarah <Sarah.Gioffre@WILTONCT.ORG>
Cc: Post 86 Adjutant <legionpost86@gmail.com>
Subject: POW/MIA Flag at Town Hall

Good afternoon;

Now that the budget season has concluded and the town is slowly reopening, I was wondering if you could find time to raise with Lynne once again the idea of adding the POW/MIA flag to the flag pole in the front of Town Hall? (see how it would fly below). We would be happy to donate this flag, which highlights the continued sacrifice of military families whose loved ones are still unaccounted for, estimated at 83,000 individuals since WWII.

Congress passed a law last year requiring the flag be flown with the US flag at all Federal government buildings, while state and local governments are encouraged to do so. It would be appropriate for Wilton to show its support for this important cause.

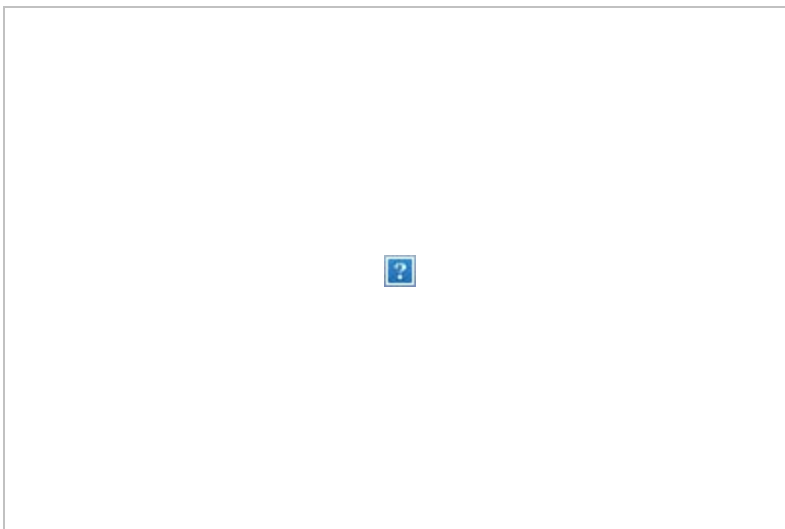
Thank you.

Regards,

Bill Glass

Commander, James B. Whipple American Legion Post 86, Wilton

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From: Rochester, Jacqueline
Sent: Friday, July 31, 2020 2:22 PM

To: Vanderslice, Lynne
Subject: Agendas - August 3, 2020

Lynne,

Agendas for Monday. Let me know if ok and I will post. Also let me know if there is anything additional I need to send to the board other the previous info forwarded in email.

Jackie Rochester
Office of the First Selectwoman
Wilton Town Hall
238 Danbury Road
Wilton, CT 06897
(203) 563-0100