

Board of Selectmen  
**SPECIAL MEETING**  
September 13, 2013 – 9:45 am  
Town Hall

**MINUTES**

- 1.0** The meeting was called to order at 10:00 a.m. Selectmen present were Joyce Okonuk and John Bendoraitis. Linda Finelli was absent due to vacation. Also present were Darcy Battye, Chairman of the Lebanon Board of Education; Jim Mello, member, Lebanon Board of Education and Cynthia Mello.
- 2.0** Inasmuch as members of the Board of Education (BoE) voted on September 10, 2013 not to fill the vacancy on their board created by the resignation of Melissa Hofmann in July, the Selectmen called this special meeting to address the issue. BoE Chair Darcy Battye presented the Selectmen with a legal opinion from their counsel Attorney Gary Brochu detailing his interpretation of Statute with regard to the filling of vacancies on the BoE. Although no case law exists on the matter, Attorney Brochu contends that CGS 10-219 provides the authority to the BoE to fill its vacancies.

Selectmen took a brief recess at 10:20 am to attend a phone conference with Attorney Charles Anderson of Waller, Smith and Palmer, P.C. Selectmen returned to the meeting at 10:30 am.

Counsel for the Selectmen, Attorney Charles Anderson concurs that the BoE has the right to fill its own vacancies under that Statute. However, because the BoE has failed to make such an appointment in excess of 30 days since the resignation, then CGS 7-107 provides the Selectmen the authority to fill a vacancy on any board or commission as follows: {except} as provided by law, if any vacancy occurs on any town board or commission, and such board or commission has power by law to fill such vacancy *but fails to do so* within thirty days after it occurs, the Board of Selectmen has the authority to fill a current vacancy on the Board. Attorney Brochu states that it is his interpretation that the Bd of Ed, due to their unique and independent statutory status, are not included in the reference to boards and commissions. The Selectmen and their attorney disagree with that interpretation as there is no statutory reference to that exclusion. Attorney Anderson felt that the Selectmen have an equally valid position with regard to CGS 7-107 and had waited for the BoE to take their own action before exercising this right. There appears to be no hope of the BoE taking action so it is due to their inaction that necessitated the Selectmen enacting their authority through 7-107. Bendoraitis stated that by not filling the vacancy before the November election, voters are deprived of full representation during at least two regular meetings yet to be held as well as any special meetings that may be called and there has been more than adequate opportunity for the BoE to exercise the appointing authority they are required to take under 10-219 {if a vacancy occurs in the office of any member of the local board of education...such vacancy shall be filled by the remaining members of said board until the next regular election. The Selectmen indicated their reluctance to get involved in this appointment but felt the BoE's inaction necessitated their involvement.

**Motion by Bendoraitis, seconded by Okonuk to appoint Jason Nowosad to the Board of Education to fill the vacancy created by the resignation of Melissa Hofmann. Vote: Yes, unanimous**

- 3.0 Motion by Okonuk, seconded by Bendoraitis to adjourn the meeting at 10:30 a.m. Vote: Yes, unanimous**

Respectfully Submitted,



Joyce R. Okonuk, First Selectman