

MINUTES OF SPECIAL MEETING

BOARD OF SELECTMEN

FEBRUARY 25, 2010

The special meeting of the Board of Selectmen was called to order at 6:50 pm, in the Conference Room 1, at the North Haven Town Hall, 18 Church Street, North Haven, CT.

Members Present

First Selectman, Michael J. Freda
Second Selectman, Timothy M. Doheny
Third Selectman, Stephen A. Fontana

Others Present

William A. Ryan, Esquire

Mr. Freda thanked the public for attending and asked if there were public comments relative to the agenda.

Mr. Gerald Feinberg, 34 Brockett Farm Road, commented that there was nothing noted on the agenda, that following the Executive Session any action would be taken. Mr. Feinberg felt there was nothing on the agenda that would allow the Board to make any decisions at this meeting.

Mr. Freda deferred to Attorney Ryan who commented that he felt the agenda was sufficient and that this session would be the first time that he and the three members of the Board of Selectmen would be discussing this issue and do not know what the result or action of the Board's Executive Session will be.

Mr. Robert Wechsler, 16 Windsor Road, felt that the agenda did not fit the Freedom of Information (FOI) Act in the manner in which it was written.

Chief Jim DiCarlo, stated that on their agenda over the last 30 years, they have listed Executive Sessions which may or may not have occurred, and they do not list the specific subject matter, and if a vote is taken it is done outside of Executive Session for public viewing.

Mr. William Lierson, 15 Cella Terrace, noted that because this was a Special Meeting, there are limitations to what can be changed with regard to the agenda.

Mr. Doheny stated that normally this Board, as well as other Boards in town, list topics, but do not indicate whether or not they will be voted on.

Mr. Lierson also asked why there was no television present at the meeting.

Mr. Freda responded that following the Executive Session, any voting will be done during the public portion of the meeting and will be shared with the members of the press that are present and he will communicate the results openly.

Mr. Freda stated that the purpose of the Special Meeting was to discuss the existing litigation as it relates to Bob Burns vs. the Town of North Haven. That Attorney Ryan was present to share the latest facts of the case with each of the Selectmen.

Mr. Lierson restated that he felt this would have been beneficial to share with the public via North Haven Television.

Mr. Freda asked if there were any other questions, and seeing or hearing none, he entertained a motion to go into Executive Session.

Mr. Fontana stated that he felt it was appropriate to vote to go into Executive Session, but was not sure regarding the legality of taking any action following the session, and was not in favor of doing so.

Upon motion duly made by Mr. Doheny and seconded, it was VOTED to go into Executive Session at 7:00 pm and to invite Attorney Ryan to join the Board in said Session.

Vote: Freda – yes, Doheny – yes, Fontana – yes

Upon motion duly made and seconded, it was VOTED unanimously to come out of Executive Session at 8:15 pm.

Mr. Freda stated that after listening to Attorney Ryan regarding the specifics of this case, they are reviewing the facts, and will take action on March 4, 2010 at the Regular Meeting of the Board of Selectmen.

Mr. Freda asked if there were any public comments.

Ann DeMatteo, New Haven Register, asked if Mr. Freda could outline the nature of their discussion or who they were talking about.

Mr. Freda stated that the discussion pertained to the litigation Bob Burns vs. Town of North Haven and the restoration of the Engineer II Position.

Ann DeMatteo asked what was the purpose of the meeting.

Attorney Ryan responded that the purpose was to sit down and discuss where in the process the litigation is, and discuss certain rulings that have been made in the case.

Mr. Freda commented, specifically, Morris v. Congdon 2006 and Attorney Ryan noted it was a decision on a motion to quash.

Mr. Freda reiterated that the Board will have a decision on Thursday, March 4th.

Ann DeMatteo asked if the Board was intending on voting tonight, or did they suspend voting because a member of the public questioned the agenda.

Mr. Fontana responded that the discussion with Attorney Ryan gave them a lot to consider and they take their decision making authority very seriously and their mutual consensus was that it was something they needed to think a little more about. Also, noting some of the questions that were presented along with the fact that there is a regular Board of Selectmen meeting scheduled for next Thursday it was agreed to wait until then.

Mr. Freda responded that the topic will be put on the agenda for the next meeting.

Mr. Freda asked if there were any additional questions, hearing none and seeing none the meeting was adjourned at 8:20 pm.