

Gray, Mikia

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OCT 31 2024

From: Benjamin D. Bianco <bdb@msf-law.com>
Sent: Thursday, October 31, 2024 12:02 PM
To: FOI
Cc: Karen_Hirsh@greenwich.k12.ct.us; Laura_Kostin@greenwich.k12.ct.us; Sophie_Koven@greenwich.k12.ct.us; Kathleen_Stowe@greenwich.k12.ct.us; BoardofEdMembers@greenwich.k12.ct.us; Fred DeCaro III; Barbara Schellenberg; Thomas M. Cassone
Subject: Camillo and Town of Greenwich v. Hirsh, et al.--Complaint and Request for Expedited Review and Interim Relief
Attachments: FOIC Letter-Complaint.10.31.2024.pdf; Ex.A Bylaw 9110.pdf; Ex.B Bylaw 9325.1.pdf; Ex.C Resignation Email.pdf; Ex.D BOS Notice.pdf; Ex.E BOE Notices.pdf; Ex.F Emergency Meeting Minutes.pdf; Ex.G Cappiali BOE Certification.pdf; Ex.H Oct.23 meeting information.pdf; Ex.I BOE Meeting Calendar 2024-2025.pdf; Ex.J Bylaw 9221.pdf; Ex.K Gaeta Final Decision.pdf

Freedom of Information Comm.
By MEG

FIC#2024-0653

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EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear FOI Commission:

I am attaching a FOIA Complaint (and exhibits), with a request for expedited review and interim relief.

This e-mail is being copied to all interested persons and entities, with overnight Federal Express packages being sent out as well, in aid of expedited treatment.

Respectfully submitted,

Ben Bianco
Counsel for Complainants

MSF
Meister Seelig & Fein PLLC

Benjamin D. Bianco / Partner
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Norwalk, Connecticut 06851
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FOI# 2024-0053

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FILE# 2024-0053

Benjamin D. Bianco

Partner

Direct (646) 539-3791

Fax (646) 519-7232

bdb@msf-law.com

October 31, 2024

VIA E-MAIL and FEDERAL EXPRESS

Freedom of Information Commission
165 Capitol Avenue, Suite 1100
Hartford, Connecticut 06106
foi@ct.gov

Re: ***Complaint and Request for Expedited Review and Interim Relief***

To the FOI Commission:

We represent First Selectman and Greenwich resident, Fred Camillo, and the Town of Greenwich ("Town") (hereinafter "Complainants"). Pursuant to Connecticut General Statutes ("Conn. Gen. Stat.") § 1-206(b) and Section 1-21j-28 of the Regulations of Connecticut State Agencies, Complainants hereby file this letter-complaint with the Commission against certain members of the Greenwich Board of Education ("BOE") for improperly conducting an "emergency meeting" under circumstances not constituting an emergency, in violation of the Connecticut Freedom of Information Act (the "FOIA").¹ In sum, current BOE member Karen Hirsh (Acting Chair) noticed, on October 21, 2024, a purported "emergency meeting" of the BOE on less than one hour's notice where no genuine emergency existed.

At this "emergency meeting," Ms. Hirsh, and current BOE members Laura Kostin, Sophie Koven, and Kathleen Stowe (collectively, the "BOE Member Respondents"), nominated and voted in favor of appointing Jennifer Behette (identified as "Jen Behette" in the meeting minutes) to fill a BOE vacancy that had existed since July 2024. The meeting and vote were held over the objection of BOE member Michael-Joseph Mercanti-Anthony, the only other member of the BOE present.² Mr. Mercanti-Anthony specifically objected that there was no emergency justifying the October 21, 2024 meeting. Given that Ms. Behette has since participated in at least two (2) subsequent BOE meetings as a voting BOE member, over the objection of other members of the BOE,

¹ Attached to this letter-complaint is a List of Interested Persons and Entities, which includes the relevant physical and e-mail addresses for each such interested person and entity. Also attached to this letter-complaint is a FOIC Meeting Complaint Form, which contains additional contact information for the interested persons and entities, including phone numbers. In order to aid in expediting the relief sought herein, the undersigned has provided this letter-complaint, along with all other materials included herewith, to all interested persons and entities by both e-mail and Federal Express (overnight delivery).

² The Greenwich BOE is comprised of eight (8) membership positions, with seven (7) membership positions occupied at the time the October 21, 2024 meeting was called.

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Complainants request that the matter herein be expedited, with a hearing held and final ruling issued as soon as possible. *See* Section 1-21j-29(b) of the Regulations of Connecticut State Agencies.

Expedited Treatment Requested

The BOE Member Respondents are treating Ms. Behette as if Ms. Behette was properly nominated and appointed to the BOE. Indeed, at the BOE meetings on both October 23, 2024, and October 24, 2024, Ms. Behette was permitted to participate as a regular member of the BOE. Although only the BOE Member Respondents were present at the October 23, 2024 meeting, at the BOE's October 24, 2024 meeting, Mr. Mercanti-Anthony and BOE member Wendy Vizzo Walsh objected to Ms. Behette's participation as a BOE member due to Ms. Behette's nomination and appointment at the October 21, 2024 meeting, where such meeting violated the FOIA, as addressed in this letter-complaint.

The BOE has already met twice since the October 21, 2024 "emergency meeting," and will continue to regularly meet in the ordinary course of its business. Given that the BOE Member Respondents have treated Ms. Behette as a proper member of the BOE, to the extent this Commission rules that the October 21, 2024 meeting was unlawful, such ruling will likely invalidate all votes or actions of the BOE in which Ms. Behette participated. In other words, until the Commission decides this matter, the Town and the BOE risk having to unwind all business conducted by the BOE from October 21, 2024, through the date of any Commission decision.

Barring any special meetings, the BOE's next meeting is set for November 7, 2024, where the BOE will discuss the Town's education budget for the next fiscal year. The Complainants, therefore, respectfully request a ruling on this matter (or interim order temporarily setting aside the appointment of Ms. Behette) by November 6, 2024, if possible. For reference, the BOE's next meeting following the November 7, 2024 meeting is currently set for November 21, 2024.

Background

The Greenwich BOE is a board with eight (8) membership positions. *See* BOE Bylaws § 9110 (Exhibit A). Thus, a quorum of the BOE requires the presence of five BOE members, *i.e.*, a majority of the BOE "membership." *See* BOE Bylaws § 9325.1 (Exhibit B). On or about July 19, 2024, the then-Chair of the BOE resigned her position, leaving one (1) unfilled BOE membership position. Resignation E-mail (Exhibit C).

On October 21, 2024, at approximately 10:00 a.m., the Greenwich Board of Selectman ("BOS") properly noticed a special meeting (in accordance with the FOIA) for October 22, 2024, at 3:00 p.m., to discuss and vote on the BOE vacancy. *See* Exhibit D (BOS Meeting Notice/Agenda). The BOE vacancy had existed for in excess of three (3) months at this point, so the BOS was considering nominating and appointing a person to the BOE pursuant to Conn. Gen. Stat. § 7-107.³

³ *See also* *Pereira v. Ganim*, 2016 WL 7140795 (Conn. Super. Ct., Nov. 1, 2016).

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At approximately 10:45 a.m., Ms. Hirsh issued a notice for a purported “emergency meeting” of the BOE at 6:30 p.m. that evening, the purpose of which was to “act upon the filling of a Board vacancy.” Exhibit E (BOE Meeting Notices and transmittal e-mails). A few minutes later, at approximately 10:48 a.m., Ms. Hirsh issued a modified notice for a purported “emergency meeting” of the BOE at 11:30 a.m. that morning, *i.e.*, on forty-two (42) minutes notice, for the same purpose. *Id.* (Ex. E).

At the improperly-noticed “emergency meeting,” the BOE purported to fill the BOE vacancy with Ms. Behette. Exhibit F (Emergency Meeting Minutes). At the opening of the meeting and at least once more during the meeting, Ms. Hirsh specifically stated that the sole justification for the “emergency meeting” was the upcoming BOE budgetary meeting on October 24, 2024, and that the BOE should have all eight (8) spots filled at that meeting, with proper time for the new member to prepare for the upcoming capital budget vote. The posted meeting minutes state, in relevant part:

Prior to the motion, Ms. Hirsh outlined the reasoning for the emergency meeting and what action the Board would be taking up. She stated that the Board needs to be a fully operating body ahead of the Board’s deliberation and vote on the Fiscal Year 2026 Capital Budget which takes place this Thursday, October 24 at the Board of Education Meeting.

Id. (Ex. F). At no time during the “emergency meeting” did any BOE member provide any other justification for the purported emergency. The posted meeting minutes, however, include a second justification for the emergency that appears nowhere in the video recording of the meeting, and was entirely conjured by the BOE Member Respondents for the sole purpose of the minutes.⁴ In relevant part, the posted meeting minutes state, in this regard:

Ms. Sophie Koven noted that the Board had planned to meet on Wednesday after the vote had been delayed from last week’s scheduled Board meeting, but was forced to hold the emergency meeting in order to prevent the Board of Selectman from attempting to illegally appoint a new member at a special meeting of the Board of Selectmen scheduled for the following day.

Id. (Ex. F). Ms. Koven, a member of the New York Bar, said no such thing, nor anything close to this representation in the public record. The minutes were accepted by a BOE vote on October 23, 2024, over the objection of Mr. Mercanti-Anthony and Ms. Walsh due to the inaccuracies in the posted minutes versus the reality of the video recording.⁵

On October 22, 2024, the BOS held its properly-noticed special meeting during which it appointed Paul Cappiali to fill the BOE vacancy. Mr. Cappiali was subsequently sworn into office by the Town

⁴ See recording of the October 21, 2024 meeting: <https://www.youtube.com/watch?v=4vb1JTDjS04>. Also available on the BOE Website: <https://go.boarddocs.com/ct/greenwich/Board.nsf/Public/>.

⁵ It also appears that these minutes were approved by less than a majority, *i.e.*, a 3-2-2 vote (Ex. F).

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Clerk, and the Town Clerk then certified Mr. Cappiali's appointment to the Secretary of State. Exhibit G (Cappiali BOE Card and Town Clerk Certification).

On October 23, 2024, for reasons not entirely clear from the public record, the BOE Member Respondents held another meeting in order to ratify the "emergency meeting" vote. See Exhibit H.⁶ At this meeting, which was attended only by the BOE Member Respondents and Ms. Behette, the BOE Member Respondents voted to ratify the appointment of Ms. Behette. Ms. Behette was directed to abstain from voting for the ratification. To the extent that Ms. Behette was not a proper BOE member prior to this meeting, no quorum was present and, thus, no BOE vote could be valid.

On October 24, 2024, the BOE held a regular meeting, which was attended by the BOE Member Respondents, Mr. Mercanti-Anthony, Ms. Walsh, and Ms. Behette. Given that Mr. Cappiali had been appointed by the BOS, sworn-in by the Town Clerk, and certified to the Secretary of State as a member of the BOE, Mr. Cappiali also attempted to attend the October 24, 2024 meeting, but was removed from the Zoom videoconference by Ms. Hirsh prior to any BOE business being conducted. Over the objection of Mr. Mercanti-Anthony and Ms. Walsh, Ms. Behette was permitted to remain throughout the entire BOE meeting.⁷

FOIA Requirements

The FOIA requires that notice of special meetings of public agencies, such as the BOE,⁸ "be posted not less than twenty-four hours before the meeting to which such notice refers" Conn. Gen. Stat. § 1-225(d). There is, however, a limited exception for emergency meetings.

In order to qualify as an emergency, the particular "situation must be unexpected and it must demand immediate action such that it is impossible for the public agency to give twenty-four hours' notice of a meeting." See *Bd. of Selectmen of Town of Ridgefield v. Freedom of Info. Comm'n*, 294 Conn. 438, 448 (2010); see also *Town of Lebanon v. Wayland*, 39 Conn. Supp. 56, 61, 62 (1983). In circumstances where a true emergency exists, the public agency is relieved of the twenty-four (24) hour notice requirement so long as it, *inter alia*, files a copy of the minutes of the emergency meeting with the town clerk within seventy-two (72) hours following the meeting.

FOIA Violations

The BOE Member Respondents violated the FOIA for two distinct reasons. First, there was simply no emergency that qualifies for an exception to the twenty-four (24) hour notice requirement under Conn. Gen. Stat. § 1-225(d). Second, the blatant falsification and posting of meeting minutes meant as a substitute for timely notice under Conn. Gen. Stat. § 1-225(d) cannot be deemed to comply with

⁶ The ratification of a prior BOE vote is unnecessary unless it is of questionable validity.

⁷ See recording of the October 24, 2024 meeting: <https://www.youtube.com/watch?v=kGJ-Xmg6MFg>. Also available on the BOE Website: <https://go.boarddocs.com/ct/greenwich/Board.nsf/Public#>.

⁸ See Conn. Gen. Stat. § 1-200(1)(A).

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the requirements of Conn. Gen. Stat. § 1-225(d). In other words, the filing, posting, or submission of a falsified notice is, in effect, not notice of anything, and should be disregarded.

a. No Emergency Existed.

The only reason given for the purported emergency at the October 21, 2024 meeting was the desire to fill the vacant BOE seat prior to the impending BOE budget meeting three (3) days later, on October 24, 2024. Under no circumstances could this have constituted a legitimate emergency. Putting aside the fact that BOE fiscal budget meetings occur at the same time every year, the October 24, 2024 meeting was set no later than December 14, 2023, when the BOE approved the 2024-2025 Board Meeting Schedule. *See Exhibit I* (BOE Meeting Schedule).

It is truly absurd for the BOE Member Respondents to argue that a meeting set over ten (10) months in advance was somehow “unexpected,” where that meeting date and purpose has remained static since being set in late-2023. Furthermore, even if this budget meeting had been overlooked by the BOE Member Respondents—which seems equally absurd and does not constitute an emergency regardless—there is no explanation in the record for why an 11:30 a.m. meeting on October 22, 2024, instead of October 21, 2024, would have been so untenable as to justify the deprivation of proper notice to Town residents.⁹

For the reasons identified above and addressed further below, the BOE Members Respondents’ second excuse—that the BOE was forced to hold the emergency meeting in order to prevent the BOS from appointing a new member the following day—should be disregarded in its entirety. As a review of the sixteen (16) minute video recording clearly establishes, this purported basis for the emergency was never identified as a reason justifying the emergency meeting. Instead, the first time that this *ex post facto* excuse appears is in the minutes of the emergency meeting, which falsely reflect what occurred at that meeting.

Notwithstanding the foregoing, and even if the Commission permits this justification to be proffered, it puts the BOE Member Respondents in an even worse position. The BOE vacancy occurred on July 19, 2024. Thus, as of that date, the BOE Members Respondents could have properly noticed a special meeting to fill the vacant BOE seat. *See* BOE Bylaws § 9221 (*Exhibit J*). The BOE Member Respondents, however, failed to act for over three (3) months.

In order to resolve town board vacancies, Conn. Gen. Stat. § 7-107, which was first enacted in 1953, “authorizes the board of selectmen or chief executive authority of such town” to appoint a person to fill a vacancy on any town board where such board fails to fill the vacancy “within thirty days after [the vacancy] occurs.” *Id.* Conn. Gen. Stat. § 7-107 has been specifically held to apply to boards of education. *See Pereira v. Ganim*, 2016 WL 7140795, at *6 (Conn. Super. Ct., Nov. 1, 2016).

⁹ It should be noted that it appears the BOE Member Respondents made no effort to even inform the press of the forty-two (42) minute noticed meeting, or make any other effort to give any form of meaningful public notice to Town residents.

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It is unclear exactly what the BOE Member Respondents will argue was the true emergency, which—at best—was created by the dereliction of their own duty to fill the vacancy. Regardless, neither ignorance of the law (*i.e.*, Conn. Gen. Stat. § 7-107), nor the BOE Member Respondents' concern about the person the BOS intended to select the next day to fill the vacant BOE seat, can possibly qualify as a legitimate emergency under prevailing law. For example, in *Gaeta v. Board of Selectman of Ridgefield*, #FIC 2006-224, the Commission found that the complainant had threatened the life of the first selectman over a dispute regarding the rejection of complainant as the next fire chief. *Gaeta Final Decision*, ¶11 (attached hereto as Exhibit K). In response, the first selectman called an emergency meeting of the board of selectman to, *inter alia*, address complainant's conduct in this regard. *Id.*, at ¶¶12, 15. At the emergency meeting, the board of selectman voted to, *inter alia*, ask the complainant for his resignation based on the complainant's conduct (including the death threat) the prior day. *Id.*, at ¶18. The Commission found that the circumstances of the emergency meeting, even in view of the death threat, did not constitute an emergency under FOIA jurisprudence. *Id.*, at ¶23.¹⁰

Here, there was no risk of physical altercation or death of a public official, no natural disaster or other community-wide emergency, just a feeling by the BOE Member Respondents that they would not be happy with the BOS's choice to fill the BOE vacancy. If this excuse is ultimately endorsed by the Commission, it is hard to imagine what reasoning—whether purely political or otherwise—would not then satisfy the emergency provisions of Conn. Gen. Stat. § 1-225(d).

b. The False Minutes Should be Disregarded.

As identified above, and which a review of the recorded video will confirm, the minutes of the emergency meeting are false, in that they purport to reflect the BOS special meeting on October 22, 2024, as a basis for the emergency. It is axiomatic that publicly posted minutes of public agency meetings should reasonably reflect what occurred at such meetings or the purpose of the minutes would be nullified. When publicly posted minutes do not accurately reflect what occurred such minutes should be disregarded, particularly where the falsified minutes are intended to be used as (substituted) notice under a statute. As such, the Commission should find the emergency meeting minutes filed and posted by the BOE Member Respondents do not qualify as the minutes required to be filed and posted pursuant to Conn. Gen. Stat. § 1-225(d).

Conclusion

Complainants respectfully request that (i) this matter be expedited for the reasons set forth herein; (ii) any hearing of this matter be—at the Commission's discretion—limited to legal argument, as Complainants have made substantial efforts to include publicly available backup for all factual statements in aid of expedited relief, with all meaningful facts herein not in substantial dispute; and (iii) Complainants be granted the relief requested below.

¹⁰ Both the superior court and Supreme Court affirmed the Commission's decision. See *Board of Selectmen of the Town of Ridgefield v. Freedom of Information Commission*, 294 Conn. 438 (2010).

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Requested Relief

Accordingly, Complainants respectfully request that the Commission:

1. Immediately set aside the appointment of Ms. Behette to the BOE, on an interim basis, until a final decision is issued by the Commission;
2. Declare that the BOE's October 21, 2024 "emergency meeting" violated FOIA, and is, therefore, null and void;
3. Declare that as the October 21, 2024 "emergency meeting" was null and void, the appointment of Ms. Behette to the BOE at that meeting was invalid;
4. Declare that all subsequent BOE meetings in which Ms. Behette participated to be null and void, and in particular the October 23, 2024 meeting where there would have been no quorum without the inclusion of Ms. Behette as a member of the BOE;
5. Declare that in order to qualify as minutes for purposes of FOIA, such minutes must reasonably reflect the statements and conduct which occurred at any such meeting the minutes purport to reflect;
6. Declare that the minutes for the October 21, 2024 BOE meeting do not qualify as a proper filing of minutes in accordance with Conn. Gen. Stat. § 1-225(d);
7. Direct the BOE Member Respondents to strictly comply with the notice provisions of Conn. Gen. Stat. § 1-225(d); and
8. Impose such other penalties, sanctions, and orders as the Commission determines are appropriate under the circumstances.

Respectfully submitted,

MEISTER SEELIG & FEIN PLLC

By: /s/
Benjamin D. Bianco
Thomas M. Cassone

cc: All persons and entities reflected on the attached "List of Interested Persons and Entities for Service," by both electronic-mail and Federal Express (overnight delivery).

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION
MEETINGS COMPLAINT FORM
(To be used for alleging a meetings violation)

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FIC#2024-0653

Any field outlined in red must be filled out

1. Today's Date: 10/31/2024

2. Name of person filing complaint: Fred Camillo; and, Town of Greenwich

3. Street address: c/o Meister Seelig & Fein PLLC

4. City, State, ZIP 383 Main Avenue, Suite 450, Norwalk, CT 06851

5. Phone (203) 921-2698

6. E-mail address: bdb@msf-law.com

7. Date of alleged violation of FOI Act: 10/21/2024

8. What was the date of the meeting you are complaining about? 10/21/2024

9. Provide the complete contact information for the agency that held the meeting

Name of Agency: Greenwich Board of Education

Agency Address: 290 Greenwich Ave, Greenwich, CT 06830

Agency Phone Number: (203) 625-7400

Agency Email Address: Below:

BoardofEdMembers@greenwich.k12.ct.us

10. Please provide a brief summary of your complaint: (Box allows 700 characters)

See letter-complaint attached hereto.

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/s/ Benjamin D. Bianco

10/31/2024

Signature (Counsel for Complainants)

Date

Click Box Below to check for Accuracy. If no errors popup, the form is complete and Ready to Print. Send the completed complaint form and all additional documentation by U.S. Postal Service to: Freedom of Information Commission, 165 Capitol Ave., Suite 1100, Hartford, CT 06106 or by electronic mail to: foi@ct.gov

Complete and Print

LIST OF INTERESTED PERSONS AND ENTITIES FOR SERVICE

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FILE # 2024-0053

a. COMPLAINANTS

- i. Town of Greenwich
101 Field Point Road
Greenwich, CT 06830
bschellenberg@mzslaw.com (Town Attorney, Barbara Schellenberg)
- ii. Fred Camillo
35 MacArthur Drive
Old Greenwich, CT 06870

101 Field Point Road
Greenwich, CT 06830
Fred.Camillo@greenwichct.org

b. RESPONDENTS

- i. Karen Hirsh (Karen_Hirsh@greenwich.k12.ct.us)
290 Greenwich Avenue
Greenwich, CT 06830
- ii. Laura Kostin (Laura_Kostin@greenwich.k12.ct.us)
290 Greenwich Avenue
Greenwich, CT 06830
- iii. Sophie Koven (Sophie_Koven@greenwich.k12.ct.us)
290 Greenwich Avenue
Greenwich, CT 06830
- iv. Kathleen Stowe (Kathleen_Stowe@greenwich.k12.ct.us)
290 Greenwich Avenue
Greenwich, CT 06830

c. PUBLIC AGENCY

- i. Greenwich Board of Education
BoardofEdMembers@greenwich.k12.ct.us
290 Greenwich Avenue
Greenwich, CT 06830



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Book	Policies and Regulations
Section	9000 Series - Bylaws of the Board
Title	Number of Members, Terms of Office, Oath of Office
Code	9110
Status	Active
Adopted	February 22, 2018

Greenwich Public Schools
Greenwich, CT
Bylaws of the Board

The Board of Education consists of eight members, in accordance with the Town Charter.

Terms of Office

The term of office of a school Board member shall be for four years with terms staggered so that half the members are elected every two years. Terms of office shall begin at the next Business meeting or within a month of the election.

Members shall take the oath of office before the Town Clerk or his/her designees before entering upon their official duties.

Qualifications: Candidates must be electors in Greenwich and not employed by the District.

Remuneration: Members shall not receive compensation for their services.

Reimbursement: Members shall be reimbursed by District funds for expenses incurred while conducting Board business by submitting the Town of Greenwich expense report through the superintendent.

Protection: The Town of Greenwich shall maintain adequate insurance to protect the District and its Board of Education against loss because of fire, damage to school property, loss to other property, or general liability resulting in a responsibility to the District, and save harmless its Board of Education and staff while acting in its behalf.

Term of Board Officers

All officers of the Board shall hold office for a term of one year and until their successors are elected and have qualified, except in case of removal as provided in Bylaw 9222.

Bylaw adopted by the Greenwich Board of Education: 2/22/2018

 [9110 - Number of Members, Terms of Office, Oath of Office Rev022218 wA.pdf \(12 KB\)](#)

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Book	Policies and Regulations
Section	9000 Series - Bylaws of the Board
Title	Quorum
Code	9325.1
Status	Active
Adopted	February 22, 2018

Greenwich Public Schools
Greenwich, CT
Bylaws of the Board

A majority of the entire Board membership shall constitute a quorum at any regular or special meeting.

The Board may take no action in the absence of a quorum except to adjourn to another date, unless this Bylaw is waived in accordance with Bylaw 9314.

(cf. 9324 Meeting Conduct & Parliamentary Procedures)
(cf. 9314 Suspension of Policies, Bylaws, Regulations)

Legal Reference: Connecticut General Statutes

1-200 Definitions.

Bylaw adopted by the Greenwich Board of Education: 2/22/2018

 9325.1 - Quorum Rev 022218 wA.pdf (9 KB)

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----- Forwarded message -----

From: Karen Kowalski <karen_kowalski@greenwich.k12.ct.us>

Date: Fri, Jul 19, 2024, 1:25 PM

Subject: Resignation

To: Board of Ed Members <Boardofedmembers@greenwich.k12.ct.us>

Cc: Toni Jones <toni_jones@greenwich.k12.ct.us>, Jonathan Budd

<jonathan_budd@greenwich.k12.ct.us>, Michael Antonaccio

<michael_antonaccio@greenwich.k12.ct.us>, Branyan, Ben <Ben.Branyan@greenwichct.gov>,

<jacqueline.budkins@greenwichct.gov>, Camillo, Fred <Fred.Camillo@greenwichct.org>, Fred

Camillo <acamillo@gmail.com>, Fisher, Harry <Harry.Fisher.BET@greenwichct.gov>, Fassuliotis,

Karen <Karen.Fassuliotis@greenwichct.org>, Mason, Michael S. <Michael.Mason@greenwichct.gov>,

Sen. Fazio, Ryan <Ryan.Fazio@cga.ct.gov>, Jansen, Lucia D. <lucia.jansen@greenwichct.org>, Rabin,

Lauren <Lauren.Rabin@greenwichct.gov>

Dear fellow Board of Education members:

As I have already discussed with several of you, my family has made the decision to move out of Greenwich. While I have been asked by certain members of the Greenwich community to stay on the Board for as long as possible, I do not believe it is in the best interest of Greenwich Public School children for an impending non-resident to maintain a position on the Board of Education. Given that we have now reached the end of the school year, I hereby resign from the Board of Education, effective immediately. I encourage all current members of the Board to cooperate on seating my replacement as soon as possible. I know my caucus has several possible replacements in mind.

To the Town of Greenwich, at large: It has been an honor to serve the Greenwich community, and particularly the public-school children of Greenwich, for the past five years. I wish all Greenwich residents—and especially the hard-working volunteers in Town Government—the best of luck in the future.

Warm regards,

Karen Kowalski



Fred Camillo
First Selectman

TOWN OF GREENWICH

Office of the First Selectman (203) 622-7710 fax: (203) 622-3793
Town Hall • 101 Field Point Road • Greenwich, CT 06830
E-Mail: fred.camillo@greenwichct.org

REC'D & FILED

OCT 31 2024

Freedom of Information Comm.
By MEG

AC # 2024-0653

TOWN CLERK'S OFFICE
OCT 21 2024 PM 2:47

Board of Selectmen Special Meeting
Tuesday, Oct. 22, 2024
* 3:00 p.m.
Zoom Webinar

<https://greenwichct.zoom.us/j/89975609488?pwd=SNOtNbB06MzgC5lE9DxFajrOLbyB7.1>

Dial in: 1 646 518 9805
Webinar ID: 899 7560 9488
Password: 4417435

AMENDED AGENDA

1. Call to order

- a. Discussion and vote on Board of Education vacancy

2. Adjournment

Fred Camillo
First Selectman

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org

"The Town of Greenwich is Dedicated to Diversity and Equal Employment Opportunity"

Spezzano, Kimberley

From: Michael Antonaccio <michael_antonaccio@greenwich.k12.ct.us>
Sent: Monday, October 21, 2024 10:45 AM
To: Town Clerk; Spezzano, Kimberley; BoardofEdMembers@greenwich.k12.ct.us; Cabinet
Cc: Cabinet AAs
Subject: BOE Emergency Meeting Notice - October 21, 2024
Attachments: BOE Emergency Meeting 102124.pdf

REC'D & FILED

OCT 31 2024

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By MEG
FIC #2024-0653

[EXTERNAL]

Town Clerk: Please Post

NOTICE OF EMERGENCY MEETING
PLEASE POST

Notice is hereby given of an Emergency Meeting of the Greenwich Board of Education, to be held on Monday, October 21, 2024 at 6:30 p.m., in a virtual setting. Details on accessing the meeting can be found at GreenwichSchools.org/VirtualMeetings. The meeting can also be accessed by phone at: 646-558-8656 and entering Meeting ID 880 0529 1647.

The purpose of the Emergency Meeting is to act upon the filling of a Board vacancy (Policy 9221).

Michael Antonaccio
Communications Specialist/Board of Education Clerk
Greenwich Public Schools
290 Greenwich Avenue
Greenwich, CT, 06830

www.greenwichschools.org

Phone: 203-625-7426

Fax: 203-869-8003

Email: michael_antonaccio@greenwich.k12.ct.us



CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Board of Education

Havemeyer Building * 290 Greenwich Avenue * Greenwich, Connecticut 06830

Tel. (203) 625-7400 * FAX (203) 618-9379

REC'D & FILED

OCT 31 2024

NOTICE OF EMERGENCY MEETING

PLEASE POST

Freedom of Information Comm.

By

MEG
FIG #2024-0653

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Any questions regarding accessing the meeting should contact BOE Clerk Michael Antonaccio by email at michael_antonaccio@greenwich.k12.ct.us.



Karen Hirsh
Acting Chair, Board of Education

KH/ma
10/21/24

OCT 31 2024

Freedom of Information Comm.

By

MEG
FIC #2024-0653**Spezzano, Kimberley**

From: Michael Antonaccio <michael_antonaccio@greenwich.k12.ct.us>
Sent: Monday, October 21, 2024 10:47 AM
To: Town Clerk; Spezzano, Kimberley; BoardofEdMembers@greenwich.k12.ct.us; Cabinet
Subject: Re: BOE Emergency Meeting Notice - October 21, 2024

[EXTERNAL]

Please disregard the previous email. Corrected to follow.

--

Michael Antonaccio
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290 Greenwich Avenue
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Email: michael_antonaccio@greenwich.k12.ct.us



On Mon, Oct 21, 2024 at 10:44 AM Michael Antonaccio <michael_antonaccio@greenwich.k12.ct.us> wrote:
Town Clerk: Please Post

**NOTICE OF EMERGENCY MEETING
PLEASE POST**

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--

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Greenwich, CT, 06830

www.greenwickschools.org

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Fax: 203-869-8003

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By

MEG
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Spezzano, Kimberley

From: Michael Antonaccio <michael_antonaccio@greenwich.k12.ct.us>
Sent: Monday, October 21, 2024 10:48 AM
To: Town Clerk; Spezzano, Kimberley; BoardofEdMembers@greenwich.k12.ct.us; Cabinet
Cc: Cabinet AAs
Subject: BOE Emergency Meeting Notice - October 21, 2024
Attachments: BOE Emergency Meeting 102124.pdf

REC'D & FILED

OCT 31 2024

[EXTERNAL]

Town Clerk: Please Post

Freedom of Information Comm.

By

MEG
FIC #2024-0653

NOTICE OF EMERGENCY MEETING PLEASE POST

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OCT 31 2024

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By

MEG
FIC #2024-0053

Board of Education

Havemeyer Building * 290 Greenwich Avenue * Greenwich, Connecticut 06830

Tel. (203) 625-7400 * FAX (203) 618-9379

NOTICE OF EMERGENCY MEETING

PLEASE POST

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Karen Hirsh
Acting Chair, Board of Education

KH/ma
10/21/24

EMERGENCY MEETING OF THE GREENWICH BOARD OF EDUCATION

DATE: October 21, 2024
PLACE: Virtually via Zoom

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FIC #2024-0653

ATTENDANCE:

Board:

Ms. Karen Hirsh, Acting Chair
Ms. Wendy Vizzo Walsh, Secretary (*absent*)
Mr. Cody Kittle (*absent*)
Ms. Laura Kostin
Ms. Sophie Koven
Dr. Michael-Joseph Mercanti-Anthony
Ms. Kathleen Stowe

1. Meeting Opening

A. Call to Order - The meeting was called to order by Ms. Hirsh at 11:38 am.
(0:00:02 on the meeting tape)

2. Action Item

A. 9221 Board Vacancy - Ms. Hirsh
(0:00:40 on the meeting tape)

Prior to the motion, Ms. Hirsh outlined the reasoning for the emergency meeting and what action the Board would be taking up. She stated that the Board needs to be a fully operating body ahead of the Board's deliberation and vote on the Fiscal Year 2026 Capital Budget which takes place this Thursday, October 24 at the Board of Education Meeting. She also referenced BOE policy 9221 and CT State Statute 10-219, which delineates how the Board fills a vacancy. She encouraged all the candidates who put their names forward to consider running for the Board in the future.

The Board discussed the need for the emergency meeting and if it was in proper order. Dr. Mercanti-Anthony expressed his objections to this action. Ms. Sophie Koven noted that the Board had planned to meet on Wednesday after the vote had been delayed from last week's scheduled Board meeting, but was forced to hold the emergency meeting in order to prevent the Board of Selectman from attempting to illegally appoint a new member at a special meeting of the Board of Selectmen scheduled for the following day.

MOTION	Ms. Kostin moved to nominate Jen Behette to fill the Board's vacancy position. The motion was seconded by Ms. Stowe.
VOTE	4 in favor, one opposed (Dr. Mercanti-Anthony). Mr. Kittle and Ms. Vizzo Walsh absent.
	MOTION PASSED

Ms. Kostin offered remarks on the qualifications of the candidate. Board members offered their opinion on the process and candidates.

3. Adjournment

MOTION	Ms. Kostin moved to adjourn the meeting at 11:54 pm. The motion was seconded by Ms. Koven.
VOTE	4 in favor, none opposed. Dr. Mercanti-Anthony abstained. Mr. Kittle and Ms. Vizzo Walsh absent.
	MOTION PASSED

Respectfully submitted,

Kathleen Stowe
Acting Secretary

Approved 10/24/24 – 3-2-2

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OCT 31 2024

Freedom of Information Comm.

By MEG

FIC #2024-0653

This is to certify that

Paul Cappiali

has been duly elected/appointed as a member of

BOARD OF EDUCATION
of the Town of Greenwich, in the County of
Fairfield, and State of Connecticut

Term of
Office 10/22/2024-11/18/2025

Attest

Jacqueline A. Budkin

Town Clerk

[Signature]

Signature of Bearer

10/22/2024

Dated

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OCT 31 2024

Freedom of Information Comm.

By

MEG

FIC #2024-0053

(ED-638 - Vacancy in Elective Office 3/06)

To: Secretary of the State
30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470
Attn: Legislation & Elections Administration Division

Vacancy/Appointment In Elective Office

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By MEG

FIG# 2024-0653

Vacancy In Elective Office

On JULY 19, 2024, the office of

(date of vacancy)

BOARD OF EDUCATION

was vacated due to the

Moved out of town

(manner in which vacancy occurred)

of the incumbent,

Karen R. Kowalski

(name)

REPUBLICAN

(party)

who was elected/appointed for a term

from: 11/21/2023

to: 11/16/2027

Appointment To Fill Vacancy In Elective Office

On October 22, 2024, pursuant to the provisions of

(date)

CGS 7-107

(specific section of Connecticut General Statutes or local law under which vacancy was filled)

Paul Cappiali

(name)

28 Hartford Ave, Greenwich, CT 06830

(address)

REPUBLICAN

(party)

was appointed by First Selectman

(appointing authority)

to fill the vacancy in the office of Board of Education

vacated by Karen R. Kowalski

(name of person who vacated office)

on July 19, 2024

(date)

to serve until 11/18/2025

(date appointment expires)

being the date of ☒ the next regular municipal election.

☐ the expiration of the term

Date of Filing October 23, 2024

City
Town of Greenwich
Borough

Mayor
Town Clerk
Warden

Jacqueline A. Bellina
(signature)

Notice Under Section 9-223 (C.G.S.)

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OCT 31 2024

Freedom of Information Comm.
By MEG

FIC # 2024-0653

Wednesday, October 23, 2024
Board Special Meeting

Location: Virtually via Zoom

Time: 7:00 PM

Details on accessing the meeting can be found at GreenwichSchools.org/VirtualMeetings. The meeting can also be accessed by phone at: 646-558-8656 and entering Meeting ID 865 2385 5133.

Members of the public are encouraged to send their thoughts and opinions to the Board at any time at boardofedmembers@greenwich.k12.ct.us.

Any questions regarding accessing the meeting should contact BOE Clerk Michael Antonaccio by email at michael_antonaccio@greenwich.k12.ct.us.

1. Meeting Opening

Subject :	A. Call to Order and Pledge of Allegiance - Ms. Hirsh
Meeting :	Oct 23, 2024 - Board Special Meeting
Type :	Procedural

2. Action Item

Subject :	A. 9221 Board Vacancy - Ms. Hirsh
Meeting :	Oct 23, 2024 - Board Special Meeting
Type :	Action

Public Content

Cover sheet only. No supporting documents.

**Board of Education
Greenwich, Connecticut**

2024 – 2025 Board Meeting Schedule
All meetings begin at 7:00pm unless otherwise noted

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By MEG

FIC #2024-0053

Date	Type of Meeting	Location
Thursday, September 5, 2024	Board Retreat	Havemeyer Building
Thursday, September 12, 2024	Board Retreat	Havemeyer Building
Thursday, September 26, 2024	Business	Central Middle School
Thursday, October 17, 2024	Board Retreat	Havemeyer Building
Thursday, October 24, 2024	Business	Central Middle School
Thursday, November 7, 2024	Budget	Havemeyer Building
Thursday, November 21, 2024	Business	Central Middle School
Thursday, December 5, 2024	Budget	Central Middle School
Thursday, December 12, 2024	Business*	Central Middle School
Thursday, January 16, 2025	Business	Central Middle School
Thursday, February 6, 2025	Board Retreat	Havemeyer Building
Thursday, February 20, 2025	Business	Central Middle School
Thursday, March 20, 2025	Business*	Central Middle School
Thursday, April 24, 2025	Business*	Central Middle School
Thursday, May 15, 2025	Business*	Central Middle School
Thursday, May 29, 2025	Board Retreat	Havemeyer Building
Thursday, June 12, 2025	Business*	Central Middle School

*Board Recognition Meeting

**It is requested that all Board members hold all Thursday evenings, from 6:00pm-7:00pm, for possible Special Meetings as needed.

Approved: 12/14/2023



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OCT 31 2024

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By MEG

FC# 2024-0653

Book	Policies and Regulations
Section	9000 Series - Bylaws of the Board
Title	Filling Vacancies
Code	9221
Status	Active
Adopted	February 22, 2018

Greenwich Public Schools
Greenwich, CT
Bylaws of the Board

Any vacancy occurring on the Board, unless otherwise provided by charter or special act, shall be filled by a vote of the remaining members of the Board, as soon as feasible, until the next regular Town election. The vote will be recorded. Town Charter requires that a vacancy be filled with a member of the same political party.

The Board is permitted to interview the candidate(s) for a vacancy and the subsequent deliberations by the Board, subject to the right of a candidate to insist that the portions of the interviews and discussions dealing with his/her candidacy be in public. The vote by the Board must take place in public.

Legal Reference: Connecticut General Statutes

7-107 Vacancy appointments by selectmen.

9204 Minority representation on boards of education.

10219 Procedure for filling vacancy on board of education.

10156e Employees of boards of education permitted to serve as elected officials; exception.

10232 Restriction on employment of members of the board of education.

Bylaw adopted by the Greenwich Board of Education: 2/22/2018



9221 - Filling Vacancies Rev 022218 wA.pdf (12 KB)

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

REC'D & FIL

OCT 31 2024

Freedom of Information Comm.
By MEG

FIC # 2024-0653

In the Matter of a Complaint by

FINAL DECISION

Anthony Gaeta,

Complainant

against

Docket #FIC 2006-224

Board of Selectmen,
Town of Ridgefield,

Respondent

March 28, 2007

The above-captioned matter was heard as a contested case on October 19, 2006, at which time the complainant and the respondent appeared, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondent is a public agency within the meaning of §1-200(1), G.S.

2. By letter dated April 29, 2006 and filed on May 1, 2006, the complainant appealed to this Commission, alleging that the respondent improperly held an "emergency meeting" on April 1, 2006 (hereinafter "the April 1, 2006 meeting") and thereby violated the Freedom of Information ("FOI") Act when it:

- a. failed to file a notice of the time and place of the April 1, 2006 meeting in the office of the clerk not less than 24 hours prior to the time of such meeting;
- b. failed to deliver a notice of the time and place of the April 1, 2006 meeting to the usual place of abode of each member of the public agency so that the same is received prior to such special meeting;
- c. conducted an "emergency meeting" and the purpose was not an emergency within the meaning of §1-225(d);
- d. conducted business other than on the agenda;
- e. failed to file the minutes with the town clerk within seven days.

3. At the hearing in this matter, the complainant requested that the Commission declare null and void all actions taken at the April 1, 2006 meeting.

4. The respondent board maintains that the meeting was properly held as an emergency meeting pursuant to §1-225(d), G.S.

5. Section 1-225(d), G.S. provides, in relevant part:

Notice of each special meeting ... shall be given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in ... the office of the clerk ... provided, in case of emergency ... any ... special meeting may be held without complying with the ... requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with ... the clerk ... not later than seventy-two hours following the holding of such meeting.

6. Section 1-225(a) provides, in relevant part:

OCT 31 2024

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By MEG

FIC# 2024-0053

The meetings of all public agencies ... shall be open to the public. The votes of each member ... upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven days of the session to which they refer.

7. The FOI Act does not define "emergency". However, the Commission has looked for guidance to The Second College Edition of the American Heritage Dictionary (1982), which defines emergency as an "unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action." See Nancy J. Eggen v. New Milford Planning Commission, Town of New Milford, Docket #FIC 1998-113. Also, the Commission has narrowly interpreted what constitutes an "emergency" for purposes of §1-225(d), G.S. See Town of Lebanon v. Wayland, 39 Conn. Supp. 56, 61, 62 (1983). See also, Daniel Parlato, et al. v. Harry Traver, First Selectman, Town of Bethlehem, et al., Docket #FIC 2003-410; Henry W. Stormer v. First Selectman, Town of Southbury, Docket #FIC 2000-015; Robert Gries v. Woodstock Board of Selectmen, Docket #FIC 1994-221; Thomas Burns v. Stafford Board of Education, Docket #FIC 1993-199.

8. It is found that, in January 2006, the fire chief for the Town of Ridgefield announced his retirement, and that, during March 2006, a search was underway for a new fire chief. During this time, the complainant was the assistant fire chief and had been with the Ridgefield fire department approximately 36 years. It is found further that the complainant was a candidate for the fire chief position, but learned on March 27, 2006, that he no longer was being considered for such position.

9. It is found that on March 30, 2006, the first selectman, Mr. Marconi, received a telephone call from the human resources director, Ms. Scholl, informing him that a verbal altercation had occurred the previous day between the complainant and Mr. Hill, the public works director, during which the complainant shouted and used vulgar language in front of a group of children. It is found further that during this telephone conversation, Mr. Marconi asked Ms. Scholl to "draw up the stipend" which would be offered to the complainant for staying on as "acting fire chief" until a permanent fire chief could be hired.

10. It is found that, on March 31, 2006, Mr. Marconi went to the complainant's office and gave the complainant a memorandum describing the stipend and confirming a previous conversation regarding the complainant becoming "acting fire chief" as of the close of business on March 31, 2006.

11. It is found that, during the meeting, both the complainant and Mr. Marconi became very angry and upset, and used vulgar language. It is found further that the complainant threw papers at Mr. Marconi, moved around from behind his desk toward Mr. Marconi, and at one point said words to the effect, "I'm gonna kill you."

12. It is found that Mr. Marconi told the complainant that he (the complainant) "was going to have to answer to the Board of Selectmen," that Marconi was going to call an emergency meeting of the board for 9:00 a.m. the next morning, and that the complainant should attend.

13. It is found that, before Mr. Marconi left the complainant's office, he asked the complainant "so will you take the job as acting chief or not," to which the complainant responded affirmatively.

14. It is found that, until the meeting described in paragraphs 10 through 13, above, the complainant and Mr. Marconi had been life-long friends.

15. It is found that, immediately after the meeting with the complainant, described in paragraphs 10 through 13, above, Mr. Marconi called the second selectman, Ms. Mannes, and described his encounter with the complainant. It is found further that, during this conversation, Mr. Marconi and Ms. Mannes decided to call an emergency meeting of the Board of Selectman for 9:00 the next morning "to review the complainant's conduct during the past week and during the entire interview process."

16. It is found that, at Mr. Marconi's request, on March 31, 2006, an administrative assistant called the other board members and informed them of the emergency meeting. It is found further that the respondent did not notify the press, nor make any effort to notify the public of the April 1, 2006 meeting.

17. It is found that, on Saturday, April 1, 2006, the respondent board met at the town hall at 9:00 a.m. and that the complainant was not present. It is found further that the respondent board began its discussions regarding the complainant, and at some point, voted to enter executive session.

18. It is found that, at approximately 11:00 a.m., the respondent board came out of executive session, voted to ask the complainant for his resignation, and also voted to recess the meeting.

19. It is found that, during the recess referenced in paragraph 18, above, Ms. Scholl telephoned the complainant and asked him to come immediately to the town hall to meet with the respondent board. It is found further that when the complainant arrived at the town hall shortly thereafter, he was met by Ms. Scholl, and led into a room where Ms. Mannes was

waiting. It is also found that Ms. Manners then informed the complainant that the respondent board was asking for his resignation and that, if he chose not to resign, he would be placed on administrative leave, without pay, pending an investigation into his recent conduct.

20. It is found that, in response, the complainant told Ms. Scholl and Ms. Manners that neither option was acceptable to him and that, instead, he would retire. It is also found that, thereafter, Ms. Scholl and Ms. Manners returned to the April 1, 2006 meeting of the respondent board, reported back to the members what had transpired, and that the respondent board then voted unanimously to "accept the resignation" of the complainant.

21. It is found that the claimed nature of the emergency, as described by Mr. Marconi and Ms. Manners at the hearing in this matter, was that the town would be subject to "potential liability" if the complainant were permitted to remain in the position of "acting fire chief" in light of his recent behavior, specifically, the encounters with Mr. Hill and Mr. Marconi that had occurred during the previous week.

22. It is found that there was no evidence produced at the hearing, other than the respondent board's speculation, to prove that (1) the complainant's conduct during the previous week had any impact or effect on his ability to fulfill his duties as assistant fire chief or that it would have affected his ability to fulfill his duties as "acting fire chief" or (2) the town would be subject to "potential liability" if the complainant were permitted to remain in the position of assistant fire chief or to assume the position of "acting fire chief."

23. With regard to the allegation contained in paragraph 2.c., above, it is found that the situation described in paragraphs 8 through 20, above, did not constitute an "emergency" within the meaning of §1-225(d), G.S.

24. It is therefore concluded that that respondent board violated the FOI Act as alleged in paragraph 2.c, above.

25. It is found that the respondent board did not file a notice of the time and place of the April 1, 2006 meeting twenty-four hours prior to the time of such meeting.

26. It is therefore concluded that, with respect to the allegation contained in paragraph 2.a, above, the respondent board violated §1-225(d), G.S.

27. With regard to the allegation contained in paragraph 2.b, above, it is found that §1-225(d), G.S. confers upon individual members of a public agency the right to home delivery of written notice of special meetings of the agency of which they are a member. See Richard A. Rutkowski v. Mayor, Town of Berlin; Town Council, Town of Berlin; and Town of Berlin, Docket #FIC 1998-060.

28. It is found that the complainant is not a member of the respondent board.

29. It is therefore concluded that the complainant has not been denied the right to individually written notice conferred by §1-225(d), G.S., and, therefore, has no standing to appeal the allegation described in paragraph 2.b, above, to the Commission.

30. With regard to the allegation contained in paragraph 2.d, above, it is found that both the agenda and the minutes of the April 1, 2006 meeting list one item of business as follows: "1. Executive Session to discuss: -- Details of Fire Chief contract".

31. It is found that the purpose of the April 1, 2006 meeting was to discuss whether or not to ask for the complainant's resignation, not to discuss the details of the fire chief contract, as stated on the agenda and in the minutes.

32. It is therefore concluded that the respondent board violated §1-225(d), G.S., as alleged in paragraph 2.d, above, when it conducted business other than that listed on the agenda.

33. With regard to the allegation contained in paragraph 2.e, above, it is found that the minutes of the April 1, 2006 meeting were filed with the town clerk on April 3, 2006.

34. It is therefore concluded that the respondent board did not violate §1-225(d), G.S. as alleged in paragraph 2.e, above.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

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OCT 31 2024

Freedom of Information Comm.
By MEG

FIC #2024-0653

1. The respondent's action to "accept the resignation" of the complainant from the fire department, as described in paragraph 20 of the findings, above, is hereby declared null and void.

2. Henceforth, the respondent shall strictly comply with the notice provisions of §1-225(d), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 28, 2007.

Petrea A. Jones
Acting Clerk of the Commission

REC'D & FILED

OCT 31 2024

Freedom of Information Comm.
By MEG

FIC# 2024-0653

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Anthony Gaeta
c/o Daniel P. Hunsberger, Esq.
Maurer & Associates PC
871 Ethan Allen Highway, Suite 202
Ridgefield, CT 06877

Board of Selectmen,
Town of Ridgefield
c/o Frederick L. Dorsey, Esq.
150 Trumbull Street
Hartford, CT 06103

Petrea A. Jones
Acting Clerk of the Commission

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By MEG

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