

Ginny Giovanniello

From: Diane Cerasoli <dianecerasoli@yahoo.com>
Sent: Tuesday, February 08, 2022 6:19 AM
To: Ginny Giovanniello
Subject: Fw: Filling a vacancy on the Board of Finance

This one is also to be attached to the minutes.

Thanks so much.

Diane

----- Forwarded Message -----

From: Brianna Ruocco <bruooco@brookfieldct.gov>
To: Diane Cearsoli <dianecerasoli@yahoo.com>
Sent: Monday, February 7, 2022, 10:02:33 AM EST
Subject: Fwd: Filling a vacancy on the Board of Finance

For communication

Regards,
Brianna Ruocco

Begin forwarded message:

From: Howard Lasser <howard.lasser@gmail.com>
Date: February 7, 2022 at 8:23:41 AM EST
To: dkokenos@mzslaw.com
Cc: BOS <BOS@brookfieldct.gov>, Board of Finance <BOF@brookfieldct.gov>, Andrea DiStephan <ADiStephan@brookfieldct.gov>, Laura Orban <laura@lauraorban.com>
Subject: Filling a vacancy on the Board of Finance

Mr. Kokenos,

Laura Orban forwarded me your response to her inquiries regarding filling vacancies on the Board of Finance in Brookfield. She did so, seeking my thoughts, because of my long history in Brookfield and knowledge of our charter.

I have lived in Brookfield for just under 41 years. For most of that time I have served on various committees, boards, and commissions; 8 years on Zoning, 9 years on the Board of Finance as well as 4 years on the Board of Selectmen. Although not on the Board of Finance at the time, in 2004 I was asked by the then members to write the first By-laws for the Board. I have also been involved in the selection process for Board of finance vacancies from both sides. I also served on charter revision commissions and was on the Board of Selectmen overseeing the 2012 revision of our charter. And I chaired the committee and was the primary scrivener of the Town's ethics ordinance. I believe therefore I am in a better position than most, particularly someone new to our town, to opine on what the "framers", those of us who have actually participated in the creation of our charter, intended and how it is articulated regarding political representation on the various boards.

Although the current position has been filled, I think it is important to have an accurate record and direction should the situation present itself again.

As you point out in your opinion, it is important to take the whole into consideration. Yet you ignore the fact that the charter is clear on many points with regard to party affiliation and representation. I point out that it specifically denotes which state statute applies when considering the makeup of the Board of Education regarding minority representation. In choosing that part of the statute that rejects a super majority it is clear that Brookfield has historically rejected partisan politics in its organic Law. The Board of Education is also empowered to appoint a vacancy and again, there is no reference to party affiliation. And, as you point out, it is clear should the responsibility fall to the Board of Selectmen, party affiliation must be taken into account. The silence on the one hand and specificity on the other clearly indicate that the framers were knowledgeable about such issues and attended to them with great care and clarity. So, to suggest that not including any reference to political affiliation when filling a vacancy is somehow an oversight and should be guided by a later reference to the Board of Selectmen, in my opinion, requires a rather twisted sophistic logic to reach that conclusion.

You mention that the last two times, and now a third, the vacancy was filled by a person with the same affiliation. While more recent appointments may have been guided by tribal loyalties, up until this latest they did not exclude anyone from consideration. One would hope that in the two cases you cite, they appointed the person they thought was best qualified. I also point out that you are wrong that all prior appointments have been according to party affiliation. At one time, Don Gardner, an unaffiliated voter, was appointed to fill a vacancy. Considering that this section of the charter has not changed in 40 years, if we go by your interpretation, that would not have been possible.

The elected members of our boards are generally conscientious in fulfilling their duty and responsibilities, that is why, only once in the 40 years I have been in Brookfield has an appointment to fill a vacancy on the Board of Finance fallen to the Board of Selectmen. This was in 2009 when the then BOF appointed a 5th person belonging to the then 4-person majority in violation of the charter and statute dealing with limits on majority representation. The appointment was ruled invalid, and the time frame of 60 days having passed, the appointment fell to the BOS. Clearly Attorney Beecher, in his email from June 16, 2021, understood this issue that as long as it did not violate minority representation, the Board of Finance could fill the vacancy without regard to party affiliation.

Finally, in support of your opinion you reference "voter intent". I am sure it is not your intention, but the reference seems to institutionalize tribalism and rejects the idea that voters choose who they think is the best person for the position. Our charter encourages community coming together, working for the best interests of the Town. It is clear to me that the intent of our charter is that those Boards that are particularly singled out from the rest are in the best position to choose the best person. Isn't that what we should be encouraging in our elected officials?

One thing I have learned during my time in public service, trust is an important part of leadership and in governing. My concern here is not so much about party loyalties as it is with the rule of law. Certainly, you can agree that all other things being constant, if the rules change depending on the outcome of an election, then there are no rules, and trust is lost.

I would hope, given these facts, and historical perspective, you might rethink your point of view.

Howard Lasser
116 Tower Road
Brookfield, CT 06804
Phone: (203) 775-1832
Cell: (914) 572-3196

"The world is a book and those who do not travel read only one page."