

Windham Select Board
Special Meeting
May 28, 2017

Present: Maureen Bell, Selectwoman
Frank Seawright, Select Board Chair

Absent: Kord Scott, Selectman

Public: Vance Bell, Planning Commission
Bob Bingham, Planning Commission
Dawn Bower, Planning Commission
John Clark
Mia Clark
Marcia Clinton, Health Officer
David Crittenden
Ginny Crittenden, Auditor
Joyce Cumming, Temporary Select Board Clerk
Russ Cumming
Chris Cummings, Planning Commission
Bill Dunkel, Planning Commission
Jerry Dyke
Nancy Dyke, School Board Representative
Linda Emmons
Mark Emmons
Leila Ehrhardt
John Hoover, Lister
Sally Hoover, Auditor
Louise Johnson
Tom Johnson
Kathy Jungermann
Keith Jungermann
Erin Kehoe
John Lingley
Tara Matisse
Ellen McDuffie, Asst. Town Clerk
Phil McDuffie
Carolyn Partridge, State Representative
Ron Phillips
Becky Phillips

Frank Seawright called the meeting to order at 6:00 p.m. and commented on the unusual nature of the crowd in attendance by sharing anecdotes of gentlemen relinquishing seats to pregnant women on commuter trains. After allowing ample opportunity for any latecomers, Frank Seawright addressed the reason for the special meeting: the ongoing situation in trying to fill the position of Town Clerk. He explained that Jo-Jo Chlebogiannis tendered her resignation, and the candidate who was previously willing to fill the position subsequently expressed a lack of interest. In such instances, Statute provides that an Interim Town Clerk should be appointed forthwith by the Select Board. Absent any other interested and willing parties, Michael McLaine agreed to serve as Interim Town Clerk.

Following a series of issues and missteps, a special meeting of the Select Board was scheduled for May 22 for the purpose of appointing an Interim Town Clerk. At the outset of the meeting on May 22, Frank Seawright expressed his decision to recuse himself from the vote on the appointment of an Interim Town Clerk. He explained that he is

not legally related to the candidate-Michael McLaine; but Michael McLaine is married to Frank Seawright's stepdaughter. In the interest of avoiding the appearance of any impropriety, Frank Seawright would recuse himself from the vote regarding the appointment of Michael McLaine to serve as Interim Town Clerk at the May 22 meeting. At that meeting, one other candidate for the position was announced. No action was taken at the meeting to appoint an Interim Town Clerk. Instead, a special meeting was proposed for June 6 for the purpose of an election between the two candidates. In the meantime, the other candidate was subsequently deemed unqualified based on the voter registration requirement. On May 26, Frank Seawright received an email from Maureen Bell and Kord Scott regarding the need for a special meeting. While Kord Scott originally agreed on the need to meet, he later stated that he was not available. Kord Scott was offered the opportunity to participate in tonight's meeting via phone; he did not respond to the offer and did not participate in this evening's meeting in person or by phone.

In considering his position regarding recusal, Frank Seawright stated that he sought legal counsel and was told that he was not legally required to recuse himself, however non-recusal might subject the Select Board to possible challenges based on the appearance of impropriety/bias and may result in a petition for a special election. Should a petition for special election be presented, the Select Board would have 15 days within which to verify that all signatures on the petition are those of registered voters and warn of a special meeting. The special meeting prompted by the petition would need to be held no fewer than 30 days and no longer than 40 days after verification of the signatures on the petition. Frank Seawright explained the difficult scenario in choosing between appointing one qualified willing candidate or penalizing that individual to maintain appearances even after the other candidate has been deemed unqualified, the option between appointing the only current viable candidate to fill the vacancy through March vs. calling a special meeting for an election of an Interim Town Clerk. Frank Seawright opened the discussion to comments from the public.

Russell Cumming inquired regarding the option of appointing an Interim Town Clerk for a specified period, such as 90 days. Frank Seawright explained that Jo-Jo Chlebogiannis agreed to serve as Interim Town Clerk for the present until a replacement Interim Town Clerk can be appointed by the Select Board to fill the position until the next election. Maureen Bell asked Russ Cumming for clarification regarding whether his suggestion for a specific term was to allow a town wide election in the absence of a petition.

In response to a request from Bill Dunkel for clarification regarding whether the issue at hand was to appoint Michael McLaine as Town Clerk or as Interim Town Clerk, he was told that the decision was regarding an Interim Town Clerk to fill the position through the election in March. Bill Dunkel followed up by asking whether Maureen Bell's sole vote, based on Kord Scott's absence and Frank Seawright's possible recusal, would be sufficient to appoint an Interim Town Clerk. Bill Dunkel stated that Frank Seawright's recusal might be the right decision politically-speaking but recusal may also open any action taken tonight to possible further scrutiny and criticism by some members of the community.

Chris Cummings asked Frank Seawright if he voted for himself during the last election for Select Board. Frank Seawright said he did. Maureen Bell added that she, too, voted for herself during the Select Board election. Chris Cummings asked why this vote should be considered any differently.

Maureen Bell commented that many people reached out to her to express their opinions that the Select Board should take action now rather than wait for a town-wide election. Maureen Bell had prepared a timeline of the series of events leading up to tonight's meeting, most of which were covered by Frank Seawright earlier, thereby negating the need for recap. In addition to the preference cited by many for the Select Board to take action tonight, Maureen Bell expressed concern for the Assistant Town Clerk, Ellen McDuffie, who is likely under additional stress during the uncertainty of the current situation.

Ellen McDuffie referenced two letters she had written to the Select Board regarding the need to fill the position of Interim Town Clerk. She also noted that when the previous Town Clerk resigned, an interim replacement was

appointed in a relatively short period of time. Ellen McDuffie cited the need to pull together for the sake of the Town.

Maureen Bell explained that Kord Scott had family visiting--hence his absence at tonight's meeting, and that Kord Scott suggested a meeting later in the week to further discuss the issue. Maureen Bell explained that discussion has been ongoing for two months.

Sally Hoover commented on how this delay has not been fair to Jo-Jo Chlebogiannis who resigned but agreed to serve as Interim in the interest of the community.

John Clark asked for clarification regarding the difference between recusal and abstention. Frank Seawright explained recusal as a member's decision not to vote based on a reason, as opposed to abstaining from a vote which a member may opt to take if he/she does not have sufficient information to make a decision on an issue.

Maureen Bell reviewed the discussion at the Select Board meeting held on May 15 at which Kord Scott stated he could not appoint Michael McLaine at that time due to his (Kord Scott's) failure to post the vacant Town Clerk position. Kord Scott commented at the May 15 Select Board meeting that Michael McLaine would probably make a good Town Clerk.

John Lingley agreed that Michael McLaine would be an excellent choice for Interim Town Clerk and asked for clarification on why Kord Scott would not support Michael McLaine's candidacy. Maureen Bell explained that since Kord Scott had not posted the vacancy prior to the May 15 Select Board meeting, voting to appoint Michael McLaine as Interim Town Clerk on May 15 would have precluded the opportunity for any other candidates to express interest in filling the position.

John Hoover agreed regarding Michael McLaine making an excellent Interim Town Clerk. John Hoover begged the members of the Select Board to not allow the obstructionism leading up to tonight to continue, saying it's time for the duly elected members of the Select Board to take action and lead.

Bob Bingham commented on the time period leading up to the November election and the small group of participants who engaged in unethical practices by negotiating with representatives of Iberdrola without Select Board authorization. Bob Bingham further stated that some members of that group are behind the current obstructionism in attempting to delay/prevent the appointment of Michael McLaine as Interim Town Clerk. Bob Bingham stated that while he appreciated Frank Seawright's position in being a gentlemen and avoiding further discord by recusing himself, the vote in November proved that a majority of the people supported the Select Board position against Iberdrola's proposed wind turbines.

Frank Seawright expressed his appreciation to the people of Windham for their level of involvement and dedication to understanding issues.

Maureen Bell made a motion to appoint Michael McLaine to serve as Interim Town Clerk until the next general election in March. Frank Seawright seconded the motion. Maureen Bell and Frank Seawright voted in favor. Motion passed unanimously.

Frank Seawright made a motion to adjourn at 6:30 p.m., seconded by Maureen Bell. Motion passed unanimously.

Attachment -

"To those in attendance, I apologize to you for dragging you out on a holiday weekend. I made it perfectly clear to Frank & Maureen that I cannot attend this meeting for personal reasons. I suggested

that it would be more appropriate to hold a meeting next week to discuss this issue further. The fact that the meeting is being held anyway is wrong. If either of the prospective appointees is in attendance, I would like to say to you personally that my not being here is in no way a reflection on my opinion about you."

I expect this to be read, so please honor my request.

Kord