



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR STEPHEN WOODS

MINUTES

NEWINGTON TOWN COUNCIL
Conference Room L-101 Lower Level – Town Hall
7:00 P.M.

March 12, 2015

The meeting was called to order by Mayor Woods at 7:00 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Councilor Borjeson
Councilor Castelle
Councilor DelBuono
Councilor Klett
Councilor McDonald
Councilor Marocchini
Councilor Nagel
Mayor Woods

Staff Attendees:

John Salomone, Town Manager
Ann Harter, Finance Director
Chris Schroeder, Fire Chief/Marshall
Nicholas Miano, Acting Chief of Police
Karen Futoma, Director of Human Services
Dianne Stone, Senior and Disabled Center Director
Carol Labreque, Human Services Coordinator
Lisa Rydecki, Deputy Finance Director
Roxanne Verbridge – Administrative Asst. to the Chief
Jaime Trevethan, Asst. to the Town Manager

III. PUBLIC PARTICIPATION

Brian Giantonio, 124 Barn Hill Lane: Mr. Giantonio thanked the Council for its efforts. He expressed concern about special meeting procedures, specifically about Roberts Rules of Order and motion for reconsideration. He stated that Roberts Rules indicates that only a member on the prevailing side of a vote may bring up a motion for reconsideration. He stated that the recent motion for reconsideration of the Town Manager's evaluation this rule was not followed and therefore the motion is not valid. He stated that the issue isn't in the error between 2% and 3% for the Town Manager's raise, it is that the losing side is bringing back the vote for reconsideration. He also stated that the motion was also not raised in a timely fashion and asked the Town Council to consider how this is handled in the future. Mr. Giantonio stated that there are no Council rules of procedure that overrule Robert's Rules of Order for this issue.

Karen Brecher, 120 Stagecoach Lane: Mrs. Brecher noted that she is a member of the Commission on Aging and Disabled. She acknowledged the many contributions of Myra Cohen to the Commission and the Council. She also noted Council Nagel's dedication as a liaison of the Commission. She thanked the Council for their support on the Senior Center roof replacement project. Mrs. Brecher urged the Council to not make any further cuts to the Senior and Disabled Center budget and remarked that further cuts will have an adverse impact on those who use the Center.

Jerilyn Nagel, 1175 Willard Avenue: Mrs. Nagel agreed with Mrs. Brecher's comments. She noted the Reconstruction Center, a non-profit building materials reuse store in Twin City Plaza. She urged residents to call the store if they are working on any home repairs and store staff will pick up their used building materials. Residents who donate to the store receive a tax deduction and it saves the Town costs in bulk waste pickup.

IV. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)

Budget Review – Public Safety (Fire Department)

Town Manager Salomone stated that he has made reductions to the Fire Department budget that have not been endorsed by the Fire Department administration or Commission. He stated that the budgets were reduced according to past budget history, particularly in conferences, meetings and dues and subscriptions. He stated that the cuts total about \$25,000. He reviewed the following sections of the Fire Department Budget:

231 Fire Administration

- Transportation reflects a new mileage rate.
- Other accounts reduced to reflect no growth in the Grant List.

232 Fire Fighting

- Fringe Benefits increased for Pay Per Call plan and related required pension contribution
- Other accounts reduced to reflect no growth in the Grant List.
- Technical supplies increased for equipment purchase, which may vary year to year

Councilor Castelle inquired whether the increase in fringe benefits is related to the Department's recruitment needs. Chief Schroeder replied in the affirmative but stated that is also important for volunteer retention purposes. Councilor DelBuono inquired about the volunteer incentive program. Chief Schroeder replied that it is an annual \$1,000 tax stipend for volunteers.

Councilor Borjeson indicated that the cost of dues, subscriptions and conferences may fluctuate from year to year. He also cautioned that there could be safety issues with cuts to the budget. Town Manager Salomone stated that the cuts will not include items that could cause safety issues.

Councilor McDonald inquired about the cuts made by the Town Manager versus the Department's request. Deputy Chief LaPierre stated that the department was not able to agree with the Town Manager's cuts and indicated that while the cuts will not cause physical harm, the items cut are important and should be reinstated. Councilor McDonald expressed concerns about cuts for maintenance and technical supplies. Chief Schroeder replied that \$100,000 was cut to the individual companies' requests for maintenance prior to the budget being submitted to the Town Manager. He stated that the budget for outfitting Chiefs' personal vehicles with the proper equipment is not sufficient. He stated equipment repairs such as meter or sensor replacements must be done and if the funds are not in place they would have to be transferred from other accounts. Chief Schroeder also indicated that the fire department buildings also received damage from the harsh winter conditions.

Chief Schroeder indicated that any cut to the budget creates a domino effect and stated that will result in less funding being available for request in the coming years. He stated that the Fire Department is an active part of the community and that the volunteers are being asked to put in increasingly more time for community events in addition to call response.

Chief Schroeder indicated that the Towns of Wethersfield, Berlin and Rocky Hill have smaller volunteer departments with larger budgets and stated that Farmington and Cromwell have switched to paid departments due to being unable to maintain volunteer departments. He stated that his goal is to maintain an all-volunteer department and asked the Council for support in doing so. He stated that he and the others are in attendance to provide information to the Council but also to have the \$25,000 restored. He cautioned of the problems associate with switching to a paid department and urged the Town to avoid this at all costs.

Councilor Klett stated appreciation for the volunteers and successful officers who have made their way through the ranks. She inquired as to the cost to the Town, if it were ever forced to switch to a paid department. Assistant Chief LaPierre stated that the cost of one paid driver in Farmington is \$50,000 per year, not including benefits. He indicated that Rocky Hill has 16 paid staff at a cost of over \$1,000,000 in salaries and benefits. He stated that Glastonbury recently approved \$40,000 to have some of its own members staff the fire houses. Councilor Nagel inquired about the increase in cost in consultant and special contractor costs. Chief Schroeder indicated that this is the cost of member entrance and reoccurring physical exams and stated that the number of required physicals may change year to year. He stated that the Town had 48 firefighters resign in the past year, many of whom did not make it through training and remarked on the cost of training and physical exams for these recruits. He noted the tremendous time commitment required of the volunteers in training, calls and community service and stated that sometimes volunteers are unable to commit the time necessary to continue as a volunteer. He stated that the physical and training costs are spent in good faith to produce successful volunteers and reiterated the importance of a good incentive program. Deputy Chief LePierre explained the vast continuing training required of all members. Chief Schroeder spoke about the value of conferences in networking and information sharing with other communities.

Councilor Borjeson spoke of firefighters' bravery and heroism. He stated that the budget is a work in progress and indicated that while he understands the department's concerns, the department did not make the cuts as had been requested by the Town Manager. Chief Schroeder agreed that the department should have been more proactive in making the cuts rather than having the Town Manager make the decisions. He indicated, however, that the command staff thoroughly reviewed and discussed the budget prior to submission. He noted that many of the high level conferences and trainings are required and stated that the department is very conscious with how it spends money, using competitive bids, etc. Chief Schroeder noted that the volunteers should not be compared to other departments' staff and spoke of the risks they take every day. He remarked that the budget is about safety, motivation and morale. Councilor DelBuono thanked the department for its service and noted that the volunteers do so much more for the communities than respond to calls. She asked about the departments' priorities for budget reinstatement. Chief Schroeder replied that all cuts would be a priority and spoke about building maintenance and repairs that are required at the various buildings. He stated that the department cannot anticipate repair costs. He stated that the department does not want to cut its community programs, such as fire safety education and open houses and remarked that the department's first job is prevention and that these programs are very important components of prevention. He stated that there has not been a major fire in Newington in the past 18 months and indicated that Newington has been granted awards for its fire prevention efforts. He stated that these cuts will also affect the department's moral and motivation. Deputy Chief Lapierre stated that the operations performed in the budget serve to limit the Town's liability as well.

Councilor Klett inquired about the two firefighters who lost their lives in the line of duty several years ago. Chief Schroeder gave the two firefighters names and gave a brief history of each firefighter. Town Manager Salomone noted the difficulty in balancing the department's budget and remarked that he would not recommend a budget that would affect public safety. Mayor Woods concurred. He assured the departments that no cuts will be made that would affect safety and stated that the budget is a work in progress.

Chief Schroeder explained the difference between the roles of the Fire Department and the Fire Marshal's office and indicate that he holds both positions.

233 Fire Prevention

- Other accounts reduced to reflect no growth in the Grant List.

234 Fire Training

- Technical supplies reduced to trend and purchase in the prior fiscal year.
- Other accounts reduced to reflect no growth in the Grant List.

235 Fire Stations

- Other accounts reduced to reflect no growth in the Grant List.

236 Fire Marshall

- Other accounts reduced to reflect no growth in the Grant List.

240 Fire Safety Officer

- Other accounts reduced to reflect no growth in the Grant List.

242 Regional Fire Training Powers

- No major changes

Chief Schroeder indicated that this is a shared training facility with other area towns and indicated that it is in need of repairs and maintenance. He stated that the towns share the costs associated with the facility.

260 Emergency Management

- No major changes

Chief Schroeder indicated that this budget funds the CERT team and training and explained the history and role of the CERT team, particularly in emergency sheltering. Councilor Borjeson recommended a constant curriculum of training for CERT volunteers. Chief Schroeder agreed and indicated that he has spoken with staff to create a formalized set of procedures.

Chief Schroeder inquired about the contributions to the Fire Department Veterans Association program for retired firefighters and stated support for the organization.

Budget Review – Public Safety (Police Department)

Town Manager Salomone indicated that the Police Department submitted the requested 3% budget decrease but indicated that he restored about half of the reductions.

Acting Police Chief Nick Miano and Administrative Assistant Roxanne Verbridge reviewed the Police Department budget:

211 Police Administration

- Full time salaries increased due to contractual obligations.
- Consultants, contractors and technical equipment reduced to reflect no growth in the Grand List.

Town Manager Salomone indicated that a portion of this budget is to fund the search for the new Chief.

212 Patrol

- Full time salaries increased due to contractual obligations and step increases.
- Overtime is decreased to reflect no growth in the Grand List.
- Uniforms increased for purchase of bulletproof vests.

213 Police Investigation

- Full time salaries increased due to a transfer of one MPO to the division.
- Overtime reduced.
- Purchase of cameras eliminated due to no growth in the Grand List.

214 Traffic Division

- Increase due to addition of one crossing guard.

215 Police Communication

- Full time salaries increased due to contractual obligations and step increases plus one additional holiday.
- Other contractual services reduced to trend.

Mayor Woods inquired about dispatcher coverage in the department. Acting Chief Miano replied that there are two dispatchers on duty at all times except during the midnight shift. Town Manager Salomone stated that there is the capacity to bring in additional dispatchers during emergency situations. Acting Chief Miano noted that coverage is typically filled by dispatchers rather than officers trained in dispatch.

217 Police Education and Training

- Education incentive reflects addition of union member with a degree.
- Some courses eliminated due to no growth in the Grand List.

218 Police Support Services

- Printing and binding reduced due to no growth in the Grand List.
- Technical supplies increased to trend.

220 Police Vehicles

- No major changes.

Town Manager Salomone indicated that the switchover to SUV-style police vehicles continues.

222 Animal Control

- Overtime reduced to trend.

Town Manager Salomone spoke to the success of the shared Animal Control program in which four part-time staff are shared between Newington and Wethersfield. Councilor McDonald praised the humane approach of the Animal Control Officers.

Councilor Borjeson spoke of the importance of collaborative partnership/regional efforts in the Police Department and throughout the Town.

250 Street Lighting

- No major changes.

Mayor Woods inquired as to who is responsible for street lights on State roads. Town Manager Salomone replied that most are paid by the State, except for lights that the Town installs that are not required by the State.

260 Emergency Management

- No major changes.

270 Emergency Medical Service

- Funding for volunteer fringe benefits increased slightly.

280 Hydrants

- No major changes.

Budget Review – Human Services

Town Manager Salomone indicated that this budget reflects about a 2.3% decrease over last year's budget. Human Services Director Karen Futoma noted that the decrease involves some reduction in contractual services and stated that there is a need for increased administrative support due to increased volume in the department. She stated that while some of the work is handled by volunteers, the department is in need of professional staffing to handle the workload. She also noted an increase in clinical casework over the past few years. Councilor Borjeson thanked the department for its service and noted its increased and continuing workload.

Councilor McDonald spoke of the importance of the department's budget as well as the needs of those who receive services from the departments. She inquired about whether there are any concerns about handling the increasing caseloads within the proposed budget. Mrs. Futoma replied that the department is also potentially facing cuts to grant funding as well as a cut to its department budget. She stated that the department will do whatever needs to be done to make sure that residents' needs are addressed. She stated that the department will look towards other resources for support as well. She stated that the department can get by with the 3% cut, but indicated that the cut on top of grant funding cuts could be devastating to the department and those it serves. She expressed particular concern for youth and mental health programs. Councilor McDonald inquired about major issues and needs of residents. Human Services Coordinator Carol Labrecque replied that all categories of residents are experiencing an increase of needs and services. Councilor Borjeson indicated that there are many people who are employed yet still in need of services. He also cautioned of political posturing at the State level regarding Human Services funding.

Councilor Klett noted that those who are in need of services are not likely to speak at State public hearings and are dependent on their elected officials to understand their needs. Councilor Nagel noted the numerous successful programs provided by the department and inquired about usage and volunteerism of the programs. He also inquired about the status of the food bank storage issues. Mrs. Futoma replied that the major programs such as the food bank continue to grow and stated that she is working with the Town Manager, Fire Marshal and Facilities Director to address the storage issues.

Councilor Castelle noted that the department is faced with an increasingly frail population with increasing needs and congratulated the department on its efforts. Mrs. Futoma indicated that the department is resourceful and is accustomed to thinking out of the box. She praised her department and staff.

Mrs. Futoma reviewed the Human Services budget with the Council.

610 Human Services

- Budget reduced due to no growth in the Grand List.
- Funds reallocated to provide enhanced staff support as necessary.

Budget Review - Senior and Disabled Center

Senior and Disabled Center Director Dianne Stone addressed the Council on the department's budget. Ms. Stone indicated that the requested 3% budget cut represents to about \$16,000. She stated that in response to the request, reductions were made to part-time personnel, nursing hours to trend and that the building will be closed on Tuesday evenings. She stated that this cut may have an impact on future services. She stated that small cuts were made to dues and subscriptions and to equipment maintenance and minor facilities items such as paint. She stated that some of these cuts will result in need for more community sponsorships and expressed concern over the future need for funding for sign language interpreters. She stated that some of the cuts will defer the purchase of some exercise equipment. She stated that overtime for dial a ride drivers has been reduced.

Ms. Stone stated that the department's budget provides over 18,000 dial a ride trips per year, social casework, renters' rebate and home assessment programs, Medicare eligibility programs and general information and referral. She stated that the paid membership is about 1,661 which represents \$14,000 in revenue. She stated that the Center receives about 500 people per day with about 190 people using the building in the evening. She indicated that according to 2010 Census data, by 2015 there will be 10,541 residents aged 55 or other in Town and 12,084 by 2020. She stated that it is most important to improve wellness in those ages 65 and over and she indicated that the over-65 population is expected to increase dramatically. Ms. Stone indicated that many programs offered by the Center do not require membership. She stated that the department will continue to look for other funding resources both locally and through affiliations with national associations and collaborative partnerships. She stated that the department will continue to raise funds through community donations and programs such as the thrift shop. Ms. Stone stated that the department will do its best with what it has.

Councilor Klett inquired whether the department is mandatory reported for elder abuse. Ms. Stone replied in the affirmative. Councilor Nagel thanked the department for its outstanding service and Ms. Stone for her knowledge regarding the needs of seniors. He also noted that the facility is used for many other

purposes other than senior programs. Ms. Stone acknowledge the members of the Commission of Aging and Disabled who were in attendance.

V. CONSIDERATION OF NEW BUSINESS

A. Discussion: Legal Opinion on Special Meeting Procedures

Councilor DelBuono indicated that she and her party members had originally requested that a special meeting be held to address this item, however, it has been included as an item on the current special meeting agenda.

Town Attorney Peter Boorman reviewed a memorandum to the Council regarding the Freedom of Information (FOI) as it relates to meetings. (Attached). He stated that the memo was created to give background and information pertaining to FOI and meeting/ special meeting procedures and reviewed the following information as detailed in the attached memo.

- Defining a meeting
- Kinds of meetings
- Executive Sessions
- Misc. meeting items: agendas, minutes, votes, notices
- Conduct of meetings
- Applications of local rules and meetings
- Town Council Rules of Procedure
- Roberts Rules of Order

Councilor McDonald inquired about the Council use (viewing or interactions) of public comments or input made on social media to be discussed or used at a Council meeting. Atty. Boorman stated that there are not any specific regulations in that regard, but stated that in some cases it may not be proper decorum.

Councilor DelBuono inquired about what constitutes the call of a meeting and cited the recent example of a meeting that was set up with the intent to be a budget meeting but the posted agenda contained non-budget items. Atty. Boorman stated that agendas may be modified within the rules for special meetings. Councilor DelBuono indicated that the call of the meeting was for budget purposes and stated that she disagrees with non-budget items being included on the agenda. Atty. Boorman stated that a special meeting agenda may be modified no less than 24 hours prior to the meeting but items cannot be added during the course of the meeting. He stated that the Council could have held two special meetings on the same evening to address the different issues, however, this is not required by FOI. Councilor DelBuono remarked that she understands, but does not agree based on the terminology of “call of the meeting” as listed in the Town Charter. Atty. Boorman stated that the call of the meeting includes the period of time up to the 24-hour agenda posting deadline. Councilor Klett indicated that she does not have the most recent copy of the Council Rules of Procedure adopted on April 8, 2014. Mrs. Trevethan stated that she would send the most recent document to Councilor Klett.

Councilor DelBuono noted in the recent motions to consider the Town Manager’s salary increase, the first motion contained a 2% increase and the second contained a 3% increase. Atty. Boorman explained that on the first night, the Council made a motion for a 2% increase, which failed and at a subsequent meeting made a new motion for a 3% increase. He stated that this is a new motion rather than a reconsideration of a previous motion. He stated that in his opinion, it is not a reconsideration because it is a substantive change. Councilor DelBuono inquired whether there is a difference because the original 2% motion contained an error. Atty. Boorman replied in the negative and stated and indicated that Roberts Rules allows for correction of errors. Councilor McDonald noted a recent issue of an incorrect vote made in error by the Conservation Commission in which the Commission was allowed to make a new motion to correct the error. Councilor Klett inquired whether the new Council motion should have been placed under New Business. She stated that she and a member of the public who spoke earlier disagree with that opinion. Atty. Boorman replied in the negative and explained that Old/New Business items are topical and the topic had been discussed at the previous meeting.

Councilor Borjeson noted continued debate among non-legal people and stated that it is the second time in a row that the Council has debated a “non-issue”. He stated that it is a waste of time. Councilor DelBuono stated that she is offended by the term “people” and stated that she respects the Town

Attorney even if she does not necessary agree with his opinion. She thanked the Attorney for the information. Councilor DelBuono stated that while legal, it is her opinion that continuing with the motion was poor practice. Councilor Nagel disagreed with Councilor Borjeson that the discussion is a waste of time. He stated that the Council has cleared the air and can move on. Councilors McDonald thanked Atty. Boorman for his efforts and expertise and stated that she trusts the integrity of the Mayor when he indicated that he had been advised by the Town Attorney on the item. Councilor Klett remarked that no one has questioned Atty. Boorman's ethics and stated that she is in a unique position in her professional career in which involved attorney's opinions may hinge on her opinions.

XI. PUBLIC PARTICIPATION

Scott Greczkowski, 46 Miami Avenue: Mr. Greczkowski thanked Atty. Boorman for the information and noted that in his conversation with FOI Commissioner Hennick, he learned that the FOI commission does not adjudicate this item. He noted that the Town Council adopts the rules of order for all regular and special meetings and stated that he hopes that the Council will follow its own rules.

XII. REMARKS BY COUNCILORS

Councilor Klett spoke about State House Bill 6851, An Act Establishing a Connecticut Transit Corridor Authority, as endorsed by the Governor. She stated that information on the bill suggests that it will create a quasi-public entity and board of 11 voting members that will allow the Authority to promote transit-oriented development within ½ mile of a rail or busway and allows for more State eminent domain powers. She stated that the Authority may be able to operate without local consultation or approval and allows the Authority to issue its own bonds. Councilor Klett indicated that Carol Anest brought the item up at the last TPZ meeting. Councilor Klett stated that she and her party members have drafted a letter in opposition of the bill and requested that all Council members consider signing the letter, if willing to do so. She stated that regardless, she, Councilors DelBuono and Nagel will sign the letter. Councilor DelBuono stated that the Councilor's have the opportunity to review the letter prior to signing.

Councilor Nagel concurred with the letter and also spoke on the difficulty of the balancing the Town's budget among all of the worthy departments.

Councilor Marocchini stated that he would like to review the letter. Councilor Borjeson stated that he has reviewed the bill and that CRCOG has expressed some concerns. He stated the bill can be amended and urged the Council to review the intent of the bill, which is to set up an agency similar to the CRDA. He stated that per the bill, decisions will be made in consultation with the towns' chief elected officials. He cautioned those who sign Councilor Klett's letter not to do so on behalf or in representation of the entire Town Council, noting that she had done so during the Costco issue.

Councilor McDonald stated that the Council should not panic and that Town leaders have already expressed concern at the State level. She stated that the bill has not been passed and while it may be an item of concern, there is more information to be received. She also thanked the staff who spoke about the budget and expressed concern over the amount of the requested Board of Education budget increase. Councilor Castelle cautioned the Council not to rush to judgment on the bill.

Councilor Klett replied to Councilor Borjeson's remark about her comments during the Costco issue and stated that it turned out to be a good deal for the Town residents.

XIII. ADJOURNMENT

Councilor Marocchini to adjourn the meeting at 10:40 p.m. and was seconded by Councilor McDonald. The motion passed 8 – 0.

Respectfully Submitted,

Jaime Trevethan

Asst. to the Town Manager - Administration

Attach.

From: Peter J. Boorman, Esq., Newington Town Attorney
To: John Salomone, Newington Town Manager
For: Newington Town Council
Special Meeting: Thursday, March 12, 2015

The Freedom of Information Act (FOIA) and Meetings:

Conn. Gen Stat. Sec. 1-225 et seq. provides specific guidelines for meetings of Connecticut government agencies. This package is designed to provide a general reference to the reader on how municipal agency meetings operate. It is not intended to be exhaustive of the subject. Instead, it is designed to be informative and “hands on” for the reader.

A. Defining a Meeting

The Freedom of Information Act defines a meeting as any hearing or other proceeding of a public agency to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

1. In general, there is a meeting anytime a quorum of a public agency convenes to discuss or act upon a matter for which it has responsibility. A “quorum” is defined as the number of members who must be present in a deliberative body before business may be transacted. In the absence of any law or rule fixing the quorum, it consists of a simple majority of the entire body.
2. A conference call or other communication by means of electronic equipment may constitute a meeting.
3. A chance or social meetings not for the purpose of discussing official business are not subject to FOI.

B. Kinds of Meetings:

There are three categories of meetings:

1. **Regular meetings** are those for which the public agency must file a schedule with the Town Clerk by January 31, for the ensuing year. No regular meeting can be held for 30 days following that scheduling. The agenda of a regular meeting of every public agency must be posted at least 24 hours prior to the

meeting in the public agency's regular office or place of business. Other business may be added to the posted agenda by a two-thirds vote of those members present and voting. Minutes of a regular meeting must be available for public inspection at the place of business of the public agency within seven days of the meeting.

2. **Special meetings** are meetings that are **not** included on the list of regular meetings filed with the Town Clerk. Notice of the special meeting, including the time and place of the meeting, and the business to be transacted must be filed with the Town Clerk at least 24 hours before the meeting convenes. No business other than that on the posted agenda may be discussed at a special meeting. Items **cannot** be added to the agenda. Minutes of a special meeting must be available for inspection at the place of business of the public agency within seven days of the meeting.
3. **Emergency meetings** may be called in an emergency without advance notice. The content of the meeting and any action taken should be limited to the matter that requires "emergency" attention by the public agency. Minutes of an emergency special meeting must be filed with the Town Clerk within 72 hours of the emergency meeting and include a statement setting forth the nature of the emergency.

C. Executive sessions:

Under circumstances narrowly prescribed by the FOIA, a public agency may exclude the public from a portion of its meeting by calling an executive session. There are specific requirements for conducting business in executive session.

1. Two-thirds of those members of the public agency present must vote at a public meeting to go into executive session and state the reasons for such executive session.
2. Only members of the public agency and those persons whose presence is necessary to present testimony or give opinions may be present during the executive session.
3. Executive sessions may be called to:
 - a. discuss the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;
 - b. discuss strategy and negotiations with respect to pending claims or litigation to which the public agency or a member thereof is a party;
 - c. discuss matters of security strategy or the deployment of security

- personnel, or devices affecting public security;
- d. discuss the selection of a site or the lease, sale or purchase of real estate; or
- e. discuss any matter which would result in the disclosure of public records which are exempt from disclosure.

D. Misc. Meeting Items:

1. Agenda: The agenda should be adequate to identify for potentially interested members of the public the business to be transacted.
2. Minutes: Minutes should include: when the meeting was convened; which members of the public agency were present; a short description of the business transacted; a listing of any action taken by the public agency, specifying the votes of each member; any executive session held, with a statement of the reasons for the executive session and who was in attendance; and when the meeting was adjourned.
3. Votes: The votes (as distinguished from meeting minutes) of all members of the public agency must be reduced to writing and be available for public inspection within 48 hours of the meeting.
4. Mailing Notice: Under Section 1-227, a person may request that they receive written notice of all regular and special meetings, and the public agency is, where practicable, to give such notice at least one week prior to the date of the meeting, except for special meetings, in which case notice may be given less than one week prior to the meeting date. A request for such notices is valid for one year, and the person may file renewal requests. The public agency may establish a "reasonable charge" for sending such notices based on the estimated cost of providing such service.

E. Conduct of public meetings:

1. Members of the public have a right to attend the open portion of all meetings. Members of the public may not be required to register or sign in as a condition of attendance. The FOIA does **not** give the public the right to participate in meetings.
2. Members of the public and the media have the right to record or broadcast meetings; however the agency may, in advance, establish procedures for broadcasting.
3. If a member of the public creates a disturbance, the agency may remove him or her; if the disturbance persists the public agency may order the room cleared and continue in session. (The media, except any members participating in the disturbance, must be allowed to remain in attendance.)
4. Meetings may be adjourned to a specified time and place. Written notice of the time and place must be posted at the door of the place of the adjourned meeting within 24 hours of the time of adjournment. If a hearing is continued within 24 hours, posting at the place of the adjourned meeting must be immediate.

Application of Local Rules and Meetings:

As discussed above, the State of Connecticut, through FOIA statutes, sets out mandatory requirements for municipal meetings. Additional "Local Rules" may supplement, but not replace, the State mandate.

A. **Town of Newington Charter** – Charter Section C-404(A) addresses procedures for meetings held by the Town Council.

1. Charter Section C-404(A) provides, in relevant part,

The Council shall fix the time and place of its regular meetings and provide a method for calling special meetings. Only business, notice of which has been included in the call for such special meeting, shall be

acted upon at any special meeting. The Council shall adopt its own rules of procedure except as specifically provided in this Charter.

2. Five members of the Council are required for a quorum.
3. Five affirmative votes are required to pass a matter.
4. The Newington Town Council has adopted its own rules of procedure entitled Newington Town Council Rules of Procedure, adopted April 8, 2014.
5. Charter Section C-404(B) provides for the use of "work sessions". Analysis of this Section is beyond the scope of this review.

B. Newington Town Council Rules of Procedure, adopted April 8, 2014, further addresses procedures for meetings held by the Town Council. For purposes of this review, many of the provisions adopted incorporate items discussed above. Areas of additional interest include:

1. The rules can be suspended by a majority vote of the full Council (5 votes).
2. Special Meetings may be called at the written request of three (3) or more Councilors, or by the Mayor or the Town Manager.
3. Public participation at Regular meetings as well as at Special Meetings.
4. Agenda requirements.
5. Voting requirements.
6. Roberts Rules of Order are adopted "as a general guide for conduct of all (Council) meetings."

C. Roberts Rules of Order Newly revised 10th Edition – is a text in excess of 600 pages of extremely small print designed to be the "bible" of parliamentary rules. General application of the rules is common. Any specific application to an unusual or complex issue should be referred to the Town Attorney for review in advance of any meeting if possible.

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foi seminar