



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

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James E. Krupinski CCTC
Town Clerk

James E. Krupinski
Town Clerk

Commission Guidelines Subcommittee
Special Meeting Minutes
Newington Town Hall, Conference Room L-100
April 23, 2018 at 5:00 P.M.

- 1) Call to Order
 - Councilor Anest called the meeting to order at 5:06 P.M.
- 2) Attendance
 - Councilor Anest
 - Councilor Budrejko
 - Councilor Serra (5:51 PM)
- 3) Public Participation
 - None
- 4) Old Business
 - a. Continued Review of proposed changes to "Information and Guidelines for Committees, Boards and Commission" Booklet
 - The members continued the review and acceptance of prior suggested changes at original Section #5 through new proposed section #26, Attendance.
- 5) New Business
 - None
- 6) Approval of Minutes
 - a. April 9, 2018 Special Meeting Minutes
 - Councilor Budrejko, seconded by Councilor Serra moved a Motion to Approve the Special Meeting Minutes of April 9, 2018. Motion carried unanimously.
- 7) Public Participation
 - None
- 8) Committee Remarks
 - Subcommittee scheduled the next meeting for May 10, 2018 at 5:15 PM in Conference Room L-100.
- 9) Adjournment
 - Councilor Serra, seconded by Councilor Budrejko moved a Motion to Adjourn. Motion carried unanimously. Meeting adjourned at 6:54 PM.

Recording Secretary

James E. Krupinski



TOWN OF NEWINGTON

INFORMATION AND GUIDELINES FOR BOARDS, COMMISSIONS AND COMMITTEES

Prepared by the Office of the Town Manager

December 1983

Revised 1989, 1993, 2018

TOWN OF NEWINGTON

INFORMATION AND GUIDELINES FOR BOARDS, COMMISSIONS, AND COMMITTEES

1. **Familiarity with the Town Charter**

The Charter is the organic law of the Town. It functions for the Town as constitutions do for the State and Federal Governments. It lays out the basic structure of Town Government and apportions powers and duties to officials and agencies. In addition, it specifies important procedures, especially pertaining to Town finances and personnel practices. Citizens appointed to committees for the first time are well advised to begin their familiarization with a reading of the Charter to understand the functioning of Town Government. Copies may be obtained from the Town Clerk.

2. **Freedom of Information Requirements (FOI)**

All local public officials and agencies in Connecticut are subject to the State's Freedom of Information Act (Connecticut General Statutes, Chapter 14). All committee members, new or experienced, are required to become current with the basics of this law. If any member of the BCC has further questions on the FOI Act, they should contact the Town Attorney for further information.

The most important provisions of the law pertain to the need and timing for proper meeting notices (normally 24 hours, posted in the Town Clerk's office), the filing of minutes and the holding of open meetings. Executive sessions are restricted the following reasons:

1. Personnel;
2. Strategy & negotiations regarding claims & litigation;
3. Security matters;
4. Real Estate;
5. Matters that would disclose exempted public records.

A summary of important provisions of the Freedom of Information Act is attached in Appendix A of this booklet.

13. **Proper Official Conduct: Ethics**

The Town of Newington has adopted an Ordinance on Ethics which deals with the requirement of ethical conduct and certain disclosures by its officials. Members of BCC'S are, by definition, "officials" of the Town, so you are required to become familiar with it.

43. Duties and Responsibilities

The duties and responsibilities of your board, commission or committee, hereinafter referred to as "BCC", may be derived from one or more of four official documents or "source laws." The Town Plan and Zoning Commission, the Zoning Board of Appeals, Library Directors, Board of Assessment Appeals, Board of Parks and Recreation, the Development Commission, Conservation Commission, are specifically provided for in the Charter. In addition, there are some BCC's that also derive their powers and duties from the **Connecticut General Statutes**. Matters relating to Municipalities can be found in Title 7 in the Connecticut General Statutes; Planning and Zoning in Title 8; and taxation matters regarding the Board of Assessment Appeals are in Title 12 and the Newington Town Charter §604.

Certain committees are created by local ordinances passed by the Town Council. Their powers and duties may be found in the **Newington Code of Ordinances**. The Code is available for reference at the Town Clerk's office, the Lucy Robbins Welles Library or the Town website. Some of these may also have Connecticut General Statutes which apply to their responsibilities and procedures.

Finally, some committees are created by resolution of the Council. These are usually study committees or task forces and their powers and duties originate from the resolutions which created them or amendments to those resolutions. The source of your committee's official grant of powers and responsibilities will be included in your appointment packet.

54. Swearing In

Before commencing your service, it is required that you be "sworn in." The Town Clerk will perform this function any business day between 8:30 a.m. and 4:30 p.m. Occasionally committees are

sworn in as a group, but usually individual members take their oath by appearing at the Town Clerk's office. You may not participate in your BCC's activities until you are sworn in. At this time, the Town Clerk will present you with an Ethics Form to list any disclosure or potential conflict of interest you may have.

Upon Swearing In you will receive:

- a. Ethics Packet & Disclosure Form
- b. BCC Booklet
- c. Signature Form indicating supplied information has been reviewed
- d. Authorizing Legislation for your BCC

65. Newly Created BCC

If your BCC is newly created, the Town Manager or the Town Clerk will call for the first official meeting. The Agenda includes, but not limited to:

- 1) election of officers,
- 2) review of the BCC's charge,
- 3) discussion of BCC's goals,
- 4) setting future meeting dates.
- 5) Public Participation (See Section 22)

76. Annual Organizational Meeting

The annual Organizational meeting Agenda should include:

- a) Election of Officers
- b) Meeting Dates
- c) Review of FOI Act (FOI Section)

87. Officers

Committees usually have a chairperson, a vice-chairperson and a secretary. The officers are normally elected by the members of the committee at its first meeting, and either annually or bi-annually. In some instances, the chairperson is designated by the appointing authority. Election of

officers shall be by open nomination. Specific details can be found within the official source law.

98. Chairperson

The chairperson presides at meetings and makes official communications on behalf of the committee representing therein committee consensus at all times, not his or her personal opinion. The chairperson is not an administrative official with directive or operating authority.

109. Quorums:

No meeting of a “BCC” may be taken unless a quorum is present. A quorum is 51% of the membership or a larger number of members as set forth in the “BCC” rules, by-laws or authorizing statutes . No unofficial (i.e. “off-the-record”) meetings are allowed. The Freedom of Information law prohibits them (see Section 11).

8. Getting Started

~~For new committees an agenda of essentials is issued as part of the call for the first meeting. One of the things that will probably be specified for consideration is discussion on the committee's task-assignment. If the committee has been created by local ordinance or resolution of the Council, this discussion should start with a review of the "charges" which usually appear in the official source law. It is important to talk out these charges to assure that all committee members have a common understanding of what they mean.~~

~~The second step is to decide on how to go about completing the assignment which the committee has been given; so a workplan needs to be developed.~~

~~Third, if the committee's task is to produce a product such as a report or a recommendation, then a timetable should be established with specific work objectives. In some cases the Council sets a deadline which committee members should be aware of and set their schedule accordingly. The chairperson may wish to designate individual members or subcommittees to complete certain research to coincide with~~

~~such a schedule.~~

~~Fourth, a schedule for committee meetings must be agreed upon which will allow sufficient group work time to achieve the objectives. A list of regular meetings must be sent to the Town Clerk.~~

~~Fifth, the committee should agree on an agenda for the next meeting and authorize the chairperson, the Town Manager, or an assigned Town staff person to prepare the agenda and send it out.~~

11. Regular Members

121. Alternates

Some boards and commissions officially have alternate members whose positions are established by law. Official alternate members may vote and may be counted for a quorum when they are filling in for an absent member. ~~Persons without official alternate status who are substituting for a regular member do not have the same capacity, however. Generally speaking, substitutes may not vote nor be counted as part of a quorum. With the permission of the Chair, they may participate in discussion. Otherwise, a substitute should be deemed to be only monitoring the proceedings for the person represented.~~

~~If a member is holding membership on a committee by virtue of his/her status in some other organization or group (see section 10 on ex officio members), the member may be temporarily replaced by a substitute, but that substitute will not have voting and quorum status unless and until officially named as permanent replacement by the organization or group who has been given the authority to appoint.~~

132. Ex Officio Members

If there are Ex Officio members of the committee, they hold their position by virtue of their official capacity. That capacity may be as an elected Town official, as an administrator, as a member of another board or commission, as a representative of a local club or organization, etc. Ex officio members have

the right to vote unless the source law states that they do not.

142. Minutes of Meetings

Minutes must be taken for every BCC meeting. The minutes must identify the date, time and place of the meeting, who was in attendance, which members were absent, and what topics were discussed. It is required that there will be an audio recording of all public meetings. A Digital recorder is available in the Town Clerk's Office. A tape recorder is available for use from the office of the Town Manager or the Superintendent of Schools. The BCC rules, by-laws or statutes will indicate if the minutes should be detailed or in summary. If the committee is unable to record the meeting, the minutes should be provided in enough detail to indicate the substance of what took place.

Minutes must be signed by the secretary or clerk, and one copy must be filed with the Town Clerk within seven (7) calendar days after the meeting. All motions must be filed within forty-eight (48) hours and specify how each member voted. Each member of the committee, the Town Council's liaison(s) and pertinent Town staff personnel should be provided with copies of minutes as soon as they have been completed.

15. Agenda Setting

The BCC must post in the Town Clerk's Office an Agenda stating the place and time of each meeting (regular or special) which includes the business to be addressed. The agenda should list items to be discussed or action to be taken and be sent to committee members along with any pertinent back-up information. This is required at least 24 hours prior to the meeting. Any committee member can have an item placed on the agenda by notifying the committee chairperson or the staff person assigned to serve the committee. If the committee does not have rules of procedure which prohibit it, items may be added to the agenda at the meeting itself, by a 2/3 vote of those present and voting. (see Attachment 1 - HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT, "Public Meetings," Item III.

165. Staff Assistance/Clerical Help

If the Town Council has not made arrangements for staff and/or clerical assistance, the BCC should

contact the Town Manager's office.

176. Meeting Room Availability

BCC's have the choices of the following meeting rooms in the Town Hall [\(860\) 665-8510](tel:8606658510):

- (1) Donald McKay Conference Room 1;
- (2) Bicentennial Room Conference Room 2
- (3) Auditorium (Old Council Chambers)
- (4) Conference Room L-100;
- (5) Council Chambers Room L-101 (E. Curtis Ambler Meeting Room)

To reserve the Helen Nelson Meeting Room you must contact the Superintendent's Office for availability. [\(860\) 559-](tel:860559)

Rooms are also available at the Joseph P. Doyle Community Complex and Lucy Robbins Wells Library. Reservations may be made through the office of the Director of the Senior and Disabled Center or the office of the Library Director.

There are some priority assignments for Town Hall meeting rooms. The Board of Education has priority with respect to the Helen Nelson Meeting Room. Conference Room L-101 is permanently assigned on the 2nd and 4th Tuesday of each month to the Town Council, 2nd and 4th Wednesday of each month to the Town Plan and Zoning Commission, the 1st Thursday of the month to the Zoning Board of Appeals, and the 3rd Tuesday of to the month to the Conservation Commission. The Town Council has priority with respect to use of all meeting rooms, with the exception of the Helen Nelson Room.

Committee and subcommittee meetings must be held in a public building unless the meeting involves a tour or field trip.

18. Legal Advice

Under the Charter, the Town Attorney is the legal advisor to all Town agencies. To obtain the Town Attorney's advice, the committee chairperson or the staff member who might be assigned to the BCC, with the knowledge of the committee, should call the Town Attorney directly.

19. Legal Opinions

Requests for formal legal opinions shall be made in writing by the chairperson or the staff member assigned to the BCC, with the knowledge of the committee. Formal written requests to the Town Attorney must include a copy to the Town Manager. All Town Attorney Legal Opinions must be in writing and filed in the Town Clerk's office, excluding privileged opinions requested during Executive Sessions.

20. Procedural Advice

Procedural advice not covered by these guidelines may be obtained by calling the Town Manager.

21. Public Participation

It is the Town Council's policy that all Town agencies maximize the opportunity for public participation. If the BCC does not have rules of procedure (see Section 30) which specify conditions of public participation, then, as a minimum, time should be scheduled at the beginning and end of each meeting.

22. Reports

The Town Council, may from time to time, request a BCC to provide updates or completed projects for acceptance.

23. Consultation with Appointing Authority

If the BCC wishes to consult with its appointing authority, they should contact the Town Manager to schedule a meeting.

24. Expenses

Before a BCC member incurs expenses connected with their assignment, they must obtain approval by their Chairperson and Staff Liaison.

25. Liability

The Town of Newington carries public official liability insurance. Should you or your BCC be sued for actions taken on behalf of the Town, you will be indemnified by the Town through this policy and the Town will provide legal representation. You are cautioned that **ultravires** acts (arbitrary abuses of authority or other acts outside of the scope of one's official duties) are not necessarily covered, especially if the act is willful or wanton. Questions of legal authority should be taken up with the Town Attorney to avoid such exposure.

26. Attendance

The Town Council's official policy is that members and alternates of BCC's **must attend at least 75%** of all posted meetings of the BCC, for the calendar year. The chairperson of each BCC is required by the Town Council to submit a bi-annual report of the attendance of all members, by a form provided by the Town Manager's office.

If you are unable to attend the meeting you MUST notify the Chairperson prior to the start of the meeting. If members of your committee are not attending regularly the chairperson should discuss this matter immediately with the individual. If discussions do not produce improvement, the Town Council will take action.

28. Resignations

All resignations must be addressed and sent to the Town Clerk, copies to the political party chairperson. Resignations are not official and will not be acted upon by the Town Council until the Town Clerk receives the Letter of Resignation. Resignations by email will not be accepted. ~~Copies to the Mayor, the Town Council or political party chairman are suggested also, but a resignation is not official and will not be acted upon until the Town Clerk receives the transmission.~~

29. Meeting Times

New committees should naturally schedule times for meetings which will be most conducive to full participation by all members. Convenience for public and news media attendance should also be kept in mind when setting meeting times. New committees are requested to stay away from Tuesday evenings which conflict with established Town Council and Conservation Commission meetings. Wednesday evening is also busy - the Town Plan and Zoning Commission, the Board of Education and the Development Commission regularly meet on that night. Meeting schedules should take into account the adopted list of Town Observed Holidays~~Observance of all important holidays, including important religious holidays, should be respected~~ when scheduling meetings.

Each board, commission or committee must file, by January 31 of each year, a schedule of regular meetings for the ensuing year. The filing is made with the Town Clerk by the chairperson. Newly created committees must file a schedule of regular meetings for the balance of the calendar year as soon as possible after their organization. Unless the committee has rules of procedure which make other provisions for calling a special meeting, special meetings may be called by the committee chairperson, vice chairperson, or staff person assigned to the committee.

30. Rules of Procedure

Formal Rules of Procedure are required for ~~BCC's permanent boards, commissions and committees only. A committee with a specific time deadline may burn up precious amounts of a limited schedule by pondering Rules of Procedure.~~ It is recommended that committees try to keep meetings as informal as possible to encourage ~~full participation by all members and to generate~~a healthy discourse. ~~Rules should be applied only to the extent that is necessary to keep order and to make progress.~~ Any committee not having rules shall will be governed by the Town Council Rules of Procedure, as revised, ~~in a situation where the imposition of rules becomes imperative, be deemed to be governed by "Roberts Rules of Order." Sample Rules of Procedure are available from the Town Manager's office for those desiring to~~

~~establish their own rules.~~

31. Smoking

~~Smoking is prohibited within all public buildings.~~

32. Budget Preparation

~~Annually your board or commission may be asked to prepare and submit a proposed budget for its operation during the succeeding fiscal year (July 1-June 30). Budget request forms and instructions will be sent by the Town Manager. On request, the Town Manager's staff and the Finance Department will provide guidance above and beyond that which the written instructions will furnish.~~

33. Committee Member Responsibilities

The committee shall act as a body and no member shall act on behalf of the committee unless authorized by the committee. The chairperson may speak on behalf of the committee.

Appendix A

**HIGHLIGHTS OF THE CONNECTICUT
FREEDOM OF INFORMATION ACT**

(Be sure to consult Connecticut General Statutes)

PUBLIC AGENCIES

I. THE PUBLIC HAS THE RIGHT TO OBTAIN RECORDS AND ATTEND MEETINGS OF ALL PUBLIC AGENCIES WITH CERTAIN LIMITED EXCEPTIONS.

- This applies to all state and local governmental agencies, departments, institutions, committees, authorities, boards and commissions.
- This includes any executive, administrative or legislative office as well as the judicial branch with respect to its administrative functions.

PUBLIC MEETINGS

I. MEETINGS, INCLUDING HEARINGS AND OTHER PROCEEDINGS, MUST BE OPEN TO THE PUBLIC UNLESS CLOSED BY A 2/3 VOTE OF THE AGENCY IN LIMITED, SPECIFIED SITUATIONS.

- A public meeting is any hearing or other proceeding of a public agency, or gathering of or communication by or to a quorum of a multi-member agency, to discuss or act upon any matter over which it has authority.
- The following are not public meetings: personnel search committees, collective bargaining strategy and negotiating sessions; caucuses; chance or social gatherings not intended to relate to official business; administrative or staff meetings of a single-member agency (e.g. mayor); and communication limited to notice of agency meetings or their agendas.
- No registration or other requirements may be imposed on a member of the public seeking attendance at a public meeting. (There are special rules for legislative lobbyists.)
- The public, as well as the news media, has the right to photograph, record or broadcast meetings, subject to prior reasonable rules regarding non-interference with the conduct of the meeting.

II. ONLY THREE KINDS OF MEETINGS ARE RECOGNIZED UNDER THE FREEDOM OF INFORMATION ACT: REGULAR, SPECIAL AND EMERGENCY.

- A state agency must file each year a schedule of its regular meetings with the Secretary of the State. A town or city agency must file each year a schedule of its regular meetings with the clerk of the town or city.
- A special meeting may be called up to 24 hours before the time set for the meeting by posting a notice stating the time, place and business to be transacted. No other business may be transacted. A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk.
- An emergency meeting may be held without complying with the preceding notice requirements.

However, the agency must file its minutes, including the reason for the emergency, within 72 hours of the meeting with the Secretary of the State if a state agency, or the municipal clerk if a local agency.

III. THE PUBLIC IS ENTITLED TO RECEIVE A COPY OF THE NOTICE AND AGENDA OF A MEETING.

- To any person who has made a written request, each agency is required to send a notice of its meetings, where practicable, at least one week prior to the meeting date. The agency may establish a reasonable charge for this service.
- Each agency must make available its agenda for each regular meeting at least 24 hours before the meeting to which it refers. Upon a 2/3 vote of the members present and voting, new business, not put on the agenda, may be considered and acted upon.

IV. THE MINUTES AND RECORD OF VOTES OF EACH AGENCY MUST BE AVAILABLE TO THE PUBLIC.

- The minutes of each agency meeting must be made available to the public within seven days of the session to which they refer in the agency's office if it has one, or, if none, in the Office of the Secretary of the State for state agencies or in the municipal clerk's office for local agencies. The minutes must contain the record of each member's vote upon any issue before the agency.
- The votes of each member upon any issue at any agency meeting must be put down in writing and made available to the public within 48 hours, excluding weekends and holidays, of the meeting at which the votes were taken.

V. CONDUCT OF MEETINGS

- In the event that any meeting of a public agency is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meetings, the members of the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit such public agency from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the meeting.

EXECUTIVE SESSION

I. AN AGENCY MAY CLOSE TO THE PUBLIC CERTAIN PORTIONS OF MEETINGS BY A VOTE OF 2/3 OF THE MEMBERS PRESENT AND VOTING. THIS VOTE MUST BE CONDUCTED AT A PUBLIC SESSION.

- Executive session is defined as a meeting of a public agency at which the public is excluded for one or more of the following purposes:
 - (1) Discussion concerning 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;
 - (2) strategy and negotiations with respect to pending claims and litigation to which the public agency or a member thereof, because of his conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
 - (3) matters concerning security strategy or the deployment of security personnel, or devices affecting public security;

- (4) discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
- (5) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-211.
- Any business or discussion in a closed session must be limited to the above areas.
- The agency may invite persons to present testimony or opinions in an executive session, but their attendance must be limited to only the time necessary for that testimony or opinion.
- The minutes must indicate the votes of each member of the agency upon any issue and also all persons who were in attendance at the closed session, except for job applicants who were interviewed.

PUBLIC RECORDS

I. MOST RECORDS OR FILES OF STATE AND LOCAL AGENCIES, INCLUDING MINUTES OF ALL THEIR MEETINGS, ARE AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.

- This includes information or data which is typed, handwritten, tape recorded, photostatted, printed, photographed or recorded by any other method.
- Inter-agency and intra-agency memoranda or letters are generally included.

II. RECORDS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL LAW OR STATE STATUTE ARE NOT AVAILABLE TO THE PUBLIC.

- In addition, the following records may not be available to the public:
 - preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some victim identification information; records relating to pending claims and litigation; trade secrets; test questions used to administer licensing, employment or academic examinations; real estate appraisals and construction contracts until all of the property has been acquired; personal financial data required by a licensing agency; records relating to strategy or negotiations with respect to collective bargaining; tax returns and communications privileged by the attorney-client relationship; names and addresses of public school students; information obtained by illegal means; the Attorney General's investigation records of reported misconduct in state government or names of state employees who report such misconduct to the Attorney General; petition information until certified; and certain adoption records.

III. THE PUBLIC MAY INSPECT PUBLIC RECORDS DURING REGULAR OFFICE HOURS. HOWEVER, A WRITTEN REQUEST FOR A COPY, PRINTOUT OR TRANSCRIPT SHOULD BE SUBMITTED TO THE AGENCY HOLDING THE RECORD THE PUBLIC DESIRES.

- The fee for a copy of a public record must not exceed 50 cents per page. The fee for a printout or transcript, or a copy thereof, must not exceed the actual cost to the agency involved. The agency may also require the prepayment of these fees if their estimated cost is \$10.00 or more. No sales tax may be imposed for copies of the public records requested under this Act.
- The agency is required to waive any fee for copies if the person requesting the copies is poor and cannot afford it; if the records are exempt from disclosure; or if the agency determines that the request benefits the public welfare.

- There is an additional charge for a certified copy of a public record.
- A denial by a public agency of a written request to inspect or copy records must be made in writing within four business days. If the agency fails to respond to the request in that period, it shall be treated as a denial of the request.

<http://ct.gov/foi>