



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

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IN NEWINGTON, CT

2018 MAY 18 PM 2:42
James E. Krupiński CCTC
Town Clerk

James E. Krupiński
Town Clerk

Commission Guidelines Subcommittee
Special Meeting Minutes
Newington Town Hall, Conference Room L-100
May 10, 2018 at 5:15 P.M.

- 1) Call to Order
 - Councilor Anest called the meeting to order at 5:17 P.M.
- 2) Attendance
 - Councilor Anest
 - Councilor Budrejko
 - Councilor Serra
- 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 completed the review of sections 28, Resignations through Section 33, Committee Member Responsibilities. Suggested changes to the language were reviewed and accepted.
 - The committee requested that each section of the booklet be printed into card form to assist in the organization of the booklet into proper sections.
- 5) New Business
- 6) Approval of Minutes
 - a. April 23, 2018 Special Meeting Minutes
 - Councilor Budrejko, seconded by Councilor Serra moved a motion to approve the April 23, 2018 Special Meeting minutes.
- 7) Public Participation
 - None
- 8) Committee Remarks
 - Committee scheduled a meeting for June 7, 2018 at 5:30 PM

9) Adjournment

- Councilor Serra, seconded by Councilor Budrejko moved a motion to adjourn. Motion carried unanimously.
- Meeting adjourned at 6:29 PM



James E. Krupinski
Acting Recording Secretary



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

Revision #6 thru 5/10/2018

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.

3. 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.

4. 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.

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.

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

5. 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

6. 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)

7. Annual Organizational Meeting

The annual Organizational meeting Agenda should include:

- a) Election of Officers
- b) Meeting Dates
- c) Review of FOI Act (FOI Section #2)
- d) Review of Code of Ethics

8. 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.

9. Chairperson

The chairperson presides at meetings and makes official communications on behalf of the committee. The chairperson is not an administrative official with directive or operating authority.

10. 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).

11. Regular Members

12. 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.

13. 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.

14. 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.

Type	Filing of Record of Votes	Filing Minutes
Regular	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 7 calendar days AFTER the meeting.
Special	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 7 business days AFTER the meeting.
Emergency	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 72 hrs. AFTER the meeting (excluding weekends & holidays). Minutes must state the reason for the Emergency.

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 Appendix A - HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT, "Public Meetings," Item III.

Type	Notice	Agenda/Notice Contents	Adding to Agenda/Notice
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Regular	File yearly with the Town Clerk no later than Jan 31 st .	Agenda available no later than 24 hrs. prior to meeting.	Agenda items may be added by a 2/3 vote of members present and voting.
Special	At least 24 hrs. before the meeting in the Town Clerk's office (excluding weekends & holidays).*	At least 24 hrs. before the meeting. Time, place and all business to be conducted must be listed on the Agenda.*	NOT PERMITTED
Emergency	None required, IF emergency is justified.	None required, IF emergency is justified.	ONLY the emergency matter may be considered.
* Filed with the Town Clerk and MUST be posted on the Town website.			

16. Staff Liaison/Clerical Help

If the Town Council has not made arrangements for staff liaison and/or clerical assistance, the BCC should contact the Town Manager's office.

17. Meeting Room Availability

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

- (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) 665-8610

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 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.

27. 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.

28. Meeting Times

All BCC's should schedule times for meetings which allow participation by all members. Meeting schedules should take into account the adopted list of Town Observed Holidays when scheduling meetings.

Each BCC 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 or staff liaison. Newly created committees must file a schedule of regular meetings for the balance of the calendar year as soon as possible after their organization. Calling a special meeting shall be governed by the Town Council Rules of Procedure, as revised.

29. Rules of Procedure

Formal Rules of Procedure are required for BCC's. Any committee not having rules shall be governed by the Town Council Rules of Procedure, as revised.

Appendix A

HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT

(Be sure to consult Connecticut General Statutes §1-200-259)

PUBLIC AGENCIES

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

- State and local government agencies, departments, institutions, boards, commissions and authorities and their committees.
- Executive, administrative or legislative offices, and the judicial branch and the Division of Criminal Justice with respect to their administrative functions.
- Certain other entities based on the following criteria: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by the government.

PUBLIC MEETINGS

I. MEETINGS, INCLUDING HEARINGS AND OTHER PROCEEDINGS, MUST BE OPEN TO THE PUBLIC – EXCEPT IN LIMITED 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: meetings of certain 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 communications 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.
- The public, as well as the news media, may 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 multi-town district or agency must file each year a schedule of its regular meetings with the clerk of each municipal member of the district or agency. A special meeting may be called up to 24 hours (excluding weekends, holidays, and days on which the office of the Secretary of the State or municipal clerk, as the case may be, is closed) before the time set for the meeting. A special meeting is called by filing a notice stating the time, place and business to be transacted.
- A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk; a multi-town district or agency files this notice with the clerk of each municipal member of the district or agency.
- 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 (excluding weekends and holidays) of the meeting with the Secretary of the State if a state

agency; or with the municipal clerk if a local agency; or with the clerk of each municipal member if a multi-town district or agency.

III. YOU ARE ENTITLED TO RECEIVE A COPY OF THE NOTICE AND AGENDA OF A MEETING.

- An agency is required to send a notice of its meetings, where practicable at least 1 week prior to the meeting date, to any person who has made a written request. 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. New business not on the agenda may be considered and acted on only on a 2/3 vote of the members of the agency.

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

- The minutes of each agency meeting must be made available to the public within 7 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. In the case of special meetings, the 7 day period excludes weekends and holidays. The minutes must contain the record of each member's vote on any issue before the agency.
- The votes of each member on any issue must be put in writing and made available to the public within 48 hours, excluding weekends and holidays, of the meeting at which the votes were taken.
- The minutes of a meeting at which an executive session occurs must indicate all persons who were in attendance at the closed session, except for job applicants who were interviewed.

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.

- Meetings to discuss the following matters may be closed: specific employees (unless the employee concerned requests that the discussions be open to the public); strategy and negotiations regarding pending claims and litigation; security matters; real estate acquisition (if openness might increase price); or any matter that would result in the disclosure of a public record exempted from the disclosure requirements for public records.
- 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.

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, printed, photographed or computer-stored.
- Most inter-agency and intra-agency memoranda or letters.

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:

some preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some witness and victim identification information; records relating to pending claims and litigation; trade secrets and certain commercial or financial information; 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 collective bargaining; tax returns and communications privileged by the attorney-client relationship; names and addresses of public school students; information obtained by illegal means; certain investigation records of reported misconduct in state government or names of state employees who report such misconduct to the state Attorney General or Auditors; certain adoption records; election, primary, referenda and town meeting petition pages, until certified; certain health authority complaints and records; certain educational records; certain records, when there are reasonable grounds to believe disclosure may result in a safety risk; and certain records, if disclosure would compromise the security or integrity of an information technology system. Also, records of personnel search committees need not be disclosed if they would identify executive level employment candidates without their consent.

III. YOU MAY INSPECT PUBLIC RECORDS DURING REGULAR OFFICE HOURS, BUT COPIES, PRINT- OUTS OR TRANSCRIPTS SHOULD BE REQUESTED IN WRITING.

- The fee for a copy of a public record from a state agency must not exceed 25¢ per page. The fee for a copy of a public record from a non-state agency must not exceed 50¢ per page. The fee for a computer disk, tape, printout or for a 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; 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.
- You are entitled to prompt access to inspect or copy public records. If an agency fails to respond to a request within four business days, such failure can be treated as a denial of the request.

<http://ct.gov/foi>