



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

RECEIVED FOR RECORD  
IN NEWINGTON, CT

2018 JUL -3 PM 1:24  
James E. Krupiensi CCTC  
Town Clerk  
*James E. Krupiensi*  
Town Clerk

**Commission Guidelines Subcommittee**  
**Special Meeting Minutes**  
**Newington Town Hall, Conference Room L-101**  
**June 25, 2018 at 5:00 P.M.**

- 1) Call to Order
  - Meeting was called to order at 5:07 P.M.
- 2) Attendance
  - Councilor Anest
  - Councilor Budrejko
  - Councilor Serra
  - Staff – James E. Krupiensi, Town Clerk
- 3) Public Participation
  - None
- 4) Old Business
  - a. Continued Review of proposed changes to “Information and Guidelines for Committees, Boards and Commission” Booklet
    - Began revision of Guidelines Booklet in card format for ease of revisions.
      - Change in BCC title suggested in Card #2 to define its meaning when referenced throughout the booklet.
      - Language added to Card #3 regarding receipt of the Code of Ethics packet.
      - Moved Card #3 after Card #5 to become #5A.
      - Card #4 had language removed regarding the BCC language.
      - Card #5 to become Card #5B and change in the language for packet acknowledgement form.
      - Card #6 had additional discussion topics added and minor language changes.
      - Card #7 had language added to specify requirements for established BCC’s Annual meeting.
      - Card #8 had minor language change.
      - Card #10 had update to section reference.
      - Card #11 had language to define a Regular member outlined.
      - Card #12 had language added to clarify how alternates may be seated and when they may vote. Update to reference BCC correctly.
      - Card #13 corrected the BCC reference and corrected language regarding “ex officio” members.

- Card #14 corrected BCC reference and added the responsibility of each member to review the prior BCC minutes prior to their adoption.
- Card #15 renamed section to Agenda. Changed Agenda titles and revised language for clarity in Notice of Meeting. Suggestion to add definition of each of the meeting types. New Definitions Section to be created.
- Card #17 updated Town Hall contact to match Board of Education reference. Added phone numbers for the Library and Senior Center for room reservations. Corrected reference to BCC.
- Card #18 removed unnecessary language and updated staff member to liaison.
- Card #19 updated staff member to liaison and revised language to ensure legal Notices are distributed to all require individuals.
- Card #20 updated to correct Town Manager's office reference.
- Card #21 had minor language changes and language from Easton booklet was added to the section.
- Card #23 updated to correct Town Manager's office reference.
- Card #26 was moved after Card #13 Ex Officio Members.
- Card #27 updated to require a copy of the resignation be sent to the Staff Liaison and to clarify promptness in resignation.
- Created New Section – Reappointment.
- Created New Section – Definitions.

5) New Business

6) Approval of Minutes

a. May 10, 2018 Special Meeting Minutes

- Councilor Serra, Seconded by Councilor Budrejko moved a motion to approve the May 10, 2018 Special Meeting minutes. Motion carried unanimously.

7) Public Participation

- None

8) Committee Remarks

9) Adjournment

- Councilor Serra, seconded by Councilor Budrejko moved a motion to adjourn. Motion carried unanimously.
- Meeting adjourned at 6:04 P.M.



James E. Krupienski  
Recording Secretary

**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 Board, Commissions or Committees, hereinafter referred to as "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.

**5A3. 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, ~~and~~ 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.

**5B. 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 Acknowledgment Form indicating you have review the 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 will includes, but not limited to:

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



7. **Annual Organizational Meeting**

The annual Organizational meeting Agenda for established BCC's 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 thereafter. 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~~2).

11. **Regular Members**

Members are nominated by their respective parties & confirmed by the Town Council.  
Reappointment will require a request to your appointing authority  
For those BCC's set forth in the Town Charter

12. **Alternates**

Some ~~boards and commissions~~ BCC's 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~~ seated as a full member by the Chairperson.



**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~~BCC, as a representative of a local club or organization, etc. Ex officio members do not 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~~BCC, 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. BCC members are responsible for reviewing the previous meeting minutes prior to adoption.

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/Meeting Dates	Agenda/Notice Contents	Adding to Agenda/Notice
Regular	<u>Regular Meeting dates shall be Filed</u> yearly with the Town Clerk no later than Jan 31 <sup>st</sup> ,	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.*	<b>NOT PERMITTED</b>
Emergency	None required, IF emergency is justified.	None required, IF emergency is justified.	<b>ONLY</b> 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 and must contact the Town Manager's Office for availability. (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 at (860) 000-0000 or the office of the Library Director at (860) 000-0000.

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 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month to the Town Council, 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month to the Town Plan and Zoning Commission, the 1<sup>st</sup> Thursday of the month to the Zoning Board of Appeals, and the 3<sup>rd</sup> 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~~BCC 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 liaison 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~~-liaison 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, supplied to the BCC and filed in the Town Clerk's office, excluding privileged opinions requested during Executive Sessions, until made public.

**20. Procedural Advice**

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

## 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.

An individual may not disrupt a meeting of a board and the chair shall instruct any individual or group of individuals who are disrupting a meeting to be silent. If after clear warning a person continues to be disruptive, the chair shall order the person to leave the meeting. Failure to abide by any such order may warrant police involvement at the request of the committee.

## 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's office 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.

**13A26. 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**

~~A BCC member who is no longer able to serve or who no longer desires to serve should resign promptly so that the vacancy may be filled. A written resignation shall be submitted to the Town Clerk, with a copy to the political party chairperson and the Staff Liaison. All resignations must be addressed and sent to the Town Clerk, with copies to the political party chairperson and the Staff Liaison.~~ 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 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 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.

**Reappointment:**

A committee member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment. If, at the conclusion of a term, there is no action on a reappointment, the particular member of the committee may continue to serve, if he/she chooses to do so until the reappointing authority acts.'

**Definitions:**

**Town Charter –**

**Freedom of Information Act –**

**Code of Ethics –**

**Code of Ordinances –**

**Town Manager –**

**Town Attorney –**

**Town Council –**

**Staff Liaison –**

**Member Types –**

**Quorum –**

**By-Laws –**

**Meeting Types –**

**Executive Session –**

**Public Participation –**