

SPECIAL MEETING NOTICE AND AGENDA

MANSFIELD INLAND WETLANDS AGENCY

Special Meeting

Monday, November 16, 2015 ▪ 7:30 PM

Or upon completion of the Planning and Zoning Commission Meeting

Audrey P. Beck Municipal Building ▪ 4 South Eagleville Road ▪ Council Chambers

- 1. Call to Order**
- 2. Roll Call**
- 3. Organizational Meeting**
 - a. Introduction of New Member**
 - Charles Ausburger
 - b. Election of Officers**
 - Chairman
 - Vice Chairman
 - Secretary
 - c. Review of By-Laws**
 - Memo from Director of Planning and Development
- 4. 2016 Meeting Schedule**
 - Memo from Director of Planning and Development
- 5. Adjournment**



Town of Mansfield

Department of Planning and Development

Date: November 12, 2015
To: Inland Wetlands Agency
From: Linda M. Painter, AICP, Director of Planning and Development
Subject: By-Law Review

A copy of the existing by-laws are attached to this memo for your review.

Recommended Changes to By-Laws

Staff recommends the following changes to the existing by-laws for your consideration:

- Article VI – Amend Section 2 to read as follows:

A biennial organizational meeting shall be held at the first meeting after the organizational meeting of the Mansfield Planning and Zoning Commission, at which time officers shall be elected and By-Laws reviewed and made part of the minutes. Such organizational meeting may also be held jointly with the Commission at the discretion of the Chair. Election of officers shall be in accordance with the procedures set forth in the Planning and Zoning Commission By-Laws.

This proposed change clarifies the procedure for electing officers, allows for the IWA to conduct its organizational meeting jointly with the Commission and adds a requirement for a biennial review of Agency by-laws.

- Article VIII – Amend Section 2 to read as follows:

All members shall conduct themselves in accordance with the "Code of Ethics" Ordinance as adopted by the Mansfield Town Council effective June 23, 2012, as may be amended from time to time.

This proposed change updates the reference to the Ethics Code adopted in 2012.

- Article XII – Rename “Employees and Consultants” and amend language of Section 1 to read as follows:

Staff assistance for the Agency shall be as provided by the Town of Mansfield. The Agency may retain consultants as it sees fit to aid the Commission in its work within the limits of the funds available for its use, including fees for technical or professional consultants authorized by Chapter 122 of the Mansfield Code of Ordinances. Procurement of consulting services shall be conducted in accordance with the Town’s Purchasing Ordinance, Chapter 76 of the Mansfield Code of Ordinances.

This proposed change updates the language to reflect the fact that the staff for the Agency is provided by the Town and not employed by the Agency. It also updates language with regard to

hiring of consultants to be consistent with Town purchasing policies and procedures.

- Article XV– Amend language to read as follows:

These By-Laws may be amended by a two-thirds vote of the entire voting membership of the Agency only after the proposed change has been read and discussed at a previous meeting, except that the By-Laws may be changed at any meeting by the affirmative vote of seven members of the Agency.

This proposed change deletes the requirement that the By-Laws have been discussed at a previous “regular” meeting. This would allow for changes discussed at a special meeting of the Agency to be approved by a two-thirds vote at a subsequent meeting.

For Discussion: Proposed Change in Meeting Day/Time

Staff would like to discuss the potential for changing the meeting time and or day of the regular meetings of the Agency. If the Agency is amenable to such a change, Section 1 of Article VII would need to be amended to reflect that change.

Draft Motion

If the proposed changes are acceptable to the Agency and no other changes are identified, the Agency may adopt the changes immediately with an affirmative vote of seven members. If the Agency chooses to vote on the changes on November 16th, the following motion could be used. The last portion of the motion (starting with “In addition to. . .” can be deleted if no changes other than those specifically identified in this memo are proposed.

_____ MOVES, _____ seconds to amend Articles VI, VIII, XII, and XV of the By-Laws of the Mansfield Inland Wetlands Agency as recommended by the Director of Planning and Development in her November 12, 2015 memo.

In addition to the specific changes recommended by the Director, the Agency also adopts the following amendments:

- **Amend Article VII, Section 1 to read as follows:**
Regular meetings will be held on the first _____ of each month at ____ p.m. at an appropriate place designated by the Agency. In the event of conflict with holidays or other events, a majority at any meeting may change the date or time of said meeting. The Secretary shall notify the membership of special meetings not less than 24 hours in advance of such meeting. In accordance with the requirements of the Freedom of Information Act, a schedule of regular meetings for the calendar year shall be adopted by the Commission and filed with the Town Clerk prior to January 31.
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**BY-LAWS
MANSFIELD INLAND WETLANDS AGENCY**

Effective February 2012

**ARTICLE I
Objectives**

The objectives and purposes of the Inland Wetlands Agency of Mansfield, Connecticut are those set forth in Public Act No. 155 of 1972 and amendments thereto, and those powers and duties delegated to the Inland Wetlands Agency by State Statutes and Ordinances of the Town of Mansfield. The Town of Mansfield's Planning and Zoning Commission was designated the Inland Wetlands Agency in an Ordinance adopted by the Town of Mansfield on January 14, 1974.

**ARTICLE II
Name**

The Agency shall be known as the Town of Mansfield Inland Wetlands Agency.

**ARTICLE III
Office of Agency**

The office of the Inland Wetlands Agency shall be in the Audrey P. Beck Municipal Building, where all Agency records will be kept. Copies of all official documents, record maps, etc., shall be filed or recorded in the office of the Town Clerk when required by State Statute.

**ARTICLE IV
Membership**

Section 1. The membership and terms of office for the Inland Wetlands Agency shall be the same as the membership and terms of office of the Town of Mansfield Planning and Zoning Commission.

Section 2. The Inland Wetlands Agency shall have three alternate members as provided for by Town Ordinance and the Town Charter. Such alternate members shall, when seated as herein provided, have all powers and duties of regular members as set forth in the General Statutes, Mansfield Charter and Town Ordinances. When not seated, alternate members may discuss items of business. However, after a motion is made, or after the close of a Public Hearing, discussion on the motion or on the subject application shall be limited to voting members. Alternate members are encouraged to attend all meetings and executive sessions of the Agency, and they shall have the right to be members of Agency subcommittees.

If a regular member of the Agency is absent or disqualified (see Article VIII), the Chairman of the Agency shall designate an alternate to act, choosing alternates in alphabetical rotation so that they act as nearly equal a number of times as possible. In the case of the absence of a regular member, the assigned alternate shall act for the entire meeting. If any alternate is not available in accordance with such rotation, or is disqualified from acting on a specific item of business, such fact shall be recorded in the Minutes of the meeting and the next alternate in rotation will be seated.

ARTICLE V Officers and their Duties

Section 1 - The officers of the Agency shall consist of a Chairman, a Vice-Chairman, and a Secretary.

Section 2 - The Chairman shall preside at all meetings and hearings of the Agency and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, certify expenditures of funds up to \$250.00 without prior approval of the Agency provided such funds have been allocated to the Commission in the Town Budget, call special meetings, and generally perform other duties as may be prescribed in these By-laws.

Section 3 - The Chairman shall be one of the Agency members. He/She shall have the privilege of discussing all matters before the Agency and of voting thereon.

Section 4 - The Vice-Chairman shall act for the Chairman in his/her absence and have the authority to perform the duties prescribed for that office. He/She shall be an Agency member.

Section 5 - The Secretary shall keep the minutes and records of the Agency and, with the assistance of such staff as is available, provide notice of all meetings to Agency members, arrange proper and legal notice of Hearings, attend to correspondence of the Agency and such other duties as are normally carried out by a Secretary. He/She shall be an Agency member.

Section 6 - In the absence of the Secretary due to illness, personal, or disqualification reasons, the Chairman shall appoint a Secretary Pro-tem.

ARTICLE VI Election of Officers

Section 1 - The officers of the Agency may be the same individuals as the officers of the Mansfield Planning and Zoning Commission.

Section 2 - A biennial organizational meeting shall be held at the first meeting after the organizational meeting of the Mansfield Planning and Zoning Commission, at which time officers shall be elected.

Section 3. - Vacancies in the offices shall be filled by the procedure followed by the Mansfield Planning and Zoning Commission.

Section 4. - Resignations from the Mansfield Planning and Zoning Commission shall automatically constitute resignation from the Agency. No member shall resign from the Agency and remain a member of the Mansfield Planning and Zoning Commission. Vacancies shall be filled in a manner prescribed for the filling of vacancies of the Mansfield Planning and Zoning Commission.

ARTICLE VII Meetings

Section 1 - Regular meetings will be held on the first Monday of each month at 7:00 p.m. at an appropriate place designated by the Agency. In the event of conflict with holidays or other events, a majority at any meeting may change the date or time of said meeting. The Secretary shall notify the membership of special meetings not less than 24 hours in advance of such meeting. In accordance with the requirements of the Freedom of Information Act, a schedule of regular meetings for the calendar year shall be adopted by the Commission and filed with the Town Clerk prior to January 31.

Section 2. - A majority (5) of the voting membership of the Agency shall constitute a quorum. Unless otherwise specified in the Regulations, the number of votes necessary to transact business shall be a majority of votes of the members present and voting, except when a Public Hearing is involved. In this case, the number of votes necessary to transact business shall be a majority of the total membership of the Agency.

Section 3. - All Agency meetings shall be open to the public unless a majority of the Agency members present and voting decide to enter an executive session as provided for in Chapter 3 of the State Statutes.

Section 4. - Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of this Agency.

ARTICLE VIII Disqualification

Section 1. No members of the Agency shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Agency. No member of the Agency shall participate in the Hearing or decision of the Agency upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. No member of the Agency, including alternates, shall participate in a decision of the Agency upon any matter with which he/she is not familiar with the record of information pertinent to the subject matter. In the event of such disqualification, such fact shall be entered on the records of the Agency and the disqualified member shall leave the table and shall not participate further. When disqualification

is questionable, the Chairman shall make the final decision. Whenever the issue of disqualification occurs, the subject Agency member shall immediately notify the Chairman that he/she is considering disqualification.

Section 2. All members shall conduct themselves in accordance with the "Code of Ethics" Ordinance as adopted by the Mansfield Town Council effective August 7, 1995, as may be amended from time to time.

ARTICLE IX Order of Business

Section 1. - Unless otherwise determined by the Chairman or unless scheduled in advance, the order of business at regular meetings shall be:

1. Call to Order
2. Roll Call
3. Review of Minutes of previous meetings and action thereon
4. Communications: a) Conservation Commission; b) Agent's Monthly Report
5. Enforcement
6. Old Business
7. New Business
8. Reports of Officers and Committees
9. (Other) Communications and Bills
10. Adjournment

Section 2. - A motion from the floor must be made and passed in order to dispense with any item or to change the order of business.

Article X Hearings

Section 1. - The Agency may hold Public Hearings, in addition to required hearings, when it decides that such Hearings will be in the public interest.

Section 2. - All Public Hearings prescribed by law shall be held in accordance with the requirements set forth for such Hearings in the Connecticut General Statutes.

Section 3. - The matter before the Agency shall be presented in summary by a member of the Agency designated by the Chairman, or staff member, and parties in interest shall have the privilege of the floor.

Section 4. - Staff shall take the evidence or the evidence shall be recorded by a sound-recording device at each Hearing before the Agency in which the right to appeal lies to the Superior Court. A summary of the proceedings of the Hearing shall be incorporated into the Minutes Book of the

Agency to be a permanent part of that record, and the recording shall be filed in the office of the Agency. Such recording shall be maintained for the duration of time specified in Connecticut Retention Schedule M1-255.

Section 5. - To expedite more efficiently the proceedings of the Hearing and to cause a better understanding of the issue involved, the Agency may prepare, prior to the Hearing, any visual aids for display and presentation during the discussions of the Hearings.

ARTICLE XI

Conducting the Public Hearing

Section 1. - The Chairman of the Agency shall preside at the Public Hearing. In the event of his/her absence, the Vice-Chairman or a duly appointed Agency member shall act as presiding officer.

Section 2. - The Secretary or person designated by the Chair shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared, as well as any other communications received.

Section 3. - A summary of the question or issue shall be stated by the presiding officer at the opening of the Public Hearing. Comments shall be limited to the subject advertised for hearing. In any event, the Agency shall have the privilege of speaking first. The Chairman shall describe the method of conduct of the Hearing.

Section 4. - The Chairman shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Agency prevailing. Whichever is the case, each group shall make its presentation in succession without allowing an intermixture of comments pro or con.

Section 5. - It shall be made clear at the Hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

Section 6. - All persons recognized shall approach the Hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the Hearing, each person shall give his/her name and address.

Section 7. - The presiding officer shall assure an orderly Hearing and shall take necessary steps to maintain the order and decorum of the Hearing at all times. The presiding officer shall reserve the right to terminate the Hearing in the event the discussion becomes unruly and unmanageable.

Section 8. - The show of hands by those persons present shall not be allowed on any general question presented at the Public Hearing. The Hearing shall be conducted only for the purpose of taking testimony to be considered in the deliberations of a regular or special meeting of the Agency.

ARTICLE XII
Employees

Section 1. - Within the limits of the funds available for its use, the Agency may employ such staff personnel and/or consultants as it sees fit to aid the Agency in its work. Where there is an Inland Wetland Agent, the Chairman shall work with him/her in the employment of consultants/personnel. The Chairman may be authorized to sign contracts for employing personnel and contracting for services as might be approved by a majority of the Agency.

ARTICLE XIII
Committees

Section 1. - Special committees may be appointed by the Chairman for purposes and terms which the Agency approves.

ARTICLE XIV
Public Relations

Section 1. - The Chairman or a duly appointed Agency member or staff personnel shall act as public relations or publicity director for the Agency. His or her duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of the Agency, with respect for the minority opinion as appropriate.

Section 2. - In the matter of the press, radio and television representatives, the Agency shall comply with Chapter 3, Sections 1-19, 1-20, and 1-21 of the Connecticut General Statutes, 1958 revision, as amended.

ARTICLE XV
Amendments

These By-Laws may be amended by a two-thirds vote of the entire voting membership of the Agency only after the proposed change has been read and discussed at a previous regular meeting, except that the By-Laws may be changed at any meeting by the affirmative vote of seven members of the Agency.



Town of Mansfield

Department of Planning and Development

Date: November 12, 2015
To: Inland Wetlands Agency
From: Linda M. Painter, AICP, Director of Planning and Development
Subject: 2016 Draft Meeting Schedule

Please review the attached 2016 draft meeting schedule for the Inland Wetlands Agency. Also note that several meeting dates are on alternate days due to Monday holidays.

As noted in my memo on your biennial by-law review, staff would like to discuss potential changes to meeting times and/or days for the Agency. If the Agency makes any changes to the by-laws in this regard, the attached schedule and approval motion would also need to be adjusted.

Draft Motion

The following motion has been prepared if members deem it appropriate:

_____ **MOVES,** _____ **seconds to approve the 2016 meeting schedule for the Inland Wetlands Agency.**

Mansfield Inland Wetlands Agency 2016 Meeting Schedule

The Mansfield Inland Wetlands Agency generally meets on the 1st Monday of the month at 7:00 p.m. in Council Chambers unless otherwise noted. The following are specific meeting dates for 2016. Agendas will be posted 24 hours before the meeting. This schedule is subject to change.

- January 4, 2016
- February 1, 2016
- March 7, 2016
- April 4, 2016
- May 2, 2016
- June 6, 2016
- July 5, 2016 (**TUES** due to July 4th Holiday)
- August 1, 2016
- September 6, 2016 (**TUES** due to Labor Day)
- October 6, 2016 – (**THU** due to Rosh Hashanah)
- November 7, 2016
- December 5, 2016