

TOWN OF STRATFORD
INLAND WETLANDS AND WATERCOURSES COMMISSION
BYLAWS

BYLAWS AND PROCEDURES FOR THE
INLAND WETLANDS AND WATERCOURSES COMMISSION
OF THE TOWN OF STRATFORD

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SECTION 1 PURPOSE AND AUTHORIZATION

- 1.1 The objectives and purposes of the Town of Stratford Inland Wetlands and Watercourses Commission are those set forth in The Connecticut General Statutes, sections 22a-36 through 22a-45 as amended, and those powers and duties delegated to the Town of Stratford Inland Wetlands and Watercourses Commission by the aforementioned statutes and by ordinance #217.1 enacted on April 13, 1988 by the Town of Stratford. The Town of Stratford Inland Wetlands and Watercourses Commission may also be involved in regulated other water resources in the Towns of Shelton, Trumbull, Huntington, under authorizing regulations, whereas these water resources flow into the Town of Stratford.

SECTION 2 NAME OF THE COMMISSION

- 2.1 The Commission shall be known as the Town of Stratford Inland Wetlands and Watercourses Commission, hereafter called the Commission.

SECTION 3 OFFICE OF AGENCY

- 3.1 The office of the Commission shall be at Roosevelt Forest, 700 Peters Lane, where copies of all files shall be kept. Copies of all official documents, records, maps, etc. will be filed or recorded in the Office of the Town Clerk.

SECTION 4 MEMBERSHIP

- 4.1 The membership and terms of members shall be as specified in the above stated ordinance establishing the Commission and the aforementioned general statutes. The Commission shall be composed of seven (7) members appointed in the manner provided for in the town charter with two (2) alternatives.
- 4.2 Vacancies in the Commission shall be filled by the procedure prescribed in the ordinance establishing the Commission.
- 4.3 Resignations from the Commission shall be in writing and transmitted to the chairman, who will then forward it to the executive officer of the community.
- 4.4 The chairman may recommend to the executive officer of the community the removal of any member who misses more than three consecutive meetings, following a two-thirds vote.

SECTION 5 OFFICERS AND THEIR DUTIES

- 5.1 The officers of the Commission shall consist of a chairman, a vice chairman and a secretary.
- 5.2 The chairman shall preside at all meetings and hearings of the Commission 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 \$100 without prior approval of the Commission, call special meetings and generally perform other duties as may be prescribed in these bylaws.
- 5.3 The chairman shall have the privilege of discussing all matters before the Commission and of voting thereon.
- 5.4 In the absence of the chairman, the vice chairman shall preside and have all the powers and duties of the chairman as stated in these bylaws.
 - a. In the event that the vice chairman is acting chairman at the start of the meeting, he or she shall remain as chairman throughout the entire meeting.
 - b. In the event that both chairman and vice chairman are absent at the start of a meeting, any regular member may be elected as acting chairman for the meeting by a majority vote of those members present.
- 5.5 The secretary shall keep the minutes records of the Commission and with the assistance of such staff as is available, shall:
 - a. Prepare the agenda of regular and special meetings under the direction of the chairman;
 - b. Arrange proper and legal notice of hearings (section 10 of these bylaws) which shall be published in a newspaper with a substantial circulation in the municipality;
 - c. Attend to Commission correspondence. All correspondence addressed to the Commission shall be received by the secretary, who shall circulate it to the members of the Commission;
 - d. Provide notice of all meetings to Commission members;
 - e. Publish notice of all Commission decisions in a newspaper with a substantial circulation in the municipality and in the case of a denial, the reason or reasons for the denial;
 - f. Notify the applicant and any named parties to the proceeding of the Commission's decision within fifteen (15) days of the date of the

- decision by certified mail, return receipt requested;
- g. Perform any such duties as are normally carried out by a secretary.

- 5.6 In the absence of the secretary due to illness, personal or disqualification reasons, the chairman shall appoint a secretary pro tem.

SECTION 6 STAFF AND THEIR DUTIES

- 6.1 The Commission shall appoint a duly authorized agent to carry out specific functions and duties as prescribed by the Commission. These duties shall include:
- a. determining jurisdictional rulings;
 - b. issuing enforcement orders;
 - c. conducting permit compliance inspections;
 - d. investigating complaints.
 - e. issuing administrative permits
- 6.2 The duly authorized agent shall make a report to the Commission at its regular meeting. Such report shall consist of a list and description of all rulings and activities performed.
- 6.3 Any ruling made by the duly authorized agent is subject to final approval by the Commission.

SECTION 7 ELECTION OF OFFICERS

- 7.1 The first meeting in December shall be an annual organization meeting, at which time officers will be elected and bylaws reviewed and made part of the minutes of the meeting. All members must be notified of the annual meeting before election of officers can take place.
- 7.2 A candidate receiving a majority vote from the entire membership of the commission shall be declared elected and shall serve for one year beginning January 1 or until his or her successor takes office.
- 7.3 In the event of a vacancy the Vice Chairperson shall assume the position of Chairperson and maintain position until the next regular election or as otherwise approved by the commission.

SECTION 8 MEETINGS

- 8.1 Regular meetings shall be held on the third Wednesday of each month at 7:30 PM in the Board of Education building or as otherwise scheduled by the Commission, and

the agenda shall be filed in the office of the Town Clerk not less than 24 hours before any such meeting. If at any time any regular meeting falls on a holiday, such regular meeting shall be rescheduled. If it shall be unsafe to meet in the place designated the meeting may be held at such place as is designated by the Chairman, provided a copy of the minutes of any such meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk not later than 72 hours following the meeting.

- 8.2 A majority of the voting membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be four (4) seated members, which constitutes a majority of members of the Commission.
- 8.3 The notice of a meeting other than a regular meeting shall specify the purpose of such a meeting and no other business shall be considered. The secretary shall give notice of the special meeting not less than 24 hours in advance of such meeting by filing in the office of the Town Clerk the agenda which shall include the time and place of the meeting.
- 8.4 All Commission meetings shall be open to the public unless closed by a two-thirds vote of the Commission for an executive session.
- 8.5 Executive sessions closed to the public shall be limited to types of discussions specified in the state Freedom of Information Act, including but not limited to the following:
 - a. Specific employees (unless the employee agrees to an open session);
 - b. Strategy relating to negotiations regarding pending claims to litigation;
 - c. Security matters;
 - d. Real estate acquisition.
- 8.6 Unless otherwise specified the Robert's Rules of Order shall govern the proceedings at Commission meetings.
- 8.7 Alternates of the Commission who are seated at the beginning of a meeting shall not be replaced by another member who arrives late.
- 8.8 Alternates may take part in Commission discussions but shall not vote except for election of officers. Alternates shall be seated as regular members in alphabetical order by last names on a rotating basis, except as specified in section 1 of the Ordinance Establishing the Inland Wetlands and Watercourses Commission.
- 8.9 Minutes of regular and special meetings must be available in the Town Clerk's office

within seven (7) days of the meeting; while the votes of each member must be available in writing within 48 hours. Minutes of emergency special meetings including the reason for the meeting must be filed with the Town Clerk within 72 hours of the meeting.

- 8.10 In the event that a regularly scheduled meeting conflicts with a town meeting, the chairman may, at his/her own discretion or upon written request of three or more members of the Commission, cancel the meeting or postpone the meeting to the next business day provided that applicants can be given at least five (5) business days notice of such change or cancellation.
- 8.11 Field meetings that four (4) or more members of the Commission are planning to attend, must be announced by public notice as special meetings as provided for in section 8.3 of these bylaws.

SECTION 9 ORDER OF BUSINESS

- 9.1 Unless otherwise determined by the chairman, the order of business at regular meetings shall be:
 - a. Call to Order
 - b. Action on minutes of previous meeting
 - c. Old Business
 - d. New Business
 - e. Communications and Bills
 - f. Reports of Officers, Staff and Committees
 - g. Adjournment

SECTION 10 PUBLIC HEARINGS

- 10.1 A public hearing may be held by the Commission on any application. All applications, maps and documents relating to the hearing shall be open for public inspection. Any person may appear and be heard at any public hearing.
- 10.2 Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date and place certain) where necessary for the full development of the evidence, for the full participation of the parties, or for such other substantial purposes, provided that the public hearing shall be completed within forty-five (45) days from the date it commenced. Verbal notice at the public hearing as to the date and place where the continuation will take place shall be considered sufficient notice to interested parties.

SECTION 11 CONDUCTING THE PUBLIC HEARING

- 11.1 A stenographer shall take the evidence, or the hearing shall be recorded by a sound recording device, at each hearing before the Commission in which the right to appeal exists. Proceedings of the hearing shall be incorporated into the minutes book of the Commission to be a permanent part of the record.
- 11.2 The chairman of the Commission shall preside at the public hearing. In the event of his absence, the vice chairman shall act as presiding officer.
- 11.3 The secretary shall read the legal advertisement and note the dates and newspaper in which the advertisement appeared.
- 11.4 The 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 Commission shall have the privilege of speaking first. The chairman shall describe the method of conduct of the hearing.
- 11.5 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 Commission prevailing. Each group shall make its presentation in succession without allowing for the intermixture of pro and con comments.
- 11.6 It shall be made clear to all present at the hearing that all questions and comments must be directed through the chair only after the speaker has been properly recognized by the presiding officer.
- 11.7 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 or her name and address.
- 11.8 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 and reschedule the hearing in the event the discussion becomes unruly and unmanageable.
- 11.9 The polling of persons present at the hearing shall not be allowed on any general question presented to the commission or applicant at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations during the regular meeting of the Commission.

SECTION 12 THE HEARING RECORD

- 12.1 The hearing record shall consist of the following:
- a. the tape recording of the hearing;
 - b. the transcript of the hearing recording, if required;
 - c. all physical evidence and material received (i.e. legal documents, reports, plans, etc.)
- 12.2 Reports, documents and plans received at previous meetings shall be entered into the record of the public hearing.
- 12.3 Decisions shall be based solely on the contents of the hearing record. Documentary evidence not entered into the record of the hearing shall not be considered when rendering a final decision.

SECTION 13 EX PARTE COMMUNICATIONS

- 13.1 Members of the Commission shall not engage in ex parte communication with any party or person on an issue of fact or law unless all parties received notice and an opportunity to participate. Allowing one party to introduce "evidence" by way of informal comment to any member of the Commission without the other parties having the opportunity to rebut or cross-examine is improper.

SECTION 14 CONFLICT OF INTEREST AND DISQUALIFICATION

- 14.1 No member or alternate member of the Commission shall participate in a hearing or decision of the Commission upon any matter in which he or she (or any member of his or her family) is directly or indirectly interested personally or financially. In the event of such disqualification, such fact shall be entered on the records of the commission and a replacement shall be selected from alternate members to act as a member of the Commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

SECTION 15 COMMITTEES

- 15.1 Committees may be appointed by the Chairman for purposes and terms that the Commission approves.
- 15.2 Standing committees are:
- a. Bylaws and Procedures Committee
 - b. Budget Committee
 - c. Education Committee

- d. Site Review Committee
- e. Committee on Fees

SECTION 16 EMPLOYEES

- 16.1 Within the limits of the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the entire membership. The chairman of the Commission may employ personnel and retain consultants upon the approval of the majority of the Commission.

SECTION 17 PUBLIC RELATIONS

- 17.1 The chairman or a duly appointed commission member of staff personnel shall act as spokesman for the Commission. Duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect a consensus of the views and opinions of the majority of the Commission.
- 17.2 In the matter of the press, radio and television representatives, the Commission shall comply with Chapter 3, sections 1-19, 1-20, 1-21 of the Connecticut General Statutes, as amended.

SECTION 18 RECORDS RETENTION

- 18.1 The Agency and the Town Clerk for the Town of Stratford shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth in subsection 20.2.
- 18.2 The public records administrator of the Connecticut State Library established the following records retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989:

<u>Record Title</u>	<u>Minimum Retention</u>	<u>Town Clerk Required In Agency</u>
Applications (incl. Supporting Materials)	10 Years	-
Decisions Letters	10 Years	Permanent
Approved Site		

Plans	10 Years	-
Legal Notices	10 Years	Permanent
Staff and Public Written Testimony (Hearing Records)	10 Years	-
Minutes of Meeting and Public Hearings	15 Years	Permanent
Tapes, Audio-Inland Wetland Matters	4 Years	-
Notices of Violation and Orders	10 Years	-
Text of Changes	Continuous Update/	-
Adopted in Regulations	Permanent	
General Correspondence Issued or Received	5 Years	-

SECTION 19 AMENDMENTS

- 19.1 These bylaws may be amended by a two-thirds vote of the Commission's entire voting membership, only after the proposed change has been read and discussed at a previous regular meeting, except that the bylaws may be changed at any meeting by the unanimous vote of the Commission's entire voting membership.