

**SOUTH WINDSOR INLAND WETLANDS  
WATERCOURSES AND CONSERVATION COMMISSION**

**BYLAWS**

**ARTICLE I - Purpose and Authorization**

The objectives and purposes of the Inland Wetlands Agency/Conservation Commission of the Town of South Windsor are those set forth in Public Act 155, 1972, Amended P.A. 571, 1973, codified as Sections 22a-36 to 45 of the Connecticut General Statutes, as amended, and those powers and duties delegated to the Inland Wetlands Agency by the aforementioned statutes by resolution of the Town Council of the Town of South Windsor under date of June 4, 1973, together with an act concerning establishment of municipal conservation commissions (P.A. 310, 1961; P. A. 490 S.7, 1963; P.A. 284 S. 1, 1969; P.A. 872-S. 403, 1971; P.A. 73-393 and P.A. 79-84) as amended, codified as sections 7-131a to 131q inclusive of the General Statutes, as amended, herein referred to as "The Act". The Conservation Commission arm of the Agency was authorized by the Town Council of South Windsor in accordance with a resolution adopted, and later revised 2/4/80 as Ordinance No. 99, Sections 9-22 through 9-27 of The Code of the Town of South Windsor.

**ARTICLE II - Name**

The Agency shall be known as the Inland Wetlands Agency/Conservation Commission of the Town of South Windsor. Any reference throughout these Bylaws to the Inland Wetlands Agency or the Agency shall mean Inland Wetlands Agency/Conservation Commission.

**ARTICLE III - Office of Agency**

The office of the Inland Wetlands Agency/Conservation Commission of the Town of South Windsor shall be at the Town Hall, 1540 Sullivan Avenue, South Windsor, where all agency records will be kept. Copies of all official applications, documents records, maps, etc., will be filed in the Planning Department and/or recorded in the office of the Town Clerk.

**ARTICLE IV - Membership**

Section 1      The membership and terms of office shall be as specified in Section 502 of the South Windsor Town Charter, as amended and approved November 6, 1979, and Article VII of the South Windsor Town Code in accordance with a resolution adopted, and later revised 2/4/80 as Ordinance No. 99, Section 9-23 and 9-25. Regular members and alternates will attend a minimum of 75% of all scheduled meetings during any six-month period and will notify the chair or staff secretary of any anticipated absence. The chair shall notify regular members or alternates of an attendance problem. The Commission may recommend to the appointing authority consideration be given to replacing individuals when attendance requirements are not met.

Section 2      Resignation from the Agency shall be in written form and transmitted to the Town Council and to the Agency Chair.

**ARTICLE V - Officers and Their Duties**

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

- Section 2     The Chair shall preside at all meetings and hearings of the Agency and shall have the duties normally conferred by parliamentary usage of such officers.
- Section 3     The Chair shall be one of the Agency members and shall have the privilege of discussing all matters before the Agency and of voting thereon.
- Section 4     The Vice-Chair shall act for the Chair in the Chair's absence and have the authority to perform the duties prescribed for that office. The Vice-Chair shall be an Agency member.
- Section 5     The Secretary shall be a member of the Agency. The Secretary shall take minutes of the executive sessions and, in the absence of the Staff Secretary, shall take minutes of regular and special meetings.
- Section 6     In the absence of the secretary, due to illness, personal or disqualification reasons, the Chair may appoint a Secretary pro tem.

#### **ARTICLE VI - Election of Officers**

- Section 1     An annual organization meeting shall be held at the first regular meeting of February at which time officers will be elected and bylaws reviewed and adopted, and shall be made a part of, the minutes of the annual meeting. In the event such bylaws are not adopted at the organizational/annual meeting, those bylaws in existence just prior to said meeting shall remain the bylaws until further action is taken thereon.
- Section 2     A candidate receiving a majority vote of the Agency members present and voting shall be declared elected and shall serve for one year or until her/his successor shall take office. Alternates may be designated to vote in the absence of regular members.
- Section 3     Vacancies in officers shall be filled at the next regular meeting of the Agency in accordance with the procedures set forth in Section 2.
- Section 4     Election of officers may be performed by written ballot.
- Section 5     Results of elections are effective immediately.

#### **ARTICLE VII - Alternate to the Agency**

- Section 1     There shall be two alternates to the Inland Wetlands Agency/Conservation Commission.
- Section 2     When a member is going to be absent, she/he shall notify the Chair who will select an alternate, keeping a record of his participation. An alternate so selected to participate in place of a member shall be entitled to vote in place of that member on all items on which that member could have voted at the meeting at which she/he is selected as an alternate. Alternates shall receive full Agency packets for all meetings and hearings and are expected to participate in all meetings of the Agency. Each alternate will attend a minimum of seventy-five percent (75%) of all scheduled meetings during any six months.

## **ARTICLE VIII - Meetings**

- Section 1 Regular meetings will be held on the first and third Wednesdays of the month. This may be changed by a majority vote of the Commission. In the event of conflict with legal holidays, the meeting will be scheduled for the previous or subsequent Wednesday, utilizing the earliest possible Wednesday of the Month. Special meetings may be scheduled by a majority vote of the members at any meeting. A special meeting may also be called by the Chair or by the written request of a minimum of five (5) members of the Agency.
- Section 2 A quorum shall consist of five members (including any alternates, selected to act in accordance with Article VII). On matters requiring action by the Agency, an affirmative vote of a majority of those present and voting, but not less than four (including alternates sitting for a regular member) shall be necessary to decide a matter.
- Section 3 The matter before the Agency shall be presented in summary form by the Chair, or a member of the Agency designated by the Chair, or staff member, and after presentation by the applicant and/or their agent, followed by comments and questions by Agency members, public comments will be heard.
- Section 4 The presiding officer shall assure an orderly meeting and shall take necessary steps to maintain order and decorum at all times. The presiding officer shall conduct meetings according to Robert's Rules of Order where not in conflict with these bylaws.
- Section 5 Regular meetings shall adjourn by 10:00 p.m. unless a majority of those members present vote to continue the meeting.
- Section 6 Meeting shall be recorded as at a public hearing as provided hereafter.

## **ARTICLE IX - Executive Session**

- Section 1 The Inland Wetlands Agency/Conservation Commission must begin its meeting in public, even if the only topic it intends to take up is a permissible topic for an executive session.

Before closing the doors, the Agency must publicly state the purpose for the executive session. This public statement must be specific enough to communicate to the public the actual reason; the Agency should avoid vague, general terms. Next the Agency must take a vote on whether to convene in executive session, and two-thirds of the members present and voting must vote affirmatively.

The only people allowed to attend the executive session are members of the Agency. If the Agency wants to hear the testimony or opinion of someone else, it may invite the individual into the executive session. That individual may attend only as long as necessary to give testimony or opinion and then must leave. Secretaries and attorneys who are not members of the Agency should not be in the executive session, except when they are needed to give testimony or opinion.

The Agency cannot take votes in the executive session. All votes must be made in public. The minutes of the entire meeting must state when the executive

session began, when it ended, and the reason for the session. The minutes must also list everyone who attended the executive session, including those who are not members of the Agency. The only exception is that the names of job candidates interviewed in executive session do not have to appear in the minutes.

The Agency may not invite its attorney into the executive session and then claim the discussion is privileged by the attorney-client relationship. Even if the attorney's presence is necessary to give a legal opinion, the Agency may meet in executive session only for the purposes stated in Section 1-18a(3) of the C.G.S.

## **ARTICLE X - Ethics/Disqualifications**

- Section 1      Members and alternates are subject to all provisions regarding ethics set forth in the Connecticut General Statutes and the Town's Code of Ethics Ordinance.
- Section 2      Furthermore, Members and Alternates shall be disqualified from participation in the application procedure and/or in petitions to amend regulations and/or to amend the Inland Wetland/Watercourse map, in any instance where it appears that a direct or indirect, personal or financial interest exists or if any such Member or Alternate shall be unduly influenced through the act of ex parte communications regarding any such matter.

## **ARTICLE XI - Minutes**

- Section 1      Minutes of all meetings are to be in summarized form, as opposed to verbatim records.
- Section 2      A copy of the minutes shall be recorded in Office of the Town Clerk.
- Section 3      The minutes shall record the members and alternates present at the meeting, the member for whom an alternate is seated, and the name of the alternate seated.
- Section 4      If the vote is unanimous, the minutes shall so state; otherwise, they shall state specifically which members vote for, voted against, or abstained.
- Section 5      The Agency shall review and approve minutes of all meetings.

## **ARTICLE XII - Public Hearings**

- Section 1      The Agency may hold public hearings, in addition to the required meetings, when it decides that such hearings will be in the public interest, in accordance with its regulations.
- Section 2      The matter before the Agency shall be presented in summary by the Chair, or a member of the Agency designated by the Chair, or staff member, and parties in interest shall have the privilege of the floor.
- Section 3      A competent stenographer 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. Proceedings of the hearing

shall be incorporated into the minute's book of the Agency to be a permanent part of that record.

- Section 4     The Chair of the Agency shall preside at the public hearing. In the event of her/his absence, the Vice-Chair or, in her/his absence, a duly elected Agency member shall act as presiding officer.
- Section 5     The Secretary shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.
- Section 6     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 Chair shall describe the method of conducting the hearing.
- Section 7     When calling from the public audience, the Chair shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, at the discretion of the Agency, providing that they vote to do so. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comments pro or con.
- Section 8     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 9     Before commenting on the matter before the hearing; each person shall give her/his name and address. Each person shall also sign the "Speaker's Sheet" by printing their name and address.
- Section 10    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 11    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 deliberations of the regular meeting of the Agency. If a general consensus of the meeting is desired, the Agency may provide properly identified sheets on which the electors of the Town may signify in writing their opinion as either in favor or opposed to the question before the public hearing.

### **ARTICLE XIII - 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. Appointments shall be made by a majority vote of the entire membership entitled to vote at the meeting to consider such appointment.
- Section 2     An agent may be appointed by a majority vote of the members of the Commission. The agent will be authorized to represent and act for the Commission as follows:

- A. Review applications for completeness.
- B. Recommend modifications to proposed regulated activities.
- C. Inspect permitted activities for compliance and advise both the permittee and the Commission when there is noncompliance with the permit.
- D. Respond to notices of violations of regulations by inspecting the site of the reported violation.
- E. Issue investigatory letters as provided for in the South Windsor Wetland Regulations.
- F. Any other duties specifically authorized by this Commission.

Section 3      The Staff Secretary to the commission shall be responsible for the keeping of the minutes and records of the Agency, the preparation of the agenda of regular and special meetings under the direction of the Chair, the providing of notice of all meetings to Agency members, proper and legal notice of hearings, and such other duties as are normally carried out by a secretary.

#### **ARTICLE XIV - Amendments**

These Bylaws 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 Bylaws may be changed at any meeting by the unanimous vote of the entire voting membership of the Agency.

These Bylaws have been officially adopted by the Agency on 10/13/75, and amended 11/15/76, 3/17/80, 12/14/81, 5/17/82, 6/17/85, 7/20/87, 1/11/88, 6/10/91, 04/12/93, 03/09/94, 05/17/95, 04/06/2011.