

**TOWN OF MONROE  
INLAND WETLANDS COMMISSION  
BYLAWS**

(Effective 2007; Amended February 2018)

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Section 1.....Purpose and Authorization  
Section 2.....Name of the Commission  
Section 3.....Office of Agency  
Section 4.....Membership  
Section 5.....Officers and their Duties  
Section 6.....Staff and their Duties  
Section 7.....Election of Officers  
Section 8.....Meetings  
Section 9.....Order of Business  
Section 10.....Public Hearings  
Section 11.....Conducting the Public Hearing  
Section 12.....Hearing Record  
Section 13.....Ex Parte Communications  
Section 14.....Conflict of Interest and Disqualification  
Section 15.....Committees  
Section 16.....Employees  
Section 17.....Public Relations  
Section 18.....Records Retention  
Section 19.....Amendments

## IWC Bylaws 2018

### **Section 1. Purpose and Authorization**

- 1.1 The objectives, purposes, and authorization of the Town of Monroe Inland Wetlands Commission are those set forth in The Connecticut General Statutes, section 22a-36 through 22a-45 as amended, and those powers and duties delegated to the Town of Monroe Inland Wetlands Commission by the aforementioned statutes and by Town Code (chapter 84; including legislation adopted through 11-28-2016)

### **Section 2. Name of the Commission**

- 2.1 The Commission shall herein-after be referred to as the Town of Monroe Inland Wetlands Commission, hereafter called the Commission.

### **Section 3. Office of Commission**

- 3.1 The office of the Commission shall be the Inland Wetlands Office at the Town Hall building located at 7 Fan Hill Road, where all Commission records will be kept. Copies of all official documents, records, maps, etc., shall be filed or recorded in the Inland Wetlands Office and all required records shall be recorded in the Town Clerk's Office.

### **Section 4. Membership**

- 4.1 The membership and terms of members shall be as specified in the above stated Town Code establishing the Commission and the aforementioned general statutes. The Commission shall be composed of seven (7) regular members appointed in the manner provided for in the Town Charter.
- 4.2 Vacancies in the Commission shall be filled by the procedure prescribed in the Town Charter.
- 4.3 The Chairman may recommend to the First Selectman the removal of any member who misses more than three consecutive meetings, following a two-thirds vote.
- 4.4 A Recording Secretary is not required to be a Commission member. The Recording Secretary shall be provided and coordinated by the Town through the Inland Wetlands Department.

### **Section 5. Officers and Their Duties**

- 5.1 The officers of the Commission shall consist of a Chairman, a Vice Chairman, a Secretary, and a Treasurer.
- 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, 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.

## IWC Bylaws 2018

- 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. The Secretary or most senior member will call for a vote.
- 5.5 In the absence of the Secretary due to illness, personal or disqualification reasons, the Chairman may appoint a secretary pro tem. The Secretary, as directed by the Chairman, shall read the notice of Public hearing and shall perform such other duties as are normally carried out by the secretary.

### **Section 6. Staff and Their Duties**

- 6.1 The Commission shall appoint a duly authorized Inland Wetlands Agent to carry out specific functions and duties as prescribed by the Commission. These duties shall include:
- (a) Processing Permitted Uses as of Right forms and forwarding requests for making jurisdictional rulings to the Commission.
  - (b) Issuing enforcement Notices of Violations, Orders, and Citations.
  - (c) Conducting permit compliance inspections.
  - (d) Investigating complaints.
  - (e) Administrating and issuing Agent Approvals for activities involving minimal impacts within previously developed and currently maintained upland review areas.
- 6.2 The duly authorized Inland Wetlands Agent shall report to the Commission all administrative rulings and activities performed at its regular meeting

### **Section 7. Election of Officers**

- 7.1 The first meeting in December directly following the biannual municipal election shall be an organizational meeting, at which time officers will be elected and bylaws reviewed and made part of the minutes of the meeting. All seated commissioners must be notified of, and 75% of the commission must be present at said meeting in order for an election of officers to take place. In the event that enough members are not present on the above date, the biannual meeting shall take place at the first regularly scheduled meeting to occur when enough members are present.
- 7.2 A candidate receiving a majority vote of the entire Commission membership (min. four members for a seven member commission) shall be declared elected and shall serve for two years beginning January 1 or until a duly elected successor takes office.
- 7.3 Vacancies of the Commission in office shall be filled by appointment by the Monroe Town Council in a timely manner, except where in conflict with the Connecticut General Statutes. A vacated Commission position shall be filled by a person recommended by the same political party. The appointee's term shall be the remaining portion of the elected term, or until the next municipal election and swearing in of the duly elected successor, whichever shall first occur.

## IWC Bylaws 2018

- 7.4 Resignations from the Commission shall be in written form and transmitted to the Town Clerk who shall then forward the same to the Commission Chairman and the Inland Wetlands Department.
- 7.5 In the event of the resignation or termination of office of the Chairman, Vice Chairman or Secretary, a special organizational meeting shall take place for the sole purpose of election of officers to fill the vacancies created, following the procedures outlined above.

### **Section 8. Meetings**

- 8.1 Regular Commission meetings will generally be held on the second and fourth Wednesday of each month at 7:00 p.m., as provided in the annual meeting calendar approved by the Commission, in a public meeting room of the Town Hall, unless otherwise scheduled by the Commission. 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 held on the next Wednesday or as scheduled and noticed by the Commission. A schedule of Commission Regular meetings for a given calendar year shall be filed in the office of the Town Clerk by December 1<sup>st</sup> preceding the calendar year for which the schedule is set.
- 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 shall specify the purpose (agenda) of such a meeting. Items shall not be permitted to be added to the noticed purpose (agenda) of a Special Meeting and no other business shall be considered. The Inland Wetlands office 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 (Regular and Special) 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 discussion 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 Minutes of regular and special meetings must be available for public inspection in the Town Clerk's Office within seven (7) calendar days of the meeting, while the votes of each member must be available in writing within forty eight (48) hours. Minutes of emergency special meetings including the reason for the meeting must be filed with the Town Clerk within seventy two (72) hours of the meeting. Following the review and approval of draft minutes as final, said minutes shall be posted to the Town of Monroe website in a timely fashion.

## IWC Bylaws 2018

- 8.8 In the event that a regularly scheduled meeting conflicts with any other Town meeting, the Chairman may at his or her own discretion, or upon written request of three or more members of the Commission, cancel the meeting or postpone the meeting to an alternate business day, provided that applicants can be given at least five (5) business days' notice of such change or cancellation.
- 8.9 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.
- 8.10 All meetings including Regularly scheduled, and Special meetings (including all Public Hearings), shall be audio recorded.
- 8.11 The Commission shall not begin a new agenda item after 11:00 p.m. unless facing application deadlines or similar time constraints as defined by the Connecticut State Statues, or upon majority approval by its members.

### **Section 9. Order of Business**

- 9.1 Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:
- (a) Pledge of Allegiance
  - (b) Roll Call (including disclosure of any commissioner's specific credentials relating to wetland issues)
  - (c) Approval of Minutes
  - (d) General Public Participation
  - (e) Application Determinations
  - (f) Subdivision reports/referrals (may or may not include Public Hearings)
  - (g) Regulated Activities: (Regular meetings, and Public Hearings), including a brief description by the Chairman of the method to conduct a public hearing consistent with the Bylaws.
  - (h) Enforcement
  - (i) Other
  - (j) Deliberations of Completed Hearings
  - (k) Bond Releases, Reductions, Reports
  - (l) Time extensions
  - (m) IWC Agent Activities Report
  - (n) Enforcement (non-public administrative)
  - (o) General Discussion/Other
  - (p) Correspondence
  - (q) Adjournment

### **Section 10. Public Hearings**

- 10.1 A Public Hearing may be held by the Commission on any application. All Public Records (applications, maps and documents, etc.) relating to the hearing shall be open for public inspection prior to the hearing at the Land Use office during regular office hours except as otherwise provided by any Federal or State Statute (CGS Chapter 14, §1-210. Any person may appear and be heard at any public hearing.

## IWC Bylaws 2018

- 10.2 Where possible, Public Hearings shall be completed in a single session. However, the hearing may be adjourned and reconvened, (to a certain date and place) as necessary, for the full development of the evidence, for the full participation of the parties, or for such other substantial purpose, provided that the public hearing shall be completed within thirty five (35) days from the date it commenced (unless an extension of time is granted by the applicant as per State Statute). 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.
- 10.3 All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapters 124 sec. 8-1d (Zoning) and sec. 8-7d (Zoning) and Chapter 440 (Wetlands and Watercourses) of the Connecticut General Statutes, noting that State Statutes shall govern when in conflict with these Bylaws.

### **Section 11 Conducting the Public Hearing**

- 11.1 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 minute book of the Commission to be a permanent part of the record and (filed in the office of the Commission) as per the record of retention schedule as defined by the Secretary of State. The Commission shall determine the detail of the minutes.
- 11.2 The Chairman of the Commission shall preside at the Public Hearing. In the event of his or her 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 Chairman shall first call for a presentation of the application/proposal from the Applicant/s team of professionals; upon completion of the presentation, the Commission may ask questions and/or solicit additional information. Once the Applicant has completed the presentation and responded to the Commissions questions/requests (if applicable), the floor shall be opened to public comments.
- 11.5 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. Public comments will be requested in sequence of those in favor of the application; those in opposition of the application; and those with no specific position on the application but with general questions or statements.
- 11.6 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 or her name and address.
- 11.7 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 and reschedule the hearing in the event the discussion becomes unruly and unmanageable.

## IWC Bylaws 2018

- 11.8 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.
- 11.9 Once all public comments have been provided, the Applicant may provide a response to public comments, answers to commissioner's questions relating to the public comments, and/or a closing statement. Any further extension of the presentation that includes additional/new information via adjournment and reconvening of the hearing shall constitute allowance of additional public comment. However, said additional public comments shall only be applicable to the new information.

### **Section 12 The Hearing Record**

- 12.1 The hearing record shall consist of the following:
- (a) An audio recording of the hearing.
  - (b) Written minutes of the meeting in summary form.
  - (c) All physical evidence and material received (i.e., legal documents, reports, plans, etc.)
  - (d) The transcript of the hearing upon written request via (FOI) request procedures.
- 12.2 Reports, documents, and plans received at meetings, subsequent to the original application submission, shall be entered into the record of the public hearing as exhibits.
- 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 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 receive 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 In accordance with Chapter 126, section 8-21 of the Connecticut General Statutes, no member of the Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission or agency exercising the powers of any such commission or board in the same municipality, whether or not he is a member of the commission hearing such matter. No member of the Commission shall participate in the meeting, public hearing or decision of the Commission upon any matter in which the member is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission.

## IWC Bylaws 2018

### **Section 15**    **Committees**

- 15.1    Committees may be appointed by the Chairman for purposes and terms that the Commission approves.
- 15.2    Standing committees shall be the following:
  - (a) Bylaws and Procedures Committee
  - (b) Regulations Update/Amendments Committee
  - (c) Education Committee
  - (d) 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 request personnel and retain consultants upon the approval of the majority of the commission and acceptance/approval of the respective expenditure by the First Selectman. The First Selectman may sign contracts for employing personnel for services as might be approved or requested by the Commission.

### **Section 17**    **Public Relations**

- 17.1    The Chairman or a duly appointed commission member or staff personnel may act as spokesman for the Commission only upon authorization by a majority of the Commission. All released information 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 1-9, 1-20 and 1-21 of the Connecticut General Statutes, as amended.

### **Section 18**    **Records Retention**

- 18.1    The Inland Wetlands Commission and the Town Clerk for the Town of Monroe shall retain all required administrative records of the Commission's actions and dispose of such records in accordance with the retention/disposition schedules set forth in subsection 18.2 (below).
- 18.2    The applicable Commission records shall be retained in compliance with the following (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 revised date 2/2005):



IWC Bylaws 2018

<u>Record Title</u>	<u>Minimum Retention Required</u>	<u>Town Clerk</u>
Applications (incl. supporting materials)	10 Years after approval 2 Years after denial/withdrawal	-----
Decision letters	10 Years	Permanent
Approved site plans	10 Years	-----
Legal Notices	1 Year after decision	Permanent
Staff and public written testimony (hearing records)	10 Years	-----
Minutes of meeting & Public Hearings	Permanent	Permanent
Tapes, audio-Inland Wetland matters	1 Year after minutes are approved unless pending appeal, then retain 1 year after appeal period	-----
Notices of Violation and Orders	10 Years	-----
Text of changes adopted in regulations	Continuous Update	-----
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.

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