

TOWN OF SCOTLAND

INLAND WETLANDS AND WATERCOURSES COMMISSION BYLAWS

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1.0 PURPOSE AND AUTHORIZATION

- 1.1 Objectives and purposes of the Inland Wetlands and Watercourses Commission of the Town of Scotland (Commission) are those set forth in Chapter 440, Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended, and those powers and duties delegated to the Commission by the aforementioned statutes and by ordinance adopted on May 21, 1974, and November 21, 2001, by the Town of Scotland (the Town). The Commission may also be delegated the responsibility of protecting other water resources in the Town of Scotland under another authorizing Ordinance.

2.0 NAME OF THE COMMISSION

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

3.0 OFFICE OF THE COMMISSION

- 3.1 The office of the Commission shall be the Town Office Building at 9 Devotion Road (Route 97), Scotland, Connecticut 06264, where all Commission records will be kept. Copies of all official documents, records, maps, etc., will be filed in the Town of Scotland Building Department. Minutes and Motions will be recorded in the Town Clerk's Office.

4.0 MEMBERSHIP

- 4.1 The membership and the terms of membership shall be as specified in the above stated ordinance establishing the Commission and the aforementioned general statutes. The Commission shall be composed of five (5) regular members and three (3) alternates appointed in the manner provided in the Town Ordinance.
- 4.2 Vacancies in the Commission's membership shall be filled by the procedure prescribed in the ordinance establishing the Commission.
- 4.3 Resignations from the Commission shall be in and transmitted to the Selectman, who will then forward the correspondence to the Chairperson.
- 4.4 Following a two-thirds vote, the Chairperson may recommend to the executive officer of the Town the removal of any member who misses more than three consecutive meetings or six meetings in a calendar year.
- 4.5 The Freedom of Information Act, Chapter 14 of the Connecticut General Statutes, as amended, provides the public with rights of access to records and meetings of public agencies. Members and staff of the Commission shall familiarize themselves with this Act. The Freedom of Information Act can be accessed at <https://portal.ct.gov/FOI> or by requesting a copy from the Freedom of Information Commission, 18-20 Trinity Street, Hartford, Connecticut 06106.
- 4.6 The Wetlands and Watercourses Act, Chapter 440 of the Connecticut General Statutes, as amended, established a land use regulatory process which considers the environmental impacts of proposed development activities. Members and staff of the Commission shall familiarize themselves with this Act. The Wetlands and Watercourses Act can be accessed at https://www.cga.ct.gov/current/pub/chap_440.htm or by visiting the local library to view the Connecticut General Statutes publications.
- 4.7 The Inland Wetlands and Watercourse Regulations of the Town of Scotland, as amended, provides the public with the regulations that the Commission shall implement and enforce for the purposes and provisions of the Inland Wetlands and Watercourses Act, as amended. Members and staff of the Commission shall familiarize themselves with these regulations. The Inland Wetlands and Watercourses Regulations of the Town of Scotland can be provided for a fee from the Town Clerk's Office located at Town Office Building, 9 Devotion Road, Scotland, Connecticut 06264.

5.0 OFFICERS AND THEIR DUTIES

- 5.1 The Officers of the Commission shall consist of a Chairperson, a Vice Chairperson, and a Secretary.
- 5.2 The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall have the duty 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 Chairperson shall have the privilege of discussing all matters before the Commission and of voting thereon.
- 5.4 In absence of the Chairperson, the Vice Chairperson shall preside and have all the powers and duties of the Chairperson as stated in these bylaws.
 - a. In the event that the Vice Chairperson is acting Chairperson at the start of the meeting, he or she shall remain as acting Chairperson throughout the entire meeting.
 - b. In the event that both Chairperson and Vice Chairperson are absent at the start of the meeting, the Secretary may be elected as acting Chairperson for the meeting by a majority vote of those members present.
 - c. In the event that the Chairperson, Vice Chairperson, and Secretary are absent at the start of a meeting, any regular member may be elected as acting Chairperson for the meeting by a majority vote of those Commission members present.
- 5.5 In the absence of the Secretary due to illness, personal or disqualification reasons, the Chairperson shall appoint a secretary pro tempore.

6.0 STAFF AND THEIR DUTIES

6.1 The Commission may appoint a Duly Authorized Agent to carry out specific functions and duties as prescribed by the Commission and as described in Section 12 of the Inland Wetlands and Watercourses Regulations of the Town of Scotland, provided the prospective Duly Authorized Agent has completed the comprehensive training program developed by the Commissioner of the Connecticut Department of Energy & Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Duties may include, but are not limited to, the approval or extension of a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses. The Duly Authorized Agent, hereafter referred to as the Wetlands Agent, shall:

- a. Prepare the agenda of regular and special meetings under the direction of the Wetlands Agent and Chairperson, or in the absence of the Chairperson, the Vice Chairperson.
- 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 Recording Secretary, who shall circulate it to the members of the Commission.
- d. Provide notice of all meetings to Commission members, alternates and staff.
- e. Distribute meeting minutes to Commission members, alternates and staff.
- f. Publish notice of all Commission decisions in a newspaper with substantial circulation in the municipality and in the case of denial, the reason for the denial within fifteen (15) days of the date of the decision.
- g. 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, on form Summary Ruling, by certified mail, return receipt requested.
- h. Attend all meetings of the Commission to take the minutes and an audio recording of each meeting.
- i. Prepare the minutes of each meeting and correct the minutes when required.
- j. Prepare and maintain a file for each application received which shall contain all relevant information, including but not limited to: Town of Scotland Inland Wetlands and Watercourses Commission – Application for Permit, site plans and supporting documentation; record of fees submitted; copy of agenda(s), motion(s) and minute(s); copy of Statewide Connecticut Department of Energy & Environmental Protection Inland Wetlands Activity Reporting Form, copy of Summary Ruling and actual certified mail receipts; actual newspaper reporting the Legal Notice(s); all

documentation must be initialed, dated and identified with the application number as of the submission date.

- k. Advise the Commission on additional requirements, fees and/or necessary professional reviews to process and act on the applications.
- l. Enforce compliance to the Inland Wetlands and Watercourses Regulations of the Town of Scotland.
- m. Assists the Commission with development of or amendments to the Inland Wetlands and Watercourses Regulations of the Town of Scotland and the Commission bylaws.
- n. Appears at court proceedings by order of the court or at the direction of Town Council or the Commission.
- o. Provide an Administrative Report at each Regular Meeting held by the Commission. Such report shall consist of a list and description of all rulings and activities performed.

7.0 ELECTION OF OFFICERS

- 7.1 The December meeting 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.

8.0 MEETINGS

- 8.1 Regular meetings shall be held on the first Tuesday of each month at 7:00 p.m., 9 Devotion Road, Scotland, Connecticut 06264 or held Remotely unless rescheduled by the Commission, and the agenda shall be filed in the office of the Town Clerk and on the Official Town of Scotland Web Site 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 unless otherwise scheduled in the yearly calendar. If it shall be unsafe to meet in the place designated, the meeting may be held at such place as is designated by the Chairperson, 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 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 three (3) 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. Recording Secretary shall give notice of the special meeting not less than 24 hours in advance of the 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 members for an executive session.
- 8.5 Executive sessions closed to the public shall be limited to types of discussions specified in the Connecticut Freedom of Information Act, Chapter 14 of the Connecticut General Statutes, as amended, including but not limited to:
 - 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, Robert's Rules of Order shall govern the proceedings at all Commission meetings.
- 8.7 Alternate members 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 in rotation so that they shall act as nearly equal a number of times as possible.

- 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 (motions) actions 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 Chairperson may, at his or her discretion or upon written request of three (3) or more Commission members, cancel the meeting or postpone the meeting to the next business day or day agreed upon by a majority of members present provided that the applicants can be given at least five (5) business days' notice of such change or cancellation.
- 8.11 Site walks or field meetings that two (2) 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.

9.0 ORDER OF BUSINESS

9.1 Objectives Unless otherwise determined by the Chairperson, the order of business at regular meetings shall be:

1. Call to Order
2. Roll Call / Seating of Alternates
3. Additions or Changes to the Agenda
4. Approval of Minutes
5. Citizens' Participation
6. Unfinished Business
7. New Business
8. Correspondence to the Commission
9. Staff Report
 - A. Authorized Agent
 - B. Monthly Zoning / Wetlands Report
10. Commission Open Discussion
11. Adjournment

10.0 PUBLIC HEARINGS

- 10.1 Regulations for Public Hearings must be adhered to in accordance with Section 9 of Inland Wetlands and Watercourses Regulations of the Town of Scotland, and Chapter 124, Section 8-7d. of the Connecticut General Statutes, as amended.
- 10.2 Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to date and place certain) where necessary for the full development of evidence, for the full participation of the parties, or for such other substantial purposes, provided that the public hearing shall be completed within thirty-five (35) 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 notification to interested parties.

11.0 CONDUCTING THE PUBLIC HEARING

- 11.1 The Wetlands Agent shall take the evidence, and 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.
- 11.2 The Chairperson of the Commission shall preside at the Public Hearing. In the event of his or her absence, the Vice Chairperson shall act as presiding officer.
- 11.3 The Wetlands Agent shall read the legal notice and state the dates and newspaper(s) in which the legal notice appeared.
- 11.4 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 the hearing. In any event, the Commission members shall have the privilege of speaking first. The Chairperson shall describe the method of conduct of the hearing.
- 11.5 The Chairperson 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 members 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 Chairperson only after the speaker has been properly recognized by the presiding officer.
- 11.7 All person 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.

12.0 THE HEARING AND RECORD

12.1 The hearing record shall consist of the following:

- a. The tape recording of the hearing,
- b. The transcript or the minutes of the hearing,
- c. All physical evidence and material received, including but not limited to, Town of Scotland Inland Wetlands and Watercourses Commission – Application for Permit, site plans, legal documents, reports, photographs, etc.

12.2 All physical evidence and material 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.

13.0 EX PARTE COMUNICATIONS

13.1 Members of the Commission shall not engage in *ex parte* communications 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.

14.0 CONFLICTS 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 matter or matters in which the disqualification arose.

15.0 COMMITTEES

15.1 Committees may be appointed by the Chairperson for purposes and terms that the Commission approves.

16.0 EMPLOYEES

16.1 Within the limits of the funds available for its use, the Commission may recommend to the Selectman the employment of such staff personnel as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the entire membership. The Chairperson of the Commission may employ personnel and retain consultants upon the approval of the majority of the Commission members. The Chairperson may be authorized to sign contracts for employment.

17.0 PUBLIC RELATIONS

- 17.1 The Chairperson 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 I through 19, 1, W, 20, 1-21 of the Connecticut General Statutes, as amended.

18.0 RECORDS RETENTION

18.1 The Commission and the Town Clerk shall complete administrative records of the Commission actions and dispose of such records in accordance with the guidelines set forth by the Office of the Public Records Administrator of the State of Connecticut Library (in the Records Retention and Disposition Schedule).

19.0 AMENDMENTS

19.1 These bylaws may be amended by two-thirds vote of the Commissions 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.

20.0 EFFECTIVE DATE

20.1 These bylaws are effective upon filing in the Office of the Town Clerk.

21.0 DISCLOSURE STATEMENT

21.1 These bylaws are intended to provide internal procedures of the Commission and do not supersede any Town of Scotland ordinance or charter, Inland Wetlands and Watercourses Regulations of the Town of Scotland, or any regulation presented in the Connecticut General Statutes. In the event a conflict arises, these bylaws shall be amended immediately.