

TOWN OF RIDGEFIELD

**BY-LAWS
ADOPTED BY IWB AT MEETING ON 1/23/20**

ARTICLE I **PURPOSE AND AUTHORIZATION**

Sec. 1 Inland Wetlands Board
The objectives and purpose of the Inland Wetlands Board are set forth pursuant to the authority granted with all powers and duties specified in Connecticut General Statutes Sections 22a-36 to 22a-45.

Sec. 2 Aquifer Protection Agency
The objectives and purpose of the Aquifer Protection Agency are set forth pursuant to the authority granted with all powers and duties specified in Connecticut General Statutes Sections 22a-354o. Powers and duties have been assigned to members of the Inland Wetlands Board as per Town vote on November 5, 2019.

ARTICLE II **NAME**

Unless otherwise specified, for the purpose of these by-laws the word “Board” shall include the Inland Wetlands Board and the Aquifer Protection Agency.

ARTICLE III **OFFICE OF AGENCY**

The office of the Inland Wetlands Board shall be at the Town Hall Annex (66 Prospect Street) where all records of the Board will be kept. Copies of all official documents, records, maps, etc., will be filed or recorded in the office of the Town Clerk.

ARTICLE IV **MEMBERSHIP**

The membership and terms of office shall be as specified in the above ordinances, as amended, and the aforementioned General Statutes.

ARTICLE V **OFFICERS AND THEIR DUTIES**

Sec. 1 The officers of the Board shall include a Chair, a Vice-Chair and a Secretary. They shall be elected from among the membership. The Vice-Chair may be elected to serve as the Secretary.

Sec. 2 The Chair of the Board shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chair of the Board shall have the authority to appoint committees with the advice and consent of the membership; to call special meetings; and generally perform other duties as may be prescribed in these By-Laws.

Sec. 3 The Vice Chair and/or the Secretary shall act for the Chair in his or her absence and have the authority to perform the duties prescribed for that office.

ARTICLE VI ELECTION OF OFFICERS

Sec. 1 An annual election of officers shall be conducted in election years at the first meeting attended by newly sworn members and in non-election years at the first meeting in December. During said meeting, these By-Laws may be reviewed and/or revised and any revision acted upon shall be so noted in the minutes of the Board.

Sec. 2 Vacancies in office shall be filled by regular election procedure as prescribed in the ordinance establishing the Board.

Sec. 3 Resignations from the Board shall be transmitted to the Chair, who will then forward same to the First Selectman of the Town and to the Town Clerk.

ARTICLE VII MEETINGS

Sec. 1 Regular meetings of the Board shall be held in accordance with a schedule approved by the Board in December for the ensuing calendar year. The schedule, including time for the meetings, shall be filed in the Office of the Town Clerk. In the event of conflict or unanticipated events or other circumstances, the scheduled meetings may be changed provided that notice of such change is filed in the Office of the Town Clerk and that a copy of the notice is sent to each member.

Special meetings may also be scheduled for the purpose of inspecting properties that are the subject of applications; or for the purpose of holding required public hearings; or for the purpose of other special unanticipated events.

Sec. 2 The date of receipt of a petition, application or request is determined by the Statutes.

Sec. 3 A majority of the voting membership shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of members present, unless otherwise provided by State law.

Sec. 4 Unless otherwise specified, the conduct of meetings shall be guided in accordance with the parliamentary procedures described in the latest version of the Robert's Rules of Order.

ARTICLE VIII DISQUALIFICATION

Sec. 1 No member of the Board shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Board. No

member of the Board shall participate in the hearing or decision on any matter in which he is directly or indirectly interested in a personal or financial sense. The reasons for and fact of such disqualification shall be entered on the records.

- Sec. 2 Members of the Board are expected and are encouraged to attend and to participate to the extent necessary at public hearings in connection with matters pending before it. In the event that a member was absent or has not fully attended a public hearing, said member shall disqualify himself or herself from participating in the decision regarding such public hearing matter unless he or she becomes fully familiar with all material connected with the application and the public hearing held thereon.

ARTICLE IX HEARINGS

- Sec. 1 All public hearings prescribed by law shall be held in accordance to the requirements set forth for such hearings in chapter 440 of the Conn. General Statutes.
- Sec. 2 The matter before the Board shall be presented by the applicant or, if self-initiated, by a member of the Staff or of the Board, and parties in interest shall have the privilege of the floor.
- Sec. 3 The full proceedings shall be recorded by a sound-recording device at each hearing. Proceedings of the hearing shall be incorporated into the minute book to be a permanent part of that record, or the recording shall be retained in the office in accordance with the statutes and guidelines of record retention.

Public hearings may be held at the Town Hall Annex or, depending on the circumstances or the anticipated audience, at any other public Town building.

ARTICLE X CONDUCTING THE PUBLIC HEARING

- Sec. 1 The Chair or the acting Chair shall be the presiding officer at the public hearing. In the event of his/her absence, the Vice Chair and/or the Secretary, or a duly appointed member shall act as Chair.
- Sec. 2 A Staff member or Chair's designee shall read the legal notice, including dates of publication and name of newspaper in which the notices appeared, and the list of documents into the record.
- Sec. 3 The applicant or, in the case of self-initiated items, a member of the Staff, shall present the application to the extent necessary. Comments shall be limited to the subject advertised for hearing. The Chair shall describe the method of conduct of the hearing.
- Sec. 4 It shall be made clear at the hearing that all questioners shall direct questions to the Chair only after being properly recognized by the Chair.

- Sec. 5 Each person commenting or questioning an application shall first state their name and address. Anyone may appear in person or by agent; however, any agent must state his name and address and the name and address of the person or persons they represent.
- Sec. 6 The Chair shall assure an orderly hearing and shall take the necessary steps to maintain the order and decorum of the hearing at all times. The Chair shall reserve the right to terminate the hearing in the event the discussion becomes unmanageable.
- Sec. 7 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 during ensuing deliberations.

ARTICLE XI EMPLOYEES

The Board may employ such staff personnel and/or consultants necessary, or may direct the staff or Inland Wetlands Agent to do the same to aid its work.

Where there is a Director of Planning and Zoning, he/she may be authorized by the Board to employ personnel, to retain consultants and to incur routine office expenditures all within the limits of the appropriations.

The Director of Planning and Zoning shall keep the minutes and records and, with the assistance of such staff as available, shall prepare the agenda of regular, special, and emergency meetings and provide notice of all meetings to Board members, arrange proper and legal notices of hearings, attend to all correspondence and such other duties as are normally carried out by a Secretary.

ARTICLE XII PUBLIC RELATIONS

The Chair or a duly appointed member or the Director of Planning and Zoning shall act as public relations or publicity director. His/her duties shall include the preparation of all news releases to be distributed to the communications media.

ARTICLE XIII VOTING BY PROXY

Written proxies may not be submitted; no vote by proxy is authorized.

ARTICLE XIV AMENDMENTS

These By-Laws may be amended by a two-thirds (5 out of 7) vote of the voting membership of the Board only after the proposed change has been read and discussed at the previous regular meeting, except that the By-Laws may be changed at any meeting by the unanimous vote of the entire voting membership of the Board.

ARTICLE XV INLAND WETLANDS BOARD

- Sec. 1 Powers and Duties
The Inland Wetlands Board is composed of seven members and is governed by the Board's By-Laws as defined in Articles I through XIV hereto above. The Inland Wetlands Board acts pursuant to the authority granted by Sections 22a-36 to 22a-45, inclusive, of the General Statutes

of the State of Connecticut.

Sec. 2 Agent for the Inland Wetlands Board

The Agent shall have the powers and duties to administer and enforce the Inland Wetlands and Water Courses Regulations of the Town of Ridgefield as permitted by Statute.

ARTICLE XVI AQUIFER PROTECTION AGENCY

Sec. 1 Powers and Duties

The Aquifer Protection Agency is composed of the members of the Inland Wetlands Board and is governed by the Board's By-Laws as defined in Articles I through XIV hereto above.

Sec. 2 Agent for the Aquifer Protection Agency

The Inland Wetlands Agent shall act as Agent for the Aquifer Protection Agency. The Agent shall have the powers and duties to administer and enforce the regulations that may be promulgated by the Agency.

BY-LAWS OF THE RIDGEFIELD INLAND WETLANDS BOARD AND AQUIFER PROTECTION AGENCY

ADOPTED: January 23, 2020

APPENDIX "A"

1. Minutes to be taken at hearings.

Minutes at hearings should be particularly brief for they are supported by tapes.

The minutes should consist then of the following:

- a. Title of Hearing Matter (same as final Agenda)
- b. Introduction by Chair and brief notation of date or dates and name of newspaper in which legal notice(s) appeared.
- c. If the hearing is by applicant, the minutes should contain the names of parties appearing on behalf of applicant such as professional engineer, surveyor, architect, etc.

If the hearing is self-initiated, the minutes should reflect the name of the Board spokesman.

d. Under paragraphs reading:

“The Chair invited questions of fact by Board members”

“The Chair invited questions of fact by the Public”

“The Chair invited presentations against the proposal”

“The Chair invited presentations in favor of the proposal”

.....there should be listed, persons speaking to the particular point; if no one speaks

to any one or more of the points, the minutes should reflect it.

- e. The final notation on the minutes should read:
“Hearing no further comments, the Chair adjourned the hearing at XX
P. M.”.

2. Minutes to be taken during deliberations.

These minutes must clearly reflect reasons for action and conditions of approval or modifications.

The minutes should reflect the following:

- a. Title of Item under discussion (from Agenda)
- b. Summary of Application (by Chair, Secretary of the Board or staff member)
- c. Motion - Optional
At this point, the Chair invites a motion from the floor regarding the subject under deliberation.
It is suggested that the motion be fully stated for the recording secretary.
- d. Summary of Deliberation

This is the most critical aspect of the deliberation process and it is the process contents the courts review to reach a judgment in case of contest. The Chair invites deliberation. As each member speaks, a notation is taken of the salient point expressed by the speaker. At the end of the deliberation process, the Secretary of the Board, the Chair, the staff member, or the Recording Secretary submits a summary of the salient points. Board members consent on the summary of salient points and the Recording Secretary records the summary together with any revision made during summary review. Final points for acceptance or denial are acted upon by the Board. When deemed proper, the Chair ends deliberation.

- e. Motion - Optional
At this point, the Chair invites a motion from the floor regarding the subject under deliberation.

It is suggested that the motion be fully stated for the recording secretary.

- f. Votes

The minutes should clearly reflect the names voting “ayes” and “nays”.

3. Minutes to be taken during self-initiated Board matters

These minutes reflect actions on items initiated by the Board. These items are placed on the final Agenda to invite deliberation or instructions to the staff, thus the minutes should reflect the following:

- a. Title of Item under Discussion (from Agenda)
- b. Summary of Item (by Chair, Secretary, or staff member)
- c. Motion - Optional

Similar to procedure for item 2. c.

d. Summary of Deliberation

This should be essentially the same as for deliberation on applications.

It must be remembered, however, that the staff is looking for specific items to effect revisions, corrections or deletions. The summary should be clear and concise.

e. Motion - Optional

Similar to procedure for item 2.c.

f. Votes

If a vote is forthcoming, the minutes should reflect the names voting “ayes” and “nays”.

ADOPTED: January 23, 2020