

Town of Woodstock
By-Laws
Inland Wetlands and Watercourses Agency

Revised March 6, 2023

1. **Purpose and Administration**

The objectives and purposes of the Town of Woodstock Inland Wetlands and Watercourses Agency 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 Woodstock Inland Wetlands and Watercourses Agency by the aforementioned statutes and by ordinance enacted on by the Town of Woodstock. The Town of Woodstock Inland Wetlands and Watercourses Agency may also be delegated the responsibility of protecting other water resources in the Town of Woodstock under other authorizing ordinances.

2. **Name of Agency**

The Agency shall be known as the Town of Woodstock Inland Wetlands and Watercourses Agency, hereafter called "Agency".

3. **Location and Records**

The office of the Agency shall be the Building Office, located in the Town Office Building, where all Agency files will be kept, including audio recordings of meetings. Minutes and other official documents will be filed and recorded in the Office of the Town Clerk as required by the Freedom of Information Act. The destruction of records requires the advanced approval of the Agency and will follow the requirements guidelines set forth by the Public Records Administrator for the State of CT.

Commented [MB1]: What is the official name of the office "Land Use Office"? Need direction from the Selectman's Office as to what the official name of the room where the IWWA records are to be kept.

4. **Membership**

- a. The Agency shall consist of five (5) members and two (2) alternate members.
- b. Terms and vacancies for the Agency are prescribed in the Town of Woodstock Special Acts and Ordinances, page 19, Section 2.
- c. Resignation from the Agency shall be in writing and transmitted to the Chair, who will then forward it to the First Selectman.
- d. The Chair may recommend to the First Selectman the removal of any member who misses more than three consecutive meetings, following a two-thirds vote of the Agency.
- e. No regular member or alternate member of the Agency shall sit as a member or alternate member of the Planning and Zoning Commission.
- f. Any regular or alternate member acting on matters where they were absent must affirm that they have listened to the official recording of the meeting or part thereof relating to the matter pending before the Agency. Reading of the minutes does not qualify as a substitute for listening to the official recording.

5. **Officers and Duties**

- a. The officers of the Agency shall consist of a Chair, Vice Chair and Secretary.
- b. The Chair shall preside at all meetings and hearings of the Agency and shall have the duties normally conferred by the parliamentary usage on such officers. The Chair shall have the authority to appoint committees, certify expenditures of funds up to \$100 without prior approval of the Agency, call special meetings, and generally perform other duties as may be prescribed in these by-laws.
- c. The Chair shall have the privilege of discussing all matters before the Agency and of voting thereon.
- d. In the absence of the Chair, the Vice Chair shall preside and have all the powers and duties of the Chair as stated in these by-laws.
 - i. In the event that the Vice Chair is acting Chair at the start of the meeting, he or she shall remain as Chair throughout the entire meeting.
 - ii. In the event that both Chair and Vice Chair are absent at the start of a meeting and a quorum is present, the Secretary shall be designated as acting Chair throughout the entire meeting. This will maintain the continuity of the meeting in case any legal issues occur.

6. **Staff and their Duties**

- a. The Agency may appoint, by a majority vote of members present, a duly authorized wetland's agent (hereafter referred to as "the Wetlands Agent") to carry out specific functions and duties as prescribed by the Agency. These duties shall include:
 - i. Making determinations of regulated activities, except those identified in Section 4 of the Agency's regulations, and issuing wetland's agent approvals, provided the duly authorized agent has given proof of completing the comprehensive training program developed pursuant to Section 22a-39(l) of the CT General Statutes;
 - ii. Issuing notices of violation and enforcement orders;
 - iii. Making permit compliance inspections and;
 - iv. Investigating complaints.
- b. The Wetlands Agent ~~duly authorized agent~~ shall make a report to the Agency at its regular meetings. Such report shall consist of a list and description of all determinations/approvals and activities performed.

c. Any determination or approval made by the Wetlands Agent ~~duly authorized agent~~ is subject to appeal and/or final approval by the Agency.

~~d.~~ The Agency shall have a Wetlands Agent and/or town staff assigned to administratively assist the Wetlands Agent and Agency (hereafter referred to as "Clerk") ~~clerk who~~ shall keep the records of the Agency as required by law.

~~e.~~ Neither the Wetlands Agent nor the Clerk nor any other town staff shall dispose of any Agency records that may be authorized by the Public Records Administrator for the State of CT without a prior majority vote of the Agency authorizing such disposal.

7. Election of Officers

- a. The February meeting shall be an annual organization meeting, at which time officers will be elected and by-laws 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.
- b. Nominations shall be made from the regular members at the annual organization meeting and election of officers shall follow immediately thereafter. Nominees must be present or have submitted a letter of acceptance for a position prior to being elected.
- c. A candidate receiving a majority vote from the entire membership of the Agency shall be declared elected and shall serve for one year beginning at the next regularly scheduled meeting and shall serve until his or her successor takes office.
- d. Vacancies in offices shall be filled by regular election procedure.

8. Meetings

- a. Regular meeting shall be held on the first Monday of each month at 7:00 p.m. either in the Town Hall or virtually via ZOOM or in a hybrid format via ZOOM, unless otherwise scheduled by the Agency, 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 a regular meeting falls on a holiday, such regular meeting shall be scheduled to an alternative date. The annual schedule of upcoming meetings will be decided at the November regular meeting.
- b. A simple majority of the full voting membership of the Agency shall constitute a quorum, and the number of votes necessary to transact business shall be three (3) seated members, which constitutes a majority of member of the Agency.
- c. 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 Wetlands Agent, in consultation with the Chair, 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.

- d. All Agency meetings shall be open to the public unless closed by a two-thirds vote of an Agency quorum present for an executive session made in accordance with the Connecticut Freedom of Information Act.
- e. The Chair shall be the presiding officer governing the proceedings at Agency meetings.
- f. Unseated alternates may take part in Agency discussions but shall not vote except for election of officers. Alternates shall be seated as regular members in alphabetical order by last name on a rotating basis.
- g. The Chair may, at his or her own discretion or upon written request of three or more members of the Agency, cancel the meeting.
- h. Unless otherwise specified in the Connecticut General Statutes or these by-laws, Newly Revised Robert's Rules of Order shall govern the proceedings of the meetings of the Agency.

9. **Order of Business**

- a. Unless otherwise determined by the Chair, the order of business at regular meetings shall be:
 - i. Call to Order
 - ii. Roll Call
 - iii. Appointment of Alternates (if necessary)
 - iv. Action on minutes of previous meetings
 - ~~iv-v.~~ **Citizen Comments**
 - ~~v-vi.~~ Pending Applications
 - ~~vi-vii.~~ New Applications
 - ~~vii-viii.~~ Administrative Business¹
 - ~~viii-ix.~~ Citizen's comments
 - ~~ix-x.~~ Adjournment
- b. Business not on the agenda may be added at a meeting by a unanimous vote of the members present.
- c. Persons wishing to speak about anything, other than a pending or recently ruled application, can request they be added to the agenda.

Commented [MB2]: Since there is no restriction under Citizen Comments is this sentence really needed. Suggest deleting it.

¹ Subheadings under Administrative Business may include, as needed, Wetlands Agent Reports, Communications, Bills, Complaints, Investigations, Enforcement, Requests for Permit Extensions / Transfers, Election of Officers, Budget Requests and Other.

10. **Public Hearings**

- a. All public hearings shall be held in accordance with the applicable statutes and the Woodstock Inland Wetlands and Watercourses Regulations, as amended.
- b. A hearing shall be recorded by a sound-recording device at each hearing before the Agency. Agendas, minutes and legal notices of the hearings shall be incorporated into the minute book of the Agency to be a permanent part of the record.
 - i. Reports, documents and plans received at previous meetings shall be entered into the record of the public hearing.
- c. The Chair of the Agency shall preside at the public hearing. In the event of his or her absence, the Vice Chair shall act as presiding officer. In the event that the Chair, Vice Chair and Secretary are all absent at the start of a public hearing and a quorum is present, any regular member may be designated as acting Chair and remain as Chair throughout the entire hearing. This will maintain the continuity of the meeting in case any legal issues occur.
- d. The IWWA Wetlands Agent or the Clerk shall read the legal advertisement and note the dates and newspaper in which the advertisement appeared.
- e. 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 conduct of the hearing including a possible time limit for speakers and a sign-up procedure for speaking, if required.
- f. The Chair 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 Agency prevailing. Each group shall make its presentation in succession without allowing for the intermixture of pro and con comments.
- g. 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.
- h. 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.
- i. 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.

- j. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations during the regular meeting of the Agency. The polling of persons present at the hearing shall not be allowed on any general question presented to the Agency or applicant at the public hearing.

11. **Decisions**

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.

12. **Ex parte Communication**

Members of the Agency 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 Agency without the other parties having the opportunity to rebut or cross-examine is improper.

13. **Conflict of Interest and Disqualification**

No member or alternate member of the Agency shall participate in a hearing or decision of the Agency 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 Agency and a replacement shall be selected from alternate members to act as a member of the Agency in the hearing and determination of the particular matter or matters in which the disqualification arose.

14. **Committee**

Committees may be appointed by the Chair for purposes and terms that the Agency approves.

15. **Professional Assistance**

The Chair of the Agency may retain consultants upon the approval of the majority of the Agency. The Chair may be authorized to sign contracts for services as might be approved by the Agency and in accordance with the policies and procedures of the Town of Woodstock.

16. **Public Relations**

The Chair or a duly appointed member of staff shall act as a spokesman for the Agency. 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 Agency.

17. **Amendments**

These by-laws may be amended by a two-thirds (2/3) vote of the Agency's entire voting membership, only after the proposed change has been read and discussed at a previous regular meeting, except that the by-laws may be changed at any meeting by the unanimous vote of the Agency's entire voting membership.

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