



## **Town of Wilton, Connecticut**

### **Guide to Serving on a Town Board/Commission**

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November, 2023

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## INTRODUCTION

Congratulations on your election or appointment and thank you for your willingness to serve in Wilton's town government.

Our town government depends on the hard work and dedication of its Board and Commission volunteers. It is these very volunteers whose work and talents help make Wilton such a vibrant community.

Please carefully read the *Guide to Serving on a Town Board/Commission* and have it available during meetings (it is also available on [Town of Wilton website](#)). If you have any questions, please contact the Office of the First Selectman at (203) 563-0100 or [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org).

## **I. GENERAL**

### **Election/Appointment**

Individuals who have been **appointed** to a Board/Commission will receive an email confirmation from the Office of First Selectman. This confirmation will provide a link to the Code of Ethics and Freedom of Information Guidance and information on taking the Oath of Office and setting up a town email address. Questions regarding this email notification can be directed to the Office of the First Selectman at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org) or (203) 563-0100.

Individuals **elected** to a Board/Commission will receive confirmation from the Wilton Town Clerk. This confirmation will provide information on taking the Oath of Office, signing the Code of Ethics, and setting up a town email address. Questions regarding this email notification can be directed to the Wilton Town Clerk at [lori.kaback@wiltonct.org](mailto:lori.kaback@wiltonct.org) or (203) 563-0106.

### **Oath of Office and Code of Ethics**

The Town Clerk will administer the Oath of Office. Prior to taking the oath, all appointed members must certify that they have read the Code of Ethics and the Freedom of Information Guidance and will abide by both. All elected members must certify they will follow the Code of Ethics.

The objective of the Code of Ethics is to establish clear standards of ethical conduct for all who serve the Town of Wilton, whether in a paid or volunteer capacity, without discouraging participation in Town government by the talented and committed individuals on whose service the town relies. Specifically, the Code seeks to deter conduct that is incompatible with the proper discharge of duties in the public interest or that would impair independence of judgment or action in the performance of those duties. It is very important that all Board/Commission members read and understand the code.

Individuals who have been re-elected or re-appointed to a new term on a Board/Commission must be sworn in and re-sign the Code of Ethics for the new term of service.

### **CT Freedom of Information Act Statute**

The Freedom of Information Act (FOIA) is the State of Connecticut's "open government" law. It has provisions dealing with open meetings, public availability of documents, communications between board/commission members, and other important rules. All board/commission members must carefully adhere to the FOIA requirements. If a violation of the law is found, a board/commission could have its decision voided or a fine imposed.

In addition to the guidance provided, the Town holds training sessions, which allow board/commission members to ask questions. Past training session videos are available for viewing on the [Town of Wilton website](#). All board/commission members are expected to participate in training or watch prior training videos.

FOIA violations, whether intentional or not, can be burdensome for the Town and the board/commission involved. Complaints filed against a board/commission often result in a member of the board/commission and Town Counsel attending at least one FOIA Commission hearing in Hartford. This typically requires a full day's time.

### **Reappointments/Appointments to Fill Vacancies**

Members nearing the end of their term, who are interested in being reappointed should contact the Office of the First Selectman's at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org).

The Board of Selectmen is responsible for appointing all vacancies, except those on the Boards of Education, Board of Finance, and the Planning & Zoning Commission that are vacant for 30 days or less.

An **elected** town officer or Board/Commission member seeking re-election or who is interested in running for re-election should contact a political party for nomination or petition on the ballot as an unaffiliated candidate. Contact the Wilton Town Clerk for information on petitioning at [lori.kaback@wiltonct.org](mailto:lori.kaback@wiltonct.org).

### **Resignations**

An **elected** town officer or Board/Commission member who resigns before the end of his or her term must do so to the Wilton Town Clerk with an original signature letter (e-mail notification cannot be accepted). The Wilton Town Clerk is located at Wilton Town Hall, 238 Danbury Road, Wilton and can be reached by email at [lori.kaback@wiltonct.org](mailto:lori.kaback@wiltonct.org) or phone at (203) 563-0106

An **appointed** town officer or Board/Commission member who resigns before the end of his or her term should email the chairperson of the Board/Commission and the Office of the First Selectman (at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org)). The email should include an effective date for the resignation.

### **Communication**

Upon election/appointment, Board/Commission members will automatically be assigned a town email address by the Information Systems Department. This email address must be used for all appropriate non-public Board/Commission communications (e.g., administrative matters such as setting up a meeting or communicating with Town staff). No Board/Commission business (e.g., discussion and/or actions) should be conducted over email as per the Freedom of Information Act. Please note that all communications will become part of the public record and are subject to legal requirements for disclosure and retention.

Questions regarding a town email address can be directed to the Information Systems Department at (203) 563-0144 or email ([trackit@wiltonct.org](mailto:trackit@wiltonct.org)).

## **File Sharing and Cloud Computing Policy**

Please refer to Exhibit C for information on the Town's File Sharing and Cloud Computing Policy.

## **II. BOARD/COMMISSION ORGANIZATION**

### **Roles and Responsibilities**

The roles and responsibilities of a Board/Commission is usually defined by the Connecticut General Statutes, Town Charter, or both. In some cases there is a written Charge (a document that describes the formation/structure of the Board/Commission) approved by the Board of Selectmen.

The Town Charter is available on the Town of Wilton website at [www.wiltonct.org](http://www.wiltonct.org). To obtain a copy of a Charge, contact the Office of the First Selectman at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org) or (203) 563-0100.

### **Learn About a Board/Commission**

Check the Town of Wilton website ([www.wiltonct.org](http://www.wiltonct.org)) for overview information on a Board/Commission. Reviewing past Board/Commission minutes is also a convenient way to learn about past Board/Commission business.

### **Officers**

Each Board/Commission should annually elect a chairperson from among its members. Boards/Commissions may also choose to elect a vice-chairperson who can act in the absence of the chairperson and a secretary or clerk to be responsible for meeting minutes. Please refer to the Town Charter or Charge for specific officer election requirements.

Some Boards/Commissions have Alternate members who serve if a regular member is absent or has a conflict of interest. Please refer to the Town Charter or Charge for specifics on Alternates.

After an election, the Board/Commission should email a list of officers to the Wilton Town Clerk at [lori.kaback@wiltonct.org](mailto:lori.kaback@wiltonct.org).

### **Subcommittees, Special Committees and Task Forces**

A Board/Commission may need to appoint a subcommittee or task force of its own. Subcommittees and task forces, comprised of two or more people that work collectively to gather information and make a recommendation to the parent Board/Commission, must comply with all the requirements as laid out in the Freedom of Information Act. Refer to *Town of Wilton - Freedom of Information Act Overview* (Exhibit A).

To establish a subcommittee/taskforce, the chairperson of the Board/Commission must draft a Charge describing purpose of subcommittee/task force, composition of members, number of members, and length of terms. The charge and proposed membership for subcommittees of Boards/Commissions appointed by the Board of Selectmen must be presented to the Board of Selectmen for review and appointment.

### **Board/Commission Information Changes for Town Website**

The Information Systems Department will make any necessary changes to Board/Commission information on the Town of Wilton website. Please email changes to [trackit@wiltonct.org](mailto:trackit@wiltonct.org).

## **III. MEETINGS AND MEETING REQUIREMENTS**

Three types of meetings may be held: a regular meeting, a special meeting and an emergency meeting. A quorum is required for a meeting to be held. FOIA rules define what constitutes a meeting. Please read *The Town of Wilton - Freedom of Information Act (FOIA) Overview* (Exhibit A) for a comprehensive overview of the Freedom of Information Act and how it relates to the public's access to and the conduct of meetings of boards, commissions, committees, and subcommittees.

Robert's Rules of Order should be used as a guide to assist Board/Commissions in the conduct of meetings.

### **Meeting Public Notices, Agendas, Votes, and Minutes**

The FOIA requires the filing of certain documents with the Wilton Town Clerk within a specified time frame. The Town Clerk's Office is open Monday through Friday until 4:30 p.m. The following requirements are based on the FOIA and the Town Clerk Office Hours.

**Notice of Remote Public Access for a Regular Meeting (not special meeting or executive session)** must be emailed to all the members of the board/commission and to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) by at least 48 hours prior to the meeting or before 4:30 p.m. of two work days prior to the meeting date, whichever is earlier. This means for a Monday or Tuesday meeting, notice must be emailed by 4:30 p.m. on the preceding Friday. Notice must include the date, time, and Zoom link. An agenda, filed within the above deadlines, can serve as notice.

**All Regular and Special Meeting Agendas** must be sent to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) at least 24 hours in advance of a meeting or before 4:30 p.m. of the business day prior to the meeting for recording and posting by the Town Clerk. This means agendas for a Monday meeting or a Tuesday meeting following a Monday holiday must be filed by 4:30 p.m. on the preceding Friday. Agendas must include the date, time, location and/or Zoom link, if public is to access the meeting remotely or the in-person location, if the public is to access the meeting in-person or both if both methods are available to the public, and the matters for which action or discussion will occur. Agendas are expected to be concise, but descriptive enough that the public can understand the topics being considered. Agendas of regular meetings should provide

an opportunity for public comment. General catchalls, such as New Business or Additional Items, are not appropriate for agendas.

Additions to the published agenda of a regular meeting can be made during the meeting by a two-thirds vote of the members present. **No changes can be made to the published agenda of a special meeting.**

Any change to the published time or in-person location for a meeting must be noticed by posting a sign at the original time and in-person location of the meeting. Generally, a change in location should only occur within the same building. Any change to the published time of a remote accessed meeting must be 1. Noticed on the Town of Wilton website and 2. Noticed by opening the meeting on the published link at the scheduled time and placing on the screen a notice of the new time and link.

A **Record of Meeting Votes** (motion and vote tally stating Commissioner names and how they voted) must be sent to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) within 48 hours of a meeting for recording by the Town Clerk. Note: If Meeting Minutes (including a record of meeting votes) are sent within 48 hours of a meeting, a separate record of Meeting Votes is not necessary).

**Meeting Minutes** must be sent to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) before 4:30 p.m. within 7 calendar days of a meeting for recording by the Town Clerk. Minutes are expected to provide basic information about the meeting. They are not expected to be a transcript of all that was said or transpired at the meeting. Meeting minutes must include at a minimum the attendees (present and absent and method of attendance), motions, and votes (stating Commissioner names and how they voted).

*Sample Agenda, Meeting Votes, and Meeting Minutes* documents can be found in Exhibit B.

Regulated Boards/Commissions must follow specific legal guidelines in the preparation of agendas, meeting votes, and meeting minutes. Town staff typically handle the preparation and submittal of these documents.

**Notice of meeting cancellation** should be sent to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) for recording by the Town Clerk and posted at the meeting location. For meetings with remote public access, the notice should also be posted on the Town of Wilton website.

As required by State Statute, a schedule of Regular Meetings (meetings whose times, dates, and places do not typically change) must be sent to [minutesandagendas@wiltonct.org](mailto:minutesandagendas@wiltonct.org) by January 31 for the ensuing year. Any subsequent meeting held that is not on this list is considered a special meeting.

## **Meeting Location**

Meetings with remote public access should be held in Room 31 of the Comstock Community Center or another room within the Center. Room 31 has stationary equipment to allow for remote broadcast. The Center also houses a mobile unit for use in other rooms. In-person only meetings



should occur at locations that are open and accessible to the general public, such as the Comstock Community Center. Meetings should not be held in private settings such as a private residence or buildings that are closed to the public.

For room availability/reservations at Comstock Community Center, go to [www.wiltonparksandrec.org](http://www.wiltonparksandrec.org), click on 'Register Now' to log into [e-Trak Recreation Software](#) to check room availability and make room reservations.

## **Recording of Meetings**

Recordings of meetings may be viewed on [www.wiltonct.org](http://www.wiltonct.org) or the Government Access Channel on Cablevision Channel 79. Video recordings of these meetings may be viewed on [www.wiltonct.org](http://www.wiltonct.org). Recordings of meetings with remote public access must be made available within 7 days of the meeting and must remain available for at least 45 days after the meeting.

## **IV. OTHER**

### **Press Inquiries**

In response to any press inquiries, only the Chairperson of the Board/Commission should speak on behalf of the Board/Commission. The Office of the First Selectman should also be notified of press inquiries by calling Jacqueline Rochester at (203) 563-0100 or email [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org).

### **Town Staff**

Board/Commission members who require the assistance of their associated Town Department should direct all inquiries to the Town Department Head. Town Department contact information is available on [www.wiltonct.org](http://www.wiltonct.org).

### **Town Counsel**

Board/Commission members who require the assistance of Town Counsel should contact the Office of the First Selectman by calling Jacqueline Rochester at (203) 563-0100 or email [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org).

## **V. FREQUENTLY ASKED QUESTIONS (FAQs)**

### **A. Can I share information with other board members using email outside of meetings?**

You can share for informational purposes, but include a request that members don't respond. Otherwise an email discussion of information may qualify as an unnoticed meeting.

### **B. What if a meeting doesn't have a quorum?**

Do not open or hold the meeting. The meeting should be rescheduled and noticed for a new date.

### **C. What if a meeting agenda wasn't filed on time with the Town Clerk?**

Do not open or hold the meeting. The meeting should be rescheduled and noticed for a new date.

### **D. Who decides whether the board/commission/committee meets in-person or remote via Zoom?**

This is a decision of the board members or the Chair.

### **E. Who decides whether meetings are required to be recorded on Zoom?**

Board of Selectmen.

### **F. Can board members attend in-person if the meeting is noticed as remote for the public?**

Yes. The notice on the agenda applies to the public only. Members can attend in-person or remote, but at least one member must be in-person if the agenda notices that the public is allowed in-person.

### **G. Can a board member vote on meeting minutes if s/he didn't attend the meeting?**

Yes.



**FREEDOM OF INFORMATION ACT OVERVIEW**

**TOWN OF WILTON**

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September 9, 2021

## **INTRODUCTION**

The Freedom of Information Act (the “FOIA”), Conn. Gen. Stat. §§1-200 through 1-241, inclusive, represents Connecticut’s commitment to open government and a strong policy in favor of public access to meetings and records. The laws concerning access to public meetings are strict and it is suggested that the Town of Wilton take a very conservative approach in the interpretation and implementation of those laws.

Subject to narrow exceptions, the FOIA mandates that the public has access to the meetings of public agencies. The following is an overview of the FOIA to the extent it relates to the public’s access to the meetings of boards, commissions, committees and subcommittees.

### **I. PUBLIC AGENCIES**

#### **What is a public agency?**

Conn. Gen. Stat. § 1-200 defines a public agency as any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, *including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official*, and also includes any judicial office, official, or body or committee thereof, but only in respect to its or their administrative functions.

Note that the definition of public agency includes any “committee” created by the public agency (i.e., a board or commission). Committees and subcommittees are subject to the same requirements of the FOIA.

### **II. MEETINGS**

#### **A. What is a meeting?**

1. A “meeting” means a hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. (Conn. Gen. Stat. § 1-200(2))

2. Note that a meeting does not include “an administrative or staff meeting of a single-member public agency.” For example, a staff meeting of the First Selectman is not a meeting.
3. Also note that a quorum of one public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the FOIA shall not be deemed to be holding a meeting.
4. “Subcommittee”: The definition of meeting includes any “committee” created by the public agency (i.e., subcommittee), so subcommittees created by any board or commission are subject to the same requirements.
5. A conference call or other communication by means of electronic equipment may constitute a meeting.
6. In general, there is a meeting anytime a quorum of a public agency convenes to discuss or act upon a matter for which it has responsibility. But note however, that the definition actually describes three kinds of gatherings that can constitute a meeting. The FOIC has viewed gatherings of less than a quorum to trigger FOIA requirements.

B. What isn't a meeting?

There are several statutory exclusions in the definition of “meeting.” They are:

1. Meetings of a personnel search committee for executive level employment candidates.
2. Chance or social meetings not for the purpose of discussing official business.
3. Strategy or negotiations with respect to collective bargaining.
4. Political caucuses.
5. An administrative or staff meeting of a single-member public agency (e.g. the First Selectman).

C. Do e-mail communications constitute a meeting under the FOIA?

Yes. If distributed among a quorum of the body and the communications relate to a matter over which the body has supervision, jurisdiction, control or advisory power.

Question: Could you ever properly conduct a meeting by email communications? The Commission has stated that it is unlikely that email communications among agency members would be able to be conducted in a manner that comports with the open meeting requirements of the FOIA because those persons interested in attending the meeting would not have the opportunity to hear or see the discussion and actions as they transpired at the meeting.

C. Participation by Electronic Means.

1. When can/should a member participate in a meeting by telephone/Skype or other similar means?
2. Agency should have a policy.
3. Consider pros and cons.

E. Types of Meetings; Notice of Meetings

The FOIA recognizes three types of meetings.

1. Regular Meetings are those for which the public agency must file a schedule with the Town Clerk by January 31 for the ensuing year. These are meetings whose times, dates and places do not typically change.

- Agendas must be available to the public at least 24 hours in advance.
- New business may be added to the agenda upon a 2/3 vote of the agency members present and voting.

2. Special Meetings are those not included on the list of regular meetings.

- Notice of the meeting, including the time and place and the business to be transacted must be filed with the Town Clerk at least 24 hours in advance. (Notice, as described, is the equivalent of an agenda.)
- No new business may be added.

- Must post special meeting agenda on the Town's website.
3. Emergency Meetings may be called in an emergency without advance notice (the term "emergency" will be strictly construed).
- The content of the meeting and any action taken is limited to the matter that required the emergency meeting.
  - Minutes must be filed with the Town Clerk within 72 hours.

Failure to follow proper procedures can result in voiding a public agency's action.

#### F. Board Quorum

1. There are no absolutely clear guidelines when less than a quorum meets.
2. Law and policy behind law seeks to avoid "fake public meetings" and doing public business in private.
3. One case, Windham v. FOIC, 48 Conn. App. 522 (1998), said simply that if there was no quorum, there is no meeting. But see differing view in Emergency Medical Services Comm. v. FOIC, 19 Conn. App. 352 (1989).
4. But see City of Meriden v. Freedom of Information Commission, 2021 WL 952887. Any gathering of less than a quorum of members of a public agency will only be a "meeting" if it is a "hearing or other proceedings," which requires express authority to take action on behalf of the public agency, whether:
  - By statute, regulation, ordinance, charter, bylaw, or other legal authority, or
  - By official resolution of the public agency. Footnote 7 seems to suggest that *implied* authority may be enough, but that *implicit* authority (being aware that the group exists and is meeting) is not enough.

### III. EXECUTIVE SESSIONS

- A. Notice must state reason. For example, if the executive session is to discuss litigation, the notice should state the name of the case.

A. Notice must state reason. For example, if the executive session is to discuss litigation, the notice should state the name of the case.

B. Allowed for:

1. Appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;

2. Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;

3. Security issues;

4. Discussion of the selection of a site or the lease, sale or purchase of real estate when public discussion would cause a likelihood of an increased price; and

5. Discussion of any matter which would result in the disclosure of certain other public records that are otherwise exempt from disclosure under Section 1-210 (e.g., certain police records).

C. There are specific requirements for conducting business in executive session:

1. Only agency members may attend, except for persons invited to testify or give opinion (attendance is limited to the time during which persons are providing testimony or opinion).

2. 2/3 of those members of the public agency present must vote at a public meeting to go into executive session. ***Must always convene in public to go into executive session, even if the meeting is only for an executive session.***

3. Must state the reasons for adjourning to executive session. It is not enough to simply recite the executive session exemption of the FOIA on which the public agency is relying. For example, it is not sufficient to simply state, "it is anticipated that the Board will go into executive session to discuss litigation." Based upon Freedom of Information Commission rulings and court decisions (see Lizotte v. Town of Enfield Planning and Zoning Commission, 1999 WL 72820; Durham Middlefield Interlocal v. FOIC, 1997 WL 491574), it is recommended that the notice specify the *name of the case* which is being discussed. For example, the Chairman



should state the following: “It is anticipated that the Board of Finance will go into executive session to discuss the case of Bloom v. Town of Wilton.” Adding the name of the case will more consistently follow the Act and the Commission’s rulings.

4. No action taken in executive session. Only discussion is permitted. Any votes are taken in open session.

5. No minutes are taken during executive session. Minutes are taken only during the public portion of the meeting. The minutes of the public meeting must include the vote to go into executive session; the reason for the executive session; and the names of the persons in attendance at the executive session. The minutes should also include what time the public agency convened to go into executive session and the time it adjourned and resumed the meeting in public.

#### **IV. PARTICIPATION BY ELECTRONIC MEANS**

1. When can/should a member participate in an agency meeting by telephone/Skype or other similar means.

2. Agency should have a policy.

3. Consider pros and cons.

#### **V. MISCELLANEOUS MEETING REQUIREMENTS**

##### **1. Agendas**

The FOIA doesn’t provide any clear guidance as to the level of detail that is required in an agenda. However, the agenda should adequately identify the business to be transacted and the date, time and place. If possible avoid items such as:

- “Other business” or “new business” without specific items listed beneath those headings.
- Do not use items above for special meetings (items cannot be added).
- When convening in an executive session is a possibility, the agenda should say “it is anticipated that the Board/Commission will go into executive session” and list the potential exceptions for executive session as specifically as possible.

## 2. Minutes; Filing of Minutes

Generally, minutes must be available for public inspection with seven (7) days of the meeting to which they refer (Conn. Gen. Stat. § 1-225 (a)). Minutes should include, at a minimum, the following:

- When the meeting was convened and adjourned.
- Time and place of the meeting.
- Which member of the public agency were present and how they voted.
- Statement of each issue discussed or acted on.
- Purpose of any executive session and who attended.

Hard copies of the minutes must be maintained and filed with the designated person in the department which oversees the particular board, commission, committee or subcommittee.

For those boards, commissions and committees for whom the Town Clerk is not the custodian of the minutes, it is nevertheless recommended that a paper copy also be sent to the Town Clerk's office to be preserved in the Town's archives.

## 3. Votes

The votes (as distinguished from the meeting minutes) of all members of the public agency must be reduced to writing and be available for public inspection within forty-eight (48) hours of the meeting. The votes shall be recorded in the minutes of the session at which taken.

# VI. Rules Governing the Conduct of Public Meetings

1. Members of the public have the right to attend the open portion of all meetings. Members of the public may not be required to register or sign in as a condition of attendance. The FOIA does not, by itself, give the public the right to participate in meetings.

2. Members of the public and the media have the right to record or broadcast meetings. However, the agency may, in advance, establish procedures for broadcasting.

3. If a member of the public creates a disturbance, the agency may remove him or her. If the disturbance persists the public agency may order the room cleared and continue in session. (The media, except any members participating in the disturbance, must be allowed to remain in attendance.)

4. Meetings may be adjourned to a specified time and place. Written notice of the time and place must be posted at the door of the place of the adjourned meeting within 24 hours of the time of adjournment. If a hearing is continued within 24 hours, posting at the place of the adjourned meeting must be immediate.

## **VII. E-MAILS AND VOICE MAIL**

The Freedom of Information Commission ("FOIC") has issued a "Proposed Declaratory Ruling #94 (Email and Voice Mail)" including retention policies ("Report"). It met with so much resistance in Hartford that it was never issued in final form. Nevertheless, we use it as a guideline.

The report identified four issues for attention. These issues and the posited responses follow:

A. Are e-mail and voice mail communications public records?

ANSWER: If they relate to "the conduct of the public's business," they constitute public records.

"'Public records or files' means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method." C.G.S.A. § 1-200.

B. Do e-mail and voice mail communications need to be retained?

ANSWER: A qualified "yes" for a discreet period or permanently depending on content. E-mail and voice mail communications from state employees which have administrative, fiscal, legal or historical value should not be destroyed without reference to C.G.S.A. § 11-8a(c) which contains guidelines for disposition. The Town also follows state guidelines for retention.

The Office of Public Records Administrator ("PRA") has written (General Letter 98-1, June 1, 1998) that e-mails generally fall within three broad categories: transitory messages, i.e., casual/routine communications similar to telephone conversations (may be immediately deleted); emails with less than permanent retention period (retained in accordance with established policy); and emails with a permanent or permanent/archival

retention period (retained in hard copy). The PRA concluded that voice mail is "transitory in nature." Most may be deleted at will unless the message "may be potentially used as evidence in a trial, such as a bomb threat, or in some other illegal activity."

C. Is the public entitled to access e-mail and voice mail communications upon request?

ANSWER: Yes, to the same extent as any other public record.

D. Do e-mail and voice mail communications constitute a meeting under the FOI Act?

ANSWER: Yes, they may. If distributed among a quorum of the body and related to a matter over which the body has supervision, jurisdiction, control or advisory power, a meeting may have occurred. Even individual back-and-forth exchanges between members of the public agency may constitute a meeting.

E. If e-mail and voice mail communications constitute a public meeting, it is possible to conduct such a meeting in a manner that complies with the FOI Act?

ANSWER: Yes, if the meeting is conducted in a manner that comports with the open meeting requirements of the FOI Act. This requires caution, however.

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## MEMORANDUM

To: Town of Wilton Boards and Commissions  
From: Nicholas R. Bamonte, Esq.  
Date: June 23, 2021 (Revised August 23, 2021)  
Re: Remote Meetings Legislation and Guidelines

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On June 17<sup>th</sup>, 2021, the State Legislature passed an amended Senate Bill 1202, now codified as Public Act 21-2 (the "Act"), which primarily implemented the state budget but also authorized remote and hybrid public meetings with certain new requirements that became effective on July 1, 2021. This memo summarizes the specific requirements under the new legislation.

*Prior to July 1, 2021*, municipalities could continue conducting remote and/or hybrid public meetings as previously authorized by Section 1 of Executive Order 7B and Section 1 of Executive Order 9H. These Executive Orders expired on June 30, 2021 and no longer apply.

*On and after July 1, 2021 and until April 30, 2022*, municipalities may conduct remote and/or hybrid public meetings as authorized by Sections 147-153 of the Act, summarized below. All meetings, including remote and/or hybrid meetings held during this time, must also conform to any other applicable requirements of the Freedom of Information Act (C.G.S. §§ 1-200 through 1-242).

- **For all meetings, whether in-person, remote or hybrid:**
  - Must provide any member of the agency the opportunity to participate in an in-person meeting remotely, except that the agency is not required to adjourn or postpone if a member of the agency loses connection to the meeting unless that member is needed to form a quorum.
  - Meeting notices must identify whether the meeting will be in-person, remote or hybrid.
  - Adjournment notices must also be posted on the agency website.
- **For remote or hybrid meetings:**
  - Municipalities are now authorized, but not required, to allow members of the public to attend public meetings using "electronic equipment," which includes but is not limited to "telephonic, video or other conferencing platforms."
  - Meetings using electronic equipment for public access may be fully remote or a combination of fully remote and in-person ("hybrid").
  - Offering the public remote or hybrid meeting access using electronic equipment supplements existing "open meeting" requirements of the Freedom of Information Act ("FOIA"). Therefore, to comply with existing FOIA law and also the new Act, the public must be granted access to meetings in one of the following three ways: (1) in-person; (2) remotely; or (3) a combination of in-person and remotely.
  - Although offering remote or hybrid access to the public is not required under the new Act, remote access must be provided to any members of an agency if requested by those members. However, the new requirements applicable to "hybrid" meetings summarized

below are not triggered if the only participants using electronic equipment are agency members (for example, agency members may still “call in” to the meeting if stuck in traffic, without triggering the more stringent notice requirements for remote or hybrid meetings). Similarly, if an agency member participates using electronic equipment, municipalities are not then obligated to also offer hybrid access to members of the public.

- Notices/Agendas:
    - Notice and agenda (if different) must each include “instructions for the public, to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person, as applicable and permitted by law.”
    - For regular meetings (not special meetings or executive sessions):
      - At least 48 hours prior to meeting:
        - Must provide direct notice by mail or email (or other electronic means where the notice can be retained and printed if necessary) to agency members.
        - Must also post notice:
          - In the agency’s regular office;
          - In the municipal clerk’s office; and
          - On the agency website (if one exists).
      - At least 24 hours prior to the meeting:
        - Must post the meeting agenda:
          - In the agency’s regular office;
          - In the municipal clerk’s office; and
          - On the agency website (if one exists).
    - For special meetings, the notice and agenda must be posted at least 24 hours prior to the meeting in accordance with C.G.S. § 1-225(d).
  - Votes must be taken by roll call unless the vote is unanimous.
  - Meeting minutes must identify which agency members attended in person and which members attended “by means of electronic equipment” (remotely).
  - Agency members and members of the public who participate remotely must make a good faith effort to state their name and title (if applicable) before speaking.
  - Whenever a remote or hybrid meeting is “interrupted by the failure, disconnection, or, in the chairperson’s determination, unacceptable degradation” of the electronic connection, or if a member necessary to form a quorum is unable to participate due to such connectivity issues:
    - The agency may, between 30 and 120 minutes after the lost connection, resume the meeting:
      - In person, if a quorum is present in person, or
      - Remotely, if a remote quorum exists or has been restored.
    - The agency may adjourn or postpone the meeting to a new date.
    - The agency must, if possible, post a notification on its website to inform any remote attendees of the expected time that the meeting will resume or of the adjournment or postponement of the meeting. The agency may also announce at the beginning of the meeting what procedure to follow for resumption if any connectivity issues arise.
  - The moderator at a town meeting or an agency at its meeting remove a remotely-attending member, or group of members, of the public who causes disorder until the offender conforms to order or if necessary, until the close of the meeting.
- **For remote-only regular meetings (do not apply to special meetings or executive sessions):**
    - Must provide any member of the public:

- Upon written request submitted at least 24 hours prior to a meeting:
  - A physical location; and
  - Any “electronic equipment,” (which includes but is not limited to “telephonic, video or other conferencing platforms”) necessary to attend the meeting in real-time.
- The opportunity to provide comment or testimony and otherwise participate the same as if in-person, except that the agency is not required to adjourn or postpone if a member of the public loses connection to the meeting.
- Must record or transcribe the meeting.
- Within 7 days of the meeting and for at least 45 days after the meeting, must post the records or transcription on the agency website and make available in the agency’s office for the public to view, listen to and copy.
- If a quorum of the agency members attends the meeting remotely from the same physical location, members of the public must also be allowed to attend the meeting in that location.

AGENDA  
Wilton Parks & Recreation Commission  
May 9, 2018  
Comstock Community Center  
7:30 PM

- I. Call to order
- II. Approval of Minutes for April 18, 2018 meeting
- III. Public Comment
- IV. Wilton Baseball/Softball Assoc. – potential gifts to Town – discussion and/or action
- V. Norwalk River Valley Trail – update/Allens Meadows impact – discussion and/or action
- VI. Wilton Track Association – High School Track update – discussion and/or action
- VII. Correspondence – Lacrosse Wall at Lilly - potential safety/usage issues – discussion and/or action
- VIII. POCD process – discussion and/or action
  - Process discussion – report out of latest meeting held by P&Z Commission and agenda for next meeting (Macken)
- IX. Staff Reports – discussion and/or action
  - Parks & Grounds Report – including Merwin Meadows pass discussion (Kendra)
  - Recreation Report
  - Tennis Court Resurfacing Project
- X. Old Business – discussion and/or action
  - Update on Schenck’s Island Merwin Meadows Committee
  - Wilton Athletic and Recreation Foundation update
- XI. Public Comment
- XII. Adjourn

RECEIVED FOR RECORD  
TOWN OF WILTON  
2018 MAY -7 A 10:51  
BY: *DF*



OFFICE OF THE  
FIRST SELECTMAN

Telephone (203) 563-0100  
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Email to: [lynne.vanderslice@wiltonct.org](mailto:lynne.vanderslice@wiltonct.org)



Lynne A. Vanderslice  
*First Selectman*

David K. Clune  
*Second Selectman*

Michael P. Kaelin  
*Selectman*

Lori A. Bufano  
*Selectman*

Deborah McFadden  
*Selectman*

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

RECEIVED FOR RECORD  
TOWN OF WILTON

2018 APR 20 P 12:39

LK

BY:

## Board of Selectmen Meeting Votes – April 16, 2018

4-0 Vote to move item E. 10 on Agenda ahead of Executive Session and add an Update on Café Ruche Lawsuit to Item H-Executive Session

4-0 Vote to enter into Executive Session

4-0 Vote to approve the Consent Agenda

4-0 Vote to move Item 6 – NRV T Stantec Engineering Contract under Discussion and/or Action Item to item 1.

4-0 Vote to approve Stantec Engineering Contract

4-0 Vote to accept \$500 in raffle prizes from Wilton Kiwanis

4-0 Vote to approve Keep America Beautiful Application

4-0 Vote to draft a formal letter in support of permit application and to sign permit application for Dana Dam

4-0 Vote to approve Wetland Permit Application 3<sup>rd</sup> Party Review Contract with Vanasse Hangen Brustlin LLC

4-0 Vote to approve Wilton YMCA Subordination Agreement

4-0 Vote to approve Settlement Agreement in Resolution of Pending Claim/Pending Litigation, Zimnoch vs. Town of Wilton

4-0 Vote to Adopt a Policy for the Benefit Eligibility Requirements for Town Employees as stated

4-0 Vote to approve Engagement Agreement with Industrial Organizational Solutions

4-0 Vote to Enter into Executive Session

4-0 Vote to adjourn meeting

MINUTES  
Wilton Parks & Recreation Commission  
May 9, 2018  
Comstock Community Center

RECEIVED FOR RECORD  
TOWN OF WILTON

2018 MAY 15 P 1:31

BY: *(Signature)*

I. Call to order; 7:31pm

II. Approval of Minutes for April 18, 2018 meeting; Macken motion, Pam seconded, approved 3-0-1

II. Public Comment

Laura Rowley – question on track replacement and inquiring about its status versus that of Lilly field and the tennis courts, discussion ensued in an attempt to answer Rowley's questions, Pierce explained the process the town went through with each facility. Resident Kevin Foley also commented

III. Wilton Baseball/Softball Assoc. – potential gifts to Town – discussion and/or action

Chris Eidt: Board of WBSA presented:

Wilton Little League to propose resurfacing the Middlebrook softball field, Wilton LL will come in to P&R to propose to the committee.

WBSA also discussed potential gift of game cameras to provide Live streaming to the fields, both varsity fields and the JV field, WBSA is considering two providers, P&R suggested once they pick the provider, to inform Pierce and he will forward to the committee, town legal, and town IT.

Varsity softball field is ready for a resurfacing, WBSA is proposing to do this in 2019.

WBSA proposing bringing a baseball equipment shed, wood structure is their desire. Pierce suggested WBSA would need to come to P&R with plans, then to Planning & Zoning, then if approved by P&R sent on to Board of Selectman.

The committee voted to raise to the Board of Selectmen for consideration the gift of a windshield banner of approximately 250 feet in length and 6 feet in height to be placed on the outfield fence at the Varsity Baseball field from the Wilton Baseball and Softball Association to the Town of Wilton, subject to approval of color of banner (navy blue with white writing and solid navy blue or black on the other side) and wording thereon. Motion to approve, Macken, seconded by Brown approved 4-0-0

IV. Norwalk River Valley Trail – update/Allens Meadows impact – discussion and/or action

Charlie Taney, ED of Norwalk River Valley Trail

Goal is for a 33 mile trail ultimately from Norwalk to Danbury; existing trail getting over 6,000 people per month

Charlie provided handouts which were plans of the existing trail as well as the proposed sections. The Committee provided Conceptual support for the west loop.

VI. Wilton Track Association – High School Track update – discussion and/or action

Kevin Foley, Thayer Pond  
Beverly Herman, Sturges road

Foley presented on issues related to the track.

\$30,000 raised against goal of \$500,000, all individual donations at an average of \$100 except one \$10,000 donation from a family foundation. Kevin mentioned difficulty in raising a significant amount of funds at \$100 average; Hired social media marketing firm to help create more awareness.

June 16<sup>th</sup> event being planned at the stadium, and thinking about doing those on an ongoing basis, possibly 1 or 2 annual events.

Discussing possible U10 track events in the future, Westport Police athletic club runs a similar program. Kevin and Beverly discussed the difficulty in fund raising from corporations due to the Wilton Athletic and Recreation Foundation funding. Kevin asked that the WARF consider the track as part of the funding from the WARF banners.

Pierce discussed the process the town is going through with Geotech engineers, to determine if the sub surface needs to be replaced which would increase the costs significantly. We expect to hear back from the Geotech in the near term.

Next steps: Geotech report to come in; Commissioners Connolly and Kendra mentioned their belief that track fix/solution should be taken care of as part of next year's budget.

#### VII. Correspondence – Lacrosse Wall at Lilly - potential safety/usage issues – discussion and/or action

Safety discussion around correspondences received from public, including cars in the parking lot, games on Lilly field and people walking around Lilly field. Next step is for Pierce and Commissioner Connolly to meet with President of Wilton Lacrosse Association to discuss potential safety measures to address concerns (i.e., rebound wall cannot be used when any games are being played on Lilly field, potential netting, etc.); potentially add signage describing rules next to rebound wall.

#### VIII. POCD process – discussion and/or action

- Process discussion – report out of latest meeting held by P&Z Commission and agenda for next meeting (Macken)  
Macken discussed the primary topics discussed at the April meeting and reminded the committee the next meeting is May 15<sup>th</sup>.

#### IX. Staff Reports – discussion and/or action

- Parks & Grounds Report – including Merwin Meadows pass discussion  
Power was restored however a controller was fried and are operationally manual now, Pierce looking to cover the \$9,800 to repair the controller at the softball field  
Pierce detailed equipment that has broken down and attempting to repair. Seasonal staff will be later than usual due to school ending later this year.

Carry in carry out policy was discussed, Pierce commented that it is working.

Still looking for replacement of Assistant Director.

New computer system has been working as expected.

4 summer concerts planned, 2 at Schenks and 2 at Merwin Meadows during the summer.

- Recreation Report  
No new information
- Tennis Court Resurfacing Project  
No new information

X. Old Business – discussion and/or action

- Update on Schenck's Island Merwin Meadows Committee
- Wilton Athletic and Recreation Foundation update  
501c3 has been created, a bank account has been set up. Approx. \$27,000 of net funds raised this year

XI. Public Comment

No public remained at the meeting

- XII. Adjourn: Motion Kendra to adjourn meeting at 9:43, seconded Macken, approved 4-0-0

**FILE-SHARING AND CLOUD COMPUTING POLICY**

**MARCH 10, 2021**

INQUIRIES: JOHN SAVARESE, INFORMATION SYSTEMS DIRECTOR

PHONE: 203-563-0144

EMAIL: [JOHN.SAVARESE@WILTONCT.ORG](mailto:JOHN.SAVARESE@WILTONCT.ORG)

**Policy Statement**

On-line and cloud-based file-sharing services (such as Dropbox) should only be used to transfer documents, not to store them.

All documents and data related to Town business must be stored on the Town network and retrievable by the Town administration, or stored using on-line hosted services that have been approved by the Town.

Town data shall not reside within any cloud computing environment unless the Town has entered into a legally binding agreement with the service provider, reviewed and approved by the Town's Information Systems Director and the Town Attorney.

Personnel shall not install file-sharing or cloud computing applications on Town computers, smartphones or iPads without written authorization from the Town's Information Systems Director

Personal cloud services accounts are prohibited for the storage, management or sharing of Town Data.

Any Town Data residing within a file-sharing cloud computing environment must be retrievable by the Town's administration and not solely by the individual who placed the data in the cloud environment.

If an individual is participating in a project with outside parties that requires use of a file-sharing or cloud computing platform not owned and operated by the Town, the individual must take care that any documents that can be considered Town Data are backed up and preserved on the Town's systems

This Policy applies to all elected and appointed officials and employees of the Town of Wilton.