



## **Town of Wilton, Connecticut**

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

Office of First Selectwoman  
Town Hall  
238 Danbury Road  
Wilton, Connecticut 06897  
(203) 563-0100

October, 2018

## Table of Contents

<b>Letter from First Selectwoman</b>	<b>3</b>
<b>General</b>	<b>4</b>
<b>Board/Commission Organization</b>	<b>6</b>
<b>Meetings</b>	<b>7</b>
<b>Miscellaneous Meeting Requirements</b>	<b>7</b>
<b>Other</b>	<b>9</b>

Telephone (203) 563-0100  
Fax (203) 563-0299



TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

Dear Commissioner:

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 review the *Guide to Serving on a Town Board/Commission*. I think you will find it to be a helpful reference throughout your term.

Thank you again and best wishes in your new role.

Sincerely,

Lynne A. Vanderslice  
First Selectwoman, Town of Wilton, CT

## I. GENERAL

### **Election/Appointment**

Individuals who have been **appointed** to a Board/Commission will receive an email confirmation from the Office of First Selectwoman. 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 Office of the First Selectwoman 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, provide a guide to the Freedom of Information Act (FOIA) statute that all members are required to follow, and provide a copy of the Code of Ethics, which must be signed and returned to the Wilton Town Clerk prior to taking the Oath of Office.

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.

All Board/Commission members are expected to attend or view Freedom of Information Act Statute training sessions organized periodically by the Town of Wilton.

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

The Board of Selectmen has specific procedures for making appointments, reappointments and filling vacancies. Refer to *Procedures to Make Appointments, Reappointments and Fill Vacancies on Appointed and Elected Boards and Commissions* (Exhibit A).

## **Resignations/Term Ending**

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 **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 (contact information above).

An **appointed** town officer or Board/Commission member who resigns before the end of his or her term must do so in writing to the chairperson of the Board/Commission and the Office of the First Selectwoman (send by mail to Jacqueline Rochester, 238 Danbury Road, Wilton, CT 06897 or email at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org)). The letter should include an effective date for the resignation.

An **appointed** town officer or Board/Commission member who does not wish to be re-appointed at the end of a term should notify the chairperson of the Board/Commission on which he or she is serving as well as the Office of the First Selectwoman by mail or email (as per above).

## **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)).

## **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 Selectwoman 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 B).

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**

The *Town of Wilton - Freedom of Information Act (FOIA) Overview* (Exhibit B) provides 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 will provide the rules to assist Board/Commissions in complying with parliamentary procedure in the conduct of meetings.

Periodic FOIA training sessions are also offered by the Office of the First Selectwoman. Contact Jacqueline Rochester at the Office of the First Selectwoman at ([jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org)) for more information.

### **IV. MISCELLANEOUS MEETING REQUIREMENTS**

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

*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 for recording and posting by the Town Clerk. Agendas must include the date, time, location, 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 catch alls, 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 location for a meeting must be noticed by posting a sign at the original time and location of the meeting.

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) 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), motions, and votes (stating Commissioner names and how they voted).

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

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 [minutesandagenda@wiltonct.org](mailto:minutesandagenda@wiltonct.org) for recording by the Town Clerk and posted at the meeting location.

The Freedom of Information Act does not require the Town to post agendas, votes, or minutes to the Town's website. The Town elects to do so and every effort is made to post to the website in a timely manner.

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.

In order to meet the above submission requirements, please note the Town Clerk's office hours are Monday-Friday from 8:30 am-4:30 pm. Best practice would be to submit documents by 3:00 pm to leave enough time for receipt and posting on same day.

### **Meeting Location**

Meetings should be held in locations that are open and accessible to the general public, for example, Town Hall or Comstock Community Center. Meetings should not be held in private settings such as a private residence or building that is closed to the public.

For room availability/reservations at Town Hall, e-mail Jacqueline Rochester at The Office of First Selectwoman at [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org). For Comstock Community Center, go to [www.wiltonparksandrec.org](http://www.wiltonparksandrec.org), click on 'Register Now' to log into eTrak Recreation Software to check room availability and make room reservations.

### **Video and Audio Recording of Meetings**

Board of Selectmen, Board of Finance, Planning & Zoning, the Annual Town meeting, and other selected events of importance to the Town are broadcast on Wilton's Government Access Channel on Cablevision Channel 79. Video recordings of these meetings may be viewed on [www.wiltonct.org](http://www.wiltonct.org).

Audio recordings are made of the Conservation Commission (including Tree and Deer Committees), Inland Wetlands Commission, Parks and Recreation Commission, Plan of

Conservation & Development (POCD), Planning & Zoning Commission, and Zoning Board of Appeals meetings. Audio recordings are available on [www.wiltonct.org](http://www.wiltonct.org).

## **V. 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 Selectwoman 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 Selectwoman by calling Jacqueline Rochester at (203) 563-0100 or email [jacqueline.rochester@wiltonct.org](mailto:jacqueline.rochester@wiltonct.org).

## Wilton Board of Selectmen

### Procedures to Make Appointments, Reappointments and Fill Vacancies on Appointed and Elected Boards and Commissions

*Note: These procedures only apply to appointments made by the Board of Selectman. Procedures for appointments made by other Boards are set by those boards.*

#### Procedures for Appointments to Appointed Boards

- *Announcement of availability is made by one or more of the following:*
  - A posting on the Town website under the "Open Positions" link on the homepage
  - A Letter to the Editor by the First Selectman
  - An announcement by the First Selectman at a BOS meeting
  - Emails to the two Town Committees
- *To be considered, interested candidates*
  - If a Republican, must contact the RTC
  - If a Democrat, must contact the DTC
  - If unaffiliated, can choose to either contact one of the Town Committees or petition by receiving 25 signatures, verified with the registrar's records, in support of their appointment (See Form, appendix A)
  - If are from a party other than the RTC or DTC: procedures are the same those for an unaffiliated elector
- *Required Documentation from Candidates and Parties*
  - Candidates must submit a Candidate Application (See appendix B) and a petition, if applicable, within 6 weeks of the announcement of the opening by the First Selectman or the First Selectman's office
  - Nominating parties must submit a Candidate Submission Form (See appendix C) within 6 weeks of the announcement of the opening by the First Selectman or the First Selectman's office
- *BOS Procedures*
  - The First Selectman's Office will provide each Selectman with
    - List of all candidates under consideration for appointment, by Board or Commission with relevant details including minority representation consideration (See appendix D)
    - Candidate Applications, Candidate Submissions Forms and if requested, copies of petitions
    - Each BOS member will submit to the First Selectman's Office a list of candidates they wish to interview and their availability
    - The First Selectman's Office will schedule and publish a list of interview dates and times
    - Upon the completion of interviews
      - The BOS will consider candidates for appointment
      - The Minority Representation statute will apply. When considering appointments, it is the party of the candidate, not the nominating party, that is used when performing the calculation
      - The First Selectman's Office will notify any candidates who are to be discussed in Executive Session (1) that they are to be discussed and (2) notify the candidate that they have the right to be present during the discussion
      - The BOS will vote to appoint a candidate during a public meeting.

- *Decision Notification*
  - The First Selectman will provide the Town Clerk and the First Selectman's Office with a certification of the vote (see appendix E)
  - The First Selectman's Office, through email, will notify (1) the candidate of their appointment and instructions for the swearing in and Code of Ethics and (2) the Chair of the subject Board or Commission

At the discretion of the Board of Selectmen, an applicant who was not appointed at the time of their initial application may be considered for a subsequent appointment to that same or another board or commission so long as the subsequent appointment occurs within 6 months of their initial interview.

### **Procedures for Reappointments to Appointed Boards and Commissions**

- *Sixty days prior to the expiration of a member's term*
  - The First Selectman's Office, through email, will notify the Board/Commission Chair, and the Town Committee if applicable, of the upcoming expiration and will request the member indicate whether he/she will be seeking reappointment
  - If the member indicates no, the procedures for appointment to an appointed board or commission will be followed
- *Members seeking reappointment*
  - The First Selectman's Office will email the BOS a List of Candidates Seeking Reappointment. (see appendix F)
  - BOS members will provide the First Selectman's Office with a list of candidates they wish to interview.
  - The First Selectman's Office will schedule and distribute interview dates and times. If only one Selectman is requesting an interview, alternative arrangements can be made.
- *Upon the completion of interviews*
  - The BOS will consider candidates for reappointment at a regular meeting or special meeting.
  - The First Selectman's Office will notify any candidate(s) who is to be discussed in Executive Session (1) that they are to be discussed and (2) notify the candidate(s) that they have the right to be present during the discussion
  - The BOS will vote whether to reappoint candidate(s) during a public meeting.

### **Procedures to Fill Vacancies on Appointed and Elected Boards**

Procedures are the same as for Appointments to Appointed Boards except

- *For elected positions, if the candidate is nominated by a party, the affiliation of the party, not that of the candidate, is used to determine the minority representation calculation. The calculation may result in some candidates being ineligible for consideration*
- *The Town Charter provides procedures to fill a vacancy in the First Selectman position.*

**FREEDOM OF INFORMATION ACT OVERVIEW**

**TOWN OF WILTON**

Ira W. Bloom, Esq.  
BERCHEM MOSES, P.C.  
1221 Post Road East  
Westport, CT 06880  
Tel. (203) 571-1715  
e-mail: [ibloom@berchemmoses.com](mailto:ibloom@berchemmoses.com)

[www.berchemmoses.com](http://www.berchemmoses.com)

MAY 21, 2018

## 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 of 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). The FOIC argued that a proceeding of an agency can occur without a quorum. This issue (is a quorum needed) has not yet been addressed by the Connecticut Supreme Court and the FOIC continues to follow the Emergency Medical Services Comm. ruling.

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.
- 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.

l. 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.

---

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 Retreation Foundation update
- XI. Public Comment
- XII. Adjourn

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

OFFICE OF THE  
FIRST SELECTMAN

Telephone (203) 563-0100  
Fax (203) 563-0299

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 – NRVT 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: 

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