

**TOWN OF HADDAM
 PLANNING AND ZONING COMMISSION
 SPECIAL MEETING
 TOWN HALL
 21 FIELD PARK DRIVE, HADDAM, CT 06438
 THURSDAY, 18 APRIL 2024
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Scott Brookes, Chairman
X	Michael Farina, Secretary
A	Mike Karam
X	Wayne LePard
X	Tim Teran
A	Edward Wallor, Vice Chairman
X	Alan Chadwick, Alternate
A	Dorothy Gillespie, Alternate
A	Larry Maggi, Alternate
X	Bob McGarry, First Selectman, <i>Ex Officio</i>
A	Bill Warner, AICP, Town Planner
X	Leon Mularski, Zoning Enforcement Officer/Acting Town Planner
X	Bunny Hall Batzner, Recording Clerk

Mr. Brookes, Chairman, called the special meeting to order at 6:00 p.m.

Russell Blair, Director of Education & Communications, Freedom of Information Commission, introduced himself and began his presentation.

FOI Complaints: If someone believes there's a violation, they can file a complaint in the Freedom of Information Commission's office. There is no charge to file a complaint and an attorney is not needed.

Public Meetings: All work, discussions, deliberations, and votes must be done in public and the public must be able to attend meetings.

Public Comment: No one has the right to speak at a public meeting. How a commission wants to handle public comment is up to the commission. Not a part of FOI or any other state law.

Roberts Rules: Is not FOI enforceable.

Subcommittees: Their own public entity. Must notice meetings and file agendas, minutes, motions, etc. All meetings open to the public. Subcommittee members and volunteers on the subcommittee are held to quorum requirements.

Definition of a Public Meeting: Any hearing or other proceeding of a public agency, any gathering of a quorum of a multi-member public agency, and any communication by or to a quorum of a multi-member 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.

Quorum: Outlined what constitutes a quorum based on membership. If a quorum is present, business must be conducted at a publicly noticed meeting. Discussion followed regarding email and text messaging (need to be careful; sharing information acceptable, but **cannot** have back and forth discussion until the next meeting); whether alternates would be included in a quorum (need to be careful; treat them as a member as they may be voting on a matter); email or text with a point of view on a pending matter (try to

avoid); non-quorum of members having a discussion with contractors, laborers, etc. (not an illegal meeting due to the lack of a quorum and will have to have discussion among full commission); ex parte (not part of FOIA); do workshops to discuss ideas prior to a meeting need to be noticed (if a quorum will be present, yes it should be noticed). Bob McGarry, First Selectman, asked if what makes up a quorum is not only the total number of people there but a mix of alternates and regular members, would FOIA recognize that. Mr. Blair stated he believes it would go on the numbers.

Notice Requirements for Meetings: Regular – Every commission should file their meeting schedule for the year with Town Clerk. The agenda is filed 24 hours in advance of the meeting should be filed with the Town Clerk. New business can be added with a two-thirds vote of members present and voting. Example given – an item comes up under Public Comment, a number of people commenting on the matter, can be added to the agenda with a two-thirds vote of members. Seven calendar days to file the minutes.

Special – Any meeting that is not included in regular meeting schedule. Need to file notice with an agenda 24 hours in advance of the meeting and both should be filed with the Town Clerk as well as being posted on the town's website. Cannot add additional items to the agenda by a two-thirds vote. Seven business days to file the minutes. **Emergency** – Unnoticed and no agenda. Only emergency topic can be discussed. Seventy-two hours to file minutes with the Town Clerk and post online.

Minutes: Submit on time. In regard to detail, it is up to the commission and the person taking the minutes; however, there is not a lot of legal requirement (all that's required is attendance and votes taken; and if an executive session, who attended). Although there may be well meaning in detailed minutes, if they are not filed on time there is potential for a problem. Changes can be reflected at the next meeting. Mr. Teran stated the Commission is used to having detailed minutes and it takes time. Mr. Blair stated minutes could be filed and then amended to include more detail or notes could be shared. Mr. Blair stated a recording of the meeting can be listened to at a later date.

Electronic/Zoom Meetings: There is no requirement to conduct a meeting in this manner, but it is an option. Remote meetings primer available on the Freedom of Information Commission's website. The only meetings that have to be recorded are online meetings only and the recording needs to be posted to the town's website within seven days and needs to be available for at least 45 days. If a meeting is hybrid or in person, there is no requirement under FOI to record those meetings. If holding an electronic meeting, 48 hour notice requirement that a commission will be meeting electronically (post the link on the town's website) and the posting of the agenda is still 24 hours. A commission has the right to run an orderly meeting and if someone is being disruptive, the chairman can mute them or kick them out of the meeting (not violating their FOI rights). Members or a presenter can Zoom in, but it does not make an electronic meeting under the statute.

Executive Session: Limited by state statute. Topic must be specific such as 1) personnel matter (public employees or commission members; have to notify person who will be discussed, but that individual does not have the right to attend [can be invited], but does have a right to demand an open session), 2) pending claims/litigation, 3) security matters, 4) sale or lease of property, and 5) records exempt from FOI. Mr. Blair noted that there is a limited exemption for bids or RFPs (can review in executive session prior to awarding contract; however, once awarded public information). Two-thirds vote required to enter into executive session. Cannot vote during executive session, must be a public vote.

Mr. Blair discussed instances where there could be a quorum, but not a meeting under FOI: **Caucus Exemption:** Put in for the General Assembly, but applies at the local level as well. The same political party on a commission can have a caucus and nothing within FOI dictates what can or cannot be discussed. Mark Lundgren asked if the caucus had to be registered with the Town Clerk. Mr. Blair stated if all of the same party they do not have to register; however, there's a provision that says if a mix of parties, they should register. Mr. Blair stated the difficulty is the law does not define what a caucus is. If records are created, they could be requested. Mr. Blair suggested that they be limited to political discussion. **Staff Meeting:** Not required to have a notice, an agenda, or minutes. **Strategy or Collective Bargaining:** The Board of Selectmen can meet with a union representative outside of a public meeting. **Personnel Search Committee Executive Level Employees:** Can do their work outside of the public

review. **Chance or Social Meeting:** A quorum of commissioners may meet by chance at a child's sporting event, holiday party, etc. Not considered a meeting and should not be talking about commission business. **Parking Lot Meeting:** Advised commissions to be mindful to not gather and talk to one another after a meeting or hearing as it could be misconstrued by an applicant. The same holds true for hallway gatherings.

Facebook: Mr. Chadwick asked about Facebook. Mr. Blair suggested commissioners be careful; especially if a number of commissioners reply, it could be construed as a quorum.

Meeting Location: Mr. Blair suggested commissions be mindful of the location where a commission is meeting in. Make sure there is sufficient capacity for the public.

Acting upon an item not on an Agenda: Mr. Schwing asked about commissions acting on items that are not on an agenda. Mr. Blair stated unless two-thirds of the commission vote to add an item(s), the commission cannot vote on a matter. Mr. McGarry asked if an addition to the agenda can be made after hearing similar comments during Public Comment even though the agenda has already been approved. Mr. Blair stated he would encourage it be added to the agenda.

Additional FOI information can be obtained by going to www.ct.gov/foi.

The meeting was adjourned at 7:05 p.m.

Respectfully Submitted,

Bunny Hall Batzner
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Recording Clerk