

# **BY-LAWS BLOOMFIELD INLAND WETLANDS AND WATERCOURSES COMMISSION**

## **ARTICLE 1 PURPOSE AND AUTHORIZATION**

The objectives and purposes of the Inland Wetlands and Watercourses Commission of the Town of Bloomfield are those set forth in Chapter 440, Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as revised, and the Bloomfield Code of Ordinances Article VII, Sections 2-90 through 2-95.

## **ARTICLE 2 NAME**

In these by-laws the Bloomfield Inland Wetlands and Watercourses Commission shall be known as the Commission.

## **ARTICLE 3 OFFICE OF AGENCY**

The office of the Commission shall be at the Bloomfield Town Hall where all Commission records will be kept. Copies of all official documents, records, maps and other similar data will be filed or recorded in the office of the Town Clerk, the office of the Wetlands Agent or the Planning and Zoning office.

## **ARTICLE 4 MEMBERSHIP**

Section 1. The membership of the Commission shall consist of nine (9) regular members, seven (7) shall be appointed by the Town Council and two (2) shall be appointed by and from the Town Plan and Zoning Commission, in accordance with Bloomfield Code of Ordinances Section 2-92.

Section 2. Any member is eligible to succeed themselves on the Commission.

Section 3. Resignation from the Commission shall be in writing and transmitted to the Town Clerk

who will then forward said resignation to the Chairperson of the political party of said member and the Chairperson of the Commission.

Section 4. No member of the Commission shall be removed from the Commission without just cause. In the event that a Commission member fails to properly perform the responsibilities of the Commission the Bloomfield Town Council may remove said member by a two-thirds (2/3) vote.

Section 5. Whenever a member is to be absent from any Commission meeting, they shall notify the Commission Chairperson or Wetlands Agent at least twenty-four (24) hours prior to the meeting unless an emergency situation dictates otherwise.

Section 6. All Commission members are expected to attend all meetings of the Commission.

Section 7. Any member who disqualifies themselves from voting on any issue before the Commission shall state their reasons for such disqualification on the record and the reasons shall be included in the Commission minutes pursuant to Connecticut General Statutes Section 8-11.

Section 8. The Wetlands Agent (or in their absence the Town Engineer or Director of Planning) shall be an ex officio member of the Commission without decision making or voting privileges.

## ARTICLE 5 OFFICERS AND THEIR DUTIES

Section 1. Officers. The officers of the Commission shall consist of the Chairperson, Vice-Chairperson and Secretary.

Section 2. Chairperson. The chairperson shall be a member of the Commission and shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such an officer. The Chairperson shall have the authority to appoint committees, call special meetings and generally perform other duties as may be prescribed in the General Statutes and these by-laws. The Chairperson shall oversee the preparation of the agenda of regular and special meetings.

Section 3. Vice-Chairperson. The Vice-Chairperson shall be a member of the Commission and shall, in the absence of the Chairperson, preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on the Chairperson. The Vice-Chairperson shall have the authority to appoint committees, call special meetings and generally perform other duties as may be prescribed in the General Statutes and these by-laws. The Vice-Chairperson shall continue to perform the duties of the Chairperson until the Chairperson returns or a new Chairperson is elected.

Section 4. Secretary. The Secretary, together with the Commission staff, shall keep the minutes and records of the Commission, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, and attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary. In the absence of a Secretary the Chairperson or Vice-Chairperson shall perform the duties of a Secretary.

Section 5. For all Commission actions the Permit shall be signed and dated by the Wetlands Agent, or in their absence the Chairman, Vice-Chairperson or Secretary. Final plans shall be signed and dated by the Secretary or in their absence the Chairperson or Vice-Chairperson. For all Wetland Agent actions the Permit and final Plans shall be signed and dated by the Wetlands Agent.

Section 6. In the absence of the Chairperson and the Vice-Chairperson the Commission shall elect one of their members to preside at the meeting as a Chairperson on an interim basis.

## ARTICLE 6 ELECTION OF OFFICERS

Section 1. An organizational meeting shall be held at the first meeting following the biannual local elections and appointments to the Commission. At this organizational meeting, officers will be elected and the by-laws reviewed and adopted. Seven (7) members of the Commission shall be present before election of officers can take place.

Section 2. Nominations shall be made by any regular member of the Commission at the organizational meeting and election of the officers, as specified in Article 5, Section 1., shall follow immediately thereafter.

Section 3. A member receiving a majority vote for an officer position shall be declared elected and shall serve until their successor shall take office.

Section 4. An office holder may succeed themselves or may be an office holder in any office on succeeding years.

Section 5. Vacancies in offices shall be filled in accordance with this Article as soon as practicable.

## ARTICLE 7 MEETINGS

Section 1. Meetings will be held as filed with the Town Clerk in compliance with Chapter 3, Section 1-21, of the Connecticut General Statutes. The Commission shall meet on the third Monday of each month, or on the day after a legal holiday on the third Monday of the month. The meeting schedule for the following calendar year shall be adopted at the October or November meeting. In the event of any conflict, a majority of members of the Commission at any regular or special meeting, may change the date, time or place of said meetings. The Chairperson may call special meetings whenever they deem it appropriate. The Secretary or designee shall notify the membership of any meeting not less than 24 hours in advance of such meeting.

Section 2. A quorum shall consist of five (5) Commission members and no permit may be granted, revoked or suspended, and no amendment to the regulations or map may be made except upon at least four (4) affirmative votes.

Section 3. All regular and special Commission meetings shall be open to the public when in session. Executive sessions shall be closed to the public when so voted by the Commission. The call, conduct and proceedings of all Commission meetings shall be in accordance with the Connecticut General Statutes, as amended.

Section 4. "Roberts Rules of Order", as revised, shall govern the proceedings at the Commissions meetings, except as noted herein.

Section 5. The agenda of a regular meeting may be modified within 48 hours of a regular meeting. The Commission may modify the agenda at a regular meeting with a majority vote. The agenda for a special meeting cannot be modified. No agenda may be modified to include or exclude a Public Hearing.

## ARTICLE 8 DISQUALIFICATION

Section 1. No member of the Commission shall participate in any hearing or decision of the Commission relative to any matter in which they has a direct or indirect personal or financial interest in accordance with Section 8-11, Connecticut General Statutes, or in a manner which violates the Bloomfield Code of Ordinances, Sec. 2-19. In the event of such disqualification, such fact shall be entered upon the records of the Commission.

## ARTICLE 9 ORDER OF BUSINESS

The agenda and normal order of business at any meeting of the Commission shall be as follows:

- I. Call to Order
- II. Roll Call
- III. Old Business – Continued agenda items including Public Hearing(s), if scheduled
- IV. New Business – New agenda items including Public Hearing(s), if scheduled
- V. New Applications Received – and scheduled for a hearing or Public Hearing
- VI. Wetland Agent Permits received and/or approved
- VII. Enforcement Actions
- VIII. Status of ongoing Projects
- IX. Approval of minutes
- X. Other business
- XI. Public Comment Period <sup>1</sup>.
- XII. Adjournment

The order of the agenda items may be modified with a simple majority vote of the Commission.

<sup>1</sup>. Public Comments shall be restricted to issues related to wetlands and watercourses excluding those items on the meeting agenda. Public Comments may be limited to 3 minutes per person at the discretion of the Commission.

## ARTICLE 10 PUBLIC HEARINGS

Section 1. The Chairperson shall review the method of conduct for Public Hearings.

Section 2. The Secretary or Chairperson shall read the call of the Public Hearing (legal notice).

Section 3. The order of the Public Hearing shall be as follows:

- a. A motion to open the Public Hearing shall be made. If seconded and approved by a majority vote the Public Hearing will be opened and may proceed.
- b. The applicant shall make a presentation of their proposal.
- c. Staff comments from the Wetlands Agent and other Town staff shall be reported.
- d. Questions from the Public, relevant to the application, shall be heard.
- e. Questions from the Commission shall be heard.

- f. Comments by the Public, relevant to the application, shall be heard.
- g. Comments by the Commission shall be heard.
- h. Closing comments by the applicant shall be heard. (see Section 4. below)
- i. The Commission may move to close the Public Hearing or may continue the hearing, and table the application, to the next monthly meeting (28 -35 days). After the first continuation the Public Hearing may be further continued but only with the applicant's consent. Continued Public Hearings shall be reconvened at the point at which they were recessed.
- j. A motion to close the Public Hearing shall be made. If seconded and approved by a majority vote the Public Hearing will be closed.
- k. The Commission shall entertain a motion to approve the application. If the motion is seconded it may be discussed and amended with the motion maker's acceptance.
- l. The Chairperson shall call for a vote on the motion to approve and recite for the record the Commissioners' votes in favor, against and abstaining.

Section 3. The Commission shall follow the above-mentioned order and shall not deviate from the procedure unless compelling reasons dictate.

Section 4. In the case of an application for which CEPA intervenor status, under CGS Section 22a-19, has been granted, the intervenor shall be allowed to question the applicant and the applicant's qualified experts, to call their own qualified experts, submit written testimony concerning the application and make preliminary and summary comments for the record. The Commission shall upon receipt review any verified pleading of intervention and determine whether intervenor status shall be granted.

Section 5. All members of the Public speaking at a Public Hearing shall identify themselves by providing their complete name and address before commenting on the matter before the Commission.

Section 6. All questions and comments from the Public must be directed through the Chairperson only after being recognized by said Chairperson.

Section 7. The Chairperson shall assure an orderly hearing and shall take the necessary steps to maintain the order and decorum of the hearing at all times. The Chairperson shall have the right to recess the hearing, close the hearing to the public, or terminate the hearing in the event the discussion becomes unruly and/or unmanageable.

Section 8. The Public Hearing shall be conducted for the purpose of taking testimony to be considered in deliberations at a regular or special meeting of the Commission. The show of hands or voice voting by members of the public shall not be allowed on any question presented at the Public Hearing.

## ARTICLE 11 AMENDMENTS

Section 1. These by-laws may be amended from time to time by a majority of all the members of the Commission, at a meeting at which at least five (5) regular members are in attendance. Notice of any proposed revision(s) to the by-laws shall be sent to each Commission member at least seven (7) days before the meeting at which the revision(s) is to be discussed.

**These By-Laws were adopted by the Inland Wetlands and Watercourses  
Commission at their regular meeting of July 17, 2023.**