

BY-LAWS

PLANNING AND ZONING COMMISSION MANSFIELD, CONNECTICUT

Effective January 2012

ARTICLE I

Purpose and Authorization

The objectives and purposes of the Planning and Zoning Commission of Mansfield, Connecticut are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958 Revisions as amended, and those powers and duties delegated to the Planning and Zoning Commission by State Statutes and Ordinances of the Town of Mansfield. A Town referendum establishing the Planning and Zoning Commission was held on March 26, 1958.

ARTICLE II

Name

The Commission shall be known as the Planning and Zoning Commission of Mansfield, Connecticut.

ARTICLE III

Office of Commission

The office of the Planning and Zoning Commission shall be the Audrey P. Beck Municipal Building, where all Commission records shall be kept. Copies of all official documents, record maps, etc., shall be filed or recorded in the office of the Town Clerk when required by State Statute.

ARTICLE IV

Membership

Section 1. The membership and terms of office shall be as specified in the Charter of the Town of Mansfield, Chapter 2, Section 202, Town Ordinances and the aforementioned General Statutes. Members/alternates shall notify the Planning Office if they expect to be absent from a regular meeting or special meeting, with the following exceptions: field trips and committee meetings are excluded from this requirement. If appropriate notice has been given of absences, the Commission may waive attendance requirements of Town Ordinance 13-1, which states that absence from three (3) consecutive meetings can be considered resignation from the Commission.

Section 2. Except for disqualifications (see Article VIII), any regular Commission member who is present at a meeting shall be seated as a voting member.

Section 3. The Planning and Zoning Commission shall have three alternate members as provided for by Town Ordinance and the Town Charter. Such alternate members shall, when seated as herein provided, have all powers and duties of regular members as set forth in the General Statutes, Mansfield

Charter and Town Ordinances. When not seated, alternate members may discuss items of business. However, after a motion is made, or after the close of a Public Hearing, discussion on the motion or on the subject application shall be limited to voting members. Alternate members are encouraged to attend all meetings and executive sessions of the Commission, and they shall have the right to be members of Commission sub-committees.

If a regular member of the Commission is absent or disqualified (see Article VIII), the Chairman of the Commission shall designate an alternate to act, choosing alternates in alphabetical rotation so that they act as nearly equal a number of times as possible. In the case of the absence of a regular member, the seated alternate shall act for the entire meeting. If any alternate is not available in accordance with such rotation, or is disqualified from acting on a specific item of business, such fact shall be recorded in the Minutes of the meeting and the next alternate in rotation shall be seated.

ARTICLE V Officers and their Duties

Section 1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman and a Secretary.

Section 2. The Chairman shall preside at all meetings and Hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, certify expenditures of funds up to \$250.00 without prior approval of the Commission provided such funds have been allocated to the Commission in the Town budget, call special meetings, and generally perform such other duties as may be prescribed in these By-laws.

Section 3. The Chairman shall be one of the Commission members. He/she shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4. The Vice-Chairman shall act for the Chairman in his/her absence and shall have the authority to perform the duties prescribed for that office. He/she shall be a Commission member.

Section 4a. In the case of a prolonged absence of the Chairman, the Commission may elect an Acting Chairman who may be other than the Vice-Chairman. Said Acting Chairman shall be a Commission member and have the authority to perform all the duties prescribed for the office of the Chairman. The duties of the Vice- Chairman shall remain as prescribed.

Section 5. The Secretary shall keep the Minutes and records of the Commission, act for the Chairman and Vice-Chairman in their absence, and, with the assistance of such staff as is available, provide notice of all meetings to Commission members, arrange proper and legal notice of Hearings, attend to correspondence of the Commission, and perform such other duties as are normally carried out by a secretary. He/she shall be a Commission member.

Section 6. In the absence of the Secretary due to illness, personal or disqualification reasons, the Chairman shall appoint a Secretary pro-tem.

ARTICLE VI
Election of Officers

Section 1. A biennial organizational meeting shall be held after Town Election, in accordance with the Town Charter, at which time officers shall be elected and By-Laws reviewed and made part of the Minutes. Seven members must be present before election of officers can take place; a majority vote of the total membership (5) is required to elect any officer.

Section 2. Nominations shall be made from the floor at the organizational meeting and election of the officers specified in Section 1 of Article V shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve for two years, or until his successor shall take office.

Section 4. Vacancies in office shall be filled by regular election procedure as prescribed above.

Section 5. Resignations from the Commission shall be in written form and transmitted to the Town Clerk and the Chairman. Vacancies shall be filled as prescribed in the Charter of the Town of Mansfield, Chapter 2, Section 206, the Town Ordinances, and the State Statutes.

ARTICLE VII
Meetings

Section 1. Regular meetings generally will be held on the first Monday of each month at 7:00 p.m. or upon completion of any Inland Wetland Agency meeting after 7:00 p.m., at an appropriate place designated by the Commission. Regular meetings may also be held on the third Monday of each month at 7:00 p.m. as needed to address pending business. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting. The Secretary shall notify the membership of special meetings not less than 24 hours in advance of such meeting. In accordance with the requirements of the Freedom of Information Act, a schedule of regular meetings for the calendar year shall be adopted by the Commission and filed with the Town Clerk prior to January 31.

Section 2. A majority (5) of the total membership of the Commission shall constitute a quorum. A majority vote (5) of the total membership of the Commission is required to adopt any changes to the Zoning and Subdivision Regulations, or to the Zoning District Boundaries, or to take action on contracts or expenditures. To take action on any other matter, a majority of the members present and voting shall be required.

Section 3. All Commission meetings shall be open to the public unless a majority of the Commission members present and voting decide to enter an executive session, as provided for in Chapter 3 of the State Statutes.

Section 4. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Commission.

ARTICLE VIII
Disqualification

Section 1. No member of the Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission. No member of the Commission shall participate in the hearing or decision of the Commission upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. No member of the Commission, including alternates, shall participate in a decision of the Commission upon any matter in which he/she is not familiar with the record of information pertinent to the subject matter. In the event of such disqualification, such fact shall be entered on the records of the Commission and the disqualified member shall leave the table and shall not participate further. When disqualification is questionable, the Chairman shall make the final decision. Whenever the issue of disqualification occurs, the subject Commission member shall immediately notify the Chairman that he is considering disqualification.

Section 2. All members shall conduct themselves in accordance with the "Code of Ethics" Ordinance as adopted by the Mansfield Town Council effective August 7, 1995, as may be amended from time to time.

ARTICLE IX
Order of Business

Section 1. Unless otherwise determined by the Chairman or unless scheduled in advance, the order of business at regular meetings shall be:

- a. Call to Order
- b. Roll Call
- c. Review of Minutes of Previous Meeting and Action Thereon
- d. Zoning Agent Report
- e. Public Hearings
- f. Old Business
- g. New Business
- h. Reports of Officers and Committees
- i. Communications and Bills
- j. Adjournment

ARTICLE X
Public Hearings

Section 1. The Commission may hold Public Hearings, in addition to required hearings, when it decides that Hearings will be in the public interest.

Section 2. All Public Hearings prescribed by law shall be held in accordance with the requirements set forth for such Hearings in Chapters 124 and 126 of the Connecticut General Statutes.

Section 3. The matter before the Commission shall be presented in summary by a member of the Commission designated by the Chairman, or a staff member, and parties of interest shall have the privilege of the floor.

Section 4. Staff shall take the evidence, or the evidence shall be recorded by a sound-recording device, at each Hearing before the Commission in which the right to appeal lies to the Superior Court. A summary of the proceedings of the Hearing shall be incorporated into the Minutes Book of the Commission to be a permanent part of that record, and the recording shall be filed in the office of the Commission. Such recording shall be maintained for the duration of time specified in Connecticut Retention Schedule M1-255.

Section 5. To better expedite the proceedings of the Hearing and to cause a better understanding of the issue involved, the Commission shall prepare an agenda prior to the Hearing and may prepare visual aids for display and presentation during the discussions of the Hearing.

ARTICLE XI

Conducting the Public Hearing

Section 1. The Chairman of the Commission shall preside at the Public Hearing. In the event of his/her absence, the Vice-Chairman or a duly appointed Commission member shall act as presiding officer.

Section 2. The Secretary or a person designated by the Chairman shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared, as well as any communications received.

Section 3. A summary of the question or issue shall be stated by the presiding officer at the opening of the Public Hearing. Comments shall be limited to the subject advertised for hearing. The chairman shall emphasize that the purpose of the Public Hearing is to receive relevant information from any applicant and from the public, and that Commission members shall await the close of the Hearing before discussing the relative merits of the subject issue. In any event, the Commission shall have the privilege of speaking first. The Chairman shall describe the method of conduct of the Hearing.

Section 4. The Chairman shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Commission prevailing. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comments, pro or con. The chairman shall take necessary actions to avoid repetition and debate and shall have the right to limit the length of time available for individual speakers. Reports, letters and other written materials previously submitted or submitted at the Hearing may be summarized, but should not be read aloud, as all written information is copied and distributed to members. In cases where extensive public participation may be anticipated, a sign-up sheet may be provided to determine the order for speaking.

Section 5. It shall be made clear at the Hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

Section 6. All persons recognized shall approach the Hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the Hearing, each person shall give his/her name and address.

Section 7. The presiding officer shall assure an orderly Hearing and shall take necessary steps to maintain the order and decorum of the Hearing at all times. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 8. The show of hands by those persons present shall not be allowed on any general question presented at the Public Hearing. The Hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of a regular or special meeting of the Commission.

ARTICLE XII

Employees

Section 1. Within the limits of the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit, to aid the Commission in its work. Appointments shall be made by a majority vote of the total membership of the Commission. The Chairman may be authorized to employ personnel and retain consultants upon approval of the majority of the Commission. Where there is a Director of Planning and Development, the Chairman shall work with him/her in the employment of consultants/personnel. The Chairman may be authorized to sign contracts for employing personnel and contracting for planning services as might be approved by the Commission.

ARTICLE XIII

Committees

Section 1. Special committees may be appointed by the Chairman for purposes and terms which the Commission approves.

ARTICLE XIV

Public Relations

Section 1. The Chairman or a duly-appointed Commission member or staff personnel shall act as public relations or publicity director for the Commission. The duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of the Commission, with respect for the minority opinion where appropriate.

Section 2. In the matter of the press, radio or television representatives, the Commission shall comply with Chapter 3, Sections 1-10, 1-21 of the Connecticut General Statutes, 1958 revision, as amended.

ARTICLE XV

Amendments

These By-laws may be amended by a two-thirds vote of the entire voting membership of the Commission only after the proposed change has been read and discussed at a previous regular meeting, except that the By-laws may be changed at any meeting by the affirmative vote of seven members of the Commission.