



ZONING BOARD OF APPEALS
TOWN OF SALISBURY
MINUTES MEETING APRIL 13, 2010

5:00 P.M.

Present: Chairman Lloyd, L. Brodtkorb, J. Lynn, J. Allee, R. DelPrete, S. Victory, J. Bell (C. Kelley and R. Riva joined the meeting late)

1. Chairman Lloyd called the meeting to order at 5:02 p.m. J. Lynn sitting in for R. Riva and R. DelPrete sitting in for C. Kelley.
2. Chairman Lloyd asked for a motion to approve the Agenda. S. Victory made a motion to approve the Agenda, seconded and unanimously approved.
3. Chairman Lloyd asked for a motion to approve the Minutes of January 12, 2010. L. Brodtkorb noted her name is misspelled in Line 4. Lorna motioned to accept the minutes as corrected, seconded and unanimously approved.
4. Board members agreed the joint meeting on February 9, 2010 with land use commissions and review of the Poland Report was informative and productive. Chairman Lloyd noted P&Z has requested an increase to their budget for next year in the amount of \$65,000 for a town planner. Discussion followed and Chairman Lloyd noted he is interested in having the Zoning Regulations updated versus hiring a town planner. L. Brodtkorb noted in the Poland Report he noted the importance of preapplication process and the application form, and assuring the ZEO has the support to interpret the applications and follow up. She believes a Town Planner is necessary to update the Zoning Regulations as well as assist with the Town's future planning. S. Victory inquired what the consequences are at other towns when the zoning regulations are not followed. Salisbury does not seem to have any consequences. Probation, fines, etc. Chairman Lloyd noted perhaps the P&Z should address this issue. Chairman Lloyd stated that ZBA should not be hearing projects that have already begun or have finished. It would be hopeful during the preapplication discussion with the

ZEO and applicant any gray areas would be addressed and A2 survey required. Chairman Lloyd made note of an instance in town he heard of where after an A2 survey was provided, the stakes were moved. ZEO did shut down the project. It was again mentioned what if any consequences were enforced for this violation. J. Allee believes the ZBA should voice their opinion as to what should happen now that the Don Poland report has been done and the fact that the report was done because ZBA requested it. Perhaps ZBA should meet with the Selectmen for a review of what will be forthcoming in regards to rewriting the Zoning Regulations. ZBA should prioritize what they feel should be done.

5. Board members received copies of By Laws for the ZBA boards of the towns of Farmington, Windsor, Guilford from Town attorney Chuck Andres. Same was sent to the P&Z. S. Victory read the bylaws from Windsor and feels legal counsel will be necessary to assist in the writing of the bylaws for the ZBA. L. Brodtkorb noted the ZBA and P&Z should work together with one lawyer. She suggested term limits for officers (6 years) should be addressed as well as a 75% attendance record for members and alternates. Annual election of officers was suggested. Chairman Lloyd noted he would like the alternates of the ZBA to vote for officers and any other items that may come before the Board with the exception of the Public Hearings. It was agreed at the next ZBA meeting, May 11, board members have a list of their suggestions for what they wish to have in the bylaws.
6. R. Riva was not present to report on the status of FOI Administrator for the Town of Salisbury.
7. It was advised that the P&Z did confirm Fred Schmidt as a new alternate member to their board.
8. L. Brodtkorb reported on the meeting in Sharon addressing FOI. She passed out some pamphlets with general information to each board member. She also made a list of important points which will be distributed to each board member and attached to these minutes. She also noted she attended a seminar that Michael Klemens arranged at the Carey Institute in Millbrook, NY. She found it most interesting. Attended by developers and town planners.

9. R. Riva joined the meeting and was asked if he had an update on whom the administrator for FOI is for the Town. It seems at this time there is no one person assigned this job. He will be contacting First Selectman Curtis Rand to see about arranging a budget line for FOI education of Town employees. He also noted there is a Board of Finance meeting this evening at 7:30pm and the Selectmen have increased the P&Z budget line for Town Planner to \$65,000. This will go before the Board of Finance at their meeting.
10. No Other Business
11. Chairman Lloyd asked for motion to adjourn meeting. C. Kelley motioned to adjourn the meeting, seconded and adjourned at 6:08 p.m.

Respectfully submitted,

Jean Bell
Administrative Assistant

FOI Meeting 4/6/2010 Sharon Town Hall

Tom Hennick: Public Education Officer at FOI Commission in Hartford: 860-566-5682;
FOI@PO.State.CT.US; <http://www.State.CT.US/FOI/>

FOI Act is 35 years old (Ella Grasso's first campaign, for "open government") "It's a zoo." Basically, in a dispute the FOI office decides. The purpose is to provide:

- Access to public meetings
- Access to public records

PUBLIC MEETINGS

A meeting is: a gathering of a quorum, or
a communication to a quorum

including any committee or subcommittee to discuss any matter over which it has authority. A caucus is not a meeting

See tiny print handout for rules

Regular meeting: Schedule must be filed for year with the town clerk. Agenda must be filed at least 24 hours before but new business may be added by 2/3 vote during the meeting. Minutes must be available in 7 calendar days.

Special meeting: May be called up to 24 hours ahead before not counting weekends and holidays by filing a notice with the municipal clerk. Agenda may not be added to. Minutes must be available in 7 business days.

Emergency meeting: Not noticed. On the whole don't do it. The bar for having one is extremely high because of the lack of noticing. Wait the 24 hours required for a special meeting. Minutes must be available in 72 hours.

Site visits are meetings and must be noticed with an agenda. The public may come along. If a quorum is present, a vote on action may be taken.

Minutes must include: who attended, what they voted on, and enough info for others to reconstruct at some time in the future what decision was made. They do not detail the entire discussion. They leave enough history for interpretation 10 years later. If there is a website, minutes should be posted there.

Going into executive session must be voted by 2/3 vote of a noticed meeting. (It can't be called for itself.) No vote may take place during an exec. sess. The minutes include only the time it began, who was there and the time it adjourned.

Exec sess may be used for personnel matters (an individual may be denied a public hearing and invited instead into exec sess to tell his side)

- Security matters
- Pending claims or legal action
- To discuss contents of a document exempt from FOI

PUBLIC RECORDS

Everything is a public record except three exceptions:

- as otherwise prohibited by federal law or state statute
- home addresses of policemen, judges, etc.

24 exemptions, including, for example: RFPs can be withheld until contract is reached

Any request for records must be responded to within 4 days and access must be provided "promptly". You're never obligated to put the info into a format it's not already in. You're never obligated to do research for the inquirer.