

**Draft Minutes
Regular Meeting
Connecticut Metropolitan Council of Governments
Thursday, January 31, 2019 at 10:00 am
MetroCOG Conference Room Bridgeport, Connecticut**

Name	Representing
Joseph Ganim, Mayor (Ken Flatto, Proxy)	Bridgeport
Adam Dunsby, First Selectman	Easton
Michael Tetreau, First Selectman, Chairman	Fairfield
Ken Kellogg, First Selectman (conference call)	Monroe
Laura Hoydick, Mayor	Stratford
Matthew Fulda, Executive Director	MetroCOG
Colleen Kelleher, Deputy Finance Director	MetroCOG
Patrick Carleton, Deputy Director	MetroCOG
Larry Ciccarelli, Administrative Services Director	MetroCOG
Meghan Sloan, Planning Director	MetroCOG
Lynlisa Jackson-Attaud, Finance Temp	MetroCOG
Deb Denfield, Project Manager, Senior Engineer	Fuss & O'Neill
Ellen Graham, Community Liasion	Senator Blumenthal
Alyssa Israel	Fairfield Resident
Eduardo Miguel Marques, Senior Environmental Analyst	Fuss & O'Neill
Sara Radasci (conference call)	CTDOT
Dan Roach	City of Bridgeport

Minutes

I. Call to Order:

The meeting was called to order by the chairman, First Selectman Tetreau, at 10:25 AM.

II. Public Participation:

Ms. Israel, a resident of 679 Rowland Road addressed the Board regarding the Public Participation Bylaws. Her testimony is attached to the minutes.

Ms. Israel stated that good public process was important to her and commended the Board for developing Public Participation guidelines. She thought the Board's draft was a good start and pointed out a few problematic issues.

The document should be called Public Participation guidelines rather than a By-Law amendment. Limiting public comments to the meeting agenda seemed like a type of censorship, which Ms. Israel argued is a violation of the First Amendment. Ms. Israel explained that she wrote a new set of guidelines for the board's consideration. For example, rather than requiring the public to limit their comment to items listed on the agenda, she recommended saying "Please speak to issues within the Board's Scope."

Ms. Israel explained that these recommendations were based on the Agency's Public Participation Plan, as well as consultation with Bill Logue (a Quinnipiac University Professor and expert in mediation and facilitation) and Stacie Nicole Smith (Managing Director and Senior Mediator at the Consensus Building Institute in Boston). Ms. Israel asked the board to consider piloting the handout for six months to see if it met the Board's needs and the desire of the public to be heard and acknowledged. Ms. Israel thanked the Board.

III. Approval of Meeting Minutes:

- a. **December 12, 2018:** Mayor Hoydick made a motion to approve the minutes. The motion was seconded by Mr. Flatto. The motion carried unanimously.

IV. Action Items:

a. Public Participation By-Law Update

Mr. Fulda explained the update to the by-laws. First Selectman Kellogg provided information from the Monroe Town Council public participation policy. Mayor Hoydick made a motion to open the item for discussion, Mr. Flatto seconded the motion.

There was discussion by Mayor Hoydick that written comments and statements are always welcomed and would be provided to all Board Members.

Mayor Hoydick made a motion, which Mr. Flatto seconded, to amend the language in item 4 of the by-law update. Mayor Hoydick referenced the testimony of Ms. Israel to amend item 4 as follows, "Written comments or statements *on any topic within the purview of the body* are always welcome and will be provided to all MetroCOG Board members."

Mr. Flatto made a motion to discuss items in the bylaw update, which Mayor Hoydick seconded.

Mr. Flatto explained that it was the discretion of the chair to reduce time if there were lots of people but he was not sure about limiting it. He asked for a hybrid approach to be considered.

Mayor Hoydick explained that leaving a meeting open-ended was difficult, since board member's schedules are limited during the day. She explained the purpose behind item 4.

First Selectman Tetreau agreed with Mayor Hoydick. He appreciated her amendment so that meeting items would be kept within the purview of the Board. To properly listen to the public, their item of discussion should be known ahead of time. In addition, if the member of the public knows that their item is on agenda, and can't make the meeting, they can request that it gets moved to a later agenda. By having the item on the agenda, a balanced discussion, with multiple perspectives can be ensured.

Mr. Flatto withdrew his motion, Mayor Hoydick withdrew the second.

The motion to amended language to Item 4 of the by-law update was on the table. The motion carried unanimously.

The Public Participation by-law update, as amended, was on the table. The motion carried unanimously.

b. FY 2019 MetroCOG Legislative Agenda

Mr. Fulda explained the draft Legislative Agenda. Mayor Hoydick made a motion to open the item up for discussion, First Selectman Dunsby seconded the motion.

Mr. Flatto asked the best approach for having the Board consider a letter of support regarding the casino expansion.

Mayor Hoydick commented that they have not discussed this item as a group. She suggested a letter of support for the casino should be an item on a future agenda.

First Selectman Dunsby inquired about what would happen after the agenda was approved. Mr. Fulda explained that once the document was finalized and upon a review of the Board, the agenda would be distributed to the region's legislative delegation.

Discussion ensued about other items that should be added, and what items were of regional, rather than municipal concerns.

After Mr. Fulda explained that item #2 (municipal aid) was included last year, and that cuts to municipal aid often had a cascading effect on the region.

First Selectman Kellogg suggested that item #2 be amended to include stronger language, rather than "Reduce the proposed cuts in municipal aid which will have significant and direct effects on the services provided by each municipality in the region."

First Selectman Tetreau made a motion to amend item #2 to read "*Oppose reductions in municipal aid which will have significant and direct effects on the services provided by each municipality in the region, especially as reductions often come after municipal budgets are passed and mil rates are set by municipalities which produce extreme hardships. Any adjustments to municipal aid should come before municipalities set their mil rate.*" First Selectman Kellogg seconded the motion. The motion passed unanimously.

First Selectman Dunsby made a motion to discuss the casino item in the context of the legislative agenda but withdrew his motion after members suggested that the item be added to the February meeting agenda.

Mayor Hoydick requested that Mr. Fulda also send the legislative agenda to the majority and minority leadership, Governor, DOT Commissioner, OPM Secretary and CCM Executive Director.

The Legislative Agenda, as amended, was on the table. The motion carried unanimously.

VI Other Business:

a. Financials

Mr. Ciccarelli explained the financials. The cumulative amount spent versus the budget is under 50 percent. \$675,000 has been added for two planning studies (LOTICIP).

Due to changes in the agency's accounting methodology, Mr. Ciccarelli was planning to investigate if there was any unencumbered funds in the Milford Bank account. Mr. Ciccarelli continued that he would provide evidence to the auditor and give the Board an update. The Board discussed grant funding versus unencumbered funds, next steps and the primary bank (Peoples).

b. Executive Director Update on MetroCOG Activities:

i. Hazard Mitigation Plan update:

Mr. Carleton provided an update of the NHMP process. Almost all municipal staff had been met with and a public information session will be held in March. Mr. Fulda will reach out to the CEOs individually to discuss further public outreach.

ii. County Equivalency update:

Mr. Fulda noted that the delegation requested the information provided to the board. Mayor Hoydick inquired if Representative McCarthy-Vahey had put this on the Planning and Development agenda, and Mr. Fulda confirmed that it was on the agenda.

iii. MetroCOG staffing update:

Mr. Fulda introduced Ms. Jackson-Attaud. Mr. Fulda, the Board and meeting attendees congratulated Ms. Kelleher.

Mr. Fulda announced that Mr. George Obeng was leaving for another position. A job description for a Regional Planner has been posted to the APA sites and the MetroCOG website. He hoped to fill the position as quickly as possible.

c. Next Meeting Dates:

First Selectman Dunsby clarified that there were COG meetings scheduled for January and February.

VIII. Adjourn

At 11:29, First Selectman Dunsby made a motion to adjourn and was seconded Mr. Flatto. The motion carried unanimously.

First Selectman Adam Dunsby
MetroCOG Secretary

DRAFT

Testimony to the MetroCOG Board

January 31, 2019

Good morning, my name is Alyssa Israel. I live at 679 Rowland Road, Fairfield. I am a past member of the Town Plan and Zoning Commission and the past Chair of the Fairfield Bicycle and Pedestrian Advisory Committee.

I am here today because good meeting process is important to me. I have participated in trainings and conducted my own research on the topic of meeting process and collaborative decision-making over the past 15 years.

I commend the Board for developing Public Participation guidelines. It is extremely important work, and it is precedent-setting. I wish I had such a document to give to the public when I was serving on the Town Plan and Zoning Commission.

I think the Board's initial draft is a very good start. However, I would like to point out a few issues that may be problematic. First, I believe this document should be called a "Public Participation Guidelines Handout" and not a By-Law Amendment.

My understanding is that by-laws govern the process of an organization, not the behavior of the public. If it is in the by-laws and is not a handout, then the meeting process is not transparent.

In addition, requiring the public to limit their comments to the meeting agenda seems like a type censorship and may cause a meeting disruption if a member of the public is dismissed due to lack of relevance. I would also argue that this requirement is a violation of the First Amendment. (Ramsey Ramerman, Assistant City Attorney, 2012)

With the best of intentions, I have taken the liberty to address these concerns by writing a new set of guidelines for your consideration. For example, instead of requiring the public to limit their commentary to items listed on the agenda, I recommend saying "Please speak to issues within the Board's Scope." (See Guideline 7)

In order to write the best set of guidelines possible for your review, I consulted with Bill Logue, a Quinnipiac University professor and an expert in mediation and facilitation. I also spoke with Stacie Nicole Smith, a Managing Director and Senior Mediator at the Consensus Building Institute in Boston. Both provided suggestions that are reflected in this proposed Handout for the public.

But more importantly, I hope it is apparent that this Handout was largely inspired by your original draft amendment and your Public Participation Plan, and much of the language was drawn from those two documents.

Please consider “piloting” this handout for 6-months to see if it meets your needs and the desire of the public to be heard and acknowledged.

Thank you so much for your time and review of this Handout. I look forward to your feedback.

Welcome Public!

The Connecticut Metropolitan Council of Governments (MetroCOG) is committed to actively involving the public in an open, cooperative, and collaborative process that provides meaningful opportunities to influence regional land use, transportation, natural hazard mitigation, economic development, housing, brownfields, municipal shared services and air quality decision-making. Early and ongoing public involvement brings diverse viewpoints to the decision-making process, supports better-informed decisions, mutual understanding and trust between MetroCOG and the public we serve.

With these goals in mind, all regular Board and Metropolitan Planning Organization (MPO) meetings are open and welcoming to the public and include opportunities for the public to speak.

Written comments are also welcome and are shared with all MetroCOG Board members, the Chief Elected Officials of Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull. Please email your comments to MetroCOG Executive Director Matt Fulda at mfulda@ctmetro.org.

If you would like to speak at a MetroCOG meeting, kindly observe the following guidelines to ensure a fair, time-efficient and productive meeting.

Public Participation Guidelines

1. Ten minutes in the beginning of the meeting and 10 minutes at the end of the meeting are dedicated to public participation. If time allows, you may speak at both the beginning and end of the meeting for 1-3 minutes each time. Members of the public may also speak informally with a Board member for a few minutes after the meeting is adjourned.
2. Please sign-up on the sheet provided at the meeting if you would like to make a comment to the Board during one or both public participation sessions.
3. Commenters will be called in the order they sign up.
4. To ensure meeting efficiency and productivity, please do not speak at any time during the meeting until you are called to speak. Remember, you may have a chance to speak again at the end of the meeting or informally with a Board member after the meeting is adjourned.
5. Commenters will be given 1-3 minutes to speak based on how many people sign up.
6. When called by the Chair, please state your name and address for the record.
7. Please speak to issues within the Board's scope (land use, transportation, natural hazard mitigation, economic development, housing, brownfields, municipal shared services and air quality).

8. Please be respectful. Direct comments to issues, not individuals.
9. Please be constructive. Speak to the issues under consideration and what you would like to see happen, not just what you don't like.
10. If time allows, clarifying questions and answers are permitted by the commenter and members of the Board. However, neither the Board or the commenter are expected to respond to a question or engage in dialogue if they are not willing.
11. At the end of the meeting, the minutes taker will summarize key points made by members of the public.
12. Board members are encouraged to reflect on these key points, acknowledge the public's concerns and aspirations, and provide feedback on how the Board might incorporate the public's advice and recommendations into future decision-making.

Thank you for your interest, involvement and commentary!

About MetroCOG

The Connecticut Metropolitan Council of Governments (MetroCOG) is the Council of Governments for the six municipalities of the Greater Bridgeport Region: Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull. MetroCOG works closely with federal, state, and local agencies to facilitate a regional approach to transportation, conservation, economic development, natural hazard mitigation and land use planning, as well as municipal shared services.

Councils of Governments (COGs) are defined in Connecticut General Statutes (CGS) Chapter 50 § 4-124i through § 4-124u. Each municipality (or member) in the Greater Bridgeport Region is represented by their Chief Elected Official, which makes up MetroCOG's Policy Board.

As a Council of Governments, MetroCOG is responsible for drafting, maintaining and periodically updating the Regional Plan of Conservation and Development (POCD). The Regional POCD makes recommendations for "land use, housing, principal highways and freeways, bridges, airports, parks, playgrounds, recreational areas, schools, public institutions, public utilities, agriculture and such other matters as will be beneficial to the area." (CGS Chapter 127 § 8-35a)

MetroCOG utilizes the Regional POCD in reviewing land use changes that may affect member municipalities (CGS Chapter 124 § 8-3b). Other regional programs that MetroCOG provides a forum for communication, coordination and collaboration include:

- Local Transportation Capital Improvement Program (LOTICIP)
- Natural Hazard Mitigation Plan
- Comprehensive Economic Development Strategy
- Brownfields Assessment, Cleanup and Redevelopment

Reference: Public Participation Plan, MetroCOG, endorsed October 25th, 2018



Addressing Disruptions at Public Meetings

April 18, 2012 by [Ramsey Ramerman](#)

Category: [Open Public Meetings Act](#), [Legislative Body](#), [Open Government Advisor](#)

By Ramsey Ramerman, Assistant City Attorney, City of Everett

When members of the public disrupt a public meeting, the disruption poses several challenges for the governing body. A recent incident at a local school district highlights the procedural hoops a governing body must go through if they attempt to address the disruption by adjourning the meeting and reconvening it in another location. A recent federal case from California exposes liability risks when the governing body seeks to have a person removed from the meeting. Both incidents provide lessons for governing bodies seeking to comply with the Open Public Meetings Act (OPMA).

Mechanics of Adjourning and Reconvening a Public Meeting After a Disruption

The local school district board was facing a crowd of nearly 500 attendees angry about the board's proposed action of accepting the resignation of a popular school principal. The crowd erupted with the board prepared to vote, disrupting the meeting preventing the vote. The board then voted to adjourn the meeting and reconvened at the district offices to conclude the meeting. The press was provided notice of the new location and was in attendance.

The OPMA expressly provides that adjournment as one of the three possible remedies for addressing disruptions. Removing the disrupters and having the room cleared are the other two options. See [RCW 42.30.050](#). But for the adjournment option to work, the governing body must take several actions:

- First, governing body must vote to adjourn the meeting and vote on the new location. [RCW 42.56.050](#).
- Second, governing body must provide the media in attendance with notice of the new location, who have a right to attend unless they were part of the disruption. [RCW 42.56.050](#).
- Third, governing body must post an order of adjournment, citing the new time and location, at the doorway of the location of the disrupted meeting. [RCW 42.56.090](#).
- Fourth, governing body may only take final action on items listed on the agenda for the adjourned meeting. [RCW 42.56.050](#).
- Finally, governing body is authorized to adopt procedures for allowing members of the public into the reconvened meeting. [RCW 42.56.050](#).

Implicit in this final point is that, other than the media, the reconvened meeting may be held without the public in attendance. Unless the entire crowd was involved in the disruption, however, keeping the meeting closed to the public will likely undercut public trust in the governing body's actions. Therefore, the best practice would be to have procedures adopted ahead of time to address re-admittance.

- All time, place and manner restrictions, including time limits for comments, should be enforced in a uniform manner so persons with unpopular viewpoints cannot claim that they are being limited based on their viewpoint.

Governing bodies are far from helpless when faced with disruptive attendees at public meetings. The OPMA provides for three separate options governing bodies can take to re-assert control over their meetings. But they must be careful to follow all procedural requirements in the OPMA and take care NOT to prejudice any attendee based on the attendee's viewpoint, rather than any actually disruptive conduct.

About Ramsey Ramerman

Ramsey Ramerman writes for MRSC as a [Open Government Advisor](#).

Ramsey Ramerman is an assistant city attorney with the City of Everett, where he works on open government issues, advises the police department on records issues and works on general municipal law issues. Ramsey also does a limited amount of legal consulting and open government training through his firm Ramerman Law Office PLLC. Ramsey has litigated numerous PRA cases, including several in the Supreme Court.

Ramsey is also one of the founders and the first President of the Washington Association of Public Records Officers. Finally, he was one of the original members of the state Sunshine Committee, on which he served two full terms before ceding his position in August 2015.

Ramsey is the co-editor-in-chief of the Second Edition of the WSBA PRA Deskbook, in which he also co-authored two chapters. Prior to working for the City of Everett, Ramsey worked at Foster Pepper PLLC and served as a law clerk in the state Court of Appeals.

The views expressed in guest columns represent the opinions of the author and do not necessarily reflect those of MRSC.

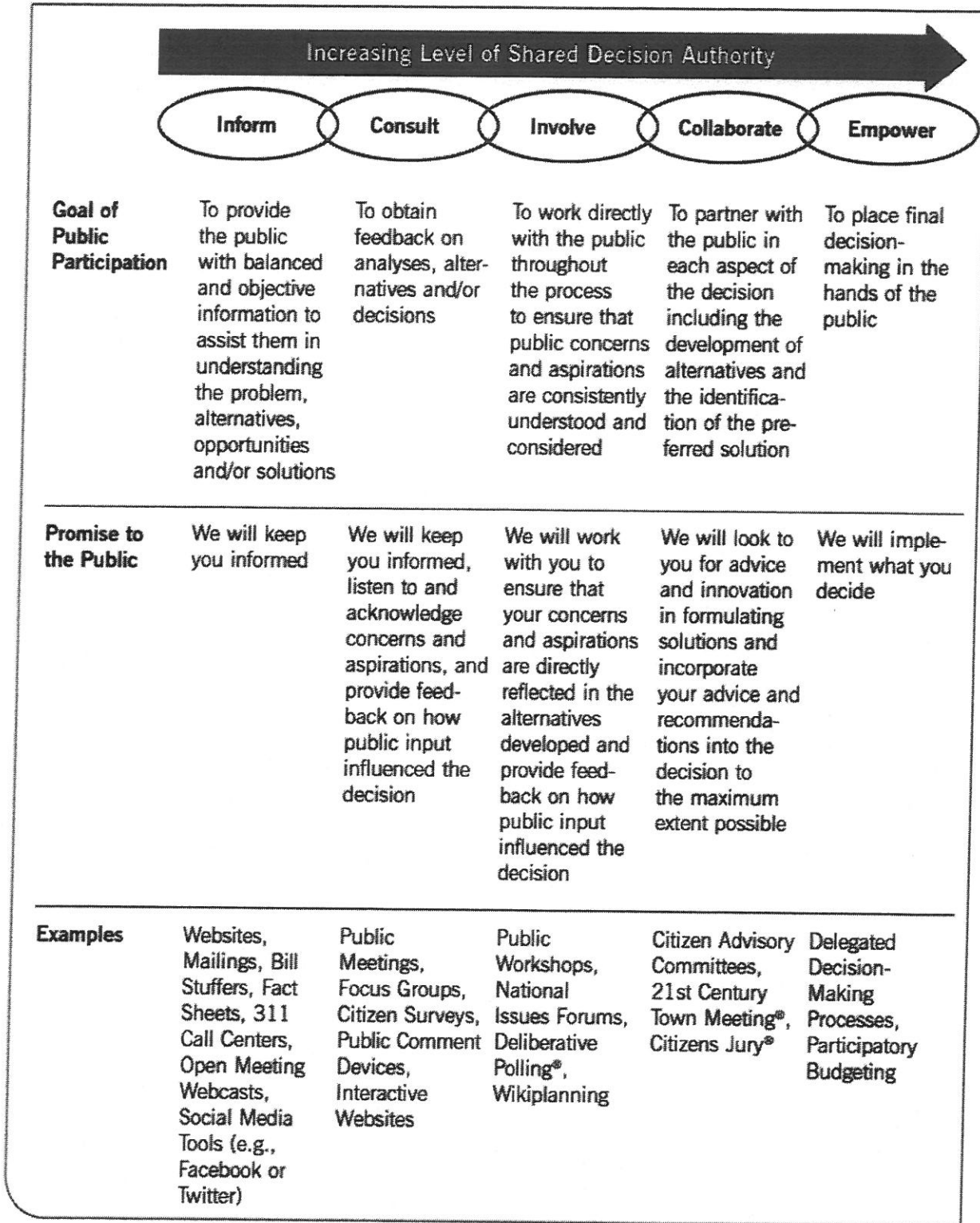
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Comments

0 comments on Addressing Disruptions at Public Meetings

Blog post currently doesn't have any comments.

Figure 1: Modified Spectrum of Participation*



*This chart is adapted from the IAP2 Spectrum of Public Participation (IAP2 2007).