

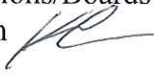


# TOWN OF LEDYARD CONNECTICUT

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Chairman Kevin J. Dombrowski

## MEMORANDUM

TO: All Town Committees/Commissions/Boards  
FROM: Kevin J. Dombrowski, Chairman   
DATE: March 24, 2022

Subject: Town of Ledyard Policies:

As technology has become an integral part of our day-to-day activities in conducting town business the Town Council has updated the following two policies:

- (1) Policy and Guidelines for Remote Meeting Participation
- (2) Town of Ledyard Policy Guidelines Electronic Communication for Volunteers/Elected Officials

During the Covid-19 Pandemic the town implemented a video conference platform providing remote meeting access to keep our volunteers and residents safe, while working to continue to conduct the business of the town. Our committees have found because of the convenience of the video conference platform, the number of residents attending and participation at meetings increased.

The Governor's executive order regarding fully remote meetings will expire on April 30, 2022. As the town works to transition back to in-person meetings, we have decided that going forward all meetings would be hybrid meetings (both in-person and remote attendance) to continue to provide transparency and easy public access to meetings. This plan included the purchase and installation of the Meeting HQ & OWL Pro equipment, which is a 360-degree camera that is voice activated and will zoom-in on the person speaking. The new equipment was purchased using Covid grant funding for technology improvements and is easy to use. The attached Policy provides the guidelines for conducting meetings going forward.

Embracing technology has enabled the dissemination of timely information to our town's volunteer committees/commissions/boards, as well as streamline operations by reducing paper, printing, postage and related office supplies through the use of electronic commutations.

While today's electronic communication and messaging has become a valuable tool, caution must be exercised in conducting the town's business as these methods of communication are considered to be public records and we all must comply with management and retention requirements of CGS 11-8; 11-8a and 7-109; as well as CGS 1-200-1-241 and appointed volunteers are being strongly encouraged to set-up a separate e-mail account from their personal e-mail account to receive town business information such as agendas, minutes and related information.

To aid in understanding and complying with these important requirements the Town Council adopted the attached "*Town of Ledyard Policy Guidelines Electronic Communication for Elected Town Officials and Appointed Volunteers*".

Please share these Policies with the members of your Committee/Commission/Board.

In working to fill vacancies on Committee/Commissions/Boards interested residents often ask the following types of questions:

- What are the objectives of the Committee/Commission/Board ?
- What type of work are the volunteers required to perform ?
- What is the time commitment ?
- Do I need to obtain any specialized training ?

To assist our Nominating Committees with attracting and recommending qualified candidates to best meet the needs of our various Town Committees /Commissions/Boards we ask that you take a few minutes to visit the ICompass “*Document Center*” at: <https://townledyard.civicweb.net/filepro/documents/30221> to review the information previously provided by your Committee regarding the “Role Description” and provide and updated refreshed outline of the objectives of your Committee/Commission/Board along with a description of the type of work your volunteers are asked to perform on behalf of the town.

Your cooperation regarding this request and in complying with these comprehensive and important Policy Guidelines is appreciated.

Should you have any questions, please contact the Town Council Office at 464-3203.

Thank you.

cc:

Mayor Allyn  
Agricultural Commission  
Cemetery Committee  
Conservation Commission  
Economic Development Commission  
Historic District Commission  
IWWC

Ledyard Beautification Committee  
Ledyard Farmers Market Committee  
Ledyard Nursing Board (VNA)  
Library Commission  
Parks & Recreation Commission  
PMBC  
Planning & Zoning Commission

Retirement Board  
Senior Citizens Commission  
Youth & Social Services Board  
Water Pollution Control Authority  
Zoning Board of Appeals

POLICY AND GUIDELINES  
FOR REMOTE MEETING PARTICIPATION

Today's technology has provided the ability to provide transparency in the operation of local government with the use of electronic devices and technology such as video teleconference platforms.

Under provisions contained in CGS Section 1-200 which states members can attend a meeting "whether in person or by means of electronic equipment"; the Town Council adopts the following "Policy and Guidelines for Remote Meeting Participation":

It is the Policy of the Town of Ledyard that the Ledyard Town Council and the Town's appointed Committees/Commissions/Boards may conduct all of their in-person meetings in a Hybrid Format enabling both in-person and remote participation, providing the appropriate technology and equipment is available at the physical meeting location. However, this does not preclude meetings from being held remotely when appropriate.

In accordance with the Freedom of Information Act the following Protocols are required to conduct remote or hybrid meetings:

1. Remote Meetings:  
The public and committee members have the ability to participate, view or listen to each meeting or proceeding either by conference call, videoconference or other technology in real time.
2. Hybrid Meetings:  
Hybrid Meeting provides both in-person and remote participation, for the public, committee/commission/board member and invited guests to be involved in the meeting.
3. Acceptable Means for Remote Participation  
Committee/Commission/Board Members, both elected and appointed, can attend a meeting remotely and may use the following acceptable mediums: telephone, internet, audio or video conferencing, or any other technology means that enables the remote participant and all those present at the meeting to be clearly audible to one another. Remote participation should come from a software platform and device that can provide consistent and persistent signal strength.

The Town shall designate a widely available software platform for Committees/Commissions/Boards to conduct remote meetings.

4. Posting of Notice:

The required notice and agenda for each meeting or proceeding shall be posted on the Town's Website – Meeting Portal, and shall include information about how the meeting will be conducted and how the public can access it.

If a public agency intends to conduct a regular meeting either in part or entirely through remote means, the agency must notify its Members either in writing or through electronic means of that fact not less than forty-eight (48) hours prior to the meeting. The remote meeting invite would be sufficient notification.

In accordance with CGS 1-225 the Agenda shall be posted no later than 24 hours prior to the meeting as follows:

- (1) At its regular office or place of business;
- (2) In the office of the clerk or district of the political subdivision in which the agency is located, and
- (3) On the agency's website if it has one.

The notice must also include instructions for the public on how to attend and provide comment or otherwise participate in the meeting, either in person or by electronic means, as permitted.

5. Meeting Materials:

Materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency's website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting.

6. Conducting of Meeting

- (a) All speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak.
- (b) The meeting host (moderator) should mute and unmute people as needed.
- (c) The meeting host (moderator) shall ask people who are calling in to identify themselves. As an example, the moderator would say "who is calling from 860-464-XXXX?".
- (d) Once callers and video participants are identified, the host (moderator) may ask any participants who have a comment, to please use the "raise your hand" feature in the application for call in.

- (e) Participants may briefly provide comments at the start of each meeting, as specified by the meeting agenda.
- (f) Disruption by Public Participating Electronically - In the event a person or group of person attends a public meeting electronically and interrupts the proceedings or are otherwise preventing the orderly conduct of business, the agency may terminate such person's or persons' electronic access until such time as order is restored. Note that if this occurs, no business which is not on the agenda may be conducted.

7. Remote or Hybrid Participation

(a) Fully Remote Meeting:

The Chairman will serve as the Host (moderator) of the Meeting, unless the Chairman designates another to serve as the Meeting Host (moderator).

(b) Hybrid Meeting:

The Chairman shall be physically at the posted meeting location. In the event they cannot be physically be at the meeting location, they shall designate another member to serve as the Chairman-pro-tem (meeting facilitator).

The Town Council and Town Committees/Commissions/Boards plan to have a quorum present at the physical location the meeting.

It shall be the responsibility of the Chairman to ensure the proper number of committee members will be physically present at the meeting location. However, if for some reason a quorum cannot physically be at the meeting location, the following minimum number of voting members shall be physically present at the meeting location for the meeting to continue:

<b>Committee Voting Members</b>	<b>Committee Members Physically Required at Hybrid Meeting Location</b>
6 or less	2
7 – 9	3
More than 9	One-third of voting Membership

(c) Changing a Hybrid Meeting to a Fully Remote Meeting:

There may be circumstances in which a scheduled hybrid meeting may need to be changed to a fully remote meeting, such as it was not safe to meet in-person at the designated physical location.

The Hybrid Meeting could be changed to a fully Remote Meeting as follows:

Cancel the “In-Person” portion of the meeting in the same manner as any other meeting would be cancelled.

- ✓ Post a Cancellation in the Town Clerk’s Office, on the door of the meeting location, and update the on-line Agenda to state the following:

*“The In-Person Portion of the \_\_\_\_\_ meeting has been Cancelled. The meeting will be held totally Electronically/Remotely”, and then again list the link and other remote information on the notice.*

8. Meeting Record:  
The meeting or proceeding shall be recorded or transcribed, and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding and made available within a reasonable time in the agency's office.
9. Quorum  
Remote participants will be able to exercise all their duties for the transaction of business, as set forth in the Town Charter; all remote participation will count toward a quorum. It shall be the responsibility of the Chairman to ensure all voting members are properly engaged through both audio and video throughout the meeting.
10. Executive Sessions  
Remote participation at an executive session will be permitted in accordance with the guidelines of this policy. The remote participant must state for the record that they are alone and can not be overheard during the executive session.
11. Effective Date  
The “*Policy and Guidelines for Remote Meeting Participation Policy*” shall become effective upon adoption and supersedes other policies pertaining to this subject.

Adopted by the Ledyard Town Council on: March 23, 2022

  
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Kevin J. Dombrowski, Chairman

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Revision: “*Town Council Guidelines – Remote Participation*” Adopted May 9, 2012;  
“*Protocols for Remote Meeting Participation*” Adopted April 8, 2020.

History:

2022: Updated to delete language regarding the Governors Executive Order No.7A, dated March 13, 2020 “*Suspending In-Person Open Meeting Requirements*” that was in response the COVID-19 Pandemic; and added introduction language regarding Hybrid Meeting.

In addition, added language throughout the document pertaining to: (1) Section 4 - Noticing of Remote/Hybrid Meetings; (2) Section 6 paragraph (f) To address public disruption by public attending meeting electronically; (3) Section 7 paragraph (b) Hybrid Meetings.

TOWN OF LEDYARD  
POLICY GUIDELINES  
ELECTRONIC COMMUNICATION  
FOR ELECTED TOWN OFFICIALS AND APPOINTED VOLUNTEERS

This Policy provides guidance to elected officials and appointed volunteer members of the Town of Ledyard's Committees, Commissions and Board concerning electronic communication and for managing and retaining electronic messages, including e-mail, e-fax, instant messaging and text messaging under CGS 11-8; 11-8a and 7-109 related to town business and meetings.

1. DEFINITIONS

For the purposes of this Policy, the following shall mean:

Meetings

In accordance with CGS Chapter 14, Section 1-200 "*Meeting*" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember 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.

A conference call, video conference, or other communication by means of electronic equipment may constitute a meeting.

Electronic Communication/Messages

Electronic messages include e-mail, e-fax, instant messaging (IM), text messaging (SMS) and web-based messaging services.

Electronic communication/messages may be transmitted by a variety of mediums, including but not limited to computers and mobile computing devices (e.g. laptops, net books, notebooks, tablets and cellular phones).

Electronic messages are public records and under the Connecticut Uniform Electronic Transactions Act (CUETA) an electronic record is "*a record created, generated, sent, communicated, received or stored by electronic means, including, but not limited to facsimiles, electronic mail, telex and internet messaging*"(CGS 1-267).

Electronic Thread

"Electronic Thread" is any string of electronic messages.

## Public Record

Pursuant to CGS 1-200 “*public records or files*” means any recorded data or information relating to the conduct of the public business prepared, owned, used, received or retained by a public agency, whether such data or information may be handwritten, typed, tape-recorded, printed, Photostatted, photographed or recorded by any other method”.

## Record Custodian

The “Record Custodian” shall be the Administrative Assistant/Support Staff for the Town Council and its Sub Committees; and the Clerical Assistant/Fiscal Assistant/Support Staff for the Committees/Commissions/Boards of the Town of Ledyard.

## 2. USE OF ELECTRONIC MESSAGES/COMMUNICATION TOOL

The following guidelines are provided for Elected Officials and Appointed Volunteer Members of Town Committees/Commissions/Board in using electronic means of communication:

- a) Use e-mail to disseminate information in an effective and timely manner.
- b) Do not engage or deliberate on content contained in electronic communications.
- c) Use of IM; Text messaging and other forms of Direct Messaging for public agency business is prohibited.

## 3. RETENTION OF ELECTRONIC MESSAGES

Retention of electronic messages is based on the content of the message. Generally, most electronic messages have limited value and can be deleted immediately upon receipt.

However, electronic messages that document agency function and provide evidence of agency business must be retained according to the records retention schedules issued by State of Connecticut Office of Public Records Administrator under CGS 7-109 and CGS 11-8.

Electronic messages are similar to traditional postal mail. The message must be evaluated for action and subsequent retention. Maintain electronic messages for the required retention period under the equivalent records series.



### Steps to determine the retention period of electronic messages:

- a. Determine whether the electronic message is a public record or non-record as outlined in records series issued by State of Connecticut Office of Public Records Administrator.
- b. If message is a record, determine which records series the message belongs to; for example :
  - Transitory Correspondence, delete at will
  - Routine Correspondence, retain for two (2) years
  - All Other Correspondence, retain for the equivalent records series issued by State of Connecticut Office of Public Records Administrator.
- c. If the message is a non-record, destroy at will (e.g. publications, notices, announcements, employee activities, spam, and unsolicited advertisements; etc. )

#### 4. MANAGEMENT OF ELECTRONIC MESSAGES

For consistency in the management of electronic messages/records the “Record Custodian” must be included in all public record electronic communications.

The Record Custodian shall be responsible for retaining the record copy in accordance with the records retention scheduled issued by the Office of Public Records Administrator under CGS 7-109 and CGS11-8.

After an electronic thread is completed, the record custodian may retain only the last message (as long as it includes the prior messages) as the official record copy.

#### 5. FREEDOM OF INFORMATION ACT DISCLOSURE

Based on the above-mentioned statutes, electronic messages sent or received in the conduct of public business are public records. All electronic accounts including public accounts used to conduct public business are subject to disclosure under FOIA, a court action, or an audit and should be treated in the same manner as any other recorded information.

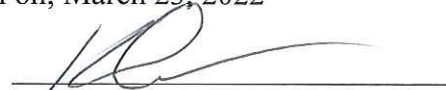
Elected Public officials are encouraged not to use private e-mail accounts and to obtain public accounts when possible.

Appointed Volunteers Members of Town Committees/Commissions/Board are strongly encouraged to set-up a separate e-mail account from their personal e-mail account to receive town business information such as agendas, minutes and related information.

6. EFFECTIVE DATE OF POLICY

The “*Policy Guidelines for Electronic Communication for Volunteer Town Officials*” shall become effective upon adoption

Amended and Adopted by the Ledyard Town Council on; March 23, 2022

  
Kevin J. Dombrowski, Chairman

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Revision: “*Policy Guidelines for Electronic Communication for Volunteer Town Officials*”  
Adopted: July 13, 1994; Amended and Adopted by the Ledyard Town Council on September 12, 2012.

History:

2022: Updated “*Policy Guidelines for Electronic Communication for Volunteer Town Officials*” as follows:

Title: Added “*Elected*” and “*Appointed*”

Introduction paragraph: Added “*Appointed*” before the word Volunteers.

Section 3

Paragraph (a): Added: *as outlined in records series issued by State of Connecticut Office of Public Records Administrator.*

Paragraph (c): Added for further clarification: “*publications, notices, announcements, employee activities*”

Added Section Title: “*Section 5. FREEDOM OF INFORMATION ACT DISCLOSURE*” and renumbered remaining Sections accordingly.

Second paragraph Added: “elected”

Added new paragraph: *Appointed Volunteers Members of Town Committees/Commissions/ Board are strongly encouraged to set-up a separate e-mail account from their personal e-mail account to receive town business information such as agendas, minutes and related information*

Section 6 Removed: ~~and is hereby incorporated in the “*Rules of Procedure for the Twenty-First Town Council*”.~~