

Position Statement Concerning Public Meeting Formats

Adopted: Insert Date

The Salisbury Planning & Zoning Commission (PZC) has elected to conduct business exclusively via Zoom (remotely) for a variety of reasons but principally to facilitate public accessibility to meetings, to maximize transparency as required by FOIA, to maintain the integrity of the land-use decision making process, and to guarantee maximum public and Commission member participation.

Freedom of Information Act

While the Freedom of Information Act (FOIA) requires that the public be able to attend and observe public meetings, it neither explicitly mandates nor prohibits public comments at meetings of any public agency. Consequently, public participation is within the discretion of each agency, unless required or restricted by other applicable law. That is, as a matter of policy, town commissions are not required to allow for public comment, except during duly noticed public hearings. Though not required, the commissions typically elect to provide a public comment opportunity on their *regular* meeting agendas. Due to the notice requirements regarding *special* meetings, this item cannot legally be included on the agenda. The agendas of special meetings also cannot include vague items such as “other items to be discussed” as this deprives the public of a full and transparent accounting of what will be discussed.

The PZC endeavors to conduct meetings that maximize the opportunity for everyone to be heard, maintain public decorum, and to render decisions without confusion. This results in more productive structured meetings in accordance with the FOIA where members and the public obtain the floor properly, speak concisely, obey the rules of debate and are courteous.

In 2022, the FOIA was amended to allow a commission or board to hold (**if the commission/board so chooses**) meetings that are accessible to the public through 1) electronic equipment only (i.e., **remote meetings**) or 2) remote participation in conjunction with an in-person meeting (i.e., **hybrid meetings**). The technology must “facilitate real-time public access to meetings,” such as “telephonic, video or other conferencing platforms” see Conn. Gen. Sec. 1-225a.

While the PZC hosts video access to remote meetings, an audio-only option is also permissible under the law. **This means that that the public doesn't have to be able to see the Commission or the audience.**

If a board conducts a remote meeting it must 1) provide any member of the public (upon a written request at least 24 hours in advance of the meeting) with a physical location and electronic equipment necessary to attend the meeting in real-time, 2) record or transcribe the meeting. All PZC meetings are recorded and posted on the website no later than seven days

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after the meeting (typically, within a day or two). Note that the requirement is only to provide **real-time public access** to the meeting and it does not require that the Commission itself be in-person.

The PZC has an obligation to maintain the rule of order in public meetings ensuring that all applicants are treated fairly, business is addressed effectively, and everyone entitled has an equal opportunity to participate. Since 2020, the PZC has successfully conducted all of their regular business in exclusively remote format.

Remote Meetings

There are several positive aspects of the remote meeting format over in-person (face to face).

The PZC has found that remote meetings

1. Improve transparency of Commission business and in many cases has improved Commission and public participation.
2. Facilitate Commission attendance. For instance, in 2024 a Commission member was able to participate while overseas for a family emergency.
3. Are often favored by professionals who are able to participate even when they have multiple public meetings to attend at various locales in the same evening.
4. Keeps Commission members and the public more fully informed of what transpired at meetings if they are unable to attend at the noticed time.
5. Are favored by many residents who are able to revisit and watch the video recordings.
6. Allows meetings to be held despite inclement weather.
7. Can effectively accommodate more attendees.
8. Maintain order and minimize disorderly interruptions by those in attendance.
9. Reduce opportunities for *ex-parte* interactions (illegal conversations before and after meetings) with Commissioners and staff.
10. Allow people to tune in to the portions of the agenda they wish to attend.

In-Person Meetings

On occasion the public has expressed a desire for in-person meetings. Some members of the public would like to be able to interact with the person sitting next to them during the meeting. In a well-attended meeting this can be disruptive, distracting from the person who has the floor and challenges the PZC's charge to maintain the rule of order. Others would like to observe how

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many people are in attendance or who is in attendance. No commission can require that attendees identify themselves excepting for the record when they choose to participate at appropriately noticed times. Alternatively, it has been posited that the commission ought to “look the attendees in the eye” perhaps implying that commission decisions should be based on who is in attendance or the number of attendees interested in a particular agenda item. Such factors are not legally permissible considerations of the PZC.

Hybrid

Over the past five years, the PZC has held a few workshops in hybrid or in-person formats. The Town has also hosted several hybrid Town meetings. At these hybrid meetings attendance has been mixed with significant attendance both remotely and in-person with neither format substantially outweighing the other. The hybrid meetings required additional staff to facilitate and manage the public participation element than an exclusively remote meeting.

Conclusions

Ultimately, the benefits of remote meetings to carry out commission business most in accordance with the FOIA outweigh the public desire for in-person meetings, and the toll of the logistics necessary for accommodating large crowds and mixed format meetings.

Salisbury has changed dramatically in the last five years. The expectations of the public for services from the Land Use Office and uncompensated commissioners has increased by many orders of magnitude. Monthly meetings have morphed into bi-monthly meetings and now with large and controversial applications often three or four meetings a month.

The ever-increasing demands of so many meetings, special meetings, and site visits places a significant burden on the time of elected and appointed uncompensated commissioners. It is anticipated that in-person meetings will result in decreased Commissioner attendance as they have to not only prepare for each meeting, but most are employed in some other capacity. The ability to participate from their homes provides them the flexibility they need to balance their personal and professional lives and still remain effective and engaged in discharging their public obligations.

The 2024 Plan of Conservation and Development is quite clear that Salisbury’s low mill rate is a direct result of the incredible number of volunteers giving their time and expertise to our Town’s government. If additional burdens are placed upon this cadre of dedicated individuals, it can reasonably be expected that the Town will see a reduction in the number of individuals willing to serve. There is already a dearth of individuals willing to assume these positions because of the amount of work involved. Several individuals have already stated that if in

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- 98 addition to preparation and remote meeting attendance they will have to attend nighttime in-
99 person meetings, they will choose to resign or not stand for re-election.

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