



**Inland Wetlands and Watercourses Agency  
Town of East Hampton**

**By Laws**

Updated: August 30, 2023

ARTICLE I

Purpose and Authorization

The objectives and purposes of the Inland Wetlands and Watercourses Agency of the Town of East Hampton are those set forth in Public Act 72-155 and 73-571, as amended, and those powers and duties delegated to the East Hampton Inland Wetlands and Watercourses Agency by the aforementioned Public Acts by ordinance, "Town Ordinance for Inland Wetlands and Watercourses Agency" of May 28, 1974 in accordance with the above enabling law.

ARTICLE II

Name

The Agency shall be known as the East Hampton Inland Wetlands and Watercourses Agency.

ARTICLE III

Office of Agency

The office of the East Hampton Inland Wetlands and Watercourses Agency shall be at the East Hampton Town Hall, where all Agency records shall be kept. Copies of all official documents, records, maps, etc. will be filed or recorded in the office of the Town Clerk.

ARTICLE IV

Membership

- Section 1. The membership and terms of office shall be as specified in the aforementioned ordinance establishing the Agency and the aforementioned Public Acts.
- Section 2. The number of voting members of the Agency shall be seven, with two alternates.
- Section 3. Members of the Inland Wetlands and Watercourses Agency shall be appointed as described in the Town Ordinance.
- Section 4. Vacancies on the Agency shall be filled as specified in Section 70-2 of the Town Ordinance.
- Section 5. Members shall notify the designated Town Staff person of his or her inability to attend a regular meeting.
- Section 6. Members are required to maintain an attendance record of 70% for all meetings. The Town Council will review attendance on a quarterly basis and members who cannot

maintain a 70% average will be asked to step down. Excused absences from meetings will be those due to illness, vacation, or work. (Attendance Policy of Appointed Boards and Commissions adopted by the Town Council May 11, 1993)

#### ARTICLE V Officers and Their Duties

- Section 1. The officers of the Agency shall consist of a Chairman and Vice-Chairman.
- Section 2. The Chairman shall preside at all meetings and hearings of the Agency and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, and generally perform other duties as may be prescribed in these bylaws.
- Section 3. The Chairman shall be one of the Agency members. He or she shall have the privilege of discussing all matters before the Agency and of voting thereon.
- Section 4. The Vice-Chairman shall act for the Chairman in his or her absence and have the authority to perform the duties prescribed for that office. He or she shall be an agency member.
- Section 5. In the event of absence by both Chairman and Vice-Chairman, the administrative staff person in attendance shall call the meeting to order, after which a majority of the members present shall elect a Chairman pro tem. The Chairman Pro-Tem shall be an agency member.

#### ARTICLE VI Administrative Staff

- Section 1. A Recording Clerk shall be appointed to keep the minutes and records of the Agency and, with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairman, provide notice of all meetings to Agency members, arrange proper and legal notice of hearings, attend to correspondence of the Agency, and such other duties as are normally carried out by a Recording Clerk.
- Section 2. In the absence of the Recording Clerk, due to illness or personal reasons, the Chairman, with the assistance of available staff, shall appoint a Recording Clerk pro tem.

#### ARTICLE VII Election of Officers

- Section 1. An annual organizational meeting shall be held on the regular monthly meeting date in June, at which time officers will be elected and bylaws reviewed and made part of the minutes of the monthly meeting. A quorum of regular members must be present before election of officers can take place.

- Section 2. Nominations of the officers specified in Section 1 of Article V shall be made from the floor at the annual organizational meeting and voting shall be by a method approved by the majority of the members.
- Section 3. A candidate receiving a majority vote from those present and voting shall be declared elected and shall serve for one year or until his or her successor shall take office.
- Section 4. Vacancies in offices shall be filled by the Agency.
- Section 5. Resignations from the Agency shall be in written form and transmitted to the Chairman, who will then forward same to the appointing authority.

#### ARTICLE VIII Meetings

- Section 1. Regular monthly meetings will be held on the date, time, and at the location specified during the annual review and approval of the yearly calendar provided to the Town Clerk and Secretary of State's Office. In the event of conflict with holidays or other events, a majority at any meeting may change the date or place of another regular meeting.
- Section 2. A majority (four) of the voting membership of the Agency (seven) shall constitute a quorum. The number of affirmative votes necessary to transact business shall be a minimum of four: except as provided in the sub-paragraph following:
- A simple majority of those present shall be sufficient to take action on the following:
- a) Administrative matters;
  - b) Procedural matters as follows: approval and/or correction of the minutes, removing or adding a matter to the agenda, disqualification of a member from participating on a particular matter, adjournment and;
  - c) Substantive matters i.e. release of a bond and comment to another agency.
- Section 3. All Agency meetings shall be open to the public when in session. The Agency may, by a majority of those present and voting, enter into executive session.
- Section 4. Special meetings may be called at the discretion of the Chairman who shall so notify such staff and the Recording clerk. The Recording Clerk shall notify all members of the Agency in advance of such meeting.
- Section 5. Robert's Rules of Order shall govern the proceeding at the meetings of the Agency.

#### ARTICLE IX Disqualification

No member of the Inland Wetlands and Watercourses Agency shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Agency. A member of the Agency shall disqualify himself or herself from participating in the hearing or decision of the Agency of which he or she is a member upon any matter in which he or she is directly or indirectly interested in a personal

or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Agency. The Chairman will announce the disqualification of the Agency member to the Agency.

No member shall be deprived of the opportunity to comment on a matter which directly impacts the member's property provided the member shall disqualify themselves from any participation as an Agency member.

When disqualification is questionable, a two-thirds majority of those present and voting shall make the final decision as to disqualification. Membership on another board, commission or agency within the town by a member of the Agency does not preclude his/her acting upon an application sought by said board, commission or agency.

#### ARTICLE X Order of Business

Section 1. The order of business at regular meetings shall include:

- a) Call to order
- b) Sealing of alternates
- c) Reading of Legal Notice for public hearings
- d) Approval of minutes of the previous meeting
- e) Communications, Committee Reports, and Report of Enforcement Actions
- f) Review and action on applications
- g) Old Business
- h) New Business
- i) Adjournment

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda.

#### ARTICLE XI Conducting the Public Hearing

Section 1. The Chairman of the Agency shall preside at the public hearing. In the event of his or her absence, the Vice-Chairman or a duly appointed Agency member shall act as presiding officer.

Section 2. The Recording Clerk shall read the legal notices and note the dates and newspapers in which the notice appeared.

Section 3. A summary of the application, question or issue shall be stated by the applicant at the opening of the public hearing. In any event, the Agency 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, at the discretion of the Agency. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comments pro or con.

- 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 or 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 questions presented at the public hearing. The hearing shall be conducted in deliberations of the regular meeting of the Agency. If a general consensus of the meeting is desired, the Agency may provide properly identified sheets on which electors may signify in writing their opinion as either in favor or opposed to the question before the public hearing.

#### ARTICLE XIII Employees

Section 1. Within the limits of the funds available for it use, the Agency may employ such staff personnel and/or consultants as it sees fit to aid the Agency in its work. All appointments shall be in accordance with Town policy.

#### ARTICLE XIII Committees

- Section 1. Special committees may be appointed by the Chairman for purposes and terms which the Agency approves.
- Section 2. A majority of committee members shall be present for the conduct of business and voting.
- Section 3. Standing committee may be appointed by the Chairman at the direction of the Agency.

#### ARTICLE XIV Amendments to Bylaws

These bylaws may be amended by a two-thirds vote of the entire voting membership of the Agency, only after the proposed change has been read and discussed at a previous regular meeting, except that the bylaws may be changed at any meeting by the unanimous vote of the entire voting membership of the Agency.