



**NEIGHBORHOOD REVITALIZATION ZONE ADVISORY BOARD
MINUTES OF MEETING**

June 28, 2016

The Neighborhood Revitalization Advisory Board held a meeting on Tuesday, June 28, 2016, 1:00 PM, at the office of the Connecticut Economic Development Fund (CEDF), 965 East Main Street, Meriden, CT.

Board Members or Designees:

W. David LeVasseur, [OPM](#); Chair
Sheila Barney, [South End NRZ, Stamford](#)
Jeremy Baver, [Hartford 2000](#)
Suzanne Blancaflor, [DPH](#)
Janice Castle, [City of Hartford](#)
Susan Cullen, Fort Hill NRZ, Groton
Roxane Fromson, [DOT](#)
Mike Gilmore, [City of Waterbury](#)
Sue Halpern, [South End NRZ, Stamford](#)
Bob Hannon, [DEEP](#)
Scott Jackson, [DOL](#)
Dale Kroop, [Town of Hamden](#)
Margaret Malinowski, [City of New Britain](#)
Alice Pritchard, [CT State Colleges & Universities](#)
Diane Smith, [Connecticut Housing Finance Authority](#)

Speakers:

James Bzdyra, [Connecticut Economic Development Fund](#)
Thomas Hennick, [CT Freedom of Information Commission](#)

Others Present:

Linda Bayer, [City of Hartford](#)
Matt Pafford, [OPM](#)
Bruce Wittchen, [OPM](#)
Maribeth Wojenski, [DOT](#)

1. Welcome, Introductions, Adoption of Minutes

David LeVasseur, Chair of the [Neighborhood Revitalization Zone](#) (NRZ) Advisory Board, called the meeting to order and everyone introduced themselves.

A motion was made and seconded to approve the minutes of the 3/26/2013 meeting and the motion was approved unanimously.

2. Community Economic Development Fund

David LeVasseur introduced James Bzdyra, President and CEO of [Connecticut Economic Development Fund](#) (CEDF). James described CEDF and pointed out that it is a 501(c)(3), not a state agency, that was created in 1996 and works across the state.

James explained that CEDF provides loans to start-up businesses and assigns a business adviser to each. The business adviser regularly meets with each business owner and is available at other times as needed. CEDF also operates a [Business Education Center](#), and James provided an overview of its services. James also described CEDF's [community development](#) activities, including their involvement with a recent project in Meriden.

James said CEDF's business loans range from \$5,000 to \$250,000. While they do loan statewide, they tend to focus on the state's [targeted investment communities](#) (TICs) and [public investment communities](#) (PICs). Loan recipients must have an income below \$89,700. The expectation is that people with higher incomes have access conventional financing.

A question was asked about how working capital is used and James explained that a CEDF loan can function as a line of credit that a business can access to cover costs while waiting for receivables. He also described other uses of CEDF loans and types of businesses accessing such funds.

He noted that CEDF does not provide loans to some categories of businesses, such as package stores, that many people do not like to have added to their neighborhood, but it does offer loans for restaurants, which can otherwise be difficult to finance. There was a discussion of business siting/location research and James explained that the [CT Economic Resource Center](#) (CERC) is better suited to provide such assistance.

There was a discussion of neighborhood market surveys and James said CEDF has not been involved in such an activity lately, but would be interested. Margaret Malinowski explained that it was such a survey that helped the transform the area of New Britain's Broad St NRZ into Little Poland. She said the city would like to do something similar to highlight the Latino character of the city's Arch St neighborhood.

There was further discussion CEDF's goal of supporting cohesive business communities and James said they pride themselves on moving businesses they've helped establish to commercial banks. A question was asked about CEDF's segmented loans funds and James said there currently are two. Two more are under consideration, but finances are limited. He said he is available if anyone has any further questions about CEDF services.

3. NRZs and the CT Freedom of Information Act

David LeVasseur introduced Tom Hennick of the CT Freedom of Information (FOI) Commission, who provided an overview of his background. He noted that he has a background in journalism and is not an attorney. He said his presentation is FOI 101 and will provide some of the tools needed to understand the state's freedom of information requirements.

Tom described the history of the state's [FOI Act](#), which originated 41 years ago, and quoted James Madison:

A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both.

He explained that the FOI Act was promoted by Gov Ella Grasso in response to Watergate. He noted that Gov. Grasso sought unanimous legislative approval, so compromises were made. He read the FOI Act's definition of "public agency" to illustrate why the act applies to organizations such as NRZs:

Public agency" or "agency" means:

(A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official, and also includes any judicial office, official, or body or committee thereof but only with respect to its or their administrative functions, and for purposes of this subparagraph, "judicial office" includes, but is not limited to, the Division of Public Defender Services;

(B) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law; or

(C) Any "implementing agency", as defined in section 32-222.

He also explained that, while FOI is about access to information, it does not require someone to answer all questions someone might possibly ask. Tom read the FOI definition of meeting:

"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. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

Tom explained that meetings require proper advance notice, must be open to the public and minutes must be prepared. He noted that, although it is widely believed that a

subcommittee of a group can meet without following those requirements, they must follow the same procedures. He added that appellate courts have ruled both ways on groups meeting without a quorum of members being present. There was a discussion of the applicability to a 501(c)(4) economic development group established by a municipality and such an organization also must comply with the FOI Act.

NOTICE OF MEETINGS

Type	Notice	Agenda/ Notice Contents	Adding to Agenda/ Notice	Filing Record of Votes	Filing Minutes
Regular	File yearly schedule with Sec'y Of State (state) or Town Clerk (municipal) by Jan. 31 st .**	Agenda available at least 24hrs. before meeting.**	Agenda items may be added by 2/3 vote of those members present and voting.	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 7 calendar days after meeting.***
Special	At least 24 hrs. before meeting, file at Sec'y Of State (state) or Town Clerk (municipal).*	At least 24 hrs. before meeting. Time, place and business must be included in notice.*	Not permitted	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 7 business days after meeting.***
Emergency	None required if emergency is justified.	None required if emergency is justified.	Only emergency matters may be considered.	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 72 hrs. after meeting. Must state reason for emergency.***

* Available with Sec'y of State (state) or Town Clerk and in place of business. Also, must be posted on agency website.

** Available with Sec'y of State (state) or Town Clerk and in place of business. Also, must be posted on websites for state agencies only.

*** Must be posted on agency website for state agencies only.

Tom described the public notice requirements for regular, special and emergency meetings and explained how those requirements differ (see Table 1). He said a 2/3 majority is required to add to the agenda of a regular meeting and nothing can be added to the agenda of a special meeting. He discouraged the holding of emergency meetings and said that, whenever possible, a group should instead prepare an agenda, file a public notice for a special meeting and wait the additional 24 hours.

Tom provided an overview of a CT court case regarding actions taken at an emergency meeting and those actions ultimately were overturned, leading to further legal issues. He highlighted that the matters discussed at the original emergency meeting could not be shown to be a true emergency and that a special meeting could have been held after a 24 hour wait.

There was a discussion of the organization of the FOI Commission, including the commission membership and its staffing. Tom said they handle approximately 1000 cases per year. He said a common question is what kind of meetings of group members do and do not require public notice. He pointed out that board members who meet in a social setting naturally will talk about the board, but they need to keep that conversation superficial.

A question was asked about whether public notice requires a legal ad in a newspaper and Tom said the FOI Act does not require it. Another question was asked about whether an NRZ that meets without an agenda is out of compliance with the FOI Act and Tom said it is. There was further discussion of NRZs in such circumstances and that such NRZs can be seeking help to operate correctly. Tom said people in a position to provide guidance should help such an NRZ because a complaint will eventually be filed about improper procedures.

There was a discussion about sign-in sheets at public meetings and Tom said people are not required to identify themselves to attend a meeting. He added that the FOI Act also doesn't require that people be allowed to speak at a meeting. A question was asked about whether minutes must be posted online and Tom said it is not required for municipal agencies, but posting them is a good idea.

Tom explained the requirements for executive sessions. While the explanation for entering executive session should be as specific as possible, it does not need to be so specific that it would compromise the group's position in negotiations. He noted that an executive session is acceptable for discussing bids and proposals, even unselected bids become public records after the decision is made, although portions can be redacted if necessary due to trade secrets. Tom cautioned that people submitting bids to a public entity should be made aware that anything marked as being confidential might be over-ruled in court.

Tom noted that the state's records retention requirements are governed by a different set of laws and added that the FOI Act does not require an agency to create a new document in response to a request for information. An agency must provide some detail regarding an executive session but, if it's held to discuss a personnel matter, they do not need to provide the name of the employee. An employee can require that a personnel matter be discussed in public, not in executive session, but cannot attend an executive session unless invited.

An increasingly common form of executive session is one to describe security matters. Tom said a school board will likely want to describe a school's security procedures in

executive session. He noted that, as in all executive sessions, the group should always vote in public. He encourages groups to use electronic media, but a group's board should not conduct their discussions online. There was a discussion of how a group can provide public access to a meeting held by telephone. Tom noted that, while the FOI Act allows phone meetings, a group's bylaws might not and, in such a situation, the bylaws must be followed. He added that some bylaws might not specify that minutes must be available within 7 days and, in this situation, the state requirement to produce minutes would overrule the bylaws.

Tom said a group's minutes are only required to provide a record of any votes and draft minutes must be available within 7 days. The FOI Commission website (<http://www.ct.gov/foi/site/default.asp>) provides this and other information, including searchable lists of previous cases.

Tom recommended that everyone learn the public record requirements described on the FOI Commission website and understand the exclusions. He said agencies should be consistent with how they handle requests and always respond within four days. He noted that, for an overly burdensome request, it might be possible to work with the requester to narrow the scope of the request. He also said that the timeframe for satisfying a request is not clearly defined; the FOI act says requests must be processed "promptly" while the Court says a case must be processed "without undue delay."

There was a discussion of the use of electronic and paper records and of how to respond to what appear to be frivolous FOI requests. Tom pointed out that an agency can require payment in advance for requests that will cost more than \$10. The state can charge 25¢ per page for photocopies and municipalities can charge 50¢. Tom described how an agency can allow someone to take photos of records with a cell phone and there was a discussion of how a draft report can be so close to being finalized that it should be considered a public document.

The group thanked Tom for his presentation. Dave LeVasseur said the group should continue looking into NRZ governance issue in future meetings and said there will not be such a long delay before the next meeting.

4. Other Business

There was no other business.

5. Adjournment

A motion was made and seconded to adjourn the meeting and the motion was approved unanimously. The meeting was adjourned at 3:00.