Town of Prospect Charter Revision Commission
Approved Minutes
April 26, 2016

Board Members Present:
Chairman G. Gruber, R. Nash, P. Krisavage, T. Galvin, B. Hiscox, E. Cranney, J. Paulella,
(P. Reed, K. Blinstrubas absent).

Chairman Gruber called the meeting to order at 7:00 pm.

Motion by P. Krisavage, seconded by J. Paulella to accept the minutes of the 4/14/16 meeting. All were in favor with the exception of B. Hiscox who abstained (he was not present at the 4/14/16 meeting).

Public Participation I:
Lorraine Dixon, Chairperson Inland Wetlands Commission thanked the Charter Review Commission for their hard work. No additional public participation.

Discussion of Chapters of Charter: Commission members discussed Attorney Knott's memo to the CRC, dated April 22, 2016, subject: Revised Charter, which identified his suggested revisions by section (see attached). The Commission members agreed with all of his suggestions, with the exception of the following:

1. **All Sections #2**: Consider reordering the charter sections: Commission members agreed to keep the old ordering until sometime after the Town Council reviews the document.
2. **Section 11.01 - Conflict of Interest**: Consider removing or redefining the word "Associations." Commission members agreed to keep the word as is and to keep definition wide-ranging.
3. **Sections 6.12 - Assessor:** Consider adding an additional sentence regarding elected Assessor: "Any Assessor who was elected to that Office shall continue to serve in that Office for the remainder of their elected term." Commission members agreed to remove the sentence Attorney Knott proposed, since the Assessor is currently appointed and not elected, therefore the sentence does not apply.
4. **Section 12.01 – Online Notifications of Boards and Commissions:** Consider whether this belongs in the charter or better addressed by a brief policy from the Mayor. Charter Commission members agreed to keep this section as is, in the Charter.
5. **Section 8.10 – Reductions in the Town Budget:** Consider removing the parentheticals. Commission members discussed the legal ramifications (pros and cons) of including "Regional School District No. 16 or its successor" in this section. After a lengthy discussion, Commission members agreed to remove any references to "Regional School District No. 16 or its successor" from this section; and resolved the parentheticals.

Commission members began a last review of the Charter by section and agreed to the following changes:

1. **Section 2.01 - General**: Page 5, 4th paragraph beginning with "The Town Treasurer and Tax Collector shall each file,...", change: "...with and in a form,..." to "...~~with and~~ in a ~~form~~ format,...".
2. **Section 3.08 – Public Hearings on and Publication of Ordinances:** Page 10, 3rd paragraph in this section beginning with "Within ten (10) days after..."– at the end of the sentence add the phrase "and the Town's Internet Website, as defined by section 12.01 of this Charter." Commission members also agreed, for consistency, to include this same phrase throughout the Charter where appropriate.
3. **Section 8.04 – Duties of the Town Council on the Budget**: Page 27, 2nd complete paragraph from top of page beginning with "At least five (5) days prior...", after "...in a newspaper having substantial circulation in the Town", include the phrase "and the Town's Internet Website, as defined by section 12.01 of this Charter."
4. **Punctuation** changes :
   a. Page 3 last paragraph, third line, use a comma vs. a period after "Board";
   b. Page 16, Section 5.02, 1st sentence, do not delete the word "by".
   c. Page 25 Section 8.03, bottom of the page, first sentence, after "Council", insert "a".

Motion by E. Cranney, seconded by P. Krisavage **to approve the document** (Charter Revision dated 04/22/16) as amended this evening. All in favor.

Discussion of Organizational Chart – tabled until next meeting.

Chairman Gruber presented the summary document of changes which was reviewed and agreed upon.

Chairman Gruber presented the Charter Revision Document Completion Schedule which was reviewed and agreed upon (see attached).

Attorney Knott/Chairman Gruber presented the public hearing notice (see attached). Clerk was instructed to publish.

Public Participation II:
No additional public participation.

Motion by T. Galvin, seconded by E. Cranney to adjourn the meeting at 8:20 pm. Unanimous.

G. Gruber, Chairman

C. DeBiase, Clerk

Attorney Knott Memo:

MEMORANDUM
TO: Charter Revision Commission
FROM: Knott & Knott, LLC
DATE: April 22, 2016
RE: Revised Charter

You asked us to provide guidance on the entirety of the revised Charter to date. We have attached a MS Word document with our changes tracked. Additionally, we provide the following general comments and summary of changes.

General Comments
All Sections
1. Grammatical, formatting, and syntax changes were made throughout.
2. After your official vote on April 26, 2016, we recommend that you reorder the charter sections as amended and remove place holders.

Section 11.01
1. We are unclear what the word "Associations" refers to. It could encompass trade associations, fraternal associations, parent-teacher associations, etc. This word needs more specificity. Consider removing it, defining it, or requiring the Town Council to define it by ordinance.
3. We recommend that the Town establish an ordinance to provide greater detail to this section and define personal interest, family member, association, etc.

Summary of Changes
Section 3.02
1. Replaced "chairman" with "chairperson" for consistency.
2. Added "If the Mayor is unable to preside over said Town Council meeting due to absence or disability, the Town Clerk shall preside over said Town Council Meeting until a Chairperson is elected."

Section 3.10
1. Removed the words "or indelible pencil" for consistency.

Section 3.14
1. Moved the phrase "within the prescribed wage scale" for syntax.

Section 4.08
1. Added the phrase "abolished or as amended by the Town" to describe the various different ways an ordinance may be changed.

Section 5.02
1. Changed "He or she" to "The Mayor" in two places.
2. Removed the phrase "summary of the financials of the Town", as the addition of the last three Annual and Audit Reports provides the financial information of the Town in presumably much greater detail. A "summary of the financials of the Town" is subjective as to what information is

necessary. Is it the last budget, the current Town cash flow, etc? The Annual and Audit Reports will provide the necessary information for a new Mayor in a more objective fashion.

Chapter 6

1. Removed "even if not qualified or certified to perform said duties", "2/3 approval of the Town Council", and "and in lieu of any appointment by the Mayor of any of his or her appointees to any office under the jurisdiction of the Mayor."
2. Changed sixty days to appoint an officer to ninety days to give the Mayor more time to make such appointment.
3. Added the phrase "for a temporary term of three (3) months."
4. Added the sentence, "Subject to approval of the Council, the Mayor may appoint himself or herself, for a temporary term of ninety (90) days; and shall perform the duties of such office and shall receive no compensation for such duties. If no appointment has been finalized after the Mayor's ninety (90) day term, subject to a 2/3 approval of the Council, the Mayor may continue in said office until an appointment is finalized."
5. We believe that the requirement that the Mayor serve if only certified and qualified for an office is inappropriate in this temporary appointment section. If the Mayor invokes this authority it will be because of an unusual situation that he is unable to find a suitable person. In such a situation, the requirement that the Mayor be certified and qualified could exacerbate the problem of the absence of said officer. Therefore, we added the language about a ninety day term to stress that the Mayor's appointment of himself should be temporary and subject to Town Council review, while maintaining the ability for the Mayor to manage such department during the vacancy.

Sections 6.12; 6.15-6.17

1. The sentence "any Town Assessor/Tax Collector/ Clerk/Treasurer who was elected to that Office, shall continue to serve in that Office for the remainder of their elected term.

Sections 6.15-6.17

1. Removed the phrase "have the authority", to clarify that the appointments are not permissive, as in the Mayor does not need to appoint such officers.

Section 6.19

1. Removed pay/salary plan/schedule/structure and added compensation plan for consistency.
2. Reordered the paragraphs of subsection (b) for logical consistency.
3. Added the phrase "(in this section only, hereinafter 'the Commissions')" to clarify that phrase "the Commissions" used throughout this section refers to the Inland Wetlands Commission and the Planning & Zoning Commission only.

Section 8.03

1. Removed "and there shall be no combining of multiple expense topics within each line item" and added a subsection (d) which states, "Each line item for each department shall be titled and confined to one (1) expense subject which shall be clearly stated in the line item title."

We believe this change adds the clarity that you have discussed in your prior meetings, because it requires that each line item have a title and confines the subject of the line item to that title. For example, a line item title might be Department of Public Works Snow Removal. That line item subject cannot include road paving, because the title limits the subject to snow removal.

Section 8.10
1. Removed the parentheticals, as they are no longer relevant after the deletion of the phrase "if lawful."

Section 11.01
1. Please consider our general comment about this section.

Section 12.01
1. Removed the sentence "the Board's, Commission's and Town Council's clerks shall e-mail the various items to be posted on the Town's internet website to the Mayor's office" and replaced it with "The Town Council and all Boards and Commissions, whether elected or appointed by the Town Council or Mayor, shall cause to be posted any items required by this Charter or the General Statutes on their respective Board or Commission's Webpage on the Town's Internet Website by sending said items to the Mayor's Office by E-Mail"
2. Please consider whether this belongs in the Charter or could be better addressed by a brief policy created by the Mayor and specifically directed to members of the To

Charter Revision Document Completion Schedule:

CRC Revised Charter Document Completion Schedule – REV. 4/24/16

✓ 1. CRC completes draft document: March 22

✓ 2. CRC provides document to Atty. Knott: by March 28

✓ 3. Atty. Knott's time required to review/turn document: ~ 2 weeks

✓ 4. Atty. Knott provides document back to CRC: by COB April 8

✓ 5A. Mayor provides feedback on document to CRC: April 14

✓ 5B. CRC Reviews document: April 14

✓ 5C. CRC provides updated document back to Atty. Knott: by April 18

✓ 6. Atty. Knott's time required to review/turn document: ~ 1 week

✓ 7. Atty. Knott provides document back to CRC: by COB April 22

8A. CRC Reviews document & Approves/Votes: **April 26**

8B. CRC Reviews "Summary of Document Changes": April 26

9. DRAFT Revised Charter document: placed on Town Website: April 27-29
Copies made available at Town Hall for the Public
"Summary of Document Changes" published in newspaper(s) & Town Website

10. CRC holds Final **Public Hearing: May 12**
CRC holds Regular Meeting to discuss any potential changes: May 12

11A. Path 1 ("**no changes**" from May 12):
CRC provides Approved DRAFT Revised Charter document to
Town Clerk and Town Council: by May 17

11B. Path 2 ("**significant-changes**" from May 12):
CRC provides document to Atty. Knott: by May 16

Atty. Knott provides document back to CRC: by COB May 20

CRC Reviews document & Approves/Votes: May 24

CRC provides Approved DRAFT Revised Charter document to
Town Clerk and Town Council: by May 26

12. Scheduled Reviews with Town Council of Draft Revised Charter document:
Tuesday May 17: Summary discussion of document and schedule;
Thursday May 26: Detailed discussion (front-to-back of entire document).

Charter Revision Commission Public Hearing Notice:

TOWN OF PROSPECT
CHARTER REVISION COMMISSION
NOTICE: PUBLIC HEARING

Public notice as provided under CT General Statutes and the Prospect Town Charter is herewith given by the Town of Prospect Charter Revision Commission. A Public Hearing will be held on Thursday, May 12, 2016 at 7:00 pm in the lower level conference room of the Prospect Town Hall, 36 Center Street, Prospect, CT. Residents of the Town of Prospect are invited to attend the public hearing to voice their opinions on the proposed draft revisions to the charter. Copies of the proposed draft revisions to the charter, as well as copies of the existing charter, can be obtained in the Town Clerk's Office at no charge and by way of the official Town website.

The Town website may be accessed as follows: http://www.townofprospect.org/. To access the copies of the proposed draft revisions to the charter and the existing charter on the website, select "Town Charter" on the bottom right hand side of the website homepage. Links to both the proposed draft revisions to the charter and the existing charter will be on the Charter Revision Commission's page.

Glenn Gruber
Chairman