

Town of Prospect Charter Revision Commission
Approved Minutes
03/22/16

Board Members Present:

Chairman G. Gruber, P. Reed, R. Nash, P. Krisavage, T. Galvin, J. Paulella, K. Blinstrubas.
Absent: B. Hiscox, E. Cranney.

Chairman Gruber called the meeting to order at 7:01 pm.

Motion by P. Krisavage, seconded by K. Blinstrubas to accept the minutes of the 3/10/16 meeting. All in favor.

Public Participation I: None

Open Issues: Commission members continued their discussion of the remaining Open Issues, which are listed by Item number and their respective section in the Charter.

Item 1: Section 3.05: Investigations: Atty. Knott reviewed the language in this section. It is acceptable as is.

Item 2: Section 3.14: Salaries and Wages:

Commission members reviewed the 3/22/16 memo from Atty. John Yarbrough regarding section 3.14. Concerning Atty. Yarbrough's recommendation to make changes to the paragraph beginning with "Within sixty (60) days....", the Commission members agreed to keep their previous proposal and not use suggested changes from Atty. Yarbrough. The changes from Atty. Yarbrough were a personal view not for legal reasons. After a discussion, the Commissioners agreed to end the sentence in this section with "wage scale", thus removing ~~in step form, and the number of positions in each step at that time in those departments for which the Mayor is the administrator.~~

Item 3: Section 4.03: Emergency Management Advisory Council: Per State statute, the Advisory Council shall be appointed by the CEO (Mayor), and not the Town Council. Therefore, this section will be changed accordingly and moved to Chapter 6, and combined with Section 6.04. Currently leave this section (4.03) blank at present in the draft charter to maintain sequential numbering of sections, and renumber at a later date.

Item 4: Section 4.05: Library Board:

Commission members reviewed the 3/22/16 memo from Atty. John Yarbrough, whose position no longer recommends the setting of salaries for the Library by the Mayor. The 4th and 5th paragraphs of this section were discussed. Commission members agreed to keep the language as was proposed in the draft charter for this section.

Item 5: Section 6.04: Emergency Management Advisory Council:

The Commission members agreed to change the language accordingly and move the language from Section 4.03 and combine it with language in the existing 6.04.

The language moved from 4.03 has been changed and reads as follows:

The ~~Town Council~~ Mayor shall, ~~by resolution~~, decide the make-up of this Advisory Council in accordance with the State Emergency Management Plan. The Town Council Mayor shall appoint and may remove seven (7) members of the Advisory Council and there shall be no alternates.

~~The Town Council shall appoint and may remove the members of the Emergency Management Advisory Council.~~

The Emergency Management Advisory Council shall have the powers and duties prescribed by the Connecticut General Statutes.

Language from the old Section 6.04 is as follows:

The Mayor shall appoint ~~serve as~~ the Director of the Emergency Management Advisory Council. The Emergency Management Director will serve as the Chair of the Emergency Management Advisory Council.

The Mayor may appoint and may remove an Assistant Director to the Emergency Management Advisory Council.

The Emergency Management Director shall have all the powers and duties inferred or imposed on the Emergency Management organizations by the Connecticut General Statutes.

The Citizens Emergency Response Team (CERT) shall function under the guidance of the Emergency Management Advisory Council.

It was also agreed to add the "role" of the Emergency Management Director from the State statute: The Emergency Management Director shall be responsible for the organization, administration and operation of the local organization, subject to the direction of the Commissioner of the Emergency Services and Public Protection of the State of Connecticut. The Mayor may remove the Emergency Management Director for cause.

Item 6: Section 9.01: Town Meetings and Public Hearings:

Atty. Yarbrough, in his memo dated 3/22/16, recommended adding the following language which the Commission members had originally proposed removing, due to language which was added to section 3.04. However, based on a discussion with Atty. Yarbrough, the Commission members agreed to add back the following language after Item 7 in section 9.01 of the draft charter:

Notwithstanding item 3 above, the Town Council may authorize entering into lease/purchases of vehicles or equipment without prior approval of the Town Meeting other than an appropriation for such lease/purchases by the Town Meeting.

Item 7: Online Notification of Boards and Commission Activities: Commission members agreed to use Atty. Knott's suggestion of replacing in Sections 3.08, 3.09, 8.04 and 9.01 the proposed language "through any reasonable standard electronic means" by requiring that any posting also be made on the "Town Internet Website."

Item 8: (New) Chapter 12: Online Notification of Boards and Commissions Activities: Attorney Knott proposed the following language regarding electronic notification of Town Boards' and Commissions' activities and the Commission agreed to incorporate it:

Section 12.01: Online Notification of Boards and Commissions Activities:

All Boards and Commissions, whether elected or appointed by the Town Council or Mayor, in addition to any other notice and/or publication requirements under the General Statutes, shall post on the Town's Internet Website or on the respective, Board or Commission's Webpage on the Town's Internet Website, the following:

1. Meeting agendas;
2. Minutes of meetings;
3. Schedule of Regular Meetings, as defined by the General Statutes;
4. Notice of Special Meetings, as defined by the General Statutes;
5. Any other notice required by law to be published on a public signpost or in a newspaper having general circulation in the Town; and
6. Any other public notice, as required by this Charter or the General Statutes.

Item 9: (New) Section 8.10 – Reductions in Town Budget:

Currently, once the budget is adopted and the mill rate set, the Town Council's only option to balance the budget in light of substantial reductions in revenue is to increase taxes or deplete surpluses. This language would give clear authority to the Town Council to reduce expenditures as an option. The proposed language makes clear an authority which may be contested without this language.

Atty. Knott proposed the following language and Commission agreed:

Upon application of the Mayor or upon the Council's own motion after consultation with the Mayor, the Council is authorized to reduce the operating budget after its adoption and at any time during the fiscal year, if the Council determines that it has over-estimated revenues for the budget year or if the Council determines that expenditures will exceed budget estimates. The Council may apportion the reduction among the various departments, offices, boards, or commissions (including the Board of Education of Region 16), or it may apportion the reduction to or among one or more specific departments, offices, boards, or commissions (including the Board of Education of Region 16). Each affected department, office, board, or commission shall be notified of any such reduction in its appropriation.

Item 10: Section 6.12 – 6.17

Atty. Knott recommended changing the word “consent” as it is proposed in these sections to “advice”, this was a personal view not for legal reasons. Commission members discussed the pros and cons of the change in language. Commission members agreed to keep the proposed word “consent”, but also proposed rewording each of these sections so the phrase “with the consent of the Town Council” is moved to the beginning of the sentence, per the recommendation of Atty. Santoro. The first sentence in each of these sections will read as follows:

The Mayor, with the consent of the Town Council, shall appoint and may remove, ...

Item 11: Organization Chart: Discussion tabled to next meeting.

Item 12: Miscellaneous – Roles: Commission members had previously discussed the potential need for additional roles of Chief Financial Officer, Director of Information Technology and Human Resource Manager. It was agreed that these roles need not be defined in the Charter as the Town Council can create any such additional roles as required by ordinance.

Review of Draft Charter:

Commission members reviewed the draft charter - **version dated March 20, 2016**. Commission members agreed to make the additional following revisions:

- a. **Section 2.06: Breaking a Tie:** Second paragraph of this section, replace “machines” with “tabulators”.
- b. **Section 3.02: Presiding Officer:** Second paragraph of this section, use “three (3)” vs “3”.
- c. **Section 3.04: General Powers and Duties:** Delete the two paragraphs at the end of the section; each paragraph begins with “Upon recommendation.” Removal based on discussions with Atty. Yarbrough.
- d. **Section 3.08: Public Hearings on and Publication of Ordinances:** Remove “and through any reasonable standard electronic means, and replace with “on the Town Internet Website.”
- e. **Section 3.09: Emergency Ordinances:** Same change as in Section 3.08.
- f. **Section 4.03: Emergency Management Advisory Council:** Moved to Section 6.04.
- g. **Section: 5.03: Public Works:** Name changed to **Public Works Department**. Reference the new name throughout the section. In the second paragraph: insert after storm drains: “operating recycling center”, change “arborist” to “warden”, remove “sewage disposal”, change disposal of “garbage” to disposal of “solid waste”, include “household hazardous waste”, change “rubbish and ash” to “and rubbish on Town Property.”.
- h. **Section 6.12 – 6.17:** Revise as listed previously in minutes in Item 10.
- i. **Section 8.04: Duties of the Town Council:** Remove the phrase “and through any reasonable standard electronic means” and replace with “on the Town Internet Website.”
- j. **Section 8.10: Reductions in the Town Budget:** Add this new chapter as previously listed in the minutes in Item 9.
- k. **Section 9.01: Town Meetings and Public Hearings:** Revise as listed previously in the minutes in item 6. Also change the last sentence of the second to last paragraph on page 28 by removing

the phrase “and through any reasonable standard electronic means” and replace with “on the Town Internet Website.”

- I. **Section 10.05: Amendment:** Change the minimum number of years from 10 to twelve (12).

Chairman Gruber proposed creating a “Summary of Document Changes”. Commissioners agreed.

Chairman Gruber reviewed the “**Revised Charter Document Completion Schedule**”. Commissioners agreed with schedule:

CRC Revised Charter Document Completion Schedule – REVISED:

1. CRC completes draft document: March 22
2. CRC provides document to Atty. Knott: by March 27
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 17
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
Copies made available at Town Hall
“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

A. Path 1 (“no changes”):

If “no changes” CRC provides DRAFT Revised Charter document to
Town Clerk and Town Council: May 17 [< May 31]

B. Path 2 (“changes”):

If “changes” CRC provides document to Atty. Knott: by May 15
Atty. Knott provides document back to CRC: by COB May 20
CRC meeting for final Approval/Vote: May 24
CRC provides DRAFT Revised Charter document to
Town Clerk and Town Council: May 26 [< May 31]

Motion by B. Nash, seconded by P. Krisavage, to hold the second and final CRC **Public Hearing** at the regularly scheduled meeting of the CRC on Thursday, **May 12, 2016**. All in favor.
Atty. Knott's office will draft the hearing notices for the clerk to publish. Atty. Knott recommended that the Public Hearing minutes be separate from the regular meeting minutes.

The Commission discussed the requirement for ballot questions and who is responsible for creating them and by when. Atty. Santoro stated that the Town Council drafts the ballot questions.

Public Participation II: No additional public participation.

Motion by T. Galvin, seconded by J. Paulella, to adjourn the meeting at 8:54 pm. All in favor.

G. Gruber, Chairman

C. DeBiase, Clerk

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Margaret E. DeBiase
TOWN CLERK