

Town of Prospect Charter Revision Commission
Unapproved Minutes
04/14/16

Board Members Present:

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

Chairman Gruber called the meeting to order at 7:02 pm.

Motion by P. Krisavage, seconded by T. Galvin to accept the minutes of the 3/22/16 meeting. All in favor.

Public Participation I: The Public was invited to speak. Mayor Chatfield thanked the Commission for their efforts. The Mayor then provided his comments on the "draft revised Town Charter document dated April 8, 2016", as follows:

1. Recommended the effective date of the revised charter be changed from November 8, 2016 to a date 1 -2 months later.
2. Section 2.01: recommended that the Town Clerk, Town Treasurer and Tax Collector remain as elective offices. [The CRC position remains 'appoint' for these specific offices. This position is not related to anyone's performance. Rather, the Commission wants to put in place a process to obtain, in the future, the best qualified person for the job; a process which allows the utilization of job descriptions, job performance evaluations and the ability to be removed for cause.]
3. Section 2.01: in the paragraph beginning: "The terms of all Municipal Officers shall commence on the second Friday next following the day of the municipal election..."; there was a question regarding if something happened to the Mayor before the Chairman of the Town Council was chosen, who would open the meeting to choose the Chairman. Section 3.02 states: "The Town Council shall meet at 7:00 pm on the second Tuesday following each biennial election and shall choose from among its members, a Chairperson and a Vice-Chairperson of the Council." [Atty. Knott will look into this situation and make a recommendation.]
4. Section 2.07: modify the third paragraph as follows: "...and these minutes may be considered an official record and shall be filed with ~~the Mayor and~~ the Town Clerk within five (5) days of their approval."
5. Section 3.03: in the third paragraph, recommended changing the "Five members shall constitute a quorum;" to, whereby the five members must include one person from the minority party. [The CRC position is to leave the language as is – no change.]
6. Section 3.16: there were some questions/discussions regarding the new language requiring the Town Council being notified of all grant applications.
7. Section 5.3: recommended deleting "~~and rubbish~~" in the last sentence.
8. Section 6.10: recommended changing the number of members as follows: "...the number of members set by ordinance, but not fewer than three (3), nor more than ~~eleven (11)~~ seven (7),..."

9. Section 7.01: recommended changing the following: "All Town Police Officers shall be certified by the Police Officer Standards and Training Council (POSTC) or its successor and shall have the powers and duties as prescribed by the General Statutes of the State.
10. Section 8.02: recommended changing in the second paragraph: "...with the Mayor, by January ~~10~~ 15 on forms..."
11. Section 8.03: recommended changing in the first paragraph: "By February ~~10~~ 15, the Mayor shall..."
12. Section 8.04: recommended changing in the second paragraph: "...shall hold one or more public hearings by April ~~20~~ 30, at..."
13. Section 9.01: recommended changing in the eighth paragraph: "...on the voting tabulators or ballot boxes."
14. Section 10.01: recommended changing the effective date of November 8, 2016, to a date which is 1 -2 months later.
15. Section 12.01: recommended inserting a paragraph whereby the various Clerks would e-mail the various items to be posted on the Town's internet website to the Mayor's office.

Chairman Gruber thanked Mayor Chatfield for his time and recommendations.

There was no additional public participation.

Review of Draft Charter:

Commission members reviewed and discussed the draft charter - **version dated April 8, 2016** and the following memos:

- a) Memo to CRC, from Atty. Knott, Land Use Inspector, dated April 5, 2016;
- b) Memo to CRC, from Atty. Knott, Revised Charter – General Comments, dated April 8, 2016;
- c) Memo to CRC, from Atty. Yarbrough, Version of Charter Revisions, April 14, 2016.

Commission members agreed to make the additional following revisions:

1. Section 2.02: move ~~(b) Boards and Commissions~~ to (c) Boards and Commissions...; and create new (b) Appointed Offices: No person shall be eligible for appointment to any Town office who is not, at the time of said appointment, a resident elector of the Town and any person ceasing to be a resident elector of the Town shall thereupon cease to hold that appointed office in the Town, unless otherwise provided by this Charter or the General Statutes.
2. Section 2.02(b): add: The Town Attorney and the Town Assessor shall not be required to be a resident elector.
3. Section 2.07: modify the third paragraph as follows: "...and these minutes may be considered an official record and shall be filed with ~~the Mayor~~ and the Town Clerk within five (5) days of their approval."
4. Section 3.01: (b) Each member of the Council shall be paid a monthly stipend ~~as recommended and approved as part of the Town budget process.~~ Thereafter, any increase change in remuneration shall be approved by the Town Budget meeting immediately preceding a biennial

Town election and in accordance with Section 7-460 of the General Statutes. Said increase change shall become effective on the Monday following said election.

5. Section 3.08: "...public place and including the Town's Internet Website, as defined by section 12.01 of this Charter,".
6. Section 3.09: "...circulation in the Town, and including the Town's Internet Website, as defined by section 12.01 of this Charter,".
7. Section 3.14: In addition, the Town Council shall establish a salary compensation schedule plan for all town employees not covered by collective bargaining agreements. All recommended changes in the salary structure compensation plan of said town employees shall be approved by the Council.

Within sixty (60) days of the approval of the Town Budget by the Annual Town Budget Meeting, the Town Council shall send to the Mayor, a salary-schedule compensation plans for town employees and elected officials to be placed on public record and public view. ~~This~~ These schedule compensation plans shall also show a maximum and minimum wage scale.

The Mayor may determine the salary for employees in those departments for which the Mayor is the administrator within the prescribed wage scale.

8. Section 3.16: Town Council shall be notified of all grant ~~considerations and~~ applications, by the Officer making such grant application. All additional grant applications and awards not requiring Town Council action shall be reported to the Council within 15 days of application or award.
9. Section 4.05: "...maintain and have general management and control of the public libraries, their equipment, and property and staff. [Re-instate to original language.]
10. Section 4.07: The Town Council shall appoint three (3) alternate members to the Planning and Zoning Commission for four (4) year terms. They shall have the powers and duties prescribed by law. (AMENDED 11/83)

At the discretion of the Town Council, and by a 2/3 affirmative vote of its total authorized membership, the Planning and Zoning Commission may be separated into a Planning Commission and a Zoning Commission. ~~The Planning and Zoning Commission or the Zoning Commission shall work with the Inland Wetlands Commission to jointly appoint a Zoning Enforcement Officer Land Use Inspector who shall have full power to enforce the zoning regulations of the Town and the Inland Wetlands General Statutes of the State and Town ordinance and who shall work under the guidance of the appointing Planning and Zoning Commission or the Zoning Commission.~~

~~The term of the Zoning Enforcement Officer Land use Inspector shall be four (4) years or until a successor is appointed.~~

A new section covering Land Use Inspector has been created in Section 6.19 Land Use Inspector.

11. Section 4.08: was changed from ~~Anti-Blight Commission~~ to Commissions Established By Ordinance: The Town Council shall appoint five (5) members to the Anti-Blight Commission. Said Commissioners shall have the powers and duties vested by the Town Ordinance #83-02-17-15.

The Town may establish any other board or commission by ordinance. Appointments to these boards or commissions shall be made by the Town Council in accordance with such ordinance provisions.

Any board or commissions already in existence under any ordinance shall continue under such ordinance provisions, until amended by the Town.

12. Section 5.01: change ~~He or She~~ to The Mayor.
13. Section 5.02: The Mayor shall recommend to the Council such measures as the Mayor may deem necessary or expedient ~~for its approval~~.
The Mayor shall prepare a transition report for the incoming Mayor and Town Council to ensure the continuity of operations of the Town. The report shall be created biennially and completed by October 31 of the odd numbered calendar years. The report and shall include a summary of the financials of the Town, copies of the last three (3) Annual Reports and Audit Reports, a list of all elected and appointed Town officials—Boards—Commissions and a summary of key issues the Town is currently facing. The report shall also contain, as on file with the Town Clerk, a list of all elected and appointed Town officials, as well as a list of all members of all Boards and Commissions.
14. Section 5.04: After thirty (30) consecutive days of the absence or disability of the Mayor, whereas so that the Mayor is unable to perform his the Mayor's duties, members of the same political party..."
15. Introduction to Chapter 6: ~~Notwithstanding the foregoing, the Mayor may serve as Emergency Management Director, pursuant to Section 6.04 of this Charter without Town Council approval. [Deleted since it is already covered in section 6.04.]~~
16. Section 6.02: It shall have the power to receive, hold and manage any devise, bequest, or gift for the establishment and management of any such activities and shall report all devises, bequests, or gifts distributions of bequests and gifts to the Town Council.
17. Section: 6.04: the Commission agreed to the extensive changes to this section made by Atty. Knott as reflected in the draft revised charter dated April 8, 2016; and include the following changes: 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.
18. Section: 6.10: The Mayor shall appoint, and may remove, members of the Conservation Commission. Said Commission shall consist of the number of members set by ordinance, but not fewer than three (3), nor more than ~~seven eleven (11) (7)~~, and shall have the powers, duties and terms of office makeup vested by Town Ordinance Number 32-06-20-72, as amended, and by General Statutes.
19. Section: 6.18: The Mayor, with the consent of Town Council, shall have the authority to appoint and may remove, shall appoint, one or more citation-hearing officers to conduct hearings, as required provided by the Town Ordinance by ordinance. Hearing Officers shall serve a term of two (2) years. ~~unless removed for cause. Neither~~ No elected or appointed officials, ~~ne~~ or any employee of the Town ~~exercising regulatory authority~~ may be appointed to be a Hearing Officer.

20. Section 6:19: add new SECTION 6.19. LAND USE INSPECTOR:
- (a) The Mayor shall appoint, and may remove for cause, a Land Use Inspector ("Inspector"), who shall be qualified by education and/or experience in land use administration and enforcement, and who shall be paid pursuant to a pay/salary plan/schedule/structure approved by the Council.
 - (b) As the Inspector for each of the Commissions, such Inspector shall have such powers and duties as conferred by this Charter, the General Statutes (as amended), and the regulations of the Commissions. Such Inspector shall be responsible to advise the Inland Wetlands Commission and the Planning & Zoning Commission on the appropriate administration and enforcement methods of their respective regulations.
 - (c) When a vacancy arises in said position the Mayor shall assemble a search and review committee which shall consist of one member appointed each by the Inland Wetlands Commission, the Planning & Zoning Commission, and the Mayor.
 - (d) The Search Committee shall prepare a statement of the specific duties and responsibilities of the position for each of the Commissions and the minimum qualifications for appointment to said position.
 - (e) The Search Committee shall advertise, search, and review the qualifications of applicants. The Search Committee shall propose a list of three (3) qualified persons to the Mayor for his action. If the Mayor makes an appointment that is accepted, the Search Committee shall terminate. If no appointment is made and accepted, the Search Committee shall continue its duties until an appointment is made and accepted.
21. Section 7.01: the Commission agreed to the extensive changes to this section made by Atty. Knott as reflected in the draft revised charter dated April 8, 2016; and include the following changes:
 "All Town Police Officers shall be certified by the Police Officer Standards and Training Council (POSTC) or its successor and shall have the powers and duties as prescribed by the General Statutes of the State."
"Town Police Officers may be removed by the Hearings Board for cause."
22. Section: 7.02: The Town Council ~~is authorized to~~ may enter into a written agreement with the Volunteer Fire Department of Prospect, Inc. for the protection of the Town from fire and other ~~such services as may be determined by the Town Council~~ services. Written agreements concerning financial assistance to the Volunteer Fire Department of Prospect, Inc. shall be conditioned on such budgetary appropriations as the appropriations for the protection of the Town from fire and other services. ~~Town has heretofore made or may now or hereafter make for such purpose.~~
23. Section 8.02: "...with the Mayor, by January 15 10,..."
24. Section 8.03: "...By February 15 10,..."
25. Section 8.04: "...shall hold one or more public hearings by April 30 20,..."
26. Section 8.03 (c): "...and such other additional information as may be required by the Council; and there shall be no combining of multiple expense topics within each line item."
27. Section 8.03 (d): ~~The Town may prescribe by ordinance any additional formatting requirements for the written financial proposal.~~ [Not required.]

28. Section 8.04: "... in the Town, including and the Town's Internet Website, as defined by section 12.01 of this Charter,..."
29. Section 8.04: The Town Council may, with advice of the Mayor, prescribe by resolution ordinance, any procedures for the town administration and fiduciary oversight of the budget and shall provide a method for implementing said procedures.
30. Section 8.10: 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, only if the Council determines that its haves 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 various departments, offices, boards, or commissions (including the Board of Education of Region-16 Regional School District No. 16 or its successor, if lawful), or it may apportion the reduction to or among one or more specific departments, offices board or commissions (including the Board of Education of Region-16 Regional School District No. 16 or its successor, if lawful). The Town Council shall be prohibited from reducing debt service payments. Each affected department, office, board, or commission shall be notified of any such reduction it its appropriation.
31. Section 9.01: "...Meeting shall be the legislative body of the Town (~~meaning the Voters of the Town of Prospect~~) for the following purposes: ...".
32. Section 9.01: fifth paragraph: Notification of town meeting shall also be posted on the Town's Internet Website, as defined by section 12.01 of this Charter.
33. Section 9.01: eighth paragraph: In accordance with Section 7-7 of the Connecticut General Statutes, persons qualified to vote at a Town Meeting, may petition to adjourn the Town Meeting to a Yes or No vote on the voting tabulators or ballot boxes.
34. Section 10.01: change effective date to January 1, 2017.
35. Section 12.01: add to the beginning of the section: For the purposes of this Charter, the following definitions shall apply:
"Town's Internet Website" means the official website of the Town of Prospect, created, established, and maintained by the Town of Prospect for official town business; and
"Board or Commission's Webpage on the Town's Internet Website" means an official subpage created, established, and maintained by the Town of Prospect on the Town's Internet Website for the official business of lawfully enacted board or commission of the Town of Prospect.

All Boards and Commissions, whether elected or appointed by the Town Council or Mayor, including the Town Council, in addition to any other notice and/or publication requirements under the General Statutes, shall post on the...

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.

Chairman Gruber reviewed the "Revised Charter Document Completion Schedule". Commissioners agreed with schedule:

CRC Revised Charter Document Completion Schedule – REV. 4/13/16:

- ✓ 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
 - Copies made available at Town Hall for the Public
 - Provide copies of document to the Mayor and Town Council members
 - "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):
If "no changes" CRC provides Approved DRAFT Revised Charter document to
Town Clerk and Town Council: by May 17
- 11B. Path 2 ("changes" from May 12):
If "changes" 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. Suggest reviews with Town Council of Draft Revised Charter document:
 - Tuesday May 17: Summary discussion of document and schedule discussion;
 - Thursday May 26: Detailed discussion (front-to-back of entire document).

PROSPECT, CONN
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2016 APR 19 AM 10:20
Margaret C. Lindner
TOWN CLERK

Public Participation II: No additional public participation.

Motion by R. Nash, seconded by T. Galvin to adjourn the meeting at 9:08 pm. All in favor.

G. Gruber, Chairman