

Town of Prospect Charter Revision Commission

Unapproved Minutes

February 11, 2016

**Board Members Present:**

Chairman G. Gruber, R. Nash, P. Krisavage, T. Galvin, E. Cranney, J. Paulella, B. Hiscox, K. Blinstrubas (P. Reed, 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 01/26/16 meeting. All in favor.

**Public Participation I: None**

The Commission resumed their discussion from the last meeting, starting with B. Hiscox and J. Paulella's proposals for Chapter 3.

**Chapter 3: The Town Council:**

**Section 3.06: Conflict of Interest**

B. Hiscox began the discussion by presenting a document from the Office of Policy and Management regarding the definition of family members. The Commission discussed defining "family member" or keeping it as a broad definition. The clerk was instructed to provide the document to the Commission members to review before the next meeting. The definition of family member was postponed.

The following re-write of section 3.06 Conflict of Interest was accepted by the Commission, with the exception that defining "family member" would be re-visited and decided at a later meeting:  
Section 3.06: Conflict of Interest: Any elected or appointed Officer or any employee of the Town who has any financial interest or personal interest – including family members, neighbors, business associates, competitors or Associations, either directly or indirectly, in any matter involving a decision pending before him or her, or in any contract, transaction or decision of any Board, Council, Town Department or Commission to which the Town is a party, shall immediately disclose that interest to the appropriate Town Board, Commission, Council or Mayor and shall thereupon disqualify himself or herself from a discussion or vote on such matter, which disclosure shall be entered upon the official record and said person shall leave the room. Always be mindful of the appearance of a conflict of interest, when in doubt recuse oneself.

Voting by an elected or appointive Officer on the appointment of himself or herself or a member of his or her immediate family to a Town position that will provide compensation or a financial benefit to either the Officer or the family member, shall be construed as a conflict of interest pursuant to this section.

The knowing violation by any such Officer or employee of the provisions of this section or SECTION 3.01(d) of this Chapter shall be grounds for his or her removal. Violation of this section or SECTION 3.01(d) of this Chapter with the knowledge express or implied, of any person or corporation participating in such contract, transaction or decision, shall render the same voidable by the Council or by a court of competent jurisdiction. No member of a Board, Commission or Agency, and no elected Official, may employ in a paid position, a member of his or her ~~immediate~~ family without the prior ~~2/3~~ 3/4 majority consent of the Town Council.

The Commission decided that this Conflict of Interest section needs to apply to all Boards, Commissions, Councils, Town Departments and Town Employees, in other words the entire Charter. The question is whether to broaden the application of this section or move the section out of the section on the Town Council to a more General section – Attorney Knott’s office to provide guidance.

**Section 3.07: Relations to Administrative Service:** No changes.

**Section 3.08: Public Hearings on and Publication of Ordinances:** Commission members discussed the need to update the Charter to include current technology when providing notice of said Public Hearings. They proposed to insert in paragraph one of this section of current charter “and through all electronic means”, thereby covering notification by using such things as: Town web-site, e-mail listings, phone listings, Town Face-book-page, etc. This needs to apply to all Boards and Commissions.

**Section 3.09: Emergency Ordinances:** Commission members also proposed to insert in the second sentence of paragraph 2 of Section 3.09 after “...public sign post,” “and through all electronic means”, thereby using such things as: Town web-site, e-mail listings, phone listings, Town Face-book-page, etc.

**Section 3.10: Petition by Electors:** No changes.

**Section 3.11: Power of Referendum:** No changes.

**Section 3.12: Form of Petition and Affidavit of Circulators:** Keep the same, but eliminate “~~or indelible pencil~~”.

**Section 3.13: Official Bond:** After discussion of the manners in which cash (money in the form of bills or coin) is received at Town Hall, Commission members agreed that the issue at hand is bonding. Currently the bonded employees are (whether appointed or elected) Tax Collector at \$250,000 and Assistant Tax Collector at \$100,000. Commission members discussed ‘Errors and Omissions’ policies and the need to discuss with the Town’s insurance agent, as well as whether other administrative employees need to be bonded. The Commission concluded that the second paragraph in Section 3.13 of the current Charter determines that the Town Council oversees this and that therefore no changes are required.

**Section 3.14 Salaries:**

Commission members discussed the need for salary schedules, job descriptions and a clearly defined performance review process. Commission members agreed to the following changes to this Chapter. Additions are underlined and deletions are shown with strike-through for this Chapter.

**SECTION 3.14. SALARIES Elected Officers and Town Employees:**

Salaries of all Officers ~~and employees~~ of the Town shall be established by the Council, provided no elected official of the Town shall receive an increase or decrease in his or her salary during the term of the office.

In addition, The Town Council shall establish a salary schedule for all town employees not covered by collective bargaining agreements. All recommended changes in the salary structure 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 schedules for town employees and elected officials to be placed on public record and public view. This schedule shall show a maximum and minimum wage scale in step form, and the number of positions in each step at that time in those departments for which the Mayor is the administrator. (Amended 11/87)

~~The Town Council shall, on acceptance of this Charter establish a salary for the Tax Collector and provide a method for paying that salary in equal monthly increments.~~

The annual salaries of elected or appointed officials and employees shall be paid to said officials and employees, in equal installments, no less frequently than once a month.

Further the Town Council shall either establish or cause to be establishe, job descriptions and an annual performance review process for all Town employees.

The Commission is also awaiting Attorney Yarborough's comments on this section regarding including reference to the Library in this section – Attorney Knott's office to follow-up with Attorney Yarborough.

**Section 3.15: Compensation for Boards and Commissions:** Leave as is.

**Section 3.16 Grant Public Hearings:** Commission agreed to add a second paragraph to read as follows:

Town Council shall be notified of all grant considerations and applications. All additional grant applications and awards not requiring Town Council action shall be reported to the Council within 15 days of application or award.

**Chapter 4: Officers, Boards and Commissions Appointed by the Town Council:**

**Preamble:** In the fourth paragraph after "...each Town election", insert "and as vacancies occur."

**Section 4.01: The Inland Wetlands Commission and Alternates:** Delete the last paragraph as it is redundant.

**Section 4.02: Zoning Board of Appeals – Alternate Members:** Leave as is.

**Section 4.03: Emergency Management Advisory Council Commission:** The Commission members proposed to delete the first line in this section as it is already included in Section 6.04: ~~The Mayor shall serve as the director of the emergency Management Advisory Council as stated in section 6.04.~~ To be consistent with other chapters, the Charter Revision Commission members proposed adding a line stating: The Town Council shall appoint 7 members and there shall be no alternates. The Commission proposes to change the name from Emergency Management Advisory Council to Emergency Management Commission, and reference same within the section.

**Section 4.04 Economic Development Commission:** Leave as is.

**Section 4.05 Library Board:** Two changes were proposed and it was noted that the Commission is still waiting for feedback from the Town Attorney. Delete the second paragraph and in the third paragraph delete "and staff" after property in the last sentence.

[Attorney Yarborough had previously suggested adding the following: The Mayor shall determine salaries for Library personnel within minimum and maximum wage scales established by the Town Council under Section 3.14 of this Charter. Attorney Yarborough requested additional time to research appropriations and will report back – Attorney Knott's office to follow-up.]

**Section 4.06 Water Pollution Control Authority:** Leave as is.

**Section 4.07 Planning and Zoning Commission Alternates:** There was discussion of the hiring process for the Land Use Inspector (Zoning Enforcement Officer). The Commission proposed changing the second and third paragraphs as follows (additions underlined, deletions shown with strike-through):

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.

P. Krisavage noted that a new section needs to be added for the Anti-Blight Commission. He will propose language for a new **Section 4.08: Anti-Blight Commission** at the next meeting.

**Chapter 6: Officers, Boards and Commissions Appointed by the Mayor:** E. Cranney and P. Krisavage proposed their changes. After discussion, the Commission made the following proposals for this Chapter.

**Preamble:** In the second paragraph, when referencing Section 2.04, include the title of the section, **Minority Representation**. In the third paragraph at the end of the paragraph change "...have been appointed and qualified" to "...have been qualified and appointed."

The last paragraph shall be re-written as follows: Within sixty (60) days after each Town election, the Mayor shall inform the Council of the appointments he or she has made 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, then, subject to 2/3 the approval of the Council, the Mayor may appoint himself or herself, provided the Mayor is qualified and or certified to perform said duties; and shall perform the duties of such office and shall receive no compensation for such duties.

**Section 6.01 Town Attorney:** The Commission members proposed the following:

1. Replace throughout this section the words he or she, when referencing this position with "**Town Attorney.**"
2. In the second paragraph, the sentence beginning with "However with respect to the...": add the words "**the appropriate ledger account**" after the words "...to be paid from" and before "(Legal Fees)".

**Section 6.02: Recreation Commission:** Change the title to **Parks and Recreation Commission** and reference the same within the section. In the fourth paragraph beginning with "It shall have the power..." add to the end of the sentence: "**...and shall report all distributions of bequests and gifts to the Town Council.**"

**Section 6.03: Building, Electrical, Plumbing and Mechanical Inspectors:** The Commission proposed to change the fourth paragraph as follows (additions underlined, deletions with strike-through).

The Building Inspector shall be responsible for all permits issued and fees collected by his or her office and shall ~~be accountable~~ report and remit all collected fees to the Town Treasurer. The fees should be proposed by the Building Inspector and approved by the Town Council. Failure to perform their duties in accordance with guidelines of the State Basic Building Code shall be sufficient cause for removal from office.

**Section 6.04 Emergency Management Director:** The Commission agreed to the following changes to the first paragraph: The Mayor shall ~~appoint~~ serve or may serve as the Director of the Emergency Management ~~Advisory Council~~ Commission, either shall require the approval of 2/3 of the Town

Council. At the end of the first sentence, add "The Emergency Management Director will serve as chair of the Emergency Management Commission".

Add a sentence at the end of the section, "The Citizens Emergency Response Team (CERT) shall function under the guidance and direction of the Emergency Management Commission."

Section 6.05 Social Services: Leave as is.

Section 6.06: Public Health: Change prescribed to proscribed.

Section 6.07 Fire Marshall: Change prescribed to proscribed.

Section 6.08: Tree Warden: Change prescribed to proscribed. Change "The Mayor shall appoint..." to "The Mayor may appoint...". The Commission discussed that the Tree Warden does not have to be a licensed Arborist; rather the Tree Warden would be required to hire a licensed certified Arborist to remove tress.

Section 6.09: Regional Animal Control: Change "The Mayor shall appoint..." to "The Mayor may appoint and may remove an Animal Control Officer." [There is a line item in the Town's Budget for an Animal control Officer.]

Section 6.10: Conservation Commission: Leave as is.

Section 6.11: Commission on Aging: Leave as is.

Section 6.12: Assessor: Change prescribed to proscribed.

Section 6.13: Building Code of Appeals: Change prescribed to proscribed. Change "The Mayor shall appoint..." to "The Mayor may appoint...".

Section 6.14: Constables: Commission members discussed this honorary and historical position and proposed to change: "The Mayor shall appoint..." to "The Mayor may appoint..."; and to reduce the number of constables from 6 to "...up to 4". At the end of the last sentence following "...of the State", add "and as defined by the Mayor."

P. Krisavage mentioned the need to add an additional section, **6.15** regarding the appointment of a **Citation Hearing Officer** for the Anti-Blight Commission. P. Krisavage will research and make a formal proposal to the Commission.

Public Participation II: None

Motion by E. Cranney, seconded by B. Hiscox, to adjourn the meeting at 9:10 pm. Unanimous.

G. Gruber, Chairman,

C. DeBiase, Clerk

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