

Town of Prospect Charter Revision Commission
Unapproved Minutes
January 26, 2016

Board Members Present:

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

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

Motion by P. Krisavage, seconded by T. Galvin to accept the minutes of the 01/14/16 meeting. All were in favor.

Public Participation I:

Attorney John Yarborough, Carmody and Torrence, 50 Leavenworth St, Waterbury (Attorney for the Town of Prospect) presented suggested revisions for Section 9.01 – Town Meetings and Public Hearings, Section 3.14 – Salaries and Section 4.05 – Library Board, as follows:

Section 9.01 – Town Meetings and Public Hearings was addressed first.

He gave a background for the proposed revisions to Section 9.01. The process, at present, for the lease/purchase of heavy equipment is cumbersome. Attorney Yarborough and the Commission discussed methods of changing the process, budget line items, emergency provisions, and insurance.

With respect to Section 9.01, Attorney Yarborough recommended that an additional clause (underlined below) be added following item 7 of the second paragraph.

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 3 under Section 9.01 is listed as the issuance of bonds or other forms of indebtedness or borrowing.

The Commission members discussed dollar limitations on purchases and real property vs. equipment.

Section 4.05 Library Board:

Attorney Yarborough suggested that the following paragraph be added as the last paragraph under Section 4.05 Library Board. The new language is underlined.

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.

Section 3.14 – Salaries:

Attorney Yarborough's revision is to the second paragraph of section 3.14. The new language is underlined. Deleted language has strike-through.

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 to be placed on public record and public view. This salary schedule shall show a maximum and minimum wage scale in step form, and as well as the number of positions in each step at that time ~~in~~. With respect to those departments for which the Mayor is the administrator and the Library, the Mayor may determine the salary within the prescribed wage scale for each step. ~~(AMENDED 11/87)~~

The changes proposed by Attorney Yarborough need to be verified. Attorney Yarborough will report back to the Commission.

E. Cranney asked if the salary schedules encompass full-time, part-time and seasonal employees. Attorney Yarborough answered that it encompasses all. Mayor Chatfield mentioned that there are budget line items for part-time employees. There was a discussion of paragraph 2 under Section 3.14 – Salaries, as to the timeline of the 60 days. Attorney Yarborough stated "60 days after approval of budget".

B. Hiscox read his proposal (in conjunction with J. Paulella) regarding 3.14 and asked Attorney Yarborough for his input. Attorney Yarborough requested additional time to research and review.

Diane Lauber, Tax Collector, Town of Prospect spoke next regarding salaries of elected officials.

Fred Bonyia, 18 Woodcrest Drive, Prospect stated his opinion on the Tax Collector as an elected official. He mentioned it (elected position) allows for anyone to run for the position regardless of qualifications. He suggested that it should be an appointed position and asked the Commission to state their position. Chairman Gruber mentioned that the Commission is in favor of an appointed position for Tax Collector. Diane Lauber, Tax Collector, disagreed with this. Ann Marie Burr, Assistant Tax Collector, and resident of Prospect spoke highly of her schooling which allowed her to become Assistant Tax Collector. Attorney Knott also spoke highly of the Associations which the Tax Collector and Town Clerk belong.

Public participation 1 was closed and the Charter Revision Commission resumed discussion of Chapter 5 which was tabled from the 1/14/16 meeting. P. Reed and K. Blinstrubas each presented their proposed revisions.

Chapter 5: Mayor – Duties and Powers

Section 5.01 Election and Qualification:

The Commission discussed format of the section. They discussed a term of 4 years versus 2 years; and taking office on Thursday at 5 pm vs the existing Charter's taking office on the second Saturday next, following the date of the Municipal election.

Regarding 4 year vs. 2 year terms, based on no clear decision by CRC (the Commission is split), the Commission decided to table the decision of 4 year vs. 2 year terms; thereby allowing the Commissioners the opportunity to think it through more and discuss at a later date.

There needs to be an additional discussion about when Town Officials take office; sections 2.01(b), 3.02 and 5.01 needs to be reviewed together.

Section 5.02 Duties:

The Commission agreed to modify the second paragraph of the section to read as follows:
He or she shall see that all laws and ordinances governing the Town are faithfully executed.

At the request of the Town Council, he or she shall make reports to the Town Council on all matters for which the Town Council is responsible, and may attend its meetings with full right of participation in its discussions, except in the case of executive sessions, which he or she may attend, when invited by the Council.

He or she shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an Annual Town Report.

He or she shall recommend to the Council such measures as he or she may deem necessary or expedient, for its approval.

He or she shall keep the Council fully advised as to the financial condition of the Town, by written monthly accounting, showing itemized appropriations, current monthly expenditures by line item, expenditures to date and current balances, and a list of all grant applications and their status.

He or she shall prepare and submit to the Town Council, an annual financial proposal provided for in CHAPTER 8 of this Charter.

He or she shall prescribe business hours of the Town Hall for the best convenience of the public and shall exercise such other powers and duties as authorized by ordinance or resolution of the Council not inconsistent with this Charter.

He or she 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, and shall include a summary of the financials of the Town, a listing of all elected and appointed Town officials – Boards – Commissions and a summary of key issues the Town is currently facing.

He or she shall establish, maintain, and update written policies and procedures including but not limited to hiring, request of bids, human resources, and financial accounting procedures.

The Mayor shall provide additional input to the CRC on this section.

Discussion of appointing a CFO was tabled to coincide with Chapter 8 discussions.

Section 5.03 Public Works:

Mayor Chatfield reminded the Commission that a Certified Tree Arborist's approval is required when removing trees from public places.

In the second paragraph of this section, the Commission agreed to modify the following statement: ...of the preservation, care and removal of trees within highways or public places, such removal of trees must be approved by a certified Tree Arborist;

The Commission agreed to expand the Title of the Section to either Department of Public Works or Public Works Department. Said wording will be replaced within the paragraphs. Sewers will be listed as storm sewers or storm drains. For sewage disposal reference needs to be given to WPCA. Garbage should be Solid Waste. Update using current terminology of household hazardous waste, recycling, recycling center and roadside pick-up.

The Commission decided to add the following statement to this section: The Mayor may appoint and may remove a Director of the Public Works Department who shall report directly to the Mayor.

Section 5.04 Death and Disability:

The Commission proposed changing the title of item (b) on page 18 to Absences and Disability.

The Commission agreed that the first line of item (b) will be changed to read: After thirty (30) consecutive days of the absence or disability of the Mayor, whereas the Mayor is unable to perform his duties, members of the same political party as the Mayor serving on the Town Council, shall appoint one of their members to serve in this capacity for not more than ninety (90) days...

Chapter 3: The Town Council:

The Commission reviewed the proposed changes as presented in written form by B. Hiscox and J. Paulella.

Section 3.01: The Town Council: Item (b) – The first sentence shall read as follows: Each member of the Council shall be paid in a monthly stipend as recommended and approved as part of the Town budget process the amount of \$25.00 per month.

Section 3.02: Presiding Officer: In the first paragraph in Section 3.02 the time will be changed to 7:00 pm and day will be changed to Tuesday. The Commission discussed the need to keep commencement in Section 2.01 consistent. Therefore, section 2.01(b) shall be updated to reflect 7:00 pm and second Tuesday.

Paragraph two in this section will include an additional line: If the vote for Chairman remains a tie after 3 ballots the Mayor shall be permitted to vote to elect a Chairperson.

Section 3.03: Procedure: Commission discussed that maybe at least one of the five members, which constitutes a quorum, must represent a minority party. The Commission discussed the ramifications. The Commission agreed to leave as is currently written.

Section 3.04: General Powers and Duties: The Commission would like to add the following two paragraphs to the list of, "Said Council shall have the power to":
Upon recommendation of the Mayor shall be authorized to negotiate the general purchase of real estate or open space for town use and benefit. Purchase of real estate or open space for town use in excess of [need to insert \$ amount] shall be referred to a town meeting for final approval.
Upon recommendation of the Mayor and Town's Attorney shall be authorized to approve appropriate leases and contracts in amounts not to exceed [need to insert \$ amount] actions above this limit shall be referred to a town meeting for action.

The Commission would like to include a [\$] limitation to the above two paragraphs and will so work the above words further with the Attorney.

Section 3.05: Investigations: Leave as is.

The Commission will table discussion of the remaining sections of Chapter 3, beginning with section 3.06: Conflicts of Interest.

Public Participation II: None.

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

G. Gruber, Chairman

C. DeBiase, Clerk

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Margaret C. Anderson
TOWN CLERK