

Town of Prospect Charter Revision Commission
Unapproved Minutes – Regular Meeting
07/26/16

Board Members Present:

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

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

Public Participation I: None.

Motion by E. Cranney, seconded by T. Galvin, to approve the minutes of the 7/14/16 Regular Meeting as amended. All in favor with the exception of B. Hiscox who abstained (he was not at 7/14/16 meeting).

Chairman Gruber presented memos from Attorney Knott's office dated 07/21/16 (re: Proposed Referendum Questions) and 07/22/16 (re: Proposed Charter Document revisions). Commission members first discussed the proposed changes to the Charter Document as recommended by Attorney Knott's office.

Charter Document Revisions Discussion:

Chapter 3: The Town Council: Section 3.07: Relations to the Media: Knott & Knott, LLC recommended adding an additional section to clarify section 3.07 to be consistent with other provisions of the Charter. This sentence was added to clarify section 3.07, which specifies that the Town Council shall have no power over the Mayor's appointed officers. With the amendment that the Town Council consents to the appointment of the Town Clerk, Town Treasurer, and Hearing Officers, section 3.07 needs to be modified to avoid any potential confusion with the new consent requirement. The Charter Revision Commission discussed the proposed change. It was agreed to use the proposed change, but with a change to include 'majority vote' instead of 'consent'. The additional sentence (p. 10, last sentence of 1st paragraph) to Section 3.07 will read as follows:

"If required by this Charter, the Mayor shall ~~seek the consent~~ obtain a majority vote of the Town Council for the appointment of officers."

Chapter 5: The Mayor – Duties & Powers: Section 5.02: Duties: Knott & Knott, LLC recommended to add the phrase "as authorized by the General Statutes" to the end of the 1st paragraph under Section 5.02. Commission members agreed that the CT General Statutes will prevail regardless of whether this clause is added and did not include – there was concern this addition would add some confusion. Attorney Santoro agreed with the Commission's assessment.

Chapter 2: Elections and Elective Offices and Appointive Officers: Section 2.02: Eligibility: Knott & Knott, LLC recommended removing the word “appointive” from the second sentence of subsection (c) for clarity. Commission members agreed to this proposal.

Chapter 6: Officers, Boards and Commissions Appointed by the Mayor: Section 6.15: Tax Collector, Section 6.16: Town Clerk, Section 6.17: Town Treasurer: Knott & Knott, LLC recommended three changes to each of these sections.

The first proposed change by Knott & Knott was to remove the words “hire and” from “hire and appoint”. The CRC discussed whether these positions are “Officers” as deemed by Knott & Knott, LLC. A lengthy discussion ensued. Attorney Santoro of Knott & Knott, LLC explained that Knott & Knott believes the use of the word “hire” is inappropriate in this context and would violate CT Case Law – as these three positions are “Officers”. Chairman Gruber referenced Section 2.01 of the Charter, which removed these positions as listed “Officers.” Attorney Santoro offered that in order to follow our consistent case law regarding the payment of officers, one must ignore the word “hire”, which would run afoul of this basic canon of statutory construction. He also noted that these three positions are governed by State Statutes. Attorney Santoro furthered that the words “hire” and “appoint” cannot be used synonymously.

[Note: It was very disappointing that Knott & Knott waited until only a few days before the CRC’s last meeting to inform them of this assessment regarding the removal of “hire”.]

The second proposal by Knott & Knott was to include the length of terms for these positions. The CRC then discussed the 2 year vs. 4 year terms.

The third proposal by Knott & Knott was to slightly re-write the paragraphs regarding the search and review committee process. The CRC then discussed the proposed re-write.

The CRC agreed for each of these sections: a) to remove the words “hire and”, b) to include the term of 4 years and c) to the re-write of the paragraphs regarding the search and review committee process. The CRC agreed to the following language, listed below:

SECTION 6.15. TAX COLLECTOR:

The Mayor, with the majority vote of the Town Council, shall appoint, the Tax Collector, who shall be qualified by education and/or experience, and who shall be paid pursuant to a compensation plan approved by the Council. The Tax Collector shall serve for a term of four (4) years.

When a vacancy arises in said position, the Mayor shall assemble a search and review committee which shall prepare a statement of the specific qualifications, duties and responsibilities of said office and utilize said statement to 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's nomination for Tax Collector is accepted by the Town Council, 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.

Any Tax Collector who was elected to that Office, shall continue to serve in that Office for the remainder of his or her elected term.

SECTION 6.16. TOWN CLERK:

The Mayor, with the majority vote of the Town Council, shall appoint, the Town Clerk, who shall be qualified by education and/or experience, and who shall be paid pursuant to a compensation plan approved by the Council. The Town Clerk shall serve for a term of four (4) years.

When a vacancy arises in said position, the Mayor shall assemble a search and review committee which shall prepare a statement of the specific qualifications, duties and responsibilities of said office and utilize said statement to 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's nomination for Town Clerk is accepted by the Town Council, 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.

Any Town Clerk who was elected to that Office, shall continue to serve in that Office for the remainder of his or her elected term.

SECTION 6.17. TOWN TREASURER:

The Mayor, with the majority vote of the Town Council, shall appoint, the Town Treasurer, who shall be qualified by education and/or experience, and who shall be paid pursuant to a compensation plan approved by the Council. The Town Treasurer shall serve for a term of four (4) years.

When a vacancy arises in said position, the Mayor shall assemble a search and review committee which shall prepare a statement of the specific qualifications, duties, and responsibilities of said office and utilize said statement to 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's nomination for Town Treasurer is accepted by the Town Council, 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.

Any Town Treasurer who was elected to that Office, shall continue to serve in that Office for the remainder of his or her elected term.

Motion by B. Hiscox, seconded by J. Paulella to approve the revised Charter Document as modified at the 07/26/16 CRC meeting. All in favor.

Charter Referendum Questions:

Commission members then discussed Knott & Knott's LLC proposed changes to the CRC's proposed Referendum Questions from the 07/14/16 meeting. The revised proposed referendum questions are attached. Modifications were made as follows from the 7/14/16 meeting version:

Question 1: New mutually agreed upon language was drafted.

Question 2: Include the language "as included in Chapter 8" in the CRC's original proposal.

Question 3: Use Knott & Knott's proposal.

Question 4 & 5 & 6: Use CRC's original proposal.

Motion by K. Blinstrubas, seconded by E. Cranney to accept the proposed Referendum Questions as amended at the 07/26/16 CRC meeting. All in favor

Motion by B. Hiscox, seconded by B. Nash that the Charter Revision Commission's Final Report shall consist of: the revised Charter Document and the Charter Revision Commission's Proposed Referendum Questions, and these are to be submitted to the Town Clerk and Town Council on August 2, 2016. All in favor.

Public Participation II: None.

Motion by B. Hiscox, seconded by B. Nash to adjourn the meeting at 8:45 pm. All in favor.

G. Gruber, Chairman

C. DeBiase, Clerk

Charter Revision Referendum Questions - Proposed

- 1 Shall the Charter be amended to allow the Mayor, with the assistance of a search committee, to select persons for the positions of Tax Collector, Town Clerk and Town Treasurer, and then present such persons for approval by the Town Council?
 Yes or No

- 2 Shall the Charter be amended to include modified financial procedures, as included in Chapter 8, recommended by the Charter Revision Commission and approved by the Town Council?
 Yes or No

- 3 Shall the Charter be amended to allow the Town of Prospect to hire employees or appoint officers for Town positions regardless of their town of residency?
 Yes or No

- 4 Shall the Charter be amended to redefine Conflict of Interest to include personal interests in addition to financial interests?
 Yes or No

- 5 Shall the Charter be amended to allow the Town Council to enter into leases and purchase of vehicles and equipment, provided the funds have already been approved in the Town Budget?
 Yes or No

- 6 Shall the Charter be amended to adopt all other changes recommended by the Charter Revision Commission and approved by the Town Council?
 Yes or No

PROSPECT, CONN.
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Margaret C. Anderson
TOWN CLERK