

Prospect Town Council  
Special Meeting  
Unapproved Minutes  
June 28, 2016

Chairman Thomas J. Galvin called to order the Special Meeting of the Prospect Town Council @ 7:02 p.m. The meeting was held at the Prospect Public Library, 17 Center Street and began with the Pledge of Allegiance. The meeting was recorded.

**Members Present:** T. Galvin, J. Slapikas, P. Geary, Stan Pilat, L. Fitzgerald @ 7:14 p.m., C. Perugini-Erickson and Doug Merriman

**Members Absent:** Al DeLelle and C. Graveline

**Charter Revision Commission Members:** Glenn Gruber, Bob Nash, Paul Krisavage

**Mayor's Report:**

Mayor Robert J. Chatfield advised that there will be two line items added to the Budget for the next Budget year; one under Social Security/Police Overtime. The 2<sup>nd</sup> will be line item Police Overtime Salaries.

**Year End Transfers:**

Mayor Chatfield requested a transfer from Police Overtime Account to the Police Officers' Account #6700:

Officers' Account #6700	\$41,411.89
Social Security #5750	<u>\$ 3,256.00</u>
Total	\$44,667.89

**Motion** made by J. Slapikas, seconded by P. Geary to approve the transfer from the Police Overtime Account to the Police Officers' Account #6700:

Officers' Account #6700	\$41,411.89
Social Security #5700	<u>\$ 3,256.00</u>
Total	\$44,667.89

**Unanimous.**

Mayor Chatfield requested a motion to approve the transfers as follows for the year end transfer for the 2015-2016 Budget in the amount of \$74,499.53 (Schedule A). **Motion** made by S. Pilat, seconded by C. Perugini-Erickson to approve the year end transfers for the Budget year 2015-2016 in the amount of \$74,499.53 as follows:

<b>From:</b>		<b>To:</b>	
Probate Court	\$ 980.00	Legal Fees	\$21,600.00
ZBA	\$ 500.00	Social Security	\$11,675.00
Assessor	\$ 2,165.00	Fire Marshall Deputy Marshall	\$ 25.00
Town Clerk	\$ 2,000.00	Resident Trooper	\$14,099.53
P&Z	\$ 3,000.00	Police Officers	\$11,600.00
Building Department	\$ 1,500.00	Comm. On Aging Drivers	\$ 9,500.00
WPCA	\$ 2,325.00	A & P – Legal	\$ 1,000.00
Municipal Fees	\$ 229.00	THB Repairs	<u>\$ 5,000.00</u>
Wetlands	\$ 1,135.00		\$74,499.53
Unemployment	\$ 2,000.00		
BTE	\$24,408.53		
Anti-Blight	\$ 2,000.00		
Land Use	\$ 1,500.00		
Fire Marshall Car	\$ 25.00		
CIRMA	\$ 1,972.00		
Solid Waste	\$13,660.00		
Com.On Aging Staff	\$ 9,500.00		
Animal Control	\$ 3,100.00		
EDC	\$ 1,500.00		
A&P – Election	<u>\$ 1,000.00</u>		
	\$74,499.53		

P. Geary questioned the amount of the Legal Fees for the Charter Revision. Mayor Chatfield advised that the amount was \$42,000.00. Mayor Chatfield was requested to have the invoices for the Legal Fees for the CRC to the Town Council by their next meeting. **Unanimous.**

Mayor Chatfield stated that he was leaving and thanked everyone for their input. P. Geary began a discussion asking the Mayor about appointments as some are for a 2 year term and some are for a 4 year term as in the Land Use Inspector’s position. The discussion continued with the Asst. Tax Collector and the ability for the Tax Collector and the Town Clerk to appoint their assistants. CRC Chairman Glenn Gruber commented that the Town Clerk may appoint an assistant for a two year term, within the Town Clerk’s two year term. Mayor Chatfield requested to leave the existing terms as stated in the present Charter.

**RE: Section 2.02. Eligibility** -T. Galvin commented on the Charter and residents vs. non-residents for appointed positions such as the Mayor appointing the Asst. Public Works Director and asked Mayor Chatfield for his thoughts on hiring/appointed of compensated positions. Mayor Chatfield stated that it was of his opinion to consider the best qualified, if not within the Town, then to go out-side the Town. T. Galvin stated that

wording for the Charter would need to be changed and either taken out completely or to add more detail.

**Correspondence: None**

**Chair's Report:** T. Galvin stated that the Charter is a work in progress and he would continue with the review. The discussion began with #2 of the CRC recommended changes:

**#2 Section 2.01 Term Length** – T. Galvin explained that per the Charter, the term would be for (2) years for: (One) Mayor, (Nine) Members of the Town Council, (One) Town Clerk, (One) Town Treasurer, (One) Tax Collector and (Three) Members of the Board of Assessment Appeals. **Motion** made by J. Slapikas, seconded by S. Pilat to leave as stated in the existing Charter: two (2) year terms as written in the Charter for: (One) Mayor, (Nine) Members of the Town Council, (One) Town Clerk, (One) Town Treasurer, (One) Tax Collector and (Three) Members of the Board of Assessment Appeals. Discussion. P. Geary stated that she would prefer to see four (4) year terms for the Mayor, Town Council, Tax Collector, Town Clerk and Town Treasurer. T. Galvin called for a vote.

**5 Approved/2 Opposed, P. Geary, L. Fitzgerald. Motion carries.**

**Section 2.01 Elections: Motion** made by S. Pilat, seconded by P. Geary to accept as submitted the recommendations made by the CRC to change from Elected to Appointed positions for the Town Clerk, Town Treasurer and the Tax Collector. **Discussion.** **Motion** made by J. Slapikas, seconded by P. Geary to leave as stated in the Charter: Town Clerk, Town Treasurer and Tax Collector **as Elected (Not as Appointed)** officials. A roll call vote was taken. 7 Approved. **Motion passes.** T. Galvin stated that this decision also impacts #12, Sections 6.15, 6.16, 6.17 & 6.18 (New Sections).

**Section 2.02(a) Eligibility:** Discussion. **Motion** made by C. Perugini-Erickson, seconded by J. Slapikas to amend the recommendations by the CRC and to change wording to: 'any appointed or hired compensated position shall not be required to be resident electors'. Council members stated that 2.02(b) was in place with the modifications by the CRC. A vote was called for. **Unanimous.**

**#3 Section 3.02 Town Council, Presiding Officer** – T. Galvin requested that the Council approve the recommendations as submitted by the CRC to begin the discussion. **Motion** made by S. Pilat, seconded by J. Slapikas to approve the recommendations as submitted by the CRC to add to the section: 'If the vote for Chairperson remains a tie after three (3) ballots the Mayor shall be permitted to vote to elect a Chairperson' and 'If the Mayor is unable to preside over said Town Council Meeting due to absence or disability, the Town Clerk shall preside over said Town Council Meeting until a Chairperson is elected'. A discussion took place regarding the Mayor voting to break the tie for a Town Council Chairperson; several members of the Council, P. Geary, L. Fitzgerald and C. Perugini-Erickson were opposed to this voting. The discussion continued with the sentence 'If the Mayor is unable to preside over said Town Council meeting due to absence or disability, the Town Clerk shall preside over said Town Council meeting until a Chairperson is elected'. Council members S. Pilat and J.

Slapikas stated that the Town Clerk would open the meeting until a Chairperson was elected. T. Galvin stated if the Council did not choose to leave the wording as is, new language would need to be stated as this is a political process that will be in place. After discussion, Council members requested to amend the motion to approve the recommendations as submitted and to ‘breakout’ the two entries into two separate motions. P. Geary supported the Town Clerk presiding over the Council meeting until a Chairperson was elected but did not support the Mayor having a vote for a Town Council Chairperson. **Section 3.02 (a) Motion** made by S. Pilat, seconded by J. Slapikas to approve the Town Clerk presiding over the Town Council meeting: ‘**If the Mayor is unable to preside over said Town Council meeting due to absence or disability, the Town Clerk shall preside over said Town Council Meeting until a Chairperson is elected.**’ Unanimous. **3.02 (b) Motion** made by S. Pilat, seconded by J. Slapikas to approve ‘**If the vote for Chairperson remains a tie after three (3) ballots the Mayor shall be permitted to vote to elect a Chairperson**’. After discussion, a vote was called for.

**4 Approved/3 Opposed, P. Geary, C. Perugini-Erickson and L. Fitzgerald. Motion Carries.**

The Council continued with their discussion of the recommendations. (Please note that the changes made are in blue).

**#5 Section 3.08 – Newspaper Notices – Motion** made by P. Geary, seconded by L. Fitzgerald to approve the recommendations made by the CRC for Section 3.08, Public Hearings on and Publication of Ordinances **adding**: ‘**and the Town’s Internet Website, as defined by Section 12.01 of the Charter**’. **Unanimous.**

**#6 Section 3.14: Salaries:** Council members stated that specifics should be added to this Section by an ordinance. **Motion** made by L. Fitzgerald, seconded by P. Geary to approve the recommendations made by the CRC with amendments: (paragraph #2) In addition, the Town Council shall **establish by ordinance**, a compensation plan for all town employees not covered by collective bargaining agreements. All recommended changes in the compensation plan of said town employees shall be approved by the Council.

**6 Approved/1 Abstained, J. Slapikas. Motion carries.**

**#7 Section 4.03 EMAC – Motion** made by J. Slapikas, seconded by L. Fitzgerald to approve the recommendations made by the CRC for Section 4.03 EMAC with additional language to include ‘**The Mayor appoints (by State Statute) not Town Council, therefore deleted and moved to Chapter 6, Section 6.04**’. **Unanimous.**

**#8 Section 4.07 P & Z Alternates – Motion** made by S. Pilat, seconded by P. Geary to approve the recommendations made by the CRC as submitted which was updated to: ‘**the PZC no longer has responsibility for choosing the Land Use Inspector but will be up to the Mayor: (New Section 6.19)**’. **Unanimous.**

**#9 Section 4.08 Commissions Established By Ordinance (New Section): (New Boards and Commissions) – Motion** made by J. Slapikas, seconded by L. Fitzgerald to approve the recommendations made by the CRC as submitted: ‘**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'. **Unanimous.**

**#10 Section 5.02 Duties of the Mayor: Motion** made by L. Fitzgerald, seconded by P. Geary to approve the recommendations by the CRC as submitted: The Mayor shall prepare a Transition Report for the incoming Mayor and Town Council to ensure the continuity of operations of the Town: **to include 'the State of the Town Report to be received annually by the Council at the last regularly scheduled Town Council meeting in October'**. Unanimous.

**#11 Section 6.04: (Re-Named) – Motion** made by S. Pilat, seconded by L. Fitzgerald to approve the recommendations made by the CRC as submitted: **'Section 6.04 (Re-named) Emergency Management Advisory Council: Updated to include Section 4.03 and the responsibilities of the Emergency Management Director'**. **Unanimous.**

**#13 Section 6.19 (New) Land Use Inspector: Motion** made by J. Slapikas, seconded by P. Geary to approve the recommendations made by the CRC as submitted: **'The Mayor shall appoint, and may remove for cause, a Land Use Inspector, who shall be qualified by education and/or experience in land use administration and enforcement, and who shall be paid pursuant to a compensation plan approved by the Council.'** A discussion took place as to the search committee which will include a member of the PZC, a member of the IWC and the Mayor. After discussion, a vote was taken. **Unanimous.**

**#13A Section 7.01 Police: Motion** made by L. Fitzgerald, seconded by C. Perugini-Erickson to approve the recommendations made by the CRC as amended: **'The Town Council shall make provisions for Police Services as required for the Safety and Protection of the Town and its Citizens'**. **Unanimous.**

**Section 7.02 Fire Department: Motion** made by S. Pilat, seconded by L. Fitzgerald to approve the recommendations made by the CRC as submitted. Discussion. Council members commented on clarification. **Motion** made by C. Perugini-Erikson, seconded by L. Fitzgerald to approve the recommendations made by the CRC as amended: **'The Town Council shall make provisions for fire protection services and medical response services as required for the Safety and Protection of the Town and its Citizens. Unanimous.**

**#15 Section 8.01 Annual Audit: Discussion. Motion** made by J. Slapikas, seconded by P. Geary to approve as recommended by the CRC and to change the wording to include: **'The number of consecutive annual audits performed by the same independent certified public accountant or same firm of independent certified accountants, shall be (5) five. No accountant or firm may provide any other services, 'other than Audit and Audit related services to the Town'; during the time it is retained to provide independent audits to the Town. 'Unanimous.**

**#16 Section 8.02: Annual Financial Proposal:** The head of each Department, Office or Agency of the Town, shall file with the Mayor, by January 15 (no longer February 10,) the appropriate financial information. **Motion** made by P. Geary, seconded by L. Fitzgerald to change the wording to include: ‘The head of each Department, Office or Agency of the Town shall file with the Mayor no later than February 1<sup>st</sup> (omitted by January 15<sup>th</sup>) the appropriate financial information.’ **Unanimous.**

**#17 Section 8.03: Duties of Mayor on the Budget:** **Motion** made by J. Slapikas, seconded by L. Fitzgerald to change the wording to include: ‘The Mayor shall present the proposed budget on March 1<sup>st</sup> (omit March 10<sup>th</sup>)’. **Unanimous.**

**#18 Section 8.04: Duties of the Council on Budget:** **Motion** made by J. Slapikas, seconded by C. Perugini-Erickson to change the wording to include: ‘Following the receipt of the financial proposal from the Mayor and review by the Council, the Council shall hold one or more public hearings by April 30, (change from April 20)’. **Unanimous.**

**#19 Section 8.10 (New) Reductions in Town Budget:** **Motion** made by C. Perugini-Erickson, seconded by S. Pilat to approve the recommendations made by the CRC as submitted: ‘This new section allows the Town Council, under certain circumstances, to reduce the approved budget.’ **Unanimous.**

**#20 Section 9.01 Town Meetings and Public Hearings:** **Motion** made by J. Slapikas, seconded by P. Geary to approve the recommendations made by the CRC as submitted: ‘Updated to allow Town Council to enter into lease/purchase of vehicle or equipment.’ **Unanimous.**

**#21 Section 10.05: Amendment: Updated to evaluate the need for having a CRC at least every 12 years.** Discussion. **Motion** made by J. Slapikas, seconded by P. Geary to approve a change to Section 10.05 Amendment ‘Updated to evaluate the need for having a CRC at least every 10 years (changed from 12 years)’. **Unanimous.**

**#22 Section 11.01 (New Chapter) Conflict of Interest:**

**Motion** made by J. Slapikas, seconded by L. Fitzgerald to approve the recommendations by the CRC as submitted. Discussion. C. Perugini-Erickson stated that some of the wording was too broad and needs to be clarified. CRC Chairman, Glenn Gruber commented that this Section was submitted by the Attorney John Knott. After discussion, C. Perugini-Erickson suggested these changes: ‘Any elected or appointed Officer or any employee of the Town who has a financial, material, or personal interest – (Omit including family members, neighbors, business associates, competitors or associations), (add) as further defined by ordinance, 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 appearance of a conflict of interest. (Omit - when in doubt, recuse oneself). The discussion continued on: '¾ majority consent of the Town Council'. The Council tabled the discussion until July 5, 2016. No vote was taken.

**#23 Section 12.01: (New Chapter) Online Notifications of Boards and Commission Activities: Motion** made by C. Perugini-Erickson, seconded by S. Pilat to approve the recommendations made by the CRC as submitted: 'All Boards, Commissions and Town Council shall post their activities on the Town Website'. P. Geary questioned whose responsibility it would be to get the information to the Mayor's office. T. Galvin advised that the Town's website is referenced in numerous places in the Charter and that it would be the Clerk or the Chair of each Board or Commission to give the information to the Mayor's Officer to be entered on the Town's website by the Grants Administrator/Website Manager. **Unanimous.**

T. Galvin advised that the Council will continue to discuss the recommendations to the Charter including **#22 Section 11.01 Conflict of Interest** at the Town Council Special Meeting on Tuesday, July 5, 2016 @ 7:00 p.m.

**Adjournment:**

**Motion** made by D. Merriman, seconded by L. Fitzgerald to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:11 p.m.

*Thomas J. Galvin*

Thomas J. Galvin  
Chairman