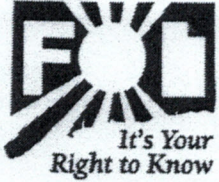


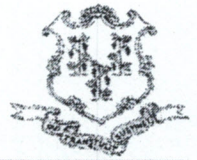
Since 1975



FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission
Toll free (CT only): (866) 374-3617 Tel: (860) 564-5900

FOI - TC -
10-30-2020
Correspondence
9-985



Hartford, CT 06106
ct.gov/foi • email: foi@ct.gov

NOTICE OF TELEPHONIC HEARING AND ORDER TO SHOW CAUSE DOCKET NO. FIC 2020-0109

NOTICE: In compliance with State guidelines regarding the safe reopening of offices in response to the COVID-19 pandemic, the Freedom of Information Commission will conduct all contested case hearings via **TELECONFERENCE** until further notice.

If any party prefers to **opt out** of a telephonic hearing, such party shall request a postponement from the hearing officer in writing. The hearing officer will take into consideration the preference of the party(ies) and will make a determination whether to postpone the telephonic hearing. In the event a hearing is postponed for this reason, the Commission will re-evaluate any such case every 45 days to determine whether conditions permit an in person or videoconference contested case hearing.

October 9, 2020

TO COMPLAINANT(S):

KATHRYN ZANDRI, 271 Sycamore Drive, Prospect, CT 06712

TO RESPONDENT(S):

CHAIRMAN, TOWN COUNCIL, TOWN OF PROSPECT; TOWN COUNCIL, TOWN OF PROSPECT; AND TOWN OF PROSPECT, 36 Center Street, Prospect, CT 06712-1699

1. This will serve as notice that the Freedom of Information Commission will conduct a **TELEPHONIC** hearing concerning the appeal brought by the above-named Complainant(s). This appeal alleges violation(s) of the Freedom of Information Act, as set forth in Chapter 14 of the Connecticut General Statutes.
2. Attorney Paula S. Pearlman has been designated hearing officer for the purpose of this appeal and will hold a hearing on its merits at the following date and time:

other authorized representative appear telephonically in their place. Failure to appear telephonically may lead to dismissal of the appeal. A copy of the complaint in this matter (two pages) and attachment (forty-eight pages) is attached to this Notice and Order.

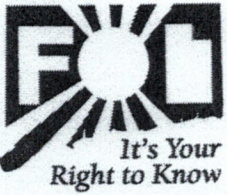
4. The RESPONDENT(S) named above is (are) hereby ORDERED to appear telephonically on the date and time indicated in paragraph 2 in order to show cause why this appeal should not be sustained. The respondent(s) may appear telephonically or have counsel or other authorized representative appear telephonically in their place. Failure to appear telephonically may lead to the sustaining of the appeal and the imposition of appropriate relief. A copy of the complaint in this matter (two pages) and attachment (forty-eight pages) is attached to this Notice and Order.

5. The RESPONDENT(S) named above is (are) hereby further ORDERED, if the personnel or medical files or similar files of any of its employees are the subject of the above appeal, to notify such employee(s) and the employee's (ees') collective bargaining representative, if any, of the appeal and of the Freedom of Information Commission's proceedings. If any such employee or collective bargaining representative has filed an objection, pursuant to §1-214 (c), G.S., to disclosure of the records, such notice shall be by certified mail, return receipt requested or by hand delivery with a signed receipt.

6. The hearing is governed by the regulations of the Freedom of Information Commission, except as necessarily modified by any applicable Executive Orders issued by the Governor, and will be conducted as a contested case under Chapter 54 of the Connecticut General Statutes. A copy of the Regulations may be obtained from the Commission upon request or can be found on the Commission's website. The hearing will provide the only opportunity to present oral and written evidence. Each party may testify, examine and cross-examine witnesses and present oral argument on the law. All evidence becomes part of the record of the hearing. Written argument and briefs may be filed but are not required. The complainant may seek the imposition of the civil penalty permitted under §1-206(b), G.S. In that case, the hearing shall also afford the custodian, or other official(s), responsible for the denial of any right(s) alleged to have been violated under the Freedom of Information Act, an opportunity to show that any such violation was based upon reasonable grounds. If the complainant does not specifically seek the imposition of a civil penalty, the designated hearing officer nevertheless may find that a specific violation of the Freedom of Information Act appears to have been committed without reasonable ground. The Hearing Officer then may recommend that a subsequent hearing be held in order to afford the custodian or other official(s) responsible an opportunity to show that any such violation was based upon reasonable grounds.

7. Upon conclusion of the hearing, the Hearing Officer will prepare a report consisting of findings of facts and law as they apply to the case and a recommended order. The parties will receive a copy of the report together with a notice of the meeting at which the Freedom of Information Commission will consider and vote upon the Hearing Officer's report. The report does not become a decision of the Freedom of Information Commission unless it is approved by it. The Commission may approve, amend or disapprove the Hearing Officer's report. Before a vote is taken, however, the parties may present oral argument. *No additional evidence, however, will be received.* Written argument, briefs or exceptions are not required, but if submitted they should be filed no later than the date indicated in the Notice of Meeting/Transmittal of Proposed Final Decision. The Commission's regular

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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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In the Matter of a Complaint by

Designation of Hearing Officer

Kathryn Zandri

Complainant(s)

Against

Docket # FIC 2020-0109

Chairman, Town Council, Town of Prospect; Town Council, Town of Prospect; and Town of Prospect

Respondent(s)

October 9, 2020

Attorney Paula S. Pearlman:

You have been designated as Hearing Officer in the above-captioned matter.

Enclosed is a copy of the complaint received in the file.

A written report of the facts and issues, and your recommendations for an order, should be prepared when you have completed this matter.

By Order of the Freedom of
Information Commission

Linda Fasciano
Acting Clerk of the Commission

Enc.

FIC# 2020-0109/DHO/PSP//TAH/LIF/10/9/2020

Freedom of Information Commissioner
18-20 Trinity Street
Hartford, CT 06106

RECORDED

MAR 09 2020

Freedom of Information Comm.
By JK

To Whom It May Concern:

I hereby file a formal complaint against the Town of Prospect, CT., Town Council and Mayor's Office for violating Sec. 1-225, **Meetings of government agencies to be public. Recording of votes. Schedule and agenda of meetings to be filed and posted on web sites. Notice of special meetings. Executive session.**

Prospect Town Council Meeting Agendas of the:

January 17, 2020	Special Meeting
January 21, 2020	Regular Meeting
February 4, 2020	Regular Meeting

DOCKETED

APR 23 2020

Freedom of Information Comm.
By JK

Violate §1-225(f) of the FOIA and long-standing FOIC precedent determined long ago in contested case Docket # FIC 1990-048 Trenton Wright Jr. v. First Selectman Town of Windham by failing to communicate to the public the business to be transacted in executive session. The agendas fail to list the actual matter being discussed in executive session at each meeting.

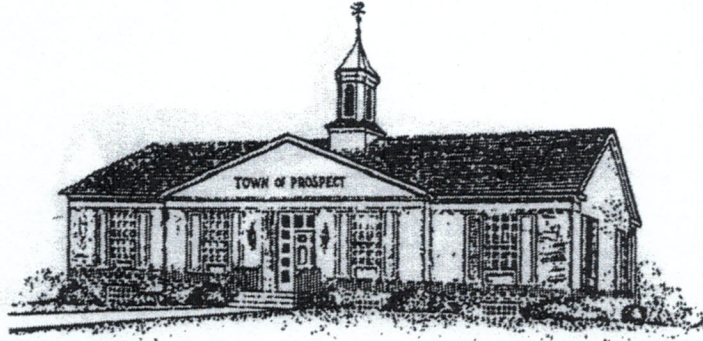
Sec. 1-225(a) reads, in part, ".....The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an internet website. Each public agency shall make, keep and maintain a record of the proceedings of its meetings."

Minutes of the meetings listed above at which an executive session was held also fail to record a vote of the members to enter and exit executive session, and report who was in attendance at the executive session.

There are no minutes on file with the Prospect Town Clerk for the **January 17, 2020** Special Town Council meeting held to discuss a matter in executive session (confirmed as having been held under "**Chair's Report**" pg. 4 of the January 21, 2020 Regular Town Council Meeting.)

When questioned at the February 18, 2020 Town Council Meeting (see page 1 of the 2/28/20 minutes) as to whether or not the executive session listed on the January 21, 2020 meeting was in fact conducted, Town Council Chairman Jeff Slapikas replied that it (the January 21, 2020 executive session listed on the agenda) had, in fact, been conducted.

See page 4 "**Chair's Report**" of the January 21, 2020 meeting which reads, "...the Executive Session will be at the end of the meeting to update the members of the Council that were not at the Friday Meeting". The executive session that is referenced in the "**Chair's Report**" is one and the same as listed on the January 21, 2020 meeting and the "Friday Meeting" is referring to the January 17, 2020 Special Meeting.



TOWN COUNCIL • TOWN OF PROSPECT, CT 06712-1699
36 CENTER STREET (203) 758-4461

RECEIVED

MAR 03 2020

Freeborn & ...
BY JS

January 14, 2020

AGENDA

The Prospect Town Council will conduct a Special meeting, on Friday, January 17, 2020 @ 4:30 p.m. This meeting will be held in the upstairs conference room at Prospect Town Hall, 36 Center Street.

Call Meeting to Order

Pledge

Attendance



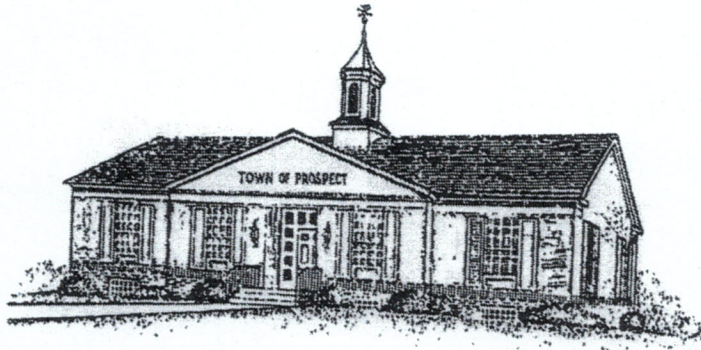
Re: to invite Mayor Chatfield and the Town's Attorney to Attend
Executive Session: Pending Litigation and Related Strategies

Adjournment

Jeff Slapikas *JS*
Chairman

no minutes filed

TOWN OF PROSPECT
2020 JAN 14 PM 3:00
TOWN CLERK



TOWN COUNCIL • TOWN OF PROSPECT, CT 06712-1699
36 CENTER STREET (203) 758-4461

REC'D & FILED

MAR 02 2020

Freedom of Information Comm.
BY MR

February 3, 2020

AGENDA

The Prospect Town Council will conduct a Regular meeting on Tuesday, February 4, 2020 @ 6:30 p.m. The meeting will be held at the Prospect Town Hall, 36 Center Street.

Call Meeting to Order

Pledge

Attendance

Mayor's Report

Assessor's Grand List Report

Public Participation: (5 Minute Time Limit)

Guests

Chair's Report

* Executive Session pending litigation and related strategies and invite Mayor Bob

Approval of Minutes: 1/21/2020

New Business:

Refunds

Transfers

Resignations

Appointments

Bids/Grants

Correspondence

Old Business

Sub Committees

Land Use & Acquisition

Public Works Maintenance

Sidewalk Task Force

Pension

Ordinance

Salary Review

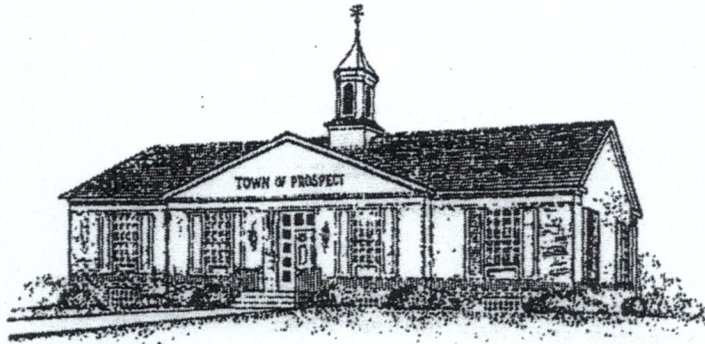
Town Buildings

Adjournment

Jeff Slapikas

Chairman

PROSPECT, CONN
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2020 FEB -3 PM 12:11
Theresa J. Anderson
TOWN CLERK



TOWN COUNCIL • TOWN OF PROSPECT, CT 06712-1699
36 CENTER STREET (203) 758-4461

REC'D & FILED

MAR 02 2020

Freedom of Information Comm.
BY *[Signature]*

January 17, 2020

AGENDA

The Prospect Town Council will conduct a Regular meeting on Tuesday, January 21, 2020 @ 6:30 p.m. The meeting will be held at the Prospect Town Hall, 36 Center Street.

Call Meeting to Order

Pledge

Attendance

Mayor's Report

Grange Building

Public Participation: (5 Minute Time Limit)

Guests

Chair's Report

Discussion on all Department Reports

Executive Session: Pending Litigation and Related Strategies and to invite Mayor

Chatfield and the Town's Attorney to Attend

Approval of Minutes: 1/7/2020

New Business:

Refunds

Transfers

Resignations

Appointments

Bids/Grants

Correspondence

Old Business

Sub Committees


Adjournment

Jeff Slapikas *JSM*

Chairman

PROSPECT, CONN.
TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
2020 JAN 17 PM 1:52
Theresa L. Anderson
TOWN CLERK

MAR 02 2021

Freedom of Information Comm.
BY 

January 21, 2020

cleaning service (Luso Cleaning Service) to clean the Library for the remainder of Fiscal Year 2020 (till June 30, 2020). T. Graveline questioned if the amount was correct and why the transferring of monies. Chairman Slapikas commented that the transfer was from an employee account to a contractor account. Chairman Slapikas commented that he is researching if it is more beneficial to have outside sources for maintenance. P. Geary would like an answer as to if it is a wash from one account to the other. Chairman Slapikas asked P. Geary if she would like to table the motion. **Motion** made by P. Geary to table this motion for more information.

-Mayor Chatfield advised that he requested this motion to transfer from the Fund Balance to Town Roads – Tree Trimming in the amount of \$6,275.00. **Motion** made by P. Geary, seconded by S. Lusas Kolodziej to approve the transfer from the Fund Balance in the amount of \$6,275.00 to the following account: #7000-03 Town Roads -Tree Trimming \$6,275.00. Disc. The Mayor also stated that the tree-trimming occurred during a storm with 50 mph winds and happened during the night. There was a quick response and the bill had been paid. T. Graveline stated that there had been other transfers into this account. Mayor Chatfield advised that the monies had been drained down and now he was replacing it. P. Geary and T. Graveline commented on the timeframe of receiving the transfer at 4 p.m. today. T. Graveline commented that since this activity happened 2 weeks ago and the bill was paid, the Council should have been made aware last week. Chairman Slapikas asked for further comments. No other comments were made. A vote was taken. **Unanimous.**

-Mayor Chatfield read into the record a statement regarding the theft of \$100,000 from the Town's Payroll Account. The Mayor stated that the Town was the victim from an outside source; the dates of the theft were from November 2017 through October 2018. The Mayor stated that the actions were not done by a Town employee. The Mayor also stated that he is considering a part-time account clerk. Mayor Chatfield advised that the Town has since gained back \$130,806.15. The Mayor also stated that the investigation is continuing in great detail. Chairman Slapikas stated that he would like an Audit review by a 3rd party for the past two years of the Town's financial records and requested a motion. **Motion** made by S. Lusas Kolodziej, seconded by R. Blanc for a 3rd party Audit review of the Town's financial records for the fiscal years of 2017-2018 and 2018-2019. Disc. T. Graveline questioned what the Chair anticipated to gain from the Audit. Chairman Slapikas stated why this was missed from the Audit. Chairman Slapikas continued that he would like the 3rd party audit to look through the financial records. T. Graveline commented that the last pages are called an Audit of their Annual Audit Report, yet there is a difference. Chairman Slapikas commented that he has been speaking with Attorneys and Auditors. He would like a 3rd set of eyes, not a forensic audit. Chairman Slapikas commented that the current Auditor of the past 2 years has not given answers to questions nor has set meeting dates. Chairman Slapikas explained that this had not happened in 20 years with the previous Auditor. T. Graveline commented on no one to oversee routines, checks or balances. Chairman Slapikas commented that he is working with Accountants, Attorneys and Auditors to write an RFP which the Council will get. P. Geary commented on looking at more than 2 years. T. Graveline commented on the Annual Report not separating out Payroll. P. Geary asked for the Council to review the RFP prior to being sent out. Chairman Slapikas requested a vote. **Unanimous.**

Public Participation:

-*Kathryn Zandri, 271 Sycamore Dr., Prospect, CT* moved into Town in April of last year, was a municipal employee in another Town and a 16-year Town Council secretary. K. Zandri continued that her comments and questions pertained to the crime of \$100,000 theft from the Town of Prospect's payroll account. K. Zandri submitted her questions (Schedule A). Chairman Slapikas commented on these questions; As to the total number of transactions, Chairman Slapikas advised that he did not have an answer but stated that there were multiple; largest amount of the transaction, Chairman Slapikas did not have the answer; who reconciles, Chairman Slapikas did not know as he does not run the office. Chairman Slapikas stated that the Mayor would need to answer as the questions were only asked through the Chair. As to when was anyone notified, Chairman Slapikas commented that the Mayor found out November of 2018. The Mayor notified the Police, the Bank, he also called the insurance company and the Attorneys. The Mayor made all the important phone calls. Chairman Slapikas commented that the Mayor was advised to be tight-lipped and not say anything as to not hinder the investigation. Chairman Slapikas stated that he himself found out December 11, 2019 and the rest of the Council found out December 17, 2019. The rest of the questions, Chairman Slapikas deferred to the Mayor; one at a time, if he has the answers, he could give the answers to you legally; if he can't, it is because he has to be quiet about it. Chairman Slapikas stated that is the best that he could do. Chairman Slapikas Thanked K. Zandri for her time. Chairman Slapikas asked Mayor Chatfield the following: how many transactions, The Mayor stated that he did not have that figure. Chairman Slapikas continued with the largest transaction. Mayor Chatfield advised still under investigation. Chairman Slapikas asked who reconciles the books. Mayor Chatfield replied, right now Mike Battiste, right up until January 31, 2019. The Mayor stated that we are right up to date. Chairman Slapikas asked until December 31, 2019, to which the Mayor agreed. K. Zandri questioned how often the

January 21, 2020

departments without going through the Mayor's office. Chairman Slapikas commented that the Town Hall offices are not opened on Saturday and Sundays; people still respond to texts and emails on the weekends.

-Peter Blinstrubas, 24 Maple Dr commented on hacking of email and mail 'fishing' and stated that he wanted to avoid what happened in Wolcott.

-Katie Blinstrubas, 24 Maple Dr. commented that she is having a problem with Town of Prospect email address as she is not able to upload; the system will only allow one at a time. K. Blinstrubas that this is time consuming and not cost efficient. K. Blinstrubas suggested ongoing computer upgrades.

-Nicole Zappone, Reporter for the 'Patch Newspaper' advised Mayor Chatfield that she had contacted the Mayor's office, spoke to a woman that took a message and was advised that the Mayor would call her back, but she never received a call. The Mayor asked N. Zappone what her question was, to which she said was who was the Town's Attorney. Chairman Slapikas advised Carmody & Torrance. Chairman Slapikas asked if anyone had a comment.

-T. Graveline questioned the analysis of a payroll service. Chairman Slapikas commented that he would like to bring a smaller packet of services to the Council. T. Graveline continued on emails and leaving employees at risk for FOIA. Chairman Slapikas commented on no longer using personal emails or Yahoo and Gmail address.

-P. Geary agreed with looking into a payroll service and questioned when a direct deposit started. Chairman Slapikas advised that as of the meeting of last week with Webster Bank he has been notified that the employees will have this option.

Chairman Slapikas asked for other comments. P. Geary commented that the Councils needs the residents to come to the meeting for their input so that the Council could do their job.

-Jim Borbus, 29 Beach commented on the using colored lights at Christmas on the trees.

-Paul Murray commented that Direct Deposit shouldn't be a choice, but should be automatic. Mayor Chatfield thanked everyone for coming.

Comments were made as to the new mailbox outside of Town Hall and questioned the position of the box as the slot is on the inside where motorists need to park and get out to mail letters. Chairman Slapikas commented that any questions should be made to the Post Office.

-Fred Bonyai, 18 Woodcrest Dr., also commented on the mail box and also advised to call the Post Office. Chairman Slapikas thanked the public for their participation.

Guests: None

Chair's Report:

Chairman Slapikas advised that the Executive Session will be at the end of the meeting to update the members of the Council that were not at the Friday meeting.

Approval of Minutes:

Motion made by T. Graveline, seconded by P. Murray to approve the minutes of 1-7-2020. K. Zandri requested to place additional minutes at the Library for those that work out of Town and would like to view the minutes. P. Zappone commented that she has found the minutes for any Boards & Commissions are not online for at least 8 months to a year. Chairman Slapikas commented that there had been a transition in the Town Clerk's office and he is working with the Town Clerk to put the minutes online. Chairman Slapikas asked for further comments. No other comments were made. **Unanimous.**

New Business:

Refunds:

Motion made by P. Geary, seconded by S. Pliat to accept the Tax Refunds dated 1/21/2020 in the amount of \$4,496.20.

Unanimous.

Transfers: Previously acted upon

Resignations: None

Assignments: None

Bids/Grants: Previously discussed

RECORDED & FILED
MAR 02 2020
Freedom of Information Comm.
BY *[Signature]*