

DRAFT
Thompsonville Fire District Charter Commission
Public Hearing
January 14, 2016 – 6:30 – 8:30 p.m.
Thompsonville Fire Station, 35 N. Main St.

Call to Order

Chairman Helechu called the public hearing to order at 6:30 pm.

Roll Call

Present: Chairman Mike Helechu, Keith Pliszka, Erline Provencher, Secretary Vicki Rose, and Jeff Cross.

The Chairman asked the Secretary to read the public notice.

Thompsonville Fire district #2 Legal Notice

The Charter Commission for The Thompsonville Fire District #2 will hold a Public Hearing at the Thompsonville Fire Department, 35 N. Main St., Enfield, Connecticut, on Thursday, January 14, 2016, from 6:30 p.m. to 8:30 p.m. for the purpose of hearing public comments relating to the Charter document drafted by the Charter Commission. The draft is available on the TFD website. Copies of the draft are also available at the fire station.

The Chairman made an opening statement describing the process of the charter, ground rules for the public hearing, to state their name and address for the record, and whether they are a property owner or resident.

There were no comments by the Charter Commission.

Karen Laplante – property owner of 19-21 Russell St.

The following comments were made:

On Page 3 of 11, the affidavit in Section 4.2(b) Affidavits for such purpose shall be made available at the district office, should it be an affidavit form instead of affidavit.

Under (c), the last sentence, the affidavit shall remain in full force and effect until the entity is dissolved or until such time the District receives an affidavit provided by the District. Remove by the district and replace with a subsequent executed affidavit authorizing another person to vote.

Under Section 5.1, Annual and District Meetings, the format for others go (a) then i and a different letter. This one goes (a) and then goes to 1.

The annual meeting held for the following purposes: to announce the result of the vote on the budget but under Budget it doesn't specify the right to vote on the budget and when. It does say balloting is between 6 am – 8 p.m. but it doesn't say we have the right to vote. The CTFD had an issue with it not saying we have a right to vote. Like to see where it does say the qualified voters will be given the opportunity to vote.

Notices on page 4 of 11, 5-1 (c) and 5.2 (b), posted in the district office. Not sure if they have to be posted at the Town Clerk's office and would like to add district website.

Under section (d) same page where it says the moderator - I think it should say at any annual or special meeting. It is in the section annual and special meetings.

Section 5.2, Board Meetings, date, time, and place they should be called Regular Meetings.

(b) added the Town Clerk Office and district website 24 hours in advance for agendas.

(c) Minutes shall be recorded by the Clerk – Board may hire a recording secretary. It doesn't say if the Board is the District. The District doesn't hire employees. The definition of fire department versus district. Questioning the status of recording secretary as an employee of the district and there's no district employee section, what happens to the district employees.

Page 5 of 11 Officers of the board may hold multiple titles under (c) doesn't think the chair and the treasurer should be the same person. That should be restricted. Might also want to include that the Board will not be compensated for their time unless approved by voters during annual or special budget vote.

Candidacy (b) who verifies who qualifies. Karen Laplante's suggestion is, the clerk shall certify the qualifications of all candidates for commissioners and in the next sentence took out person and add any commissioner ceasing to qualify as a candidate for a commissioner of the district shall cease to be a commissioner.

Page 6 of 11, Duties of the Board, 7.1, doesn't say the Board needs to hold an annual meeting. She thinks a (d) should be added (d) the board shall be required to hold an annual meeting and citizens vote on the proposed budget.

(e) should be, the Board is responsible for all disciplinary matters and appeals pertaining to the chief, union and non-union employees and she pulled it out from a different section.

Page 7, Article 9 – Cross the Board is responsible for all disciplinary matters pertaining to the chief and add it under Duties of the Board. And (b) the chief reports to the Board solely for disciplinary matters and appeals. This is confusing. She also questioned Number of calendar days for the appeals. It's being dragged out for two months. If we can shorten the time span.

10.2, Budget, (c) adoption of the annual budget shall be by eligible voters of the district at the annual meeting. We're not voting at the meeting. The balloting precedes the annual meeting. Cross out at the annual meeting and insert prior to the annual meeting.

Section 10.3 use a different word than types, maybe designated accounts (b) ii could add voters at a district meeting called for that purpose, a regular meeting wouldn't be called for the budgeting process. It would always be a special meeting.

Page 9, first paragraph about signatures, 10.7 (a), remove the word each and maybe use such signature.

10.9, Contracts, (b) 20,000 and exceeds one year, use the word or instead of and, (c) what about criminal actions?

Competitive bids for vendors 10.10 (a) is the Town of Enfield considered a vendor, the Tax Collector, would that have to go out to bid because it would exceed the limit and do we want to exclude that option or require the tax collector to bid.

Page 10 of 11, Tax Bills, (b) says Treasurer may designate any appropriate entity to issue the actual tax bills ... this is where you're saying the Treasurer is going to decide.

Mike Helechu stated it says designate.

Karen Laplante – is it too much power - maybe a designation is not making decision.

Receipts (a) received by the Treasurer - you could add or their designee.

11.3, Bonds and Notes, (b) 500,000 not to exceed 90 days. It's probably a quarter that they'll need of the approved budget so maybe change to one quarter of the approved budget so charter does not have to be reopened when that number changes.

12 (b), notice for public hearing add district website.

13 (a), without public authorization of the Board. I would add district property and say by the Board not of the Board.

Bill O'Brien – 11 Montclair Dr.

Concerned about during the summertime the hay at the old Button farm may start a fire, fences falling down.

Mike Helechu stated he perhaps should maybe go to the Town Manager's office. This is about the Charter only.

Steve Cogtella – 2 S River St.

Need to be required to vote. Need to use the word must. If it's an obligation the legal scholars state it should be must if you want it to be mandatory not shall.

Sheldon Gaskell - 94 S River St.

Also agrees with Steve.

Section 6.7 serve at the pleasure of the Board, maybe use different wording or clarification.

Section 7.1 (a) the word lawfully is vague. (c), under the same section, in a protected area on district property. He was confused with that wording. 7.2, Duties of District Officers, more specific where it says the clerk shall give a true and just account, thinks there could be more clarification. Where it says pay them out upon vote of the Board "them" needs to be clarified.

Page 7 Article IX, (b) non-union the comma signifies the Board is responsible but to make it clear should put period after the word Board.

Margaret Perry - 281 George Washington Rd.

Regarding the Tax Collector to go out to bid, we get the money up front whether it's collected or not.

Under Nepotism, Section 3.3 (ii), where it says no family member, wants clarification. Are you saying a family member can't be a member of the Board?

Mike Helechu stated a family member of the chief's.

Marg Perry feels that should be checked with the State. She feels that legally you can't do that.

Removal of elected officials, they're elected and cannot be removed.

Regarding the Chief having to live in the District. She feels we have great talent here but if you've been living somewhere for 15 years financially to them to move would be hard. We had a problem with this because the Chief could sign before but that's all been taken away from the Chief. The Commission are the ones that are taking care of the funds. The chief is the one that proposes the budget. She feels it's a punishment. You have to give up your house that is probably almost paid. Enfield is small.

Mike Stone, 1 Claremont Ave.

To expand on what Marge said, he's concerned with that as well. His understanding under state statute also states if he lives in the district he can run for commissioner. He would restrict to live wherever except the district. The Board leans heavily on the Chief for guidance. It may create a situation that you'll regret later on. I would prefer the chief out of the district.

Mark Magistri – 34 Parker St.

On the first page, Definitions, maybe listed by hierarchy starting with State, District, and Fire Department.

Page 3, Article IV, 1st phrase not withstanding should be removed.

Section 4.2 ownership of real property based on the land records. There are parts of the district that are murky and concerned there are a lot of people would be able to vote that belong to Hazardville if they came in to vote and they can't. There may be issues down the road.

5.1 under (4) who has the authority to administer the oath. If it has to come from town hall there may be a problem.

Page 6, Section 6.6, was confused with, "Any Board member, under Article VIII Commissioner Guidelines, who violates the provisions, what does that mean?"

Response was this refers to Article VIII of this Charter.

8.1, Code of Ethics, would like to see definitions. What is the declaration of ethical behavior?

Mike Helechu stated at the first public hearing there were requests from taxpayers that felt the public wanted ethical guidelines. Didn't feel could put it in the Charter. Felt an ethics ordinance would need a year to be hashed out.

Kathryn McGann stated the wording is what Carl Landolina had suggested in his verbiage to us. The intent was the ethics committee would be in the board's hand.

Marg Perry feels it's easy to read and should stay in.

Mark Magistri stated you're giving the Board 12 months to do this. 8.2 the commissioner shall take an oath and execute a declaration of ethical behavior. Just in a timeline the person is required to take the oath before this can be made. Thinks there should be a waiver for the first annual meeting.

Mike Helechu stated we could say upon adoption.

Mark Magistri stated in 10.2, Budget, take out requiring the chief by February 1. It's not reasonable; the health insurance, workman's comp is not available by then. The grand list is not available. It's critical b, c, d on this schedule. How we get there is irrelevant.

Karen Laplante suggested leaving the first part in and taking the date out.

Mark feels should be taken out.

Page 10, 11.2 (b), to track all activity then you list the items. All is all so not sure why you have all the other. It's a lot to require someone with a part-time position.

Article XIII adding District Property to the list in first paragraph (a) would refer to a meeting space available to outside group.

Mike Helechu said non-profit use the space. This is a community facility.

Pat Gaskell - 94 So. River St.

4.1 (b) with the new state provisions on car taxes where it says real or personal may not have car taxes. How will this affect the definition of Voter?

Mike Helechu asked what would be an alternative way to say it.

4.2 (b) affidavit available at the district office. Feels it's vague. Should have a cut off time for the return of the Affidavit Form. Do we need to provide a notary?

Mike Helechu stated it's their responsibility to get it notarized.

Pat Gaskell stated should maybe have a cut off time for this to get notarized.

6.1 (c) He does not believe that officers of the board may hold multiple titles.

Kathryn McGann stated that is wording in Section 105 of the statute.

Mike Helechu stated we may want to be more specific.

7.2 vote of the board. Is that a vote on every bill or just specific types? We do vote on the pension but not on every bill.

11.1 (b) Treasurer may designate...that shouldn't be one person designating anything.

11.2 all activity – not all activity can be public discussion. Some are personnel issues. Medical payments things like that.

Colleen Reidy, 1116 Enfield St.

On the Residency requirement legally we can require to live in the district but would like to open it to Enfield

3.1 – Colleen Reidy notes that this section gives the Board full power, yet reading through the document, the Charter gives authority to the Chief and the employees of what they can or cannot do.

Mike Helechu asked for an example.

Colleen Reidy continued, an example, the statement on Personnel Policy and Procedures. Article IX, the power is given to the Chief. Personnel issues should be left up to the Board, not the Charter. The Charter is to control the Board, not to have the employees control the Board.

Board – charter is for the Board not the chief.

Colleen Reidy stated the primary residency. The article on disciplinary matters.

Kellie Wawer - 240 Abbe Rd

Under definitions, the office at 35 N. Main St., what would be the office? Thinks it should be clarified. The building has many offices.

Mike Helechu asked if there is a specific name or number we could put in.

Karen Laplante suggested designated office located at 35 N Main St.

Electing commissioner, 6.3, one commissioner likes the wording because it's pointless to have all day voting for one commissioner.

Karen Laplante stated that's why she was concerned if there's only one commissioner we want to still vote on the budget.

Mike Helechu appreciated all the comments that were made and stated the Charter Commission will meet next week to go over what was discussed and revise what we can and will present it to the Commission and the Commission will have 45 days to have a public hearing. Part of the process includes a face to face meeting between the charter commission and the board.

Colleen Reidy stated this is a 15 step process and this is the end of part three.

Mike Helechu stated if the commission approves the charter, the voters ultimately will vote on whether to accept or reject it. The hope is to have it for the annual meeting.

Mike Helechu adjourned the public hearing at 8:30 p.m.

