

AS AMENDED

**Enfield Charter Revision Commission  
April 10, 2014 – 7:00 p.m.  
Enfield Town Hall, Enfield Room**

**Call to Order**

Chairman Marge Perry called the meeting to order at 7:02 pm.

**Roll Call**

**Present:** Chairman Marge Perry, Secretary Judy Kilty, Thomas Joaquim, Michael Lally, Lewis Fiore, Thomas Froment, Jeff Gentes, Karen Weseliza, Jack Sheridan, Edward McGuire and William Scheele

**Also present:** Christopher Bromson, Lynn Nenni, Staff Liaisons

**Absent:** Vice Chairman Earl Provencher, Debbi Kruzel, Mayor Scott Kaupin and Cynthia Mangini; Town Council Representatives

Approval of Minutes

Tom Joaquim made a motion, seconded by Lewis Fiore, to accept the minutes. Minutes are dated March 27, 2014, Regular Meeting as Amended, the motion carried by a 11-0-0 vote.

Mike Lally made a motion; seconded by Judy Kilty, to accept the draft minutes. Draft minutes are dated April 3, 2014, the motion carried by an 8-0-3 vote, Karen Weseliza, Jeff Gentes and Ed McGuire abstained.

Staff Report

Lynn Nenni stated that she was following up on the Emergency Appropriation, Chapter 6 Section 5; Is 1% of the current budget sufficient in an emergency? After talking with Matt Coppler the Town Manager, it would better if council adopted a fund balance policy. Lynn went on to state that this would only take effect if the town budget did not have a fund balance. The staff recommended leaving this section as is, no changes.

Lewis Fiore made a motion; seconded Tom Joaquim, to take Chapter 6 Section 5 off the table.

Lewis Fiore made a motion; seconded by Tom Froment to leave this section off the table and as is, no changes. The motion carried by an 11-0-0 vote.

Lynn stated that she is still looking into official bonds, and she has information regarding retirement Chapter 7, section 3.

Kevin Deneen spoke in reference to the last sentence (Chapter 7, section 3); it states the council may, by ordinance, provide for compulsory retirement at an age permitted by state statutes. State statute does not permit a mandatory retirement age; it would not hurt to leave this in language in the charter.

Lewis Fiore made a motion; seconded by Tom Joaquim, to take Chapter 7 section 3 off the table; the motion carried by an 11-0-0 vote.

Judy Kilty clarified that the recommendation is to leave this section as is.

Kevin stated, "It is, but it can go either way."

Tom Joaquim made a motion; seconded by William Scheele, to leave this language as is.

Mike Lally stated he would like to remove this; to clean up the wording.

Chairman Perry stated that she does not want to delete this language.

Lewis Fiore spoke to the rushing of making amendments quickly; the members should discuss the issue in its entirety, before making a decision.

The member's further discussed the pros and cons on this language.

The motion carried by an 8-3-0 vote.

Lynn Nenni spoke to Chapter 5 section 9, Department of Public Works. She stated the word was "division" not "diversion."

Jeff Gentes made a motion, seconded by Mike Lally to change "division" not "diversion". The motion carried by an 11-0-0 vote.

## Chapter II Section 2 Municipal elections

Karen Weseliza made a motion; seconded by Tom Joaquim, to take Chapter 2 Section 2 off the table.

Tom Joaquim spoke to a question on subparagraph (b), the committee has talked about this section but this has not been voted on.

Lewis Fiore stated as far back as he can remember the Board of Education has always run the elections 5/4. He went on to add, "talking with other elders, it has been a gentleman's agreement not to make the Board of Education political, and a 6/3 could do that." Lewis's recommendation is to leave this as it stands currently and advocate through this with the

council, or change to what has been occurring in the last 20 years.

Jack Sheridan stated he recommends leaving it at 6, it was written that way, even though in the past, this was not the process.

Lewis added it would become a more political process, fund raising; campaigning the whole process will be more elevated.

Tom Froment asked, the BOE has been at large all the way around, 10 people have been running, but only 9 get elected. In the past, it has been 5 members of each political party. If we change this to 6 and 6 (as Jack has recommended), the top 9 get seated, 6 could be of one political party. Now the town is looking at people vying for the position.

Mike stated this process is almost by appointment, rather than an election, when we have 5 and 5, with only 9 people being seated.

Karen thinks a 5/4 split to keep the dialog very open; it's much easier to get a majority when you have 6/3 than 5/4, it becomes more about the issues than what political party you are aligned with.

Tom Froment made a motion; seconded by Jeff Gentes to change 6 members who shall be of the same political party for the term of 2 years to 5. The motion carried by a 10-0-1, Ed McGuire abstained.

Jeff Gentes stated (b), he talked to a few board member's, staggering the terms 1/2 the board would be up for election every 2 years. Having Board of Education member's serving for a 4-year term, vice a 2-year term, makes more sense. The parties would have to designate which member's are 4 years, and 2-year term designated.

Lewis Fiore spoke to staggering terms, there are some advantageous reasons of wanting to stagger the terms. The learning curve is one reason to stagger the terms. Unfortunately, the political side of this ramification causes the public to never have an opportunity to completely change; the status quo will always remain the same.

Judy Kilty spoke to her recommendations at keeping the terms to 2 years. She went on to explain her reasoning, she spoke of the past history to why she is feeling this way.

Lewis Fiore spoke to the amount of time the board member's volunteer. 4 hours a day, 7 days a week.

The committee member's discussed subparagraph (c) with staff.

Jeff Gentes spoke to a comment at the public hearing.

Lewis Fiore stated Town Council members volunteer for 6 hours a day, for 7 days.

Tom Joaquim made a motion, seconded by Judy Kilty in subparagraph (a) to leave the language as is. The motion carried with a 12-0-0 vote.

Jeff Gentes spoke to term limits and to the possibility of holding elections in the even numbered years.

Kevin Deneen stated there is a state statute the town may change regarding the month. Changing it to either May or November, but the odd years specification is a requirement of the statute.

Tom Joaquim spoke to section 4, Vacancies. He did some research to what other towns have put in their charters, and continued on reading his research to the members.

Lewis Fiore gave an example of what happened in the town's past history. After one member was elected to the board, 6 months later, the member changed his party affiliation.

Tom Froment spoke to the other parties represented in town.

The member's discussed the language in the charter; such vacancy shall be filled by appointment of a member of the same political party.

Kevin spoke to the language in the current charter. He clarified what the charter states and what is the intent of the language.

Chairman Perry stated every party is represented in this section.

Jack Sheridan stated that he originally believed the charter was leaving out a third party. However, he now believes every party is covered under the current language.

Jack Sheridan made a motion; seconded by Tom Froment, in Section 4, to leave the language as is. The motion carried with an 11-0-0 vote.

### Chapter 3 Section 1

Lewis Fiore made a motion; seconded by Jeff Gentes to remove this off the table for discussion.

Jeff Gentes spoke to the 2 items for discussion, serving without compensation and no member of council shall hold office for profit.

Tom Froment stated the town attorney gave the member's the information on the state statute, in his opinion, to clarify all the issues.

Mike Lally also stated town attorney spoke to the matter that a town employee cannot sit on board. As stated in the charter, no member of the council shall hold any office of profit under the government of the town of Enfield; the state statute identifies this as

illegal. Mike went on to add, right now the charter states no, but state law states yes.

Kevin Deneen spoke to a situation his firm is handling (at this moment) concerning this issue in another town.

Jeff Gentes spoke to a recommendation to have a stipend for town officials.

Tom Froment stated the member's did have this discussion about this issue in the past; one citizen did bring this issue up at the public hearing. The member's had agreed that any expense the council may incur in the performance of its duties might be submitted for reimbursement.

Chairman Perry's stated her opinion on this matter, once the town starts allowing stipend's to council members, the council member's are no longer volunteered, they are town employees.

The member's further discussed the pros and cons on this issue.

Jeff Gentes made a motion; seconded by Mike Lally, to keep "without compensation" language as is. The motion carried by an 11-0-0 vote.

Mike Lally made a motion; seconded by Ed McGuire, to strike the sentence, no member of the council shall hold any office of profit under the government of the Town of Enfield.

Tom Joaquim asked what would this motion do.

Mike Lally stated it would make the charter compliant with the state statute.

William Scheele quoted the town attorney saying, "Either way, you can leave this language in the charter. But in this case, I recommend that the language be removed.

Lewis Fiore stated his opinion; he recommends leaving this statement in the charter. He would like to go on record as voting no. He went on to state even though the state law states any employee can sit on the town council, he does not believe this is a good idea. As an example, a person that works for DPW, EMS, or for the town of Enfield should sit on the town council. Also, if you are a schoolteacher, principle, or nurse in the school system, you should not be able to sit on the Board of Education... You would virtually be your own boss. He believes that crossing over from council to BOE is fine.

Judy Kilty stated the town charter couldn't supersede the state laws. She went on to add she agrees that it is wrong.

Chairman Perry stated as a citizen of this town, if the councilmember is ethical and removes him or herself, this sort changes her as a resident. It may decrease the number of votes by 2 or 3 votes on any issue. Even though it's the law states otherwise, sometimes you have to leave language as a political statement.

The member's went on to discuss the pros and cons.

Mike Lally believes this statement is against the law, to deprive someone their right to sit on the town council or other public offices. Even though it's a political statement, to allow this statement in the charter is illegal...in his opinion. He believes it's not the committee's responsibility to make political statements.

Tom Froment stated at the first meeting, he wanted to the playing field to be level. The member's wanted to have the continuity in the charter for the town council and the board of education. The member's asked for the opinion and received the statute from town attorney.

Karen Weseliza spoke to the fact that this is a slippery slope as to where the lineage ends, "She is a teacher here in town and her husband is on the board of education. Does this make her any less connected to what transpires in an executive session?"

Karen asked town attorney, was this a civil rights issue, denying someone civil rights.

Kevin spoke to the reason for the state statute. He stated the state statute has been this way for a long time. It came to light recently in the town of Bridgeport; the city has 3 town employees on the town council. There have been a number of bills submitted in legislature to change this state statute. Organized labor has been opposed to making changes to this statute. Kevin likes to use the word "unenforceable" instead of "illegal."

Ed McGuire stated Marge and Mike make tremendous arguments; the potential is always there for the state statute to change.

Lewis Fiore spoke to the referendum. The citizens do not vote on the charter section by section, it is either all or none. He added the member's need to be cognoscente of that situation when making changes. The citizens may vote no changes to the charter, just because one section did not sit well with the citizens.

Mike believes this brings confidence to the public; the member's are trying to align the charter with how laws are enforced and interpreted.

Tom Froment made a motion: seconded by Judy Kilty, to read as: There shall be a town council consisting of eleven (11) members, hereinafter referred to as the council, the members shall serve without compensation except for the reimbursement of actual expenses incurred in the performance of official duties for two (2) years. The motion carried by an 8-3-0 vote.

Mike Lally withdrew his previous motion.

## Section 7 Power of Initiative

Judy Kilty made a motion; seconded by Lewis Fiore to move this section off the table.

Jeff Gentes spoke to the memo that was requested from staff, the committee member's are waiting for a copy of said memo.

Judy Kilty withdrew her motion.

Lewis Fiore made a motion; seconded by Tom Joaquim to retable Chapter 3 Section 7, waiting for information from staff. The motion carried by an 11-0-0 vote.

Tom Joaquim spoke to his copy of the charter, in section 5 of Chapter 5, when the committee changed 3 to 6 electors, the word members should have been changed as well.

Lewis Fiore made a motion; seconded by Tom Joaquim to change members to electors in Chapter 5 section 5. The motion carried with an 11-0-0 vote.

### Section 10 Department of Public Safety

Tom Joaquim made a motion; seconded by Mike Lally to take section 10 off the table.

Chris Bromson spoke to the changes in the member's proposed addition subparagraph (g). The town manager and town attorney have a few recommendations for change. Also Kevin is working on the wording; editing it down.

Kevin stated a lot of this is general policy or operationally, leaving some of these items to the town manager. He will have his recommendations available to the committee members prior to the next meeting.

Tom Joaquim spoke to the recommendation by a town council member, to have the director of public safety appointed by the town council.

Lewis Fiore spoke to his personal opinion, with regards to checks and balances. This is working out the way it is right now. He went on to ask another question, is the language about political activity, will this be stricken out of the section as well?

Jack Sheridan asked Lewis for clarification.

Lewis went on to add, the town manager is currently appointing the director of public safety.

Chris spoke frankly; he likes being appointed by council, 9 times he has been appointed by the council. He likes answering to the council instead of one person. He wants to keep it apolitical. It would become a term for 2 or 4 years, the best interest of the town would be to have the town manager appoint the public safety director.

Kevin added clarification on the town council style of government.

Lewis also added that there are two people who report directly to the town council, the

town manager and the town attorney.

Chris went on to add, under the Director of Public Safety is the Police Department and EMS, this is for an estimated of 225 employees taken away from town manager.

Tom Joaquim asked a clarification question.

William Scheele asked if the town has one fire chief.

Lewis Fiore stated there are 5 fire chiefs, all separate taxing authorities, and all autonomous.

Tom Froment asked to keep division of fire; this allows the town a safe guard.

Tom Joaquim spoke to recommendation by a town council member, "any hope to combine fire districts?"

Chairman Perry stated the town charter revision couldn't touch this issue.

Karen asked for clarification, the public safety director does report to the town manager, and the committee would like to leave this as is. The member's stated yes.

Section (b), Jeff Gentes, had a question. To change volunteer companies to fire districts? This proposed change is tabled at the present time. Jeff also stated he would like to see the language be more neutral in the division of the fire sub section.

Jeff Gentes made a motion; seconded by Mike Lally to add neutral language.

Ed McGuire stated the committee should wait until Earl is in attendance before changing the wording in this section.

Jeff Gentes withdrew his motion.

Tom Joaquim made a motion; seconded by Jeff Gentes, to retable Chapter 5 section 10, until Earl Provencher is in attendance, and waiting for language from town attorney in subparagraph (g).

Chapter 6 Finance and Taxation

Section 3 Duties of the manager on the budget

Jeff Gentes made a motion; seconded by Tom Joaquim, to remove this section from the table.

Lewis Fiore had one item for discussion. He wanted this to be about the budget and not meant to be about a political issue. This is based on his 35 years experience of being

involved with town budgets. This has been common practice for the board of education as it goes thru its deliberations and provides a budget, on completion is sent to the town manager. The town manager then reviews this budget with staff, and maybe some council leadership, it proceeds to make reductions or leaving the budget as it is. The processed budget Revised or otherwise is given to the town council, void of any deliberations from the Board of Education or superintendent. This has been a practice that has been going on for a long time, legitimately. In some cases the manager has been put in bad situations, based on the information he or she has received. Lewis believes this practice to be unfair.

The member's asked for clarification.

Lewis went on to add he would like to recommend changes to the duties of the manager on the budget related matters that would levitate a process that occurs almost every year. The problem is the board of education does it deliberations on the budget, and then sends the budget to the town manager. The town manager then reviews the budget, either by himself or with staff. This may include some council leadership, or maybe not. The town manager then makes reductions to the budget without any input from the Board of Education or superintendent. This process is primarily based on his own recommendations. This budget is now presented as the official Board of Education budget. This is not how the process should work. How the process should work is that the board of education and superintendent present their budget, sending it to the town manager, who is the ultimate authority for this town. Absolutely no doubt about it, he should be. The town manager and his staff should go through the budget, eliminate any errors, duplications or omissions; by all means this should happen. But not to arbitrarily make any cuts to the budget or Board of Education requests, unless complete deliberations are held with the Board of Education and the superintendent of schools.

Chairman Perry stated this is her understanding as a resident, that the manager is cutting bottom line. This is a dollar amount that we have to have taken out of the budget. She understands the needs for deliberations, but you can fight for your end of the budget if no one comes to terms. Ultimately, someone has to make the cuts. The Board of Education puts through a budget that is needed/required. The town manager in his/her own right is conscious of a budget for the town side and the school board side; someone needs to make that decision.

Lewis stated this is the council's responsibility. This is why we as taxpayers elect the politicians. To not have staff members up front in this deliberation process is our weakness in our budget planning.

The committee member's and staff representatives discussed this process further.

Lewis Fiore's recommendation states: The Town Manager will not reduce the original Board of Education budget request other than duplicating errors and/or omissions.

Kevin stated to the committee, that it could happen both ways. The town manager will present board-approved budget as is, and in a separate document, any recommendations for changes. It doesn't need to be either or, it can be both ways. There is only one mill rate for the whole town. The town manager does have a responsibility during the entire

review process. The manager must have the overall view of the spending and revenue side. This would also be adding everything else that needs to come together to construct the budget.

Kevin Deneen departed at 9:05

Tom Joaquim asked Lewis where he would like the new language added in this section.

Lewis stated it could be added in subparagraph (a) after the sentence already listed.

Jeff Gentes made a suggestion to add a semicolon and add the new sentence afterwards.

Lewis added the sentence in section (c), and the manager's recommendation of the amounts to be appropriated for the ensuring fiscal year for all items and such other information as may be required by the council; provided that the town manager will not reduce the board of education budget request other than duplications, errors or omissions.

Lynn Nenni asked Lewis in his proposal. "Does the town manager in his mill rate, fully fund whatever the board of education approved in their budget?"

Lewis answered yes, it does. Minus the errors, this way the public knows what's going on up front.

The member's discussed this will proceed to the town council, and the town council will bottom line what cuts need to be made.

Lewis Fiore made a motion; seconded by Karen Weseliza, to change section (c) to read: and the manager's recommendation of the amounts to be appropriated for the ensuring fiscal year for all items and such other information as may be required by the council; provided that the town manager will not reduce the board of education budget request other than duplications, errors or omissions.

The member's discussed this further with staff representatives.

Chris recommends since town council liaisons and town manager are not present, maybe the member's should wait to make a decision. The member's would like to know what other towns do in this instance.

Lewis made a motion to table his motion; seconded by Jeff Gentes. The motion carried with an 11-0-0 vote.

Lewis stated the following sections are tabled: Chapter 3 section 7; Chapter 5 section 10; Chapter 5 section 13 and Chapter 6 section 3.

Chapter VI Finance and Taxation

#### Section 4 Duties of the council on the budget

Chairman Perry would like to talk about this section, voting on the budget.

Judy Kilty stated people don't attend the meetings and they don't understand the process.

Tom Joaquim went back and reviewed that last budgets; there have only been under a 2% increase.

Jack Sheridan stated is for referendum approval on the budget.

The committee member's discussed this section at great length.

Chairman Perry stated she couldn't disagree more with Jack's statement.

Lewis Fiore stated he is a third generation politician in this town, the town is too big and the process is too complicated.

Judy Kilty asked if the member's could take an informal yes or no, where they stand.

William Scheele proposed a citizens audit committee on the town's side.

Chairman Perry asked to poll the member's if they were in agreement to add referendum vote on the budget:

Tom Froment; no

Tom Joaquim; no

Jeff Gentes; no

Karen Weseliza; no

Judy Kilty; no

Lewis Fiore; no

Jack Sheridan; yes

Mike Lally; no

Edward McGuire; no

William Scheele; no

Marge Perry; no

Mike Lally made a motion; seconded Judy Kilty, do not add language in section 4, and keep as is. The motion carried with a 10-1-0 vote.

#### Chapter 5 Add Inland Wetlands to Charter

The member's referred to the ordinance presented to the committee by town attorney.

Lewis stated Inland Wetlands is an important land use board in town.

Karen asked is this similar to Planning and Zoning?

Lewis stated yes it is.

Jeff had a recommendation by town council to add this to the charter. He went on to state that the middle language doesn't all fit together; there is a problem with the transition.

Chairman Perry wanted to conduct an informational poll, to see where the member's stand on this issue.

Judy; ask her last

Lewis; yes

Jack; yes

Mike; yes

Edward; he's on the fence

William; yes

Tom Froment; yes

Tom Joaquim; yes

Jeff; yes

Karen; yes

Marge; yes

Lewis Fiore made a motion; seconded by Tom Froment, to table this section until the next

meeting, allowing language to be cleaned up by staff, making it suitable to add this section of the town charter. The motion carried with an 11-0-0 vote.

Chairman Perry stated for the benefit of the public present at the meeting; Chapter 3 section 7, has been tabled until the next meeting. The member's are awaiting a copy of a memo previously sent out by and from the town attorney.

The next meeting is scheduled Tuesday, April 15, 2014.

Judy Kilty made a motion; seconded by Karen Weseliza to adjourn. The motion carried by an 11-0-0 vote.

Meeting adjourned at 9:58.