

AS AMENDED

**Enfield Charter Revision Commission
April 15, 2014 – 7:00 p.m.
Enfield Town Hall, Enfield Room**

Call to Order

Chairman Marge Perry called the meeting to order at 7:00 pm.

Roll Call

Present: Chairman Marge Perry, Vice Chairman Earl Provencher, 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; Mayor Scott Kaupin, Town Council Representative; Matt Coppler, Town Manager

Absent: Debbi Kruzel and Cynthia Mangini; Town Council Representative

Approval of Minutes

Tom Froment made a motion, seconded by Karen Weseliza, to accept the minutes. Minutes are dated April 3, 2014, Regular Meeting as Amended, the motion carried by a 12-0-0 vote.

Mike Lally made a motion; seconded by Judy Kilty, to table and review the draft minutes. Draft minutes are dated April 10, 2014; the motion carried by an 11-0-1 vote, Earl Provencher abstained.

Staff Report

Lynn Nenni is still researching the Bond portion for the charter.

Kevin Deneen provided a copy of the Public Safety language to all members.

Lewis Fiore made a motion; seconded by Earl Provencher, to take Chapter 5 section 10 off the table. The motion carried by a 12-0-0 vote.

Kevin continued with his recommended changes to section 10. He did note a few proposed additions, deletions and corrected errors. In the first paragraph in section 10; he added the division of emergency medical services and the division of emergency management; following the committee's recommendation.

In subparagraph (a) he deleted the political statement in keeping with prior changes the

committee made in other sections of the charter; "No officer or member of the division of police shall be a member of any political committee or delegate to any political convention. No officer shall solicit any person to vote at any political primary or election nor shall any officer challenge or in any manner attempt to influence any voter (threat). Violation of any provision of this section shall constitute cause for dismissal or suspension. "

Kevin did leave subparagraph (b) and (c) as is, until that time when all members are present to discuss the matter.

In subparagraph (d), Kevin deleted the entire section, keeping with the political language that was previously deleted; it was necessary to also strike it out in this section.

Kevin went on to note; in the subparagraphs he re-lettered all the sections, also adding (f) division of emergency medical services, and (g) division of emergency management; following the committee's recommendation. Kevin did note that the language is similar to the division of police, aligning with the general state statutes. Kevin conducted his own research concerning what other towns have in their charters about emergency management. Kevin discovered that most towns typically have a brief statement due to the fact state statutes are changed and updated frequently.

Karen Weseliza asked a question to clarify; "Would someone else be appointed as director of emergency management other than the public safety director?"

Chris spoke to the current status in the town of Enfield; the town has always provided for a director of emergency management, currently it is the police dispatch supervisor. The reason for this wording to be in the charter is the event of an emergency. If the town manager was to declare a state of emergency, by state law, the town is required to have a director of emergency management. This would allow the town public safety officer to act in that capacity, and allow the town to receive FEMA reimbursement.

Kevin spoke to the language of the director of public safety.

Vice Chairman Provencher asked for clarification, the reason for having this language in the charter is to address the issue that the director of public safety and the director of emergency management may be the same person.

Karen Weseliza asked, "Is this is specific to the town of Enfield?"

Kevin stated, "Yes it is, this is very generic."

Vice Chairman Provencher stated in the past this section was taken out during the wars (wars circa 1900-2000), but since the events that took place on 9/11/01 this section has been put back into charters, and is very relevant.

The committee members and staff discussed the levels of emergencies, emergency management applications and appropriate measured response.

Tom Froment spoke to subparagraph (b) striking out volunteer companies and replacing this language with fire districts.

Vice Chairman Provencher concurred with the proposed change.

Tom Joaquim spoke to the subsection (c), where it states, "The director shall appoint," he believes this should read, "The director of public safety shall appoint."

William Scheele stated he is concerned about the language stating that the director of the department may appoint a Fire Chief, why is this statement in two different sections?

Chairman Perry stated her understanding of the statement, located in sub section (c), where the town may appoint a new fire chief.

Kevin asked Earl, Is there any section in the town of Enfield not in a fire district?

Earl stated "no," he believes the districts cover every inch of the town, in the past, however, that was not the case.

Staff and committee member's discussed the status of fire districts and the emergency provisions set forth.

Jeff Gentes spoke to the idea of adding another firehouse in the southeast section of town.

Vice Chairman Provencher stated the fire districts flanking both sides are discussing this language.

Tom Froment stated the budget for this new district is not tied to the town's budget in anyway.

The member's discussed the need to change or clarify the language in these sub sections.

Vice Chairman Provencher spoke to a correction in Kevin's recommendations. In the last sentence in subsection (g), was to add "management" in emergency management services.

The committee does not have member correspondence; Earl shared a phone conversation he had with Mr. Michael Delisa, of Rosanne Street; the town should not have a separate Public Safety Director, this title should be reinstated back to the town manager.

Appended to the minutes

Lewis Fiore's statement, based on Mr. Delisa's comments, "The manager shall appoint," is the language in the first paragraph in this section; but isn't the overage "may appoint" a term better suited to this section.

Vice Chairman Provencher stated that there need's to be a public safety director, but it does not say that it has to be the town manager. However, it is up to the town manager to either perform these duties, or appoint another person to perform these duties.

William Scheele stated after reading this section, the duties of the Director of Public Safety, the Chief of Police, and Fire Chief apparently blends together. Bill brought this realm of intersecting responsibility to light.

Judy Kilty asked the staff if the committee could get the history concerning the appointment of the Public Safety officer.

Mayor Scott Kaupin spoke to the history of the Public Safety Officer in the Town of Enfield.

Matt Coppler, Town Manager, spoke to the language in the charter, and the history of the Public Safety Officer in the Town of Enfield.

Chairman Perry stated that the scope and the responsibility has changed over time; from what originally were the duties of the town manager. These duties have evolved to the point where there is a need to have a separate public safety officer.

Vice Chairman Provencher spoke to the language and responsibilities of the committee to amend the job description of the director of public safety.

Bill Scheele spoke to the language in the charter reflecting the difference concerning the director of public safety job description.

Staff and committee member's discussed the specificity of the language in this section.

Matt Coppler spoke to the charter solving issues and creating issues. The language in the charter must be chosen carefully as not to restrict future decisions by the town.

Chris Bromson shared the evolving scope of his job description with committee members.

Lewis Fiore asked Kevin; by having the words "shall appoint," does this language allow the town manager to appoint himself?

Kevin stated "yes," it does allow the town manager to appoint himself.

Kevin spoke to the history of director public safety, witnessing that most town charters he has read have a very brief statement. Kevin also added that the charter language should be broad in scope, allowing town officials leeway when making decisions.

Lewis Fiore spoke to the flexibility of language in the EMS section, by changing the wording "there shall be a division of emergency medical services" to "there may be a division of emergency medical services," this would allow the town modify this section as needed.

Tom Froment spoke to the duties the town manager, referencing Chapter 4, section 4 of

the charter; the town manager has attained that requirement.

Vice Chairman Provencher agrees with Kevin's recommendation to use language that is wide scoped.

Kevin read from the town of Rocky Hill's charter.

Chairman Perry approved of the wording; Kevin will forward a copy of the language to all committee members via email. Chairman Perry would like to table this section.

The member's and staff continued discussing the language.

Tom Froment made a motion; seconded by Judy Kilty, to table this section, allowing town attorney to redevelop the section as proposed; section (b), removing volunteer companies and add fire district; section (c) add of public safety; section (f) remove "shall" and add "may" (there may be a division); section (g) adding "management" in the last sentence.

Lewis Fiore stated the changes to the charter would be less difficult to approve with language stating: "may" instead of "shall."

Vice Chairman Provencher moved the motion.

The motion carried with a 12-0-0 vote.

Chapter 3 The Town Council Section 7 Power of Initiative

Tom Froment made a motion; seconded by Lewis Fiore to take Chapter 3 Section 7 off the table. The motion carried with a 12-0-0 vote.

Jeff Gentes had requested a copy of a memo previously sent out from staff. A copy of the memo was given to all board member's

Kevin spoke to the definition of power of initiative.

Kevin went on to say specifically when residents draft a petition the language is extremely important. The language must be drafted as directed by law; to overturn, or evoke a particular resolution, is an example of optimal language asking for action to be taken. A proper question brought before council by petition is permissible; but the residents must ask for something to be acted on. If the council does not act, a petition is drawn up with the proper language, and the council must address the petition. If no action has been taken within 30 days, the next step is referendum within 90 days; if the referendum passes, it is adopted.

Staff member's and committee member's discussed the process and language of proper petitions and referendums.

Matt spoke to the matters that fall under the power of initiative, specifically transactions appropriating money.

Members discussed clarification and the process.

Kevin also stated town suggests legal guidance from attorney to navigate the legal requirements in wording the petition. If the council agrees with the petition, it is approved; if the council doesn't agree with petition, the next step is referendum. Once approved by referendum, the only way to change it is by another referendum.

Judy Kilty spoke to the history of referendums that have failed, but passed on a later date.

Discussion by staff and member's continued on the language of petitions, legal requirements, and who may counsel circulators of petitions.

Vice Chairman Provencher believes in the democratic process regarding petitions and the people's voice. Mike Lally concurred with Earl's statement.

Jack Sheridan asked if state statute designates the percentage of voters required to qualify a petition.

Tom Joaquim stated it was a recommendation at the public hearing to change the percentage of eligible voters to 5%, verses the present 10% requirement.

The members and staff continued discussing processes of referendums and the percentages required for submission.

Earl Provencher made a motion; seconded by Jeff Gentes, to leave the language as is.

Chairman Perry spoke to the power to be heard. If there is a group large enough to bring attention to an issue, it's the council's obligation to examine what is being brought before them.

Mayor Kaupin stated his beliefs (prior to the motion vote) as why the recent petition pertaining to the school security officers did not pass.

The motion carried by an 11-1-0 vote, Jack Sheridan voted against.

Chapter 5 Appointments by the Town Council and the Manager

Lewis made a motion; seconded by Jeff Gentes to remove Chapter 5 from the table.

Tom Froment stated after reading the minutes from the last meeting, the majority of members agreed to add language to the charter for the Inlands Wetlands Watercourse Agency. Tom agreed with Ed's comment on the possibility of citizens not voting for the entire charter revisions, due to too many changes.

Tom asked the town attorney if the council would have to rescind an ordinance, if committee member's voted to add Inland Wetlands into the charter.

Kevin stated yes, the council would have to take such action.

Vice Chairman Provencher asked Kevin concerning the difference to having an ordinance or adding Inland Wetlands into the charter.

Kevin stated no there was no difference.

Lewis Fiore made a motion; seconded by Tom Froment, to conduct an informational vote if the members would like to add Inland Wetlands to the charter.

Jeff asked if the committee is going forward with the concept.

Vice Chairman asked staff and Town Council representative, if they would like to add Inland Wetlands to the charter.

Matt spoke to the state statutes requiring the town to have an Inlands Wetlands Watercourse.

A motion carried with an 11-1-0 vote; Judy Kilty voted against, adding language to the charter for Inland Wetlands Watercourse.

Lewis Fiore asked town attorney to draft language for Inland Wetlands Watercourse, similar in the language contained in Planning and Zoning.

Lewis Fiore made a motion; seconded by Mike Lally, to table Chapter 5 section 15 addition on page 19. The motion carried with a 12-0-0 vote.

Chapter 6 Finance and Taxation Section 3, Duties of the Manager on the Budget

Lewis Fiore made a motion; seconded by Jeff Gentes, to remove Chapter 6 section 3 off the table. The motion carried with a 12-0-0 vote.

Judy Kilty stated the committee was waiting for information from Lynn Nenni on the duties of the town manager on the budget.

Matt Coppler presented a hand out to the committee members.

Lewis Fiore spoke to the presentation of the budget by the town manager. Lewis brought this issue to light on behalf of residents; the town manager will not reduce the board of education budget request other than duplications, errors, or omissions.

Matt Coppler spoke to the information contained in the hand out; it is a sampling from Windsor, West Hartford, Wethersfield, Bloomfield and Cheshire. Matt went on to explain

each of 5 towns budgets. During his speech, he believed the town of Cheshire, was the most similar to Enfield, with Bloomfield being second to Enfield's budget process.

He reviewed over 20 charters; our town (Enfield) is unique in some ways, several towns require the budget to go through the referendum process, or require towns to go before the board of finance for approval. The town of Windsor Board of Education budget proceeds through the process untouched, to town council. West Hartford has a process similar to Enfield's in the long run. The town of Wethersfield process is completely different. Bloomfield and Cheshire address this process more closely to Enfield's.

Matt continued to review information on the budget process for the town manager.

Lewis Fiore spoke to the budget process. His goal was to prevent heated discussions during the budget process.

Matt Coppler compiled this information to present this to the committee as a gauge to what other towns have done. This could indicate whether or not the town of Enfield should follow suit, or leave the budget process as is; modifying as needed for fine-tuning.

Matt stated one of the main goals of the budget process is to let the public know what monies are being spent.

Committee members, staff and town council representatives continue to discuss the budget process in Enfield.

Mayor Kaupin stated his opinion and understanding of the budget process.

Lewis Fiore stated in his personal opinion, the conversation that was held between committee members and staff, was very insightful. He would have no problem rescinding is earlier motion.

Bill Scheele spoke to the discussion that has transpired during this meeting, he would like to propose an audit committee. If the budget has a 2% increase in any one year, he would like an audit committee named to be able to review the budget, line by line.

Committee members discussed the possibility of having an audit committee.

Tom Froment stated the board of education, from time to time, does appoint an audit committee without the language being in the charter.

Staff and committee member's further discussed the process by which the board of education operates.

Mike Lally made a motion; seconded by Jack Sheridan to leave language as is in Chapter 6 section 3. The motion carried with a 12-0-0 vote.

Vice Chairman Provencher asked about the possibility of a hotel or entertainment tax, this

request was on behalf of a resident that contacted him prior to this meeting.

Kevin stated this is a state of Connecticut issue and municipalities cannot get involved with this issue.

The member's discussed the commission's meeting schedule.

Committee member's reviewed outstanding sections to be resolved.

Earl suggested having the public meeting start at 6 p.m.

The public hearing is tentatively scheduled on May 6, 2014 at 6pm. This would give the committee member's time to review all changes.

The next meeting is scheduled Thursday, April 24, 2014.

Tom Froment made a motion; seconded by Marge Perry to adjourn. The motion carried by a 12-0-0 vote. Meeting adjourned at 10:20.

MEMORANDUM

Date: May 1, 2014

To: Charter Review Commission

From: Earl Provencher – Vice Chairman Enfield CRC

Re: Phone call received

I received a phone call 4/14/2014 at about 10:30 am. The call was from Mr. Michael Delisa of Rosanne St in Enfield. Mr. Delisa asked to share his feelings on potential changes to the Enfield Charter and more specifically these two items:

Mr. Delisa said he believes that the Charter should be changed to require that all budget approvals are done by referendum vote of the public. His justification for this belief is because the way it is now there are eleven people that "decide the fate of 45,000 other" people. Additionally he is on a fixed income and believes at least with a referendum vote on the budget he has a say on whether or not it passes. I asked him if he felt that all budget votes should be on a referendum vote or if there was over a certain percent increase proposed. He felt all should be on a referendum. He also said he believes East Windsor has two tries to pass the budget and if it fails a second time, it automatically goes to a 2% increase and no more referendums for the year.

The second thing he believes is that we should not have a separate Public Safety Director and that that title should be with the Town Manager as it was several years ago.

I told Mr. Delisa I would make sure I mentioned his concerns to the entire CRC and have his remarks appended to the Charter Review Commission meeting Minutes.