

**AS AMENDED**  
**Enfield Charter Revision Commission**  
**Regular Minutes**  
**April 24, 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, Thomas Joaquim, Michael Lally, Thomas Froment, Jeff Gentes, Debbi Kruzel, Karen Weseliza, Jack Sheridan, Edward McGuire and William Scheele

**Also present:** Christopher Bromson, Lynn Nenni, Staff Liaisons; Mayor Scott Kaupin, Town Council Representative and Maria Elsdon, Town Attorney Office

**Absent:** Secretary Judy Kilty, Lewis Fiore and Cynthia Mangini; Town Council Representative

Approval of Minutes

Tom Joaquim made a motion, seconded by Mike Lally, to accept the minutes. Minutes are dated April 10, 2014, Regular Meeting Draft, the motion carried by a 9-0-2 vote, Earl Provencher and Debbi Kruzel abstained.

Tom Joaquim made a motion, seconded by Tom Froment; to accept the minutes. Minutes are dated April 15, 2014, Regular Meeting Draft, the motion carried by a 10-0-1 vote, Debbi Kruzel abstained.

Staff Report

Jeff Gentes made a motion; seconded by Bill Scheele, to take Chapter 5 section 13 off the table. The motion carried with an 11-0-0 vote.

Lynn Nenni presented a handout to committee members. Lynn offered the contents of the handout, which covers bonded employees who handle money; to protect the town against thefts. The handout consisted of a sampling from 4 different towns; the language from each town varies. Lynn feels the town of Windsor is the closest to the needs of Enfield.

Lynn recommends deleting the building inspector and director public works positions; otherwise she feels the wording is appropriate.

Vice Chairman Provencher spoke to the fact that the building inspector's collect cash.

Lynn stated, not large amount of cash.

Lynn went on to add, the town of Enfield has purchased a crime bond, which covers the building inspector and public works employees. The town manager, town clerk and the tax collector are not covered under the crime bond.

Jack Sheridan asked Lynn what is the amount of the crime bond.

Lynn stated the bond is \$250,000.

Lynn suggested refining the language from the town of Windsor to exclude the building inspector and the director of public works, adding the remainder of the language. The language states the following: "The town manager, town clerk, treasurer, and agent of the town deposit fund, collector of revenues, and such other officers and employees as may be required to do so by vote of the council shall, before entering on their respective official duties, execute to the town, in the form prescribed by the town attorney, and file with the town clerk a surety company bond in a penal sum to be fixed by the council, conditioned upon the faithful performance of such official duties. Premiums for such bonds shall be paid by the town."

Vice Chairman Provencher stated, "If the committee leaves the language, "do so by a vote of the council shall," this would allow the town council to add the building inspector or director of public works at a later date."

Tom Froment asked Lynn if she would support a motion to add the language to the charter.

Lynn stated she would support such a motion.

Lynn Nenni and committee members discussed the different occurrences to bond employees in the town of Enfield.

Vice Chairman Provencher asked Maria Elsdon if she would like to comment. Maria stated she would defer to the Finance Director.

Jeff Gentes made a motion; seconded by Debbi Kruzel to add language from the Town of Windsor on bonds, but delete director of public works and building inspector. The motion carried with an 11-0-0 vote.

Chairman Perry continued with the agenda, staff reports. Marge asked Chris Bromson if he had input.

Chris Bromson spoke to the rewrite of the charter; he liked the rewrite so far, it increasingly articulates what he does as a Director of Safety, Kevin did a good job adding in the preamble, in emergency services and adding emergency medical services, the wording

was very clear to anyone reading the charter to see what is covered in this section.

Chairman Perry asked the committee to proceed to Chapter 5 section 10, Public Safety.

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

Ed McGuire and Earl Provencher asked if there have been any changes within the past week in this section.

Tom Joaquim stated he received language back from Kevin Deneen; adding the following language: The director of Public Safety shall be responsible to the Town Manager for all fiscal, administrative, personnel and operational matters for all divisions within the Department of Public Safety. The division heads shall consult with the Director on all such matters. In the event that the Director of Public Safety has not been appointed or is temporarily absent or disabled, the Town Manager shall serve as the Director of Public Safety.

The committee members discussed the clarification and language sent from Kevin Deneen.

Chairman Perry asked Chris Bromson if he is satisfied with the language.

Chris stated, yes the language looks very good. Kevin made the corrections recommended by the committee and added the two (2) new sections, emergency medical services and division of emergency management.

Tom Joaquim spoke to the changes specifically that Kevin Deneen incorporated.

Tom Froment stated, "It was brought to his attention, that possibly the word independent fire districts would sound better, and since all the 5 fire districts different taxing districts and are independent of each other."

Vice Chairman Provencher stated his opinion; he doesn't like the wording of independent, but suggested current fire districts.

Tom Froment agreed with Earl's suggestion, as did Karen Weseliza.

Ed McGuire spoke the idea he would like to make a motion to change the language in the seconded sentence.

Member's discussed making changes to section (b).

Maria Elsdon spoke to the wording changes proposed by the member's in section (b), it might be redundant.

Earl Provencher asked Jeff to read the mail from Kevin Deneen with his proposed language.

Jeff Gentes read the proposed language.

Ed McGuire read his recommendation to change and clean up the language to read as follows: The town reserves the right to establish a town fire department for any part of the town not within a fire district.

The member's discussed the benefits and possible obstacles of rewriting the charter in relation to the fire departments, and other services.

Vice Chairman Provencher stated; "The charter needs to give the town the ability to establish the coverage so no resident is un-protected. If that means contracting with the other districts, to cover a certain area, until the town can start their own district. This allows the town the ability to step in and provide coverage for that un-protected area. Somehow the language needs to state this in the charter to allow the town flexibility in this area."

The member's further discussed the language and the possibility of which changes to make.

Ed McGuire read the general statute 7-301. Then he went on to re-read his proposed changes to section (b).

The committee member's and Maria Elsdon discussed possible language.

Ed McGuire read the proposed language for the record.

Jeff Gentes made a motion, seconded by Tom Froment to add Kevin's recommendations in the department of public safety. In section (b), accept proposed language by Ed McGuire, and add the new sections (f) and (g).

Jeff Gentes amended his motion; first sentence in the new section (f) strike "the first shall" and change to "may." Tom Froment seconded the corrected motion.

Jeff Gentes amended his motion again, to include the deletion of section (d), strike out the last 3 sentences in section (a), and to delete the political activity on police officers. Tom Froment seconded the amended motion again.

Jeff Gentes recounted all the motions for record keeping. Section 10 Public Safety; add "The Director of Public Safety shall be responsible to the Town Manager for all fiscal, administrative, personnel and operational matters for all divisions within the Department of Public Safety. The division heads shall consult with the Director on all such matters. In the event that the Director of Public Safety has not been appointed or is temporarily absent or disabled, the Town Manager shall serve as the Director of Public Safety; strike the last three sentences in sub section (a) regarding police and political activity; amending the second sentence in sub section (b) as recommended by Ed McGuire The town reserves the right to establish a town fire department for any part of the town not within a fire district in accordance with the General Statute; strike volunteer companies and replace with fire districts; in sub section (c) add of Public Safety after the director; striking the prior

sub section (d); adding the new sub sections (f) and (g) as proposed by Kevin Deneen and finally in sub section (f) strike the first shall and replace with may.

The motion carried with an 11-0-0 vote.

Jeff Gentes spoke to the first sentence in sub section (b); he would like to clean up the language. The past amendments gave this section a baseline, this sentence stands out in the charter and this should not be the case. The charter should not lean in any specific way as to the specific number of fire districts located in the town of Enfield. The charter should be informative but hold a neutral position. Jeff proposed the following language to replace the first sentence; the fire districts heretofore establish are governed by state law. Jeff believes this is a concise statement.

Jeff Gentes made a motion to amend the first sentence in sub section (b).

Bill Scheele asked Jeff for clarification, he could not hear his complete statement.

Jeff went on to state, "he feels this is a policy position, where most of the charter does not state policy. He believes this sentence leads someone to believe the town needs to have 5 fire districts, it's not the role of the charter to lean the residents towards 5 fire districts nor should it be leaning towards one fire district.

Committee members and Maria Elsdon discussed the language in the first and second sentences of sub section (b) and what the state statutes dictate.

Maria Elsdon read her recommendation. It is the intent of this Charter that fire protection shall continue to be provided. Jeff's recommendation: The fire districts heretofore established are governed by state law. Ed's recommendation: The town reserves the right to establish a town fire department for any part of the town not within a fire district in accordance with the General Statute.

Tom Froment made a motion; seconded Mike Lally, to add Maria's recommendation stated above to Chapter 5 Section 10 (b).

Ed McGuire spoke to the feeling he believes this policy change might draw attention from residents, making them suspicious that the town would like to establish a town fire department, and eliminate the fire districts and vote against the charter changes.

Karen agrees with Ed. The town has made a policy statement on the town council, and the board of education, and to how the town establishes fire districts is no different.

Member's, town attorney representative, and staff liaisons discussed the pros and cons of language changes in this section.

Mayor Kaupin stated people always interpret your intent differently. If the committee does not have to change it, than leave it as is. But if the committee feels like this language needs to be changed, make it your own and change the language.

Earl spoke to the proposed changes. The policy changes should not be the only changes. If the committee is going to recommend changes, substantial changes should be recommended.

The member's discussed the possible language changes, considering how the residents might perceive the changes.

Chairman Perry, Vice Chairman Provencher, and Karen Weseliza all agreed to back off on the proposed language changes.

Vice Chairman Provencher stated he endorsed leaving the sentences as they are, but if the committee would like to add state statutes, he would endorse that statement.

Mike Lally spoke to the language by stating that he believes between the committee member's, it would be a compromise to leave the first sentence as is, but add by state law to the end of said sentence.

Tom Froment with drew his motion.

Mike Lally made a motion to change the first sentence to state; "It is the intent of this Charter that fire protection shall continue to be provided by the fire districts heretofore established in the town by state law and conduct of which no change is contemplated."

Bill Scheele brought up the issue, "Why is this statement in the charter, and conduct of which no change is contemplated. Why is the charter stating no change is contemplated?"

Vice Chairman Provencher stated if the first sentence remains in this section, he would be okay with removing that statement. Several board member's agreed with Earl's statement.

Jeff Gentes made a motion, seconded by Bill Scheele, to change section (b) to read; It is the intent of this Charter that fire protection shall continue to be provided by the fire districts heretofore established in the town by state law. The motion carried by an 11-0-0 vote.

Ed McGuire made a motion to change the language in sub section (d) to read as follows: Strike the following statement: Until such time as the several fire districts or any of them shall be eliminated. Start with: The director of the department may, if the interests of the town shall so require, strike "appoint", with the approval of the town manager, "strike a fire chief and the director shall have the power, with respect to all portions of the town not included in the limits of any fire district," strike to make rules and regulations relating to fire protection therein and enter into agreement with any fire district or districts," strike "volunteer fire company, for aid in extinguishing fire in," strike "said the town outside of any fire district." Keeping the last sentence as is.

Ed spoke with intent to clean up the language in this section.

Tom Froment asked for clarification, deleting municipality and volunteer fire company, which committee members have down so previously.

Bill Scheele suggested leaving municipality language in the charter.

The committee discussed the language pros and cons.

Maria Elsdon spoke to the ramifications of deleting the word municipality; she recommends leaving the word municipality.

Bill Scheele seconded Ed McGuire's motion. The motion carried with an 11-0-0 vote, Tom Joaquim read the entire statement back for clarification. The director of the department may, if the interests of the town shall so require, with the approval of the town manager, with respect to all portions of the town not included in the limits of any fire district, make rules and regulations relating to fire protection therein and to enter into agreement with any municipality, fire district or districts for aid in extinguishing fire in the town outside of any fire district. All sums payable under such agreement, rules or regulations, shall be paid by the town treasurer upon order of the director.

Ed McGuire made a motion, seconded by Jeff Gentes, to strike the word elimination and add termination in sub section (f). The motion carried with an 11-0-0 vote.

Debbi Kruzel made a motion, seconded by Tom Joaquim, to take section 15, Inland Wetlands Watercourse off the table.

Debbi Kruzel spoke to the statute, why section 15 was tabled, she missed the last few meetings.

Tom Froment stated the committee members had discussed adding Inland Wetlands, or not adding Inland Wetlands to the charter. At the last meeting the committee member's had asked town attorney to clean up the language and shorten up this section to be more consistent with Planning and Zoning Board language. The committee tabled this section to give the town attorney time to respond to our request. The member's also expressed concern if there were too many changes for the residents to pass the charter revisions. Consequently the member's agreed by an 8-3 vote to add Inland Wetland Watercourse to the charter.

Tom Joaquim wanted to clarify that Kevin added three (3) new sections to cover Inland Wetlands Watercourse in the charter. Tom reconfigured this section to read, Section 15 Inland Wetlands Watercourse, and added (a), (b) and (c).

The member's discussed the repeal of the town ordinance and the language recommendations from town attorney.

Mayor Kaupin clarified for the member's that the town manager appoints the agents and the town council approves the appointments.

The member's discussed the political statement and language in section (b).

Jeff Gentes recommended the following changes in language to section 15 Inland Wetlands Watercourse; The agency shall consist of seven members not more than four (4) of whom shall be of the same political party, and three (3) members, not more than two (2), shall be of any one (1) political party, to be appointed by the town manager, subject to the approval of the town council. The initial appointments shall be three (3) members for a term of two (2) years; two (2) members for a term of three (3) years; and two (2) members for a term of four (4) years; one (1) alternate member for a term of two (2) years and two (2) alternate members for a term of four (4) years. The initial appointments made pursuant to this ordinance shall continue until the expiration of their term. Thereafter, any reappointment or new appointment shall be for a term of four (4) years. The town manager, subject to the approval of the town council, may remove any member or alternate member for cause, and fill any vacancy for the unexpired portion of the term. All members shall be appointed in accordance with the requirements of G.S. § 9-167a, as revised. All members shall serve with out compensation. Each member shall hold office until a successor is appointed and qualified.

Mike Lally seconded Jeff's motion. The motion carried with an 11-0-0 vote.

Ed McGuire proposed to change the title to read Inland Wetlands and Water Courses Agency, striking "commission."

Jeff Gentes made a motion; seconded by Debbi Kruzel, to strike Commission, and replace it with "Agency" in the title. Jeff amended his motion to change commission in section (c), to agency.

After discussion with town attorney, the member's agreed to remove sub section (c), from the charter. This is a house keeping issue, and is not required to be in the charter.

Jeff Gentes amended his motion for the second time to change commission to agency in the title, and to strike sub section (c). Debbi Kruzel seconded the amended motion. The motion carried with a 10-0-1 vote, Tom Joaquim abstained.

Tom Froment spoke to a comment he received from a resident concerning the change in the language to the charter reference of electors. "Technically, can a person be considered an elector if they do not reside in the town?"

Maria Elsdon stated, yes, you could have a person who votes in the town for certain purposes, and owns property, but does not reside in the town.

Tom Froment added the committee member's changed the wording in planning and zoning to "electors" from the original language "resides in". Technically, since a person could sit on the planning and zoning board, that does not reside in the town of Enfield, should we go back and revert back to the original wording resides in?

Vice Chairman Provencher stated that change was under the direction of Kevin's recommendation.

Tom Joaquim stated he thought Kevin did state "elector", which means the person was living in the town.

Tom Froment stated the reason for changing the wording to "electors," is that there are older individuals in the town who do not pay taxes, but they still have the right to vote.

Maria Elsdon spoke to this situation. "After speaking with Mayor Kaupin, a voter can be a person owns property, but does not reside in town, but an elector is clearly a person who resides in town, and owns property". She will check into the situation, since the residents clearly do not want a person who does not reside in town to sit on a land use board.

Tom Froment clarified his statement, stating the person who asked this question was primarily concerned with the planning and zoning board.

Tom Joaquim spoke to the language in Chapter 6 section 8, sub section (f), the town manager recommended to strike "starting" with "when" including to "otherwise." The section will start with, "Upon the request of the manager." The member's have not discussed this change.

Lynn does not recall discussing this change. Chris Bromson does not recall discussing this section, as well.

The committee member's discussed the possibility.

Tom Froment queried, when the town goes out to sealed bids, is it ten (10) calendar days or ten (10) business days?

Tom Froment spoke to the conversation he just had with Maria Elsdon, she stated it is 10 calendar days.

Chairman Perry asked the member's to think of any other questions before two members have to leave for the night.

Tom Froment asked, "When the town appoints an audit firm, should the term "consecutive" be stated to prohibit the firm from coming twice?"

The member's decided "consecutive," should be added in the language for audit firm.

Tom Joaquim talked with the town manager via cell phone concerning the previous question. There are no changes to the wording in Chapter 6 section 8, the notion was just for clarification.

The committee members discussed the schedule of the public hearing, and the remaining scheduled meetings. The member's would like to read through the charter revisions line by line, prior to the public hearing.

Tom Joaquim stated he had one more question noted. In Chapter 8 section 4, the last line

was confusing. Tom changed the language to read, "This Charter may be amended in the manner prescribed by law."

Vice Chairman Provencher spoke to need for one more meeting prior to the public hearing. The committee member's will need to conduct a read through the charter, with all the changes.

Jeff recommended the meeting start at 7:30, on May 1, 2014, all members agreed. The public hearing will be on May 6, 2014 at 6 pm. If there is a change in the location on May 1<sup>st</sup>, the meeting could take place at the North Thompsonville Fire Department.

The next meeting is scheduled Thursday, May 1, 2014.

Karen Weseliza made a motion; seconded by Debbi Kruzel to adjourn. The motion carried by an 11-0-0 vote. Meeting adjourned at 9:05.