

AS AMENDED
Enfield Charter Revision Commission
Regular Minutes
May 1, 2014 – 7:30 p.m.
North Thompsonville Fire Department

Call to Order

Chairman Marge Perry called the meeting to order at 7:30 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, Staff Liaison

Absent: Debbi Kruzel, Lynn Nenni Staff Liaison, Mayor Scott Kaupin and Cynthia Mangini; Town Council Representatives

Approval of Minutes

Tom Joaquim made a motion, seconded by Mike Lally, to accept the minutes. Minutes are dated April 24, 2014, Regular Meeting Draft, the motion carried by a 9-0-3 vote, Judy Kilty, Lewis Fiore and Karen Weseliza abstained.

Staff Report

Chris Bromson spoke to Jeff Gentes email. Chris also spoke in regards to Earl's request for the scheduling matrix for Charter Revision; staff will email committee members the necessary information.

Jeff Gentes spoke to the state statutes. He presented the requirements to the committee members. The committee will present the report to town council; town council will hold a public meeting on July 7, 2014. Town council will decide within fifteen (15) days after the public hearing to accept the recommendations made by this committee, if the town council accepts proposed changes, the committee's work will be complete. However, if the town council does not accept committees proposed changes, and they would like to make changes, the committee will meet sometime with the time frame of July 22 2014 and August 21 2014. The committee has thirty (30) days to confer. The committee may amend the proposed charter, in accordance with the recommended changes, or, the committee may reject the recommended changes from council. Town council has fifteen (15) days to put the matter to vote, if so desired.

Jeff went on to read the state statute; he requested clarification from town attorney.

Vice Chairman Provencher stated the committee submits their report to the town clerk. The Town Council will hold a public hearing and after the public hearing, the town council will make recommendations, these recommendations will be made to committee members at a meeting to hear proposed changes. Committee members will make a final report to council. The committee makes their recommendations to council; council may adhere to recommendations or reject recommendations.

Committee members discussed the presentation of report to the town council.

Vice Chairman Provencher reviewed fire exits in case of an emergency.

Chairman Perry and Vice Chairman Provencher recommended the committee start the review process of the charter.

Ed McGuire spoke to Chapter 2 section 1, general. After discussion, the committee member's agreed to add "and" before the word constables.

Chairman Perry steered the committee member's to start the beginning of the charter and review section by section.

Chapter 1 sections 1, 2 and 3 – no changes.

Chapter 2 section 1 one (1) change, section 2, Earl Provencher stated "councilmen" should be stricken and replaced with "councilperson." Section 3, Lewis Fiore stated "his/her" should be changed to "their."

Section 4, no changes.

Section 5, (a), Bill Scheele stated "held for that purpose" is duplicated. Ed McGuire requested to delete "held for that purpose," add a period at the end of the sentence, and capitalize "Such" in the new sentence.

Lewis Fiore asked for clarification. " By law, state representatives have to re-due their boundaries every ten (10) years. Council districts, by law, are not required to be redistricted every ten years."

Jeff Gentes stated... "Yes they are required, this is a constitutional issue, one-person one vote."

Continuing the review:

Chapter 3 section 1 no changes.

Ed McGuire brought up an issue not previously discussed, "Can a town council member applying for a position to become a town employee." The committee had earlier discussed the reverse of this issue.

Tom Froment stated the answer, was yes, from a past discussion, guided by Kevin Deneen, town attorney. The committee had struck out the language, "A gentleman's agreement," which has been a past practice, is not enforceable in a court of law.

Committee member's and staff continued to discuss this issue.

Tom Joaquim noticed a correction in section 1, "To add a period after the two (2) years."

The member's took an informational vote, with 7 member's voting to leave the language as is, 5 member's requesting for legal advice.

Chairman Perry moved the review along.

Section 2, Ed McGuire spoke to wording in this section by pushing the town council meeting back one week.

After discussion, Jeff Gentes made a motion, seconded by Earl Provencher, to put back "1969" into sections 2 and 3, and strike "following the town council elections." The motion carried with an 11-1-0 vote, Tom Joaquim voted against motion.

Section 4 no changes.

Section 5, Ed McGuire noticed a correction to delete the word "have" before; the legislative power of the town shall be vested.

Section 6, 7, and 8 no changes noted.

Section 9, Lewis Fiore asked a question for clarification. No changes

Section 10, no changes.

Section 11, Lewis Fiore spoke to the previous change to the last sentence, "for an audit firm shall not serve more than 5 years." After speaking with past and present council members, the town is currently practicing not more than 3 years consecutively. While he understands staff would like to have 5 years, the standard practice has always been 3 years, and it's working. Lewis recommends changing 5 years to 3 years; Karen agrees with Lewis's recommendation.

Vice Chairman Provencher asked Lewis for his reasoning behind making this statement.

Lewis explained that the town shouldn't want any firm to become very familiar with the town's accounts and practices, nor should the staff become comfortable with having the same firm. It's good to have an honest second pair of eyes, even though this is a big task for staff to change every 3 years.

Jack Sheridan spoke to Lewis's opinion; it's a good idea for the town to get a fresh set of eyes. After reading the financial report year after year, he does notice the same

recommendations being made every year, Jack agrees with Lewis's recommendation.

Vice Chairman Provencher, Tom Froment, Lewis Fiore, Jack Sheridan and Bill Scheele continued to discuss this process, and their concern over Lynn's recommendations in her absence.

Vice Chairman Provencher stated it was a town council recommendation to make this practice every 3 years.

Lewis Fiore made a motion, seconded by Jack Sheridan, to change 5 consecutive years to 3 consecutive years. The motion carried with a 12-0-0 vote.

Chapter IV, section 1 (a)

Jeff Gentes spoke to having an applicant holding a relevant master's degree but not applicable a bachelor's degree, are they excluded under this language? He would like to strike the field of study language from charter; this is a Human Resources function. Jeff went on to recommend striking, "whose major field of study shall have been public administration or government."

Jeff Gentes made a motion, seconded by Ed McGuire, to strike the following statement: "whose major field of shall have been public administration or government." The motion carried with an 11-1-0 vote. Tom Joaquim voted against motion.

Section 1 (b), no changes.

Section 2 and 3, no changes.

Section 4, Lewis Fiore proposed to delete the word "his" before jurisdiction.

Chapter V

Section 1, Chris Bromson made a recommendation to amend the following sentence; "The town attorney shall be an attorney admitted to practice in the", strike this, add "in the State of Connecticut for a minimum of 5 years."

Vice Chairman Provencher made a motion, seconded by Mike Lally to add "in the state of Connecticut for a minimum of 5 years". The motion carried with a 12-0-0 vote.

Section 2, Tom Joaquim spoke to the recommended changes from Maria Elsdon, representative for town attorney. Tom stated previously the committee had deleted the following statement, "all of whom shall be resident taxpayers of said town;" Maria's recommendation is to add back the entire wording except the word "taxpayers."

Jeff Gentes stated this language carries through in both section 2 and section 3.

Jeff Gentes made a motion, seconded by Jack Sheridan to add the following language to

section 2 and 3; "all of whom shall be residents of said town;" and 15 (a) to read: "All members shall be electors who are residents of the town." The motion carried with an 11-0-1 vote, Ed McGuire abstained.

Section 4, 5, 6, 7 and 8, (a), (b) and (c), no changes.

Section 8 (d), Jeff Gentes noted a correction; it should read in the second to last sentence, "with a detailed explanation."

Section 9, Ed McGuire noted a correction in the first sentence, the structures as "are" under the control, and suggesting deleting a comma after constructing.

The member's discussed whether to leave this comma in the sentence.

The consensus was to remove the word "and", and leave the comma after constructing, reconstructing.

Section 9 (a), Ed McGuire made a motion for the last sentence to read as follows; "the director of public works shall organize the work of the department in an economical and efficient manner." Jeff Gentes seconded the motion. The motion carried with a 12-0-0 vote.

Section 10, Jeff Gentes spoke to sections (d) and (e), asking for clarification in both sections with regards to fire protection. Mike Lally stated both statements are separate and different of each other. Earl agrees with Mike's statement.

Committee member's discussed the extent of fire protection services.

The consensus was to leave the fire protection language the same.

Ed McGuire recommendations for clean up language. In section (d) strike the word "to"; protection therein and enter into agreement, add the words "or districts" to the end of that same sentence. Additionally in this section (b), the word law should be lower case, statute should be statutes, after the word town, remove comma and place a new comma after "not within a fire district;" and finally the word town should be lower case, The town reserves the right. Ed also suggested replacing eliminated to terminated, in section (e). In section (f), adding the words are conferred, before, and imposed by General Statutes; removing the word Connecticut, same changes in section (g), adding the words are conferred and removing the word Connecticut.

Jeff Gentes made a motion, seconded by Karen Weseliza to accept all of Ed McGuire's recommendations. The motion carried with a 12-0-0 vote.

Section 11, 12, 13 and 14 no changes.

Jeff Gentes spoke to one correction in section 15 (a), change statute to read statutes.

Chapter VI

Section 1, no changes

Section 2, Tom Froment responded to a question that was asked of him. Tom went on to state, the town council is the water pollution control authority, where does it state they become the water pollution control authority?

Lewis Fiore stated the water pollution authority appoints themselves by their own ordinance and a public hearing.

Section 2, 3, 4, 5, 6, 7 and 8 no changes.

Section 9

Jack Sheridan stated his opinion with regards to the proposed changes; he recommended the amount to be \$500,000.00 dollars. Jack went on to add the reasons, if the committee keeps the amount \$500,000.00 for the grand list, this will keep the amounts lower. Also, if this amount stays at one million, he believes the residents in the town will vote the charter revisions down.

Tom Froment calculated if the charter review commission did not meet for another 10 years, at 2% it would actually be rounded up \$700,000.00 dollars. Tom agrees with Jack, he believes a whole number would be easier to work with. Tom went on to state he would recommend \$700,000.00 dollars for the grand list. Tom also stated the committee discussions have been pretty heated over the dollar amount in this section.

Jeff Gentes stated if the percentage went up to 3%, the number would be \$764,000.00. It's not a huge increase.

Judy Kilty stated the residents would most likely vote down the charter revisions; due to the increase in the grand list.

Jack spoke to the history of the grand list. In the most recent history, the grand list actually decreased for one year; that was the reason for the mill rate increase.

Lewis Fiore spoke his opinion on this subject; Lewis agrees with Jack's statement. Lewis added, while he was one of the member's asking for the one million dollar increase in the grand list, he believes this might not necessarily be the way to go. He would like to advocate for the decrease from one million, leaving the figure at a percentage. If the committee members assign any dollar amount, it would destroy the possibility of the charter revision to be approved by the residents.

Chairman Perry stated a dollar amount, no matter what the amount, would evidently jump out to all who read this.

The member's further discussed the pros and cons of having a set dollar for the grand list

amount, verses a percentage.

Jack Sheridan made a motion to change the dollar amount to \$500,000.00. There was no second motion.

Lewis Fiore made a motion, seconded by Jack Sheridan, to go back to the original language and figure, 0.0002 (2/100's of one percent). The motion carried with a 12-0-0 vote.

Lewis Fiore spoke to the section 10 borrowing amount, to also revert back to original language, 0.0002 (2/100's of one percent).

Lewis Fiore made a motion, seconded by Jack Sheridan, to revert back to original amount, in section 10.

Jack Sheridan stated, "The taxpayers he represents, he believes, would vote the revision down; if the dollar amount stayed at one million."

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

Section 11, no changes.

Chapter VII

Sections 1, 2 and 3 no changes.

Chapter VIII

Sections 1, 2, 3, 4 and 5, no changes.

Jeff Gentes spoke to having a specific effective date. The proposed language would be November 10, 2014.

Jeff made a motion; seconded by Judy Kilty to have the effective date of charter, November 14, 2014. The motion carried with a 12-0-0 vote.

Mike Lally spoke to section 7 chapter 3; the member's discussed the language and clarified the wording.

Jeff Gentes made a motion; seconded by Earl Provencher, stated, " We as a commission approved the draft as amended tonight for submission for the public hearing next Tuesday, May 6, 2014 at 6pm. The motion carried with a 12-0-0 vote.

Tom Joaquim asked committee members if it is wise to leave the word draft as a watermark for the public hearing? The answer was a unanimous yes!

The committee member's discussed the schedule of events for the public hearing. After the public speaks, the committee will hold a meeting. The public hearing is scheduled on May 6, 2014 at 6pm, in the Enfield Room at the Town Hall.

Jack Sheridan made a motion to adjourn, seconded by Bill Scheele. The motion carried with a 12-0-0 vote. The meeting adjourned at 9:26.