

DRAFT
Thompsonville Fire District Charter Commission
Regular Minutes
January 21, 2016 – 6:00 p.m.
Thompsonville Fire Station, 35 N. Main St.

Call to Order

Chairman Helechu called the meeting to order at 6:04 pm.

Roll Call

Present: Chairman Mike Helechu, Keith Pliszka, Erline Provencher, and Secretary Vicki Rose. Jeff Cross, present at 6:16.

Mike Helechu made a motion to move miscellaneous discussion as the first item.

Erline Provencher mentioned at the January 7 meeting there were two items for discussion. Jeff Cross wanted to insert that we did not want signature stamps to be used and Mike Helechu brought up vacancy.

Erline Provencher seconded the motion.

Upon a show of hands, the motion carried 4-0-0.

Mike Helechu asked Vicki Rose to go down the minutes of the public hearing for comments that the public made.

Erline Provencher stated she took the comments that were made and plugged them into the Charter.

Erline Provencher stated Mark Magistri suggested the definitions needed to be prioritized. Kellie Wawer stated that we need to designate a district office. This may be easier to follow than the minutes.

Erline Provencher double-checked the tape for the parts that Vicki Rose stated were not clear on her recording.

Vicki Rose stated she had to leave at 7.

Erline Provencher under the Table of Articles she suggested getting rid of End of Document.

Erline Provencher led the discussion that Steve Cogtella and Sheldon Gaskell both stated to use the word must instead of shall.

Erline Provencher suggested to put wording in the charter for revisions and amendments to the charter.

Keith Pliszka asked Carl Landolina the procedure to reopen the charter and he stated to look it up in the general statutes.

Erline Provencher stated Scott Ellis had concerns on the first paid organized as written on the website.

Keith Pliszka stated we were a combination department.

Mike Helechu stated Scott Ellis said there were other fire departments that are organized.

Keith Pliszka stated Scott Ellis stated the wording shouldn't be on the website.

Erline Provencher suggested removing the wording.

Mike Helechu stated we could just say established in 1839.

Jeff Cross arrived at 6:16 p.m.

Erline Provencher stated under Definitions Mark Magistri suggested putting them in order of importance.

The commission decided to leave as is.

Erline Provencher stated Kellie Wawer suggested designating an office at the fire station. Pat Gaskell stated that the Board could put a placard designated a District Office outside the Lincoln St. side door.

Mike Helechu stated we don't need to change wording.

Erline Provencher stated under 3.1 Policy and Procedure that Colleen Reidy stated that this section gives the Board full power, but in other sections the charter gives authority to the chief and employees of what they can or cannot do. An example is Article IX where the power is given to the Chief. The Charter is to control the Board.

Erline Provencher stated under 3.3 (b) (i) Residency Requirement, Marge Perry wanted this requirement taken out.

Mike Helechu stated Mike Stone was concerned if we required the chief to live in the district they could be on the commission. That is not the case.

Mike Helechu led a discussion on residency requirements.

Vicki Rose stated the people who spoke on this didn't want it.

Erlene Provencher agreed

Vicki Rose stated people who were against it had the opportunity at the public hearing to speak.

Mike Helechu stated he received some feedback also.

Mike Helechu stated his original feeling was that the chief feel the pain in paying the same tax. Our town is separated in five municipalities. It's limited. The feedback was that it would adversely affect the people who had not been living in the district.

Erlene Provencher stated Marge Perry stated that someone maybe invested in their home already who has worked in this department for years.

Jeff Cross stated he was disappointed no one spoke for it but he is still adamant they live in the district.

Mike Helechu stated in material he has read about residency requirements throughout the country, they are used when people are being asked to move to a good area of the town.

Jeff Cross stated Springfield has a residency requirement.

Mike Helechu stated that Springfield is not broken up into little towns.

Jeff Cross stated residents of this district pay the taxes. The man managing the firehouse should be responsible for paying the taxes as well. Mike Stone and Marge Perry were wrong. It's not a punishment. He feels we have an issue where the previous chief was advocating for a failure of a tax increase in the district he lived in. I think it's wrong and I go back to the original people who were part of the original hearing.

Mike Helechu stated we did hear an overwhelming response against having a residency requirement at the public hearing. At the first public hearing is what should be in it and now they had a chance to state it again for or against.

Jeff Cross stated the only ones who spoke were former or current commissioners. Marge Perry, Colleen Reidy, and Mike Stone are former or current commissioners.

Vicki Rose stated you could say that Steve Cogtella or Karen Laplante could have spoken at the time against it and they did not. Marge Perry made a point that we have taken everything out of the hands of the chief.

Erline Provencher agreed that the Board is now in charge of everything and she stated she didn't hear anything positive.

Mike Helechu stated in the past the chief would produce the budget by himself.

Erline Provencher stated she would agree with Colleen Reidy that they should live in Enfield.

Jeff Cross said you either have a residency requirement or you don't.

Vicki Rose stated she feels they should live in Enfield.

Keith Pliszka had no comment.

Mike Helechu said personally he was adamant the chief living in the district but after hearing the feedback from the acting chief that firefighters were disappointed having a requirement that would disrupt their families, heard enough to change vote on it.

Mike Helechu stated we'll have two motions. One to remove the requirement and one to modify it.

Mike Helechu made a motion to delete the residency requirement. Erline Provencher seconded the motion.

Upon a show of hands the motion carried 3-1-1 abstention.

Vicki Rose made a motion to have a residency requirement to live in the Town of Enfield within 12 months of signing their contract. Erline Provencher seconded the motion.

Upon a show of hands the motion carried 3-1-1 abstention.

Erline Provencher stated Marge Perry brought up nepotism. Erline Provencher said you could have a firefighter serve on the board. Her concern is if a firefighter becomes a commissioner with executive sessions how will that be with a union person?

Jeff Cross stated does the commission directly supervise all employees. If that is assumed than a firefighter in the district could not be a commissioner.

Mike Helechu asked but does the commission supervise the firefighter.

Jeff Cross stated do we really not address nepotism with family members. You could have a firefighter reporting to the chief.

Keith Pliszka stated collectively they're the boss.

Vicki Rose stated would keep nepotism in and Carl Landolina can take it out if it were not legal.

Mike Helechu stated the statutes don't give us anything on firefighters being on a commission. We could word it currently acting as a firefighter. Their knowledge would be invaluable.

Mike Helechu stated nepotism is family members and should be left in.

Erline Provencher is concerned with a firefighter covered under the union and going to executive sessions.

Jeff Cross stated he would have to recuse himself from discussion. The chairman or vice chair would have to tell them to recuse themselves if they don't.

Erline Provencher stated she believes Carl Landolina stated if you live in the district you can run for commissioner.

Mike Helechu stated on nepotism we could remove directly supervise.

Erline Provencher feels it should stay as is.

Erline Provencher Article 4 Mark Magistri suggested removing the notwithstanding clause. It was decided to leave it in.

Erline Provencher stated 4.1 Definition of a Voter, Pat Gaskell asked how is it going to affect the voters with the new car tax law.

Discussion was held on definition of voters. A scenario would be if you have someone who isn't registered to vote, pays no tax but has a car and previously paid a tax on that car so could vote.

Vicki Rose stated they shouldn't be able to vote. If the vote is important to them they'll register to vote.

Mike Helechu stated property owners would be more apt to vote than just a car owner. They're not paying taxes on their car anymore.

Vicki Rose left the meeting at 7:00 p.m.

Continuation of Discussion of January 14, 2016 Public Hearing 7:00 pm to adjournment.

At the Hearing: Under Section 4.2 (a) of the Charter, Mark Magistri brought up the possibility of Hazardville property owners able to vote due to the discrepancy in boundary lines with the tax records of the Town Hall.

Discussion: was held noting that these boundaries will need to be corrected per the Charter and at this time no change will be made to this section.

At the Hearing: Under (b) of this section, Karen LaPlante suggested, last sentence, to change Affidavits for such purpose to “An Affidavit Form for such purpose As it currently reads, it suggests the affidavit is already completed.

Discussion was held to correct the wording in the Charter per LaPlante’s suggestion.

At the Hearing: Under (c) Karen Laplante, suggested replacing the words in the last sentence, an affidavit provided by the District, with a subsequent executed affidavit. This would clarify a completed affidavit.

Discussion: was held to correct the wording in the Charter per LaPlante’s suggestion. Mike Helechu also suggested to delete “provided by the District” immediately following this wording.

At the Hearing Patrick Gaskell suggested a time frame for the return of the notarized Affidavit. He doesn’t want to see individuals showing up at the voting polls looking for a notary public. We may need to specify that the affidavit would have to be notarized before bringing it on the day of the voting.

Discussion: Erline Provencher said, to follow up with Gaskell’s request, in addition to a time frame, shouldn’t we add that the District Clerk verify the voting privileges before the applicant arriving on voting day? I think we should also state that this affidavit be notary embossed so this form is all that is needed at the polls with a prepared check off list? It was discussed that the checkers at the Voting polls should be using a listing of personal property tax to verify the business stated on the Affidavit. To consider Pat Gaskell’s concern, it was decided to rewrite the first sentence of (c) to give a time frame of 7 business days.

At the Hearing Under Section 5.1(a) Karen LaPlante suggested to keep the formatting the same throughout the document and replace numbers 1-5 with (i) –

(v). She also referenced item 2, to announce the results of the vote on the budget. She mentioned that nowhere in this Charter does it specifically mention that the Voters are the one who will be voting on this budget. We don't want a repeat as to why the CTTFD was originally formed. Think it should be reworded to specify, "to announce the results of the District vote on the budget"

Discussion: was held to renumber and reformat as suggested by LaPlante and to insert the word "District" before vote under item 2. Jeff Cross also suggested we could reinforce that the Voters are the ones to vote on the budget, by adding a sentence under Section 4.1, Definition of a Voter. The committee decided to rearrange the sentences under the Definition of a Voter and add a (b) "*The Voters of the District shall have the right and authority to approve and vote on the annual budget; to elect and vote for commissioner; to adopt and vote on ordinances and procedures; and to approve any other matters brought forward for approval at an Annual or Special Meeting*".

At the Hearing: Mark Magistri, in reference to (a) 4, the newly elected \commissioner taking an oath. Questioned who would be performing the Oath? He thought it was the Town of Enfield Clerk? He thinks we need to specify this person who is administering the Oath.

Discussion: Committee discussed having our District Clerk to do this, however if this Charter is adopted at this next Annual Meeting, there will be no Clerk position until the year following. It was decided that if we leave "to administer the oath of office" as it currently reads, it will be up to the Commissioners to decide who this person will be. Our thought was to have our Clerk do this once the Charter is adopted and not the Town Clerk since we are our own municipality.

At the Hearing: Under Section 5.1 (c) Karen LaPlante suggested to mention having the notice posted on the District website and with the Enfield Town Clerk.

Discussion: per Landolina's advice at a previous meeting, we didn't lock ourselves into the website and that is why we put "and at other designated places." which may include the website. As far as The Enfield Town Clerk, again our thought is using the District Clerk.

At the Hearing: Under Section 5.1 (d) Karen LaPlante suggested at end of paragraph to replace "at any District meeting" to read "at any Annual or Special meeting. She thought leaving it at a District Meeting may be confused with a meeting of the Board.

Discussion: a decision was made to add at any Annual or Special Meeting per LaPlante's suggestion.

At the Hearing: Under Section 5.2, ((a) Karen LaPlante suggested under Board Meetings, the monthly meetings be called Regular Meetings.

Discussion: After discussion the first sentence was reworded by adding Regular to Monthly Meetings per LaPlante's suggestion.

At the Hearing: Under (b) Karen LaPlante said this should also state the TFD website and also with the Enfield Town Clerk. After discussion we added "and at other designated places" to be consistent throughout the Charter.

At the Hearing: Under (c) Karen LaPlante, with regard to hiring a recording secretary stated that the District hires employees, not the Board; therefore the Board cannot hire.

Discussion: it was decided that the Board does hire and the hiring of a recording secretary does not necessary mean a person but could also include an outside recording company. A decision was made to leave in as originally written.

At the Hearing: Under Section 6.1 (c) Karen LaPlante mentioned last sentence, "Officers of the Board may hold multiple titles". She has a concern with this, as there is a possibility that you can have one person hold the title of both Chair and Treasurer. There should be a restriction for this to happen as the Chair has certain powers and the Treasurer has certain powers. Maybe put a restriction on this?

At the Hearing: Pat Gaskell also does not believe that the officers may hold multiple titles. You could possibly have an officer hold all titles.

Discussion: This was wording from Chapter 105, but we can clarify. The Committee did agree that the Chair and Treasurer should not hold the same title. It was decided to add a sentence at the end of this (c) section "*however, the office of the Chair and Treasurer cannot be held by a single commissioner*"

At the Hearing: Karen LaPlante suggested we may want to add "The Board may not be compensated for their time unless approved by Voters at an Annual or Special District Meeting". She has a concern that if there is money left over in the budget, the Commissioners can consider them voting on giving themselves compensation.

Discussion: decided to add a (d) "No compensation shall be paid to a Board member unless approved by the Voters at an Annual or Special Meeting

At the Hearing: Under Section 6.2 (b) Karen LaPlante suggested adding who will be verifying the eligibility for candidacy. She thought The Board shall verify and certify all candidates running for commission.

Discussion: was to re-alphabetize under Candidacy; add a new (e) "*The Board shall verify and certify all candidate for commissioners.*"

Under 6.5, Erlene Provencher referred to the January 7, 2016 minutes where we need to add to this section a c): “Any position created by a vacancy shall serve until the date of the next Annual Meeting.”

Discussion: After discussion and referencing the November 19, 2015 Charter minutes on page 9, it was found and decided to add to this sentence (c) the following: “*at which time an election shall be held to complete the remainder of the term.*” And to continue with, “*All candidacy requirements shall be adhered to as described under Section 6.3, Electing Commissioners.*”

At the Hearing: Under Section 6.6 (a) where we speak of Removal of a Commissioner, Marge Perry said this cannot be held up in court, it is not legal to remove an elected official.

Discussion: After a brief discussion the Committee decided to leave this in as this topic was discussed in depth at prior meetings and was brought up to Attorney Landolina. We were told to put in the Charter what we wanted. At the time the entire Charter is reviewed by our Attorney will decide the fate of this clause.

At the Hearing: Under this Section, Pat Gaskell questioned the 3 consecutive meetings. He said you can have a commissioner who is not liked by the other four and they could hold three consecutive meetings while that person is on vacation. A vote of the Board could remove this commissioner if so wanted to.

Discussion: the committee decided to add 3 consecutive Regular Monthly meetings.

At the Hearing: Under (b) of this section, Mark Magistri was confused with the second line, “Under Article VIII Commissioner Guidelines.”

Discussion: It was discussed that Magistri did not realize that this Article related to the Charter.

At the Hearing: Under Section 6.7 Sheldon Gaskell suggested using another phrase than “the pleasure of the Board. He thought a better specification, more concrete wording.

Discussion: A discussion followed thinking that our Board had the authority to remove someone from a committee; had the right to remove or dispense the committee and puts a little more discretion and power to the Board. The pleasure of the Board is a recognized phrase to acknowledge this power. It was decided to leave the phrase in.

At the Hearing: Under Section 7.1 Karen LaPlante suggested we add that the Board is also required to hold an Annual Meeting and also possibly state again, that the Board is required to hold all day voting prior to the Annual Meeting for the Voters of the District vote on the annual budget.

Discussion: After discussion it was decided that Karen is right and decided to re alphabetize this section and add what Karen suggested under a new alpha (b).

At the Hearing: Under (c) of this Section, Sheldon Gaskell mentions that records kept in a protected area on District – explain this protected area; he was a little confused by this.

Discussion: Mike Helechu said to mention a protected area just means that one would be a little bit more careful. Leave as worded.

At the Hearing: Under this Section Karen LaPlante also thought it should have another alpha letter to state: “The Board should be responsible for all disciplinary matters and appeals, and also move the last sentence under Article IX (b) *“The Chief reports to the Board who is responsible for his/her disciplinary matters and appeals.”*”

Discussion: It was discussed to consider these two concerns by adding an (e) *“The Board shall be responsible for all disciplinary matters and appeals”* And to delete the sentence under Article IX, (b).

At the Hearing: Under Section 7.2, Sheldon Gaskell said to clarify “a true and just account” in the third sentence.

Discussion: Jeff Cross and Mike Helechu discussed this as a common term and decided to leave it in as written.

At the Hearing: Also, in the forth sentence of Section 7.2, Sheldon Gaskell asked if we could specify the “them” as it is not clear as to who the “them” are. (English correction) Pat Gaskell also mentioned if “Pay them out upon vote of the Board” meant all invoices, all bills? As worded it is very vague. Maybe remove the word vote and replace with approval of the Board? He said we do votes on the pension but we do not vote on every single bill that comes through.

Discussion: was held to replace the “them” and insert “and pay upon approval of the Board.”

At the Hearing: Under Section 8.2, Mark Magistri said since there will be no Declaration of Ethical Behavior (DEB) until one is drafted and executed could this read upon adoption of the DEB?

Discussion: After discussion it was decided to make this sentence into two. The first sentence will end “as a member of the Board” and the remainder of the sentence will be deleted. The second sentence will read, “A draft of a Declaration of Ethical Behavior which, when adopted, shall be executed when a commissioner is sworn in.

At the Hearing: Under Article IX Non-Union Employee Disciplinary Matters Karen Laplante says the way this reads, it is confusing with what the Chief and what the Board’s responsibility is regarding the discipline for matters and appeals. Under (a) it states the Chief can discipline, yet under (b) it states the Board is responsible for disciplinary matters. This whole section needs to be clarified. She also questioned the length of disciplinary review. It could be over two months of reviewing and appealing. She said you could have an employee on paid leave for over two months sitting around doing nothing. This time frame needs to be shortened. This entire section needs to be reviewed.

Discussion: During discussion, Jeff Cross also stated this was a concern of Colleen where you give full power to the Board, yet this section turns over much power to the Chief. It was decided to eliminate this entire section and leave a one sentence stating that the Board is responsible for all disciplinary matters pertaining to non-union members.

At the Hearing: Under Section 10.2 a) Mark Magistri suggested taking this entire (a) section out. It is nearly impossible to present a draft budget at this time due to unknown insurance costs, the grand list isn’t out until the end of February, w/c insurance, etc. Have the Board get this ready. How we get there is no one’s concern except for the Board.

At the Hearing: Karen LaPlante suggested leaving the first part in and just remove the date.

Discussion: After discussion, the committee took the date (February 1) out and instead of saying to prepare a proposed budget, to replace the word proposed with the word preliminary. The committee decided to have the Chief responsible for the preliminary budget, as he would be the most knowledgeable of the day-to-day operations of the Department.

At the Hearing: Under 10-2, c) Karen Laplante, again, felt this needed clarification as it does not state that the voters can vote. Maybe replace the words “at the Annual Meeting” to “the day of the Annual Meeting.

Discussion was that the District’s right to vote had been corrected throughout the Charter after our discussion this evening.

At the Hearing: Under Section 10.3 a) Karen LaPlante was confused with the word “types”. She thought we needed to insert a better accounting term; maybe the term “designated accounts”.

Discussion: Jeff Cross and Mike Helechu liked the word “types” and would love to hear a suggestion of another word to replace it. To reinforce their thought on this, Erline Provencher stated that the end words in the sentence under a) described “types” as “Budget Departments”. It was decided to leave the word “types”.

At the Hearing: Under 10.3 b) (ii) Karen LaPlante suggested adding Special to District Meeting at the end of the paragraph.

Discussion: Laplante’s suggestion, Special was added at the end of the paragraph.

Discussion: Under Section 10.7, Erline Provencher brought forward Jeff Cross’s suggestion from the January 7, 2016 minutes to add “There shall be no signature stamps used for signatures on invoices and checks” before a and b. Erline also suggested carrying this wording over to Contracts. Discussion was to add a new (a) “There shall be no signature stamps used for signatures on invoices and/or checks”. Discussion was also on adding, “All signatures must be hand written in ink” at the end of the sentence.

At the Hearing: Under this same section Karen LaPlante, under the current (a) she suggested take out the word each signature and replace this word with the signature in the last sentence.

Discussion: As suggested by LaPlante, the word “each” was replaced with the word “the”.

At the Hearing: Under Section 10.9, (b) Karen LaPlante suggested that in the second line, after the \$20,000, replace the word and with or.

Discussion: Per LaPlante’s suggestion, the word and was replaced by the word or. Also discussed was adding a new (a) under Section 10.9, Contracts, stating no signature stamps to be used for Contracts.

At the Hearing: Under (c) of this Section, Karen LaPlante said this mentions civil action but was wondering about criminal action. Is there anything here that we can address that?

Discussion: The criminal action is necessary to get our money back. It was discussed and decided that if any criminal action was needed it would have to be sought after legally.

At the Hearing: Under Section 10.10, Competitive Bids, Karen LaPlante wondering if the Town of Enfield is considered as a vendor? The Town of Enfield Tax Collector considered a vendor? Would the Tax collection need to go out to bid because that would exceed the \$20,000 limit?

Discussion: Erline Provencher asked if the over \$20,000 for the Tax Collector would need Voter approval if it was already on the Budget as an expense. Mike Helechu said if we compared that to looking at a new \$100,000 fire truck that may be in the Budget, we would need voter approval before it is entered into the budget. Mike thought LaPlante was asking if we would need to go out to three separate bidders for the Tax Collector contract since it would be over the \$20,000? Helechu also raised the question if we should give authority to the Commissioners to get the tax collector without Voter approval? Jeff Cross thought if we gave the Board the authority to negotiate the contract could this authorization be put under "Duties of the Board?" Jeff was also wondering if the CGS gives the authority to tax under the duties of the District Officers? The power to collect taxes is already designated by the CGS. Since we already state this under (a) of this Section, does this apply that they have the ability to collect taxes?

It was decided that this needed further discussion and the members agreed to come back next Thursday to finish this section along with the remainder of the Charter.

MOTION to adjourn at 9.00pm by Erline Provencher, seconded by Keith Pliszka. All in favor by ayes.