

**REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY
WEDNESDAY – MARCH 23, 2016 – 5:30 P.M.**

1. 5:30 P.M. CALL TO ORDER

Present: Lawrence Cioppa, Chair
Chris Lawlor, Filer
James Angelo
Richard Dudley
John Formica
Christian Lund
Nina Rossamando
Paula Ruisi
Stephen Turano

Also Present: Donna Giordano, Town Clerk
Benjamin Delaney, Recording Secretary

2. 5:31 P.M. REPORTS

Ms. Giordano stated she had not yet received a response from Information Technology regarding the Commission’s request for information and Commission members should not discuss its business outside of scheduled public meetings.

Mr. Cioppa clarified agendas were not official and offered to provide the Commission agendas if requested. He provided the Commission with copies of a list of accomplishments to date.

Mr. Lawlor requested the Approval of Minutes be added as the second item to the working agenda.

3. 5:37 P.M. APPROVAL OF MINUTES

Motion by Mr. Dudley, Seconded by Mr. Lawlor, to accept the minutes of March 16, 2016 as submitted. (Voted unanimously)

4. 5:38 P.M. UNFINISHED BUSINESS

Ms. Rossamando stated most municipalities with similar codes used as models for the proposed recall procedure required more than 100 signatures on a petition and requested further discussion.

Mr. Dudley stated 100 signatures would be required to initiate the recall process and support from a minimum 35 percent of qualified voters would be required to continue proceedings.

Discussion was held regarding the number of registered voters needed to initiate and to continue the procedure for a recall and potential impacts and restrictions which may result.

Mr. Formica recommended the proposed procedure be left as is.

Ms. Rossamando questioned if Mr. Angelo’s draft Code of Conduct was needed in the Charter. Mr. Angelo stated the draft Code was intended as a preamble to cover all appointed and elected officials.

Ms. Rossamando cited three sections of the Charter addressing ethics of appointed and elected officials.

Mr. Angelo noted the draft Code would be included as a centralized 'umbrella' statement. Ms. Rossamando suggested all officials taking the Oath of Office be required to sign an attestation confirming they have read the State Code of Ethics and a document similar to Mr. Angelo's proposed draft Code.

Mr. Cioppa suggested including the draft Code as a preamble in the Charter with an accompanying statement requiring all officials to have read it to serve.

Ms. Giordano noted the Town Manager now requires all Board, Commission and Committee members to sign a document regarding ethics.

Mr. Turano cited the municipal Oath and questioned if additional confirmation was needed.

Mr. Cioppa noted a motion was currently on the table from the March 16, 2016 meeting.

Ms. Rossamando requested the last sentence of the first paragraph in the draft Code be eliminated as it was included under Section 4.1.4.

Mr. Angelo noted Section 4.1.4 relates to the Town Manager only.

Ms. Rossamando questioned the meaning of "moral turpitude."

Mr. Cioppa stated he believed the amendments made to the draft addressed concerns noted by Ms. Rossamando.

Mr. Lund stated the Code should be written for an audience of various levels of education.

(The tabled motion from the March 16, 2016 regular meeting, to adopt the amended Code of Conduct as a preamble to the Charter, was voted 7-2 with Mr. Lund and Ms. Rossamando against)

Mr. Dudley and Ms. Rossamando stated their support for the Code of Ethics statement pertaining to the Town Council to also pertain to the School Committee.

Ms. Giordano confirmed every proposed revision would be a separate question on the 2016 ballot.

Mr. Turano recommended the statement be included under General Provisions.

Motion by Mr. Dudley, Seconded by Ms. Rossamando, that the text of Section 2.1.13 also be added under the School Department as Section 11.1.8 with the amendment "...elected members of the School Committee shall become familiar..." and the elimination of the last sentence. (Voted unanimously)

Ms. Giordano stated for Ms. Rossamando Town employees may be terminated if they violate the employee handbook which is signed at the time of their hiring.

Motion by Ms. Rossamando, Seconded by Mr. Angelo, that there should be an attestation signed at the time of the Oath of Office to include the State of Rhode Island Code of Ethics and the Town of Westerly Public Official Code of Conduct. (Voted unanimously)

Mr. Cioppa noted the Commission should discuss restrictions and qualifications for membership on the Planning Board and Zoning Board of Review.

Mr. Angelo summarized the duties and responsibilities of the Planning Board.

Ms. Ruisi noted an information gap occurring between the Town Planner, Planning Board and Town Council regarding terms of specific ordinances during processes of rezoning and questioned how

such gaps should be addressed. She cited a recommendation they should have a pamphlet in which all relevant terms are recorded to ensure the responsibility of reviewing.

Mr. Angelo stated abutters are notified of proposed rezones and a certain level of responsibility belongs to the public.

Mr. Cioppa, citing the proposed text for the Department of Development Services, questioned if the Director of Development Services should be given the duty to ensure all pertinent information regarding rezones be provided to the Town Council.

Ms. Ruisi noted a case of the Town Solicitor previously citing a general ordinance without specific terms. She questioned who would enforce information being provided.

Mr. Angelo summarized the duties and responsibilities of the Zoning Board of Review and confirmed all citizen bodies have a solicitor.

Ms. Ruisi stated her concern regarding enforcement of zoning.

Mr. Angelo stated an application process has been established for Planning Board and Zoning Board of Review membership. He also stated he previously recommended new members be appointed to serve initially as alternates and noted a lack of interest among the public to serve.

Mr. Dudley questioned if certain types of employment were conflicts of interest for Board members.

Mr. Turano stated Planning Board and Zoning Board of Review members should have knowledge relating to their respective duties and responsibilities.

Ms. Giordano confirmed the Town was required to provide packets of information to new members.

Mr. Angelo stated he previously wrote a letter addressing the question of qualification for Planning Board and Zoning Board of Review members in 2014 and could provide copies.

Ms. Giordano recommended the Commission address their questions to the Town Solicitor during the April 7, 2016 meeting.

Mr. Angelo stated members are required to recuse if there are any conflicts of interest.

The Commission was in consensus to table further discussion until the April 7, 2016 meeting.

Mr. Angelo stated his concern the proposed text of the Department of Development Services and its structure read as job descriptions rather than functional statements.

Ms. Giordano noted the detail regarding functions of the Town Clerk and confirmed the Building Official was always a position within the Town Charter.

Mr. Angelo clarified the position of Director Development Services originated to limit the number of positions reporting directly to the Town Manager.

Ms. Giordano suggested the Economic Development Commission be included as its own section, noting similar treatment for the Architectural Review Board and other citizen bodies.

Ms. Rossamando cited the proposed text established the Director of Development Services with the responsibility to enforce all ordinances.

Mr. Angelo noted the position is currently in a state of limbo as it is not included within the Charter.

Motion by Mr. Lund, Seconded by Mr. Lawlor, that Chapter 4 - Department of Development Services

will be adopted into the Charter.

Mr. Turano questioned what the qualifications were for the Director of Development Services. Several members stated qualifications would be included in a job description.

(Motion voted 7-2 with Ms. Ruisi and Mr. Turano against)

Mr. Lund confirmed the Town Manager and the Town Engineer are the only positions with qualifications included in the Charter.

Mr. Cioppa noted additional discussion regarding the Town Solicitor had not yet occurred.

Ms. Rossamando recommended the Charter's requirement for two Finance Directors be discussed before the qualifications for the positions. She noted the proposed text was rewritten for a single director and she recommended the position be hired jointly by the Town Manager and Superintendent if maintained as a consolidated position.

Ms. Giordano noted the Town Council directed the Town Manager to request feedback from Town employees regarding the Finance Director as a consolidated position for presentation to the Commission. She clarified for Ms. Rossamando, who cited the organization of the Finance Department as presented in the Charter, the Finance Director for the School Department was more accurately a business agent.

Ms. Rossamando recommended the wording of the original departmental structure be revised for clarity.

Mr. Cioppa questioned coordination of finances between the Town and the School Department.

Mr. Angelo stated his support for a single Finance Director and a subservient position directing finances for the School Department.

Ms. Rossamando suggested the Finance Department be composed of a Municipal Division and School Division with one Finance Director who also served as the head of the Municipal Division.

Mr. Cioppa and Ms. Giordano noted no portion of the Finance Department is located within Town Hall.

Ms. Giordano clarified the red text was proposed for adoption and was the structure existing in current practice. She also clarified the Town Council may control only the total budget for the School Department, which is included in the municipal budget.

Mr. Angelo, Ms. Rossamando and Ms. Ruisi agreed the description of the functions of the Director of Finance was unclear and Mr. Angelo noted the Town Manager, or their designee, was designated as the head of the Finance Department.

**Motion by Ms. Rossamando, Seconded by Mr. Angelo, to not accept the revision of Section 7.1.1.
(Voted unanimously)**

Mr. Angelo was requested to draft a structural organization for the Finance Department.

Ms. Giordano noted additional suggestions from Town employees may be received at future meetings.

The Commission was in consensus to use the most recent copy of the Charter for all future discussion.

Mr. Angelo recommended discussing qualifications for the Finance Director after receiving the draft functional statement.

Mr. Angelo noted the Town and School finances uses separate accounting systems and requested future discussion be held regarding conflicts of interest among School Committee members.

7:26 P.M. ADJOURNMENT

Motion by Mr. Dudley, Seconded by Mr. Angelo, to adjourn. (Voted unanimously)

Minutes for the March 23, 2016 regular meeting submitted by:

Benjamin Delaney

A handwritten signature in cursive script that reads "Benjamin Delaney". The signature is written in black ink and is positioned below the printed name.