

**REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY
WEDNESDAY – MAY 4, 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 Rossomando
Paula Ruisi
Stephen Turano

Also Present: Edward St. Clair, Chief of Police
Donna Giordano, Town Clerk
Benjamin Delaney, Recording Secretary

2. 5:30 P.M. APPROVAL OF MINUTES

**Motion by Mr. Lawlor, Seconded by Mr. Turano, to approve the April 27, 2016 meeting minutes.
(Voted unanimously)**

Ms. Rossomando noted “retraining” should be corrected to “recalling” on the second page of the April 13, 2016 minutes.

3. 5:32 P.M. REPORTS

A. Chief of Police – 9-1-8 Constables and 9-1-9 Suspension and Disciplinary Action

Chief St. Clair stated constables were non-permanent, part-time officers such as traffic officers. Rhode Island Police Officers Commission on Standards and Training (POST) did not recognize POST certification unless certified through the municipal training academy, Providence Police Academy, State academy or an out-of-state POST. He also stated grandfather rights did not exist at the State level and detentions and arrests in the Town could only be made by a full-time officer.

Mr. Angelo questioned how police reserve officers were classified.

Chief St. Clair stated reserve officers were non-permanent, part-time officers who may carry a weapon and had no arrest powers. The Town Sergeant fell under the Town Council and was a police reserve, though not acting in such capacity when at Council meetings.

Ms. Giordano stated the duties of the Town Sergeant are proscribed by ordinance.

Chief St. Clair stated the Animal Control Officer did not have arrest powers and may summon individuals to municipal court. He clarified the Department did not distinguish reserve officers and constables. He stated he would work with the Town Manager to draft long-term recommendations

regarding a policy statement on constables for the Commission.

Mr. Turano stated his support for addressing additional detail by ordinance.

Chief St. Clair noted the Charter should state only POST-certified officers may have full police powers. He stated he had not experienced limitations due to insurance carriers.

Ms. Rossomando noted the section should not be too specific.

Chief St. Clair noted the importance of clarifying whether to include the carrying of a weapon by a uniformed constable in the Charter. He clarified community service officers were seasonal employees with the power to issue parking tickets and direct traffic.

(Chief St. Clair exited)

B. Town Clerk

Ms. Giordano stated the Commission's report needed to be submitted by July 11, 2016 and adopted by August 1, 2016. Ballot questions should be submitted to the State by August 10, 2016.

4. 5:47 P.M. UNFINISHED BUSINESS

A. 9-1-8 Constables and 9-1-9 Suspension and Disciplinary Action

Discussion was tabled until the May 11, 2016 meeting.

B. Town Finances

Article VII Finance Department

Mr. Formica stated he supported the Commission's recommendation.

Mr. Angelo clarified the Commission's recommended organization of the Department. He also clarified Richard Smith, former Chair of the Board of Finance, was not opposed to either consolidation or integration. He stated he disagreed with the concern reverting consolidation would require new employees to be hired.

Mr. Dudley, Mr. Formica, Mr. Lund, Ms. Ruisi and Mr. Turano stated they supported maintaining the Commission's recommendation.

Mr. Lawlor agreed with concerns regarding the location of the Department.

Mr. Angelo confirmed Mr. Smith did not want the consolidation to be undone.

Mr. Turano stated the Commission's recommendation would not affect benefits from the consolidation such as cross-training of staff.

Mr. Angelo stated the Finance Department should have an Enterprise Fund division and summarized enterprise funds in the Town.

Ms. Rossomando cited Mr. Smith's recommendation was for the Finance Director to be hired by mutual agreement between the Town Manager and Superintendent of Schools.

Mr. Angelo stated the Commission's recommendation included the Finance Director being hired by only the Town Manager.

Ms. Rossomando questioned how the Commission's recommended organization was integrated.

Ms. Giordano stated her understanding the Town and the School had their own accounts payable and payroll staffs.

Mr. Angelo stated he would provide an updated organizational diagram.

Mr. Cioppa confirmed he would review the report narrative to clarify the Finance Director and Municipal Finance Officer positions would be concurrently held by one individual.

Contingency Fund

The Commission was in consensus not to address contingency funds in the Charter.

Balanced Budget

The Commission was in consensus not to address balancing the budget in the Charter.

C. Legal Opinions (Enterprise Funds) – James Angelo

Discussion was tabled to the May 11, 2016 regular meeting.

D. Public Safety Officer – James Angelo and Paula Ruisi

Ms. Ruisi stated she was awaiting input from members of other committees and cited §20-1-C as a foundational ordinance for the position.

Mr. Angelo stated the position would not likely coordinate with fire districts.

Discussion was tabled to the May 11, 2016 meeting.

E. Emergency Management Ordinances – Stephen Turano

Mr. Turano stated the Director of Development Services was currently designated as the Emergency Management Coordinator by the Town Manager, who may re-designate the position at a future time. An existing ordinance identified the departments and agencies involved and the requirement for a maintained Emergency Management Plan.

Mr. Angelo noted the importance of an Emergency Management Coordinator, citing a personal experience.

Ms. Rossomando questioned if all municipalities were now required to have emergency management plans.

The Commission was in consensus to not address emergency management in the Charter.

5. 6:21 P.M. NEW BUSINESS

A. Discussion – Email from the Town Solicitor

Mr. Angelo and Mr. Cioppa stated they disagreed with the Town Solicitor’s concerns.

Mr. Lawlor questioned if the portion of the recommendation concerning protecting the rights of individuals was misinterpreted.

Mr. Angelo stated he drafted the recommendation as a statement of work for inclusion in future contracts.

Ms. Rossomando questioned if a statement of work belonged in the Charter and the level of specificity being included. She cited the Rules of Professional Responsibility and stated the duties of the Town Solicitor should be decided by the Town Council.

Ms. Ruisi stated the Council wanted the Town Solicitor’s duties to be handled in another way.

Mr. Lawlor, Mr. Dudley, Mr. Formica, Mr. Lund and Ms. Rossomando stated they supported reviewing the Commission's recommendation on 13-1-4 Duties due to the level of specificity.

Mr. Cioppa, Mr. Angelo, Ms. Ruisi and Mr. Turano stated they supported the Commission's recommendation. Mr. Cioppa stated the Town Solicitor's concerns may be due to a misinterpretation.

Ms. Ruisi stated the Charter and the Comprehensive Plan should be well-defined.

Ms. Giordano noted a job description exists for the Town Solicitor and stated she was unsure if the recommendation would be in conflict with the job description.

Mr. Lawlor and Mr. Dudley stated the Commission should not review job descriptions.

Ms. Ruisi stated the Commission's recommendation may address duties not included in a job description and noted there were situations of deference from the Town Council to the Town Manager and Town Solicitor.

Mr. Cioppa and Ms. Ruisi stated the Commission's recommendation did not hamper the ability for any positions to perform their job.

Mr. Angelo noted the Town Solicitor did not cite a conflict with the position's job description as a concern and stated contracts should include a statement of specified work.

Mr. Cioppa stated Commission members should not be holding discussion related to the Commission's work through email.

Ms. Giordano stated the Commission's previous motion on 13-1-4 Duties should be rescinded before voting on a new motion.

Mr. Cioppa stated he would review the procedure on rescinding for the May 11, 2016 meeting.

4. UNFINISHED BUSINESS

B. Town Finances

Staff Survey – Consolidation of Finance Department

Mr. Lawlor noted the division between department heads and staff and cited comments from staff given in the survey. He stated his agreement the Finance Department's location at Babcock Hall was a concern.

Mr. Angelo stated the location of the Department could be addressed in the Charter.

Ms. Rossomando stated it would be logical for the Department to be located in the Town Hall regarding the Commission's recommendation on the Department's organization.

Mr. Angelo stated the Town Manager and Superintendent of Schools were performing some duties of the Finance Director.

Ms. Ruisi stated she was aware of three committees whose funding was affected by the Department's organization.

Motion by Mr. Cioppa, Seconded by Mr. Formica, to insert language that the Finance Director be located within the Town Hall at all times.

Mr. Lund and Mr. Turano stated the Finance Director should be primarily located at the Town Hall and not within the Town Hall at all times. Mr. Turano stated the location should be a recommendation and not included in the Charter.

(Voted 4-5 with Mr. Angelo, Mr. Dudley, Mr Lund, Ms. Rossomando and Mr. Turano against)

Mr. Angelo, Mr. Dudley, Mr. Lund, Ms. Rossomando and Mr. Turano stated the motion was too detailed.

B. Economic Development Commission – Richard Dudley

Mr. Dudley questioned if the Economic Development Commission should be included as a section in the Charter and stated its functions were currently defined by ordinance.

Ms. Giordano clarified boards and commissions in the Charter were required by State statute.

C. New Business from the Floor

Mr. Cioppa stated he would confirm the Westerly Library was reserved for the May 14, 2016 public hearing.

Ms. Ruisi recommended notice be given through the Town website and local radio station and newspaper.

The Commission agreed to distribute fliers provided at the May 11, 2016 meeting.

Mr. Lawlor confirmed he would file the public hearing.

Mr. Cioppa summarized the action items for the May 11, 2016 meeting.

D. Review of Staff Revisions

Article XII Planning and Zoning Chapter IV Department of Development Services

Mr. Angelo requested Dir. Grzybowski to attend the May 11, 2016 meeting to discuss the position's responsibilities and authority.

Mr. Formica stated he would like to know what the position does.

Mr. Angelo stated would like to know the qualifications to supervise the Town Planner, Zoning Official, Building Official and Minimum Housing Director and if the position was a line or staff position.

Ms. Giordano overviewed the establishment of the Department.

Mr. Lund stated the Department's organization was common in other municipalities.

Ms. Giordano stated the Director of Development Services and Assistant Town Planner were involved in grant administration and writing. She overviewed the Department's staffing and confirmed she would contact Dir. Grzybowski to attend the May 11, 2016 meeting.

2-1-8 Meetings

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to change the wording in 2-1-8 Meetings from "twelve" to "forty-eight" hours according to State law. (Voted unanimously)

2-1-11 Independent Audit

Ms. Giordano stated the mandatory independent audit should remain at every five years.

3-1-10 Water, Sewer and Any Other Enterprise Fund Budget

Motion by Mr. Lund, Seconded by Mr. Formica, to change [the text] from “May” to “June.” (Voted unanimously)

5-1-3 Procedures

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to eliminate 5-1-3 Procedures. (Voted unanimously)

10-1-6 Building Inspector and 10-1-7 Duties and Powers of Building Inspector

Motion by Mr. Angelo, Seconded by Ms. Rossomando, to eliminate 10-1-6 Building Inspector and 10-1-7 Duties and Powers of Building Inspector. (Voted unanimously)

Article XII Planning and Zoning Chapter I Planning

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to add “Board” (Voted unanimously)

13-3-4 Department of Public Welfare

Motion by Mr. Lund, Seconded by Mr. Formica, to delete 13-3-4 Department of Public Welfare. (Voted unanimously)

13-4-1 Selection

Mr. Angelo noted the recommended text should clarify the Commission’s recommendation for staggered terms for the Town Council.

Mr. Dudley noted 13-2-1 Selection and Term should receive the same clarification.

Motion by Mr. Angelo, Seconded by Mr. Formica, to add “to serve for a term concurrent with the Council upon reorganization and until his successor is appointed and qualified.” (Voted unanimously)

13-2-1 Selection and Term

Motion by Mr. Angelo, Seconded by Mr. Dudley, to add [“to serve for a term concurrent with the Council upon reorganization and until his successor is appointed and qualified.”] (Voted unanimously)

6. 7:28 P.M. ADJOURNMENT

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

Minutes for the May 4, 2016 regular meeting submitted by:



Benjamin Delaney