

**REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY
WEDNESDAY – MAY 11, 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
Nina Rossomando
Paula Ruisi
Stephen Turano

Absent: Christian Lund

Also Present: James Silvestri, Town Council President
Jean Gagnier, Town Councilor
Derrick Kennedy, Town Manager
Donna Giordano, Town Clerk
Amy Grzybowski, Development Services Director, Emergency Management Coordinator
Jason Parker, Zoning Official
Benjamin Delaney, Recording Secretary

2.5:30 P.M. APPROVAL OF MINUTES

Mr. Angelo requested the Commission’s schedule provided by Ms. Giordano at the end of the May 4, 2016 meeting be added to the minutes.

**Motion by Ms. Rossomando, Seconded by Mr. Lawlor to approve the minutes [as amended].
(Voted unanimously)**

[Upon review, the minutes of the meeting included the schedule provided by Ms. Giordano]

3. 5:32 P.M. REPORTS

A. Director of Development Services

Dir. Grzybowski stated the Department encompassed planning, building, zoning and code enforcement and further included economic development, housing rehabilitation and commercial revitalization. She cited similar organizations were in Connecticut towns and stated the organization allowed for better staff communication. The Department administered grants which were implemented by the necessary department.

Mr. Cioppa questioned what the director does.

Dir. Grzybowski stated the director managed the department and its staff. She provided an organizational chart and noted weekly staff meetings were held to discuss current and upcoming topics.

Mr. Angelo questioned if the position was a line or staff position.

Dir. Grzybowski stated the position ranked at the level of the Tax Assessor, Chief of Police and Superintendent of Public Works. She also confirmed the Director could not hire new employees.

Mr. Lawlor questioned the positions under the Director.

Dir. Grzybowski stated staff included the Town Planner, Assistant Town Planner, Minimum Housing Inspector, Zoning Official, Building Official, Building Inspector, two office assistants and two contractual utility inspectors. She confirmed for Mr. Angelo the position could not terminate employees.

Ms. Ruisi questioned if the Economic Development Commission (EDC) was under the department's umbrella and why it was not included in the proposed staff revisions if so.

Dir. Grzybowski confirmed the EDC fell under the department's umbrella.

Mgr. Kennedy clarified the EDC was not an office.

Ms. Ruisi questioned who was responsible for code enforcement.

Dir. Grzybowski stated the officials had respective duties.

Ms. Ruisi questioned who kept track of ordinances with terms attached, in regard to applications for rezoning, when going to the Town Planner, Planning Board and Town Council.

Dir. Grzybowski referred to the job description and duties of the Town Planner and requested clarification.

Ms. Ruisi referenced an autumn 2015 application by Carpionato Group and stated her concern the department did not have enough staff to enforce ordinances, variances and permits.

Council President Silvestri stated the Town Council had eliminated a request for an additional staff member by the Town Manager in the FY2017 budget and his understanding the Town Council was in consensus to include the position in the FY2018 budget.

Dir. Grzybowski confirmed for Mr. Cioppa individuals were welcomed to discuss concerns.

Mr. Turano questioned if a generic procedure existed to assist individuals seeking services.

Dir. Grzybowski stated a flow chart outlining certain circumstances was developed by the EDC and available online and other services were outlined in ordinances.

Mr. Turano questioned if any of the work regarding such services could be automated.

Dir. Grzybowski stated the Town was working with the state to create a pilot ePermitting System, anticipated to be live by autumn 2016, which would allow applying online for permits and certificates and corrections were being made as issues were come across.

Mr. Angelo stated about three variances were approved per month between 2005 and 2015 and, when going before a board, previous variances were considered as preexisting. He requested to know how 12-4-1 Director of Development Services (b) came into effect.

Dir. Grzybowski stated 12-4-1 (b) would allow the director to issue a cease and desist letter if applicable. She confirmed for Mr. Turano the Zoning Official and Town Planner were authorized to send out cease and desist letters.

Mr. Parker noted certain powers are given to the Zoning Official, Town Planner and Building Official by state law. He stated he had the ability to designate the Minimum Housing Inspector as an assistant to the Zoning Official to stand-in in cases when the Zoning Official could not perform their

duties.

Dir. Grzybowski stated for Ms. Ruisi the Town Manager, by ordinance, would have to swear-in an individual in cases when an official could not perform their duties.

Mr. Parker stated the Town Planner acted as administrative official and a stand-in for the Town Planner would require some act of the Town Manager or the Town. He clarified the Minimum Housing Inspector could sign zoning certificates when the Zoning Official could not perform their duties.

Dir. Grzybowski confirmed there was no designated stand-in for the Town Planner currently. She and Mgr. Kennedy stated they would have to refer to ordinance whether designating was the authority of the Town Manager or the Town Council.

Mr. Angelo noted the Department of Development Services was in violation of the Charter as it was not established in the Charter.

Dir. Grzybowski stated she was satisfied with the proposed language. She also stated the minimum housing code was now called the property maintenance code and noted the Commission may recommend a change to the title of the position given by 12-4-4 and suggested Code Enforcement Officer.

Council President Silvestri questioned if the position should be titled to mirror the state code.

Dir. Grzybowski stated she believed the code no longer was referred to as minimum housing and clarified emergency management was separate from development services and the position was appointed by the Town Manager.

Dir. Grzybowski noted for Mr. Angelo her past experience in emergency management and stated she maintained good relationships with local fire districts.

B. Town Clerk

None

2. UNFINISHED BUSINESS

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

Mgr. Kennedy stated for Mr. Cioppa he expected the Town Solicitor to be in contact with the Chief of Police before the May 18, 2016 meeting.

B. Enterprise Funds

Mr. Angelo noted the sewer and water budgets were municipal enterprise funds and cited the definition of an enterprise fund. He stated sewer and water funds were comingled and currently collected and placed in the general fund. He noted the transfer station, town beaches and proposed fiber-loop could be enterprise funds, which require double-entry and cost accounting standards. He noted Dunn's Corners Fire District could establish an enterprise fund.

Mr. Cioppa, noting their presence, questioned if any councilors or the Town Manager had comments.

Councilor Gagnier clarified the water and sewer budgets were not comingled with municipal funds and were accounted for as separate in order to show built reserves or losses. He stated the FY2017 budget formatted the transfer station as an enterprise fund to show real costs and was not a

designated enterprise fund. He and Council President Silvestri noted fire districts were separate from the Town by state law.

Mr. Angelo, citing the Town charged two water service rates for use, questioned the number of residents using a volume of water below the minimum rate. He stated the Moderator of Dunn's Corners Fire District stated a portion of funds collected from public water service were given to the state to support the reservoir.

Council President Silvestri stated he was unsure that was correct and would seek clarification. He questioned how including enterprise funds in the Charter might affect future enterprise fund designations.

(Dir. Grzybowski and Mr. Parker exited)

Mr. Angelo stated the inclusion of enterprise funds in the Charter would be to establish separate accounting systems within the Finance Department.

(Councilor Gagnier exited)

Motion by Mr. Formica, Seconded by Mr. Angelo, to go to cost accounting and double-entry accrual accounting for enterprise funds.

The Commission confirmed the motion would affect 3-1-10 Water, Sewer and Any Other Enterprise Fund Budget.

Mr. Turano requested clarification on the motion.

Mr. Angelo summarized cost accounting and double-entry accrual accounting would allow citizens to more clearly compare their spending on and use of water and sewer services.

Mr. Turano questioned what the accounting system would be used for.

(Councilor Gagnier reentered)

Mr. Angelo confirmed for Mr. Formica the accounting system would provide visibility on where money was being spent. He stated for Mr. Turano he believed the accounting system would not require additional spending or hiring by the Town.

Mr. Cioppa questioned if the IT Department would be able to set up the accounting system.

Mr. Angelo stated software packages were available for purchase.

Mr. Lawlor questioned what services might also be under the accounting system.

Mr. Angelo stated the transfer station, beaches and fiber-loop may be future enterprise funds.

(The motion was voted 6-2 with Mr. Dudley and Ms. Rossomando against)

Mr. Dudley stated he did not believe the addition was needed.

Ms. Rossomando stated she believed the Town Council or the Town Manager was the responsible party.

C. Public Safety Officer

Ms. Ruisi cited a document sent from Charles Marsh and input received from Sally Lawlor. She stated her belief the priority of the Town was to protect health, safety and welfare and noted her

proposal for a Chief of Environmental Protection and Public Welfare. She stated other municipal charters she reviewed had not dealt with environmental protection.

Council President Silvestri confirmed for Ms. Ruisi potential funding for a Supervisor of Environmental Protection in the Public Works Department would need to go through the budget process.

Ms. Ruisi cited §260-93 Nuisances as an ordinance which could be enforced regarding several concerns.

Mr. Angelo stated for Mr. Turano no single position enforced the ordinance currently and the Licensing Board had to consider noise, light and dust migrating across property lines. He cited the Misquamicut Springfest and Summer Pops as events which violated ordinance due to noise migration. He stated licensing was a point to enforce at.

Ms. Giordano stated the Zoning Official was the enforcing officer under the ordinance and the Licensing Board may put conditions on licenses.

Ms. Ruisi noted quarries and the airport as additional issues.

Motion by Ms. Ruisi, Seconded by Mr. Lawlor, to establish a Chief of Environmental Protection and Public Welfare.

Ms. Rossomando questioned if a chief needed to be designated to a specific department.

Ms. Ruisi clarified the motion was only to establish a position.

Mr. Cioppa stated his preference the position's location in the Town's organization be decided by the Town Manager.

Council President Silvestri questioned if the position was needed in the Charter and suggested it be under the Department of Public Safety if established.

Ms. Ruisi stated her support for the position to be established by the charter.

Mr. Turano stated there were no ordinances currently to support enforcement and an ordinance should be adopted before hiring for the position.

Mr. Formica stated there should be an ordinance to protect landowners.

Mr. Angelo stated many functions were meant to be enforced by the state and questioned how the town would enforce if the state was unable to.

Ms. Ruisi noted the state did not want to be involved in town issues and stated the position's inclusion in the Charter would provide the Town standing.

Ms. Rossomando stated standing was a legal matter dealing and questioned if the position's establishment by charter would be helpful.

Ms. Ruisi cited a case in which Carpionato Group was legally restricted from developing an area nearby T.F. Green Airport in Warwick due to that city's comprehensive plan.

Mr. Angelo, citing Article XIII Section 2 of the Rhode Island Constitution, stated the Town Council could pass.

Ms. Ruisi stated the position would provide 'teeth.'

Mr. Cioppa and Mr. Angelo stated their agreement with Mr. Turano ordinances should be established before the position. Mr. Cioppa noted the Commission's recommendation of an initiative

for referendum may support adoption of related ordinances.

Mr. Lawlor noted the suggestion of Ms. Lawlor of a Quality of Life Committee to address related concerns.

(The motion was voted 7-1 with Mr. Cioppa, Mr. Lawlor, Mr. Angelo, Mr. Dudley, Mr. Formica, Ms. Rossomando and Mr. Turano against)

Ms. Rossomando stated ordinances were needed prior to establishing the position and the recommended initiative for referendum may be beneficial to the issue.

Mr. Lawlor stated a job description was needed.

Mr. Formica stated a guideline for the position was needed.

Mr. Turano and Mr. Dudley stated ordinances were needed prior to establishing the position.

Mr. Angelo did not provide reason.

Mr. Cioppa stated the position did not belong in the Charter.

D. Chapter IV Department of Development Services

Mr. Cioppa stated the Commission had voted to approve the addition of a Department of Development Services at its March 23, 2016 meeting. He stated he would revise the title of the Minimum Housing Official and requested clarification on position titles for heads of the municipal and school divisions of the Finance Department.

The Commission was in consensus to name the titles Municipal Finance Officer and School Finance Officer.

3. NEW BUSINESS

A. New Business from the Floor

Ms. Rossomando announced her intent to make a motion to rescind the Commission's previous motion on 13-1-4 Duties at the May 18, 2016 meeting.

Mr. Cioppa clarified the motion would need to be seconded for discussion and vote.

Ms. Rossomando questioned if any members, as private citizens, would be interested in serving on a League of Women Voters of Rhode Island panel as part of an educational forum on ballot questions resulting from the Commission's recommended revisions. Mr. Cioppa, Mr. Lawlor and Ms. Ruisi stated their willingness to serve on the panel.

B. April 14, 2016 Public Hearing

Mr. Cioppa, with input from Commission members, stated an overview of work to-date would be provided at the beginning of the hearing dependent on the number of attendants.

Mr. Angelo noted member attendance was not required.

C. Review of Staff Revisions

14-1-2 Sunday Activities

(Councilor Gagnier and Mgr. Kennedy exited 6:54 p.m.)

Motion by Mr. Dudley, Seconded by Mr. Lawlor, to insert [“with state law and” following “...in accordance.”] (Voted unanimously)

14-1-6 Alcoholic Licenses

Ms. Giordano stated the Licensing Board granted various licenses and confirmed the title may remain Alcoholic Licenses.

(Councilor Gagnier reentered 6:56 p.m.)

Ms. Giordano cited for Mr. Angelo food and retail licenses as examples of other licenses

Motion by Mr. Turano, Seconded by Mr. Lawlor, that 14-1-6 be worded [“All licenses for the sale of alcoholic beverages shall be granted by the Licenses Commissioners in accordance with Rhode Island General Laws.”] (Voted unanimously)

14-1-8 Board Clerk

Motion by Mr. Dudley, Seconded by Mr. Lawlor, to add [14-1-8 Board Clerk with the text “The Town Clerk shall be the clerk of the Licensing Board.”] (Voted unanimously)

15-1-7 Publicity of Records

Motion by Mr. Dudley, Seconded by Mr. Formica, to [delete “provided, however, that the foregoing provision shall not apply to the following” under 15-1-7 subsection 1 and replace it with “except those records specifically defined as exempt from public access pursuant to Chapter 38-2 of the Rhode Island General Laws or federal law” and to eliminate subsections 2, 3 and 4.] (Voted unanimously)

Motion by Mr. Lawlor, Seconded by Mr. Dudley, [under 15-1-7](b) subsection 1, to delete “future.” (Voted unanimously)

15-2-2 Procedure for Adoption of Ordinances

Ms. Giordano stated the Town proposed to publish summarized forms of adopted ordinances in the local newspaper and entire texts on the Town website. Entire ordinances would be provided upon request to the Town Clerk.

Motion by Mr. Dudley, Seconded by Ms. Rossomando, to [delete] “together with a notice of its adoption” and add [in its place] “on the Town’s website and, when requested, copies shall be made available by the Town Clerk for the use of interested persons.”

Ms. Giordano confirmed for Ms. Ruisi requests could be made by telephone or postal service and stated only zoning ordinances were required by state law to be published in local newspaper(s).

(Motion voted unanimously)

Article XVI Temporary Provisions

Motion by Mr. Lawlor, Seconded by Mr. Formica, to remove Article XVI Temporary Provisions. (Voted unanimously)

Mr. Cioppa stated a temporary motion for all gender-specific language to be removed from the Charter and other temporary motions would be discussed at a future meeting.

D. Discussion

(Councilor Gagnier and Ms. Rossomando exited 7:06 p.m.)

Council President Silvestri stated for Mr. Angelo, who cited Article XIII of the Rhode Island Constitution, the Town Council could not alter the Commission's recommendations and may submit Charter revisions, including opposing revisions, for inclusion on the ballot.

Ms. Giordano stated all ballot questions would be listed individually and would not be identified as revisions by the Town Council or Commission. The Rhode Island Constitution stated a town council may make recommendations or appoint a commission to make recommendations.

Mr. Angelo, citing Article XIII Section 7 of the Rhode Island Constitution, stated that was not included.

Ms. Giordano stated she would review the procedure for charter amendments.

Mr. Cioppa stated the Town Charter also did not describe a procedure for including conflicting ballot questions.

Mr. Angelo stated a former Town Manager stated it was not legal.

Mr. Cioppa requested the Town Solicitor to provide clarification where it was legally said a town council may include opposing questions on a ballot.

Mr. Angelo noted the issue that opposing ballot questions may cause and questioned if Commissioners should be elected, requiring a revision to the Charter.

Council President Silvestri questioned if the Town Council was required to appoint a Commission.

Mr. Angelo noted the difficulty of revising the Charter once every seven years over a few months and suggested an elected Commission have its membership be elected to two-year staggering terms.

Mr. Cioppa restated the public hearing was scheduled for May 14, 2016 and he expected contact from the Town Solicitor before the May 18, 2016 meeting.

The Commission was in consensus to retitle Minimum Housing Official as Property Maintenance Code Official.

Mr. Lawlor requested 11-1-7 Budget be added as an agenda item for the May 18, 2016 meeting.

ADJOURNMENT

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

Minutes for the May 11, 2016 regular meeting submitted by:

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

Benjamin Delaney