

Town of Smithfield

Charter Review Commission

64 FARNUM PIKE

ESMOND, RHODE ISLAND 02917

Meeting Minutes November 4, 2013

PRESENT: Michael Flynn, John Emin, Jr., Richard Poirier, John Serapiglia, Jr. Bernice Butera,
Tracy Ahmadian, Tyler Choquette, Henry Cipriano, Jr., Robert Buonacorsi
ABSENT: None
OTHERS: Dennis Finlay, *Town Manager*

MEETING CALLED TO ORDER

Chairman Mike Flynn opened the November 4, 2013 meeting of the Smithfield Charter Review Commission at 7:00 p.m.

EMERGENCY EVACUATION AND HEALTH NOTIFICATION

Dennis Finlay read the Emergency Evacuation and Health Notification.

CONSIDER, DISCUSS, AND ACT UPON SPECIFIC PROVISIONS OF THE CHARTER

The Commission discussed Chapter VIII of the Town Charter; "Initiative and Referendum".

Chairman Flynn stated that the process of charter amendment through the referendum process requires five signatures to be presented to the Town Clerk whereupon the Petition Committee has ninety days to obtain 10% of total number of registered voters. Richard Poirier stated that this total number of voters can be problematic because the state and town numbers can be different. Henry Cipriano stated that the names must be then be verified by Town Clerk to voter list. Mr. Flynn noted that the Charter states that the petition requires 10% of people registered at the last election. Richard Poirier stated that the voter list needs to be cleaned up. The Town Council then has opportunity to repeal the ordinance before it goes to the voters. Mr. Flynn stated that if the voters elect to repeal, the Council has to go with the people.

Chairman Flynn stated that an initiative is a course of action whereby a voter can initiate the process of establishing a new ordinance to the charter.

Tracy Ahmadian stated that publishing in the newspaper seems to be outdated and suggested also including notice on the webpage. Ms. Ahmadian suggested that the definition of publication be updated to include the most effective way as recognized by the public at the time. Dennis Finlay stated that it must be advertised in a paper of general circulation and that the State has determined that it has to be a paid newspaper.

Chairman Flynn stated that the Town Council passes ordinances and resolutions and the difference between the two is that an ordinance is a local law and a resolution applies to the legislative body and must be adopted by vote.

The Commission discussed Chapter II of the Town Charter; “Town Council”.

John Emin questioned whether the prohibition on a Town Council member not holding appointed office or employment within 1 year after office and thinks the language may be too restrictive. Chairman Flynn replied that he thinks this may be State law. Henry Cipriano questioned whether the State Ethics Commission could override this. Richard Poirier stated that without this language the opportunity for abuse is always there.

Chairman Flynn stated that the Charter empowers the Town Council to go to departments to investigate and make inquiries but are not empowered to get involved in the day to day operations.

Upon review of Section C-2.08 “Judge of Qualifications”, Richard Poirier stated that it is not all that clear on what grounds will justify the Council judging one of their peers and has never seen a list of “standards of conduct”. Chairman Flynn noted that the section on “Forfeiture of Office” seems to address it.

Chairman Flynn reviewed the section on “Emergency Ordinances” stating that the Town Council can institute an ordinance to address life and death situations. Richard Poirier added that he thinks it is important to be able to act quickly and that any such ordinance would repeal after 60 days.

Richard Poirier stated that as part of the Town Council President duties, he was asked to turn over certain duties to the Emergency Manager Officer and that the Charter enables this for purposes of Marshall Law. Dennis Finlay added that the signing of a State of Emergency enables the Town to secure Federal Funds. Richard Poirier requested the Requisite Form for the next meeting. Henry Cipriano noted that, although it may be inferred, there is nothing in the Charter that addresses the turning over of duties and questioned whether it should be.

John Emin stated a concern with the section dealing with the “Filling of Vacancies” which states that the vacancy should be replaced with the same political party and suggested adding “and/or independent” because he does not believe independent is a political party. Richard Poirier suggested adding the words “whenever possible”. A REQUEST WAS MADE TO REVISIT THIS LINE OF DISCUSSION AT A FUTURE MEETING.

Richard Poirier stated that on page C-5, section C-2.07.b2 there is a typographical error which should read “charter” not “chapter”.

Henry Cipriano stated that on page C-6, section C-2.08, item #6 the addition of the word “webpage” should be included under the notice of public hearings.

The Commission reviewed Chapter V of the Town Charter; “Financial Procedures”

Tyler Choquette made the suggestion to revisit the number of 80% and Richard Poirier stated that it was put in for protection and Mike Flynn added that it is a safety valve for the Town. Richard Poirier if it is taken out then it renders the Financial Town Meeting as useless.

Chairman Flynn stated that in order to request increases in the budget at the Budget Hearing a request must be submitted in writing and if the Council say no, the request must be made 96 hours prior to the Financial Town meeting. At the Financial Town Meeting, a motion can be made to increase the budget but that 80% of the voters present need to second the motion.

Chairman Flynn stated that Al Costantino will be requested to attend the next meeting on the 25th to discuss

procedures and his experience as Chairman of the last Charter Review Commission.

CONSIDER, DISCUSS, AND ACT UPON SCHEDULE OF CHARTER PROVISION HEARINGS

Dennis Finlay stated that it was suggested to move to the Senior Center but noted that there is a time limit where the janitor leaves the building at 8:30 p.m.

ADJOURNMENT

At 8:45 p.m., Henry Cipriano made a motion, seconded by John Serapiglia, to adjourn the meeting. The vote on the motion was all in favor and the motion carried.

The next meeting is scheduled for **Monday, November 25, 2013 at 7:00 p.m.**

Respectfully submitted,

Donna A. Corrao
Recording Secretary