

Town of Smithfield

Charter Review Commission

64 FARNUM PIKE ESMOND, RHODE ISLAND 02917

Meeting Minutes November 25, 2013

PRESENT: Michael Flynn, Richard Poirier, John Serapiglia, Jr., Bernice Butera,
Tracy Ahmadian, Tyler Choquette, Henry Cipriano, Jr., Robert Buonacorsi
ABSENT: John Emin, Jr. (Excused)
OTHERS: Dennis Finlay, *Town Manager*

MEETING CALLED TO ORDER

Chairman Mike Flynn opened the November 25, 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.

APPROVAL OF MEETING MINUTES – OCTOBER 28, 2013 AND NOVEMBER 4, 2013

Henry Cipriano made a motion, seconded by Tyler Choquette, to approve the minutes from the October 28, 2013 meeting as presented. The vote on the motion was all in favor and the motion carried.

Discussion was held on the November 4, 2013 meeting minutes. John Serapiglia stated that, on the bottom of page 2 where Tyler Choquette suggested that the 80% rule be revisited, he recommended adding that the discussion was about the 80% rule “to cut or add to the budget” to clarify the topic. John Serapiglia made a motion, seconded by Henry Cipriano, to accept the minutes from the November 4, 2013 meeting as corrected. The vote on the motion was all in favor and the motion carried.

DISCUSSION WITH AL COSTANTINO, CHAIRMAN OF THE 2008 CHARTER REVIEW COMMISSION

Al Costantino of 34 MacArthur Drive stated that he was elected as chairperson to the 2008 Charter Review Commission. Mr. Costantino stated that the Commission had two Bryant students assist them throughout the process. Mr. Costantino stated that they asked for all department heads to come before the Commission to ask for requests and that the public was treated the same way adding that it is important to get everyone before the Commission. Mr. Costantino stated that they developed a form entitled “Item for Discussion at Request of a Member” which helped facilitate discussion of agenda items. Mr. Costantino added that he met with Joseph Coduri from the Department of Municipal Affairs at the State.

Mr. Costantino stated that this is an important opportunity for people to determine how the Town should be run and what should be changed. Mr. Costantino noted that he would like to come before the Commission with suggested changes when the Commission is ready.

Mr. Costantino stated that discussion items were important to vote on and Dennis Finlay stated that he recalled that members would vote to look into items further and at the end of the meeting everyone voted to move forward with an item or drop it. Mr. Costantino stated that they would vote to keep it under consideration, taken up at the end of the meeting and vote to pursue it or not to change it. Mr. Costantino added that the discussion items were prioritized and then taken up in order from least to most important.

Mr. Costantino stated that the Commission looked at other charters across the country and that they proposed changes to the Town Charter as well as made recommendations to the town.

Mike Flynn stated that the objective is for the Commission to be finished by the first of May giving suggested changes to the Town Council and then to the Board of Elections to be on the ballot in November.

Richard Poirier stated that he would like to solicit input from the public and anticipates there may be some items which conflict between the Charter and State Law specifically with School Department and noted that the Charter cannot supersede state law. Mr. Poirier added that state law provides that the school has autonomy when it comes to hiring of its certified personnel but suggested requiring in the Charter that the hiring be done through a licensed or trained human resource officer. Mike Flynn added that this is a model charter and School Committees are unique to New England and that everything in the Charter is state law.

Henry Cipriano requested getting copies of the organizational charts for both the Town and the School Department. Mr. Cipriano suggested looking at ways to merge functions with a coordinated effort by both the school and the town.

School Committee Member, Brenden Oates, stated that RIGL 16-29 outlines the charge of the School Committee and that the item of purchasing in the Charter conflicts with state law. Mr. Oates stated that the process is that the School Committee approves and then the Town Council approves the purchase and urged the Commission to consider conflicts between the state law and the Charter.

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

The Commission reviewed Article I of the Town Charter, "Powers of the Town". Mike Flynn stated that this is basically State Law.

The Commission reviewed Article III of the Town Charter, "Town Manager".

Dennis Finlay stated that he strongly believes that the manager should be a town resident and that the Charter allows "for the Council to waive this requirement". Mr. Finlay suggested that the Council could allow for one year in which to relocate with a caveat for an additional six months. A suggestion was also made recommending residency requirements for public safety managers as well as the Town Manager.

Dennis Finlay stated that under section C-3.03, "Acting Town Manager" it states by letter filed with the Town Council "through the Town Clerk" and stated that does not happen and that the letter goes directly to the Town Council.

Richard Poirier questioned the duties of the Town Clerk versus the duties of the Town Manager and Mike

Flynn replied that the Town Council appoints the Clerk. Dennis Finlay added that the Council recently enacted a change in the personnel rules whereby the Town Clerk reports to the Town Manager but that the hiring is by the Council.

Henry Cipriano questioned section C-3.04, item #12 and whether it should state all contracts for municipal “and school” employment?

The Commission reviewed Article IV of the Town Charter, “Departments, Officers and Agencies”.

John Serapiglia questioned on page C-12, item C-4.01, paragraph d, whether the Tax Assessor qualifications should be listed? Mr. Serapiglia suggested adding “equivalent experience” to the qualifications. Dennis Finlay noted that it is a state certification which is required for the position.

Bob Buonacorsi questioned, under item C-4.02, in paragraph a, the language whereby no more than two members from the same political party on the Board of Assessment Review and Mike Flynn replied that he believes it is State Law.

Dennis Finlay questioned the need for both a Conservation Commission and Land Trust and Richard Poirier replied that he thinks there are separate duties for each and thinks it is important to keep both. Henry Cipriano questioned why one third of the budget goes to the Land Trust and Mike Flynn replied that it was set up that way in the beginning when they were trying to purchase land but did not have any money.

John Serapiglia stated that on page C-13, paragraph c, “Police Department” it requires a college degree for a patrolman but not for the Police Chief. Dennis Finlay commented that although it is not written in the Charter it would be put in the qualifications of the job description.

Mike Flynn stated that on page C-17, section C-4.20 “Personnel System”, there was a recent letter to the editor of the Observer regarding the Council not implementing the personnel system and that, as a member of the Council not implementing it, they agreed to use section C-4.18 “Creation of Departments, Offices, Boards, Commissions, or Agencies” and, as enabled to do so, re-assigned the functions in C-4.20 of the Personnel Board to the full-time HR manager because it has been done that way for 14 years.

Tracy Ahmadian questioned the enactment of the Personnel Board and Dennis Finlay replied that he and the HR Director appealed to the Charter Review Commission that they disagreed with the concept because of the question of who was going to do the daily functions. Mr. Finlay stated that if 2 of the 3 members are to be from the same party, then it rules out fairness and there was also a question of whether the School Department was involved. Mr. Finlay noted that the Board was advertised twice and that the response was zero. Mr. Finlay added that the system works as it is being done now involving many people. Ms. Ahmadian questioned what was the impetus to change it if everything was working fine? Tyler Choquette agreed stating that it was recommended by the Charter Review Commission, then the Council, and approved by the voters but fell to the wayside. Mr. Finlay added that communities that have HR departments do not have Personnel Boards.

Henry Cipriano stated that he thinks that three members is not enough. Mike Flynn stated that the Manager is removed from the hiring process with the Personnel Board and Richard Poirier agreed that it hamstrings the Town Manager who is appointed by the Town Council. Mr. Poirier added that there has always been due diligence between the Town Manager and the HR Director who appoints an ad-hoc committee to interview candidates. Mr. Poirier stated that he thinks the section could be removed. It was suggested to invite Al Costantino back to address the enactment of the Personnel System.

The Commission reviewed Article V of the Town Charter, “Financial Procedures”.

Henry Cipriano questioned whether the timeframe set out in this section is good for the town?

The Commission reviewed Article VI of the Town Charter, "School Committee".

John Serapiglia stated that on page C-27, Article C-6.05, item b "Forfeiture of Offices" suggested adding language similar to the Town Council requirement whereby failure to attend three consecutive meetings without excuse similar to the Town Council requirement on page C-5, paragraph C-2.07, item b-4.

Henry Cipriano suggested putting language in that, in circumstances where there is a vacancy, the next highest vote getter is appointed to the position.

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

A draft of the 2014 meeting calendar for the Charter Review Commission was distributed.

The next meeting is scheduled for December 9th and the Commission requested the attendance of department heads from the Police Department, Public Works, and Engineering.

ADJOURNMENT

At 9:10 p.m., Bob Buonacorsi 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, December 9, 2013 at 7:00 p.m.**

Respectfully submitted,

Donna A. Corrao
Recording Secretary