

# Town of Smithfield

## *Charter Review Commission*

64 FARNUM PIKE                      ESMOND, RHODE ISLAND 02917

### **Meeting Minutes December 9, 2013**

**PRESENT:**     Michael Flynn, Richard Poirier, John Serapiglia, Jr. Bernice Butera,  
Tyler Choquette, Robert Buonacorsi, John Emin, Jr., Tracy Ahmadian  
**ABSENT:**     Henry Cipriano, Jr.  
**OTHERS:**     Deputy Chief VanNieuwenhuyze, *Deputy Chief of the Police Department*, Kevin Cleary,  
*Town Engineer* and Seth Lemoine, *Director of Public Works*

#### **MEETING CALLED TO ORDER**

Chairman Mike Flynn opened the December 9, 2013 meeting of the Smithfield Charter Review Commission at 7:00 p.m.

#### **APPROVAL OF MEETING MINUTES – DECEMBER 9, 2013**

John Serapiglia stated that on the last page his statement ended with a question mark and that the answer is page C-5, paragraph C-2.07, item b-4 for the attendance requirements to be similar to those as required by the Town Council.

John Serapiglia made a motion, seconded by Richard Poirier, to approve the minutes from the November 25, 2013 meeting with corrections as noted. The vote on the motion being all in favor, the motion carried.

#### **DISCUSSION WITH DEPARTMENT MANAGERS**

Deputy Chief Robert VanNieuwenhuyze stated that he was present on behalf of Chief St. Sauveur and that they are against a Personnel Board being involved with the hiring of police officers. The Deputy Chief stated that he prefers the current process which has been in place since 1977 and added that the department is an accredited agency which means they are doing some things right; one of which being recruitment and selection. The Deputy Chief stated that it is a comprehensive process and they are best equipped to do so and that it doesn't make good sense to have a Personnel Board as law enforcement is a unique branch which requires a comprehensive process.

Richard Poirier questioned whether the department uses its own investigative resources and the Deputy Chief replied that they use investigators who are trained to do background investigations. The Deputy Chief stated that he was previously Director of Recruitment and Selection and oversaw the process of planning and scheduling interviews and written and physical agility tests. Mr. Poirier questioned how many hours of personnel time would be devoted to the selection and interviewing process and the Deputy Chief replied that it is a 4-6 month process and that he cannot put a number to it.

Bob Buonacorsi questioned the minimum requirements for hiring and the Deputy Chief replied that a Bachelors Degree is required which usually limits the number of applicants. John Emin questioned how the Town Manager plays into process and the Deputy Chief replied that he simply affirms the recommendations at the very end of the process.

John Serapiglia questioned whether there is a policy that the officers have to stay in shape and the Deputy Chief replied that there is a general standard but that the Police Chief has discretion to send someone for a medical evaluation.

The Deputy Chief stated that they take the recruitment and selection process very seriously and that it works. He added that for the duties involved in the hiring of a police officer to be put on a civilian Personnel Board is not logical to them. Mike Flynn added that a Personnel Board seems to be contradictory to CALEA and that it could affect the accreditation and the Deputy Chief replied that due to the complexity involved, the length of time required, and the loss of attention to detail could be a liability for accreditation with the 24 standards for recruitment and selection as outlined by CALEA.

Mike Flynn questioned how many approved CALEA departments are in the State and the Deputy Chief replied that right now there are about 6 departments.

John Emin questioned whether there is a waiting list and the Deputy Chief replied yes and stated that they maintain an eligibility list.

Tyler Choquette questioned the Deputy Chief's position on a residency requirement and the Deputy Chief replied that he does not support it because Rhode Island is such a small state and that it could reduce the number of qualified applicants. Mr. Choquette questioned whether he agrees with the department heads, such as Chief and Deputy Chief, being required to reside in town and the Deputy Chief replied that he does not see that as an issue.

Mike Flynn questioned the process of testing applicants and the Deputy Chief replied that it is done in-house and stated that they purchase the test which is highly confidential and under high security and that the completed tests are sent back to the company for scoring which results in a very tight system.

Bernice Butera questioned whether RI residency is required and the Deputy Chief replied it is not required but that he would not be opposed to that.

Seth Lemoine, Director of Public Works, requested that the Commission consider adding the Refuse and Recycling Program to the Town Charter.

Kevin Cleary, Town Engineer, stated his concerns with the Personnel Board and that department managers should have input into the hiring process and that, as currently written, the Personnel Board does not allow managers to have an active role in the process. Mr. Cleary stated that a Personnel Board could be utilized to screen out candidates and suggested in sub-section 5, parts b and d, that the hiring department manager's role be introduced and require that their participation is part of the process.

Richard Poirier questioned the number of employees in his department and Mr. Cleary replied that there are four employees and that he also is responsible for overseeing wastewater operations. Mr. Poirier questioned when he made the last hire and Mr. Cleary replied that the Assistant Town Engineer was employed in December of last year and that the process took roughly three months. Mr. Cleary stated that an employment requisition form was submitted to the Human Resources Director and, once the Town Manager approves the requisition, the hiring process is started. Mr. Cleary added that the process included revisiting and revising the job description to include up-to-date qualifications and that the interview committee was comprised of the Human Resources Director, the Town Manager, and himself were the committee.

Richard Poirier questioned whether a Personnel Board would increase or decrease the amount of political involvement and Mr. Cleary replied that he thinks it could increase it. Mike Flynn questioned whether Mr. Cleary thinks it redundant to have the Personnel Board doing the job of the Human Resources Director and Mr. Cleary replied yes.

John Emin questioned the wastewater treatment facility and Kevin oversees the operations to ensure doing what they are required to do by contract.

John Serapiglia questioned whether the Soil Erosion Committee is still an asset and Mr. Cleary replied that it depends on the level of complexity and suggested revisions to the applicability section of the freshwater wetland regulations. Mr. Cleary added that the Committee is a great tool which helps the Engineering Department do their job.

Kevin Cleary also suggested that the Code of Ordinances be revisited and updated.

Tracy Ahmadian commented that she understands the issues associated with not having access to the individuals on a Personnel Board and understands the department heads' frustration and agrees with the police department not being subject to the provisions of the Personnel Board. Bernice Butera questioned why the Personnel Board came about and John Emin replied that he thinks that the intent was to make it less political and professional. Tracy Ahmadian questioned whether it was previously a political process and Mr. Emin replied that he thinks it was implied that games were played. Richard Poirer stated that not implementing the Board has kept the process less political adding that you are never going to take politics out of a political system and that the question is: what would be less political? Mr. Poirier added that he believes that Smithfield residents should always be given an interview and that it takes restraint on the part of the elected officials not to get involved. Ms. Ahmadian added that she thinks that logistically it is a challenge for a Personnel Board who is potentially not available throughout the day but suggested leaving it in the Charter as an option and to continue using another section to opt out of the requirement while it is working. Tyler Choquette noted that there is nothing in the Charter to enforce using it.

Richard Poirier suggested that the Personnel Board sit as a review board after the employment decision was made to make sure that there was no question of impropriety or political influence and could serve on a case-by-case basis. Mr. Poirier added that it be an independent examination board to ensure that the provisions of the Charter are being followed or to eliminate it completely because "if it ain't broke, don't fix it."

Mike Flynn added that the Board would only affect un-classified employees, which is about 15 people, and that all others fall under a collective bargaining unit.

### **ACCEPTANCE OF CHARTER REVIEW COMMISSION RULES OF ORDER**

Mike Flynn suggested that the Commission adopt a resolution pertaining to the rules of how this body will run. Mr. Flynn noted that there are several revisions to be made which include the following:

In Section 5, add the word "pro" prior to tempore.

In Section 13, there is a typographical error and the word should be "personal".

In Section 18, item 4c should read "pro and con".

In Section 18, item 4d should read Section "7 hereof" and not "8 herof".

In Section 21, it should reference Section "16" not "17".

John Emin made a motion, seconded by John Serapiglia, to adopt the Rules of Order as corrected. The vote on the motion was all in favor and the motion carried.

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

The Commission reviewed Article VII of the Town Charter - "Town Elections" which Mike Flynn stated was dictated by State law.

The Commission review Article IX of the Town Charter - "Recall" which Mike Flynn stated was exercised once in 2008. Mr. Flynn noted that charter amendments through initiative and referendum only require 10% of the voters but that a recall requires 15% of the voters.

Richard Poirier requested that when the Town Clerk is hired that a process be started for culling the voter list and stating that the list has people who are not eligible voters. Mr. Poirier also suggested that perhaps the recall requirement for votes be lessened to 10% but that the problem is that you don't want to make it too easy or too difficult to enact.

The Commission reviewed Article X of the Town Charter - "Courts" and Mike Flynn stated that the Municipal Court does not yet exist and has not yet had a council-appointed judge but believes that it is in process.

John Serapiglia suggested that in Section C-10.01, item b "qualifications" be revised to include in the State "of Rhode Island" and/or as written in Section C-10.02, item b, in "this State".

The Commission reviewed Article XI of the Town Charter - "Charter Amendment" and Mike Flynn noted that this is what the Commission is currently charged with.

The Commission review Article XII of the Town Charter – "Miscellaneous Provisions".

Mike Flynn stated that, in Section C-12.04, "Dual Office Holding", one of the suggested changes to the Charter was to let classified workers serve on boards or commissions and thinks this is a blatant conflict. John Emin stated that he thinks it should apply to major office holders, such as Town Council or department heads, but that this restriction eliminates people who have experience from contributing. Tracy Ahmadian stated that she thinks it allows more opportunity for others who have not served on boards and Richard Poirier noted that he always agreed in spreading the duties around but that the problem is that the Town cannot fill the volunteer positions. Mr. Poirier suggested allowing the employees the opportunity to serve as ex-officio, non-voting members. Richard Poirier added that, at some point, the Commission should decide if it wants to give the Council more latitude and that maybe if, after a certain amount of time, there is no interest in the vacant positions, then they can open up the option to others.

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

The 2014 Charter Review Commission meeting calendar was approved as presented.

The next Charter Review Commission meeting is scheduled for December 30<sup>th</sup> at 7:00 p.m. and requesting the attendance from the Fire Chief.

### **PUBLIC COMMENT**

There was no comment from members of the public.

**ADJOURNMENT**

At 8:55 p.m., John Emin 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 30, 2013 at 7:00 p.m.**

Respectfully submitted,

Donna A. Corrao  
Recording Secretary