

Town of Smithfield

Charter Review Commission

64 FARNUM PIKE ESMOND, RHODE ISLAND 02917

Meeting Minutes January 13, 2014

PRESENT: Michael Flynn, Richard Poirier, Henry Cipriano, Jr., John Serapiglia, Jr., Tyler Choquette, Robert Buonacorsi, John Emin, Jr., Tracy Ahmadian
ABSENT: Bernice Butera
OTHERS: Dennis Finlay, *Town Manager*, Randy Rossi, *Finance Director*, Sue Kogut, *Tax Assessor*, Susan Pilkington, *Human Resources Director*, Bill Pilkington, *Technology Director*

MEETING CALLED TO ORDER

Chairman Mike Flynn opened the January 13, 2014 meeting of the Smithfield Charter Review Commission at 7:04 p.m.

EMERGENCY EVACUATION AND HEALTH NOTIFICATION

Town Manager, Dennis Finlay read the Emergency Evacuation and Health Notification.

APPROVAL OF MEETING MINUTES – DECEMBER 30, 2013

John Serapiglia stated that the December 30th minutes should reflect approval of the December 9th meeting minutes and not the 30th. Mr. Serapiglia also questioned on the third page in the last sentence where Mr. Phillips replied that the ordinance currently states that if they are not within a certain distance of water that they are required to bring it in and questioned whether this is true and Mr. Finlay replied it is.

John Serapiglia made a motion, seconded by John Emin, Jr., to approve the minutes from the December 30, 2013 with corrections as noted. The vote on the motion was all in favor and the motion carried.

DISCUSSION WITH DEPARTMENT MANAGERS; TOWN MANAGER, FINANCE DIRECTOR, TAX ASSESSOR, HUMAN RESOURCES DIRECTOR, AND TECHNOLOGY DIRECTOR

Bill Pilkington, Technology Director, stated that he reviewed the Charter as it pertains to his area and that there is nothing contained within the Charter but that more is written through Town Ordinance. Mr. Pilkington stated his concern with the Personnel Board as it is written in the Charter and that, as a 37 year employee, he agrees with keeping politics out of the hiring process but, for the past 12 years that he has worked in the Town Hall, the system as it currently runs meets with the spirit of what the Charter

intended. Mr. Pilkington added that he is opposed to the requirement of two people being appointed from the same political party which, in his opinion, injects politics right there. Mr. Pilkington noted that there is a lot of work involved and it is a smoothly run operation now and requested that the Commission keep the Personnel System running as it is.

Sue Kogut, Tax Assessor, stated that she proposed changes to the last Charter Review Commission which have been implemented but noted that the Personnel Board would take input from the Tax Assessor out of the mix. Ms. Kogut added that technology and assessment have changed so much that there is a need for people with specific skills and input from department heads is needed during the interview process.

Susan Pilkington, Human Resource Administrator, stated that she strongly recommends that the hiring process remain as is for the following reasons: the Town has a full time HR Administrator whereby many other communities do not; the nine that do have HR professionals do not have a Personnel Board, the HR Administrator has knowledge of applicable federal and state laws pertaining to disability, discrimination, confidentiality and, ultimately, keeping liability away from the town. Mrs. Pilkington stated that the Town has hired 38 people within one year and that a part-time board may not be able to keep up with the demands associated with hiring. Mrs. Pilkington stated that department managers should be involved in the process as they are the professionals who know the job, know if it is a good fit, and know the necessary licenses and certifications that an independent board may not have knowledge of. Mrs. Pilkington added that town and school hiring operations are running continuously and concerned that a board meeting once or twice a month is not going to be able to keep up and asked the Commission to continue the process as it currently exists.

Richard Poirier questioned the communities with a Personnel Board and wondered how those systems are working and Mrs. Pilkington replied that she concentrated on communities that have an HR Administrator but that some of the communities with Personnel Boards never had an HR Director and is concerned that they don't know the benefits to having a full-time HR Administrator.

Richard Poirier questioned the hiring process for mid-level employees and Mrs. Pilkington replied that the Town Manager and his staff meet to determine skills, duties, and review the current job description and then the position is advertised in newspapers and online and a Search Committee is established consisting of the Town Manager, Department Manager, Human Resources and sometimes people from other communities who are performing similar duties.

Richard Poirier noted that Police and Fire gave compelling arguments against the Personnel Board and the School Department may not be lawfully required to be subject to the Personnel Board and questioned who does that leave and Mrs. Pilkington replied that eliminates about 65% of the workforce of the Town. Mrs. Pilkington added that one of the HR guidelines is to be fair and equitable to everybody and if the Town is addressing 1/3 of the workforce through one means of hiring then it is not a fair and equitable process.

John Serapiglia noted that no one has come before this Commission in favor of the Personnel System and questioned whether there were concerns five years ago when it was being proposed and Mrs. Pilkington replied that both she and Dennis Finlay appeared before the last Charter Review Commission to speak against it.

Henry Cipriano questioned how the Personnel Board came about and John Emin replied that the main intent was to keep politics out of the hiring process and that there was a feeling that there might be political influence involved but apparently that is not the situation now.

Randy Rossi, Finance Director, stated that he is not in support of the Personnel Board having come from two other communities that were more politically based stating that it is nice to be in a community where political influence doesn't exist. Mr. Rossi noted that changing to be a potentially politically based

system is in conflict with the current process which is professionally run and well managed and hopes that the Commission considers overturning this.

Mr. Rossi stated that he is also requesting consideration of changes to the following sections of the Charter:

In Section C-2.10 "Independent Audit", Randy Rossi stated that hiring an auditor 180 days prior to the subsequent fiscal year is too far in advance and would like to close it to a 30 day window or remove the date in its entirety. John Emin questioned whether the absence of a specific date would give more latitude and Mr. Rossi replied that would be ideal. Mr. Emin questioned how often the auditors are changed and Mr. Rossi replied every three years; one year with two additional extensions granted at the Council's request.

In Section C-4.07 "Town Clerk", Randy Rossi stated that he is suggesting that the Town Clerk be appointed by the Town Manager and serve at the Manager's pleasure in order to be on a level playing field with all other department heads in Town Hall. Mike Flynn replied that he disagrees and thinks it should be a Town Council appointment but suggested revising item #2 under Section C-3.04 "Power and Duties of Town Manager" to read "direct and supervise the administration of all departments, offices and agencies of the Town" and add the language "including the Town Clerk".

Henry Cipriano questioned the organizational chart having the Town Clerk under the Town Council and Dennis Finlay replied that this has been changed through ordinance amendment. Richard Poirier questioned why those two positions were pulled out to be appointed by the Town Council and Mike Flynn replied that there was a strong feeling that certain officials should be appointed by the Town Council (Town Clerk, Town Solicitor, Sergeant at Arms and Town Moderator). Mr. Poirier noted that if there were communication issues between the two major appointments by the Council then it should have been up to the Council to address.

John Emin questioned what the reason is for making the suggestion and Randy Rossi replied for being a so-called equal and for fairness and equity for all managers. Dennis Finlay added that the employees in the Town Clerk office are union and that he is responsible for them but not for the Town Clerk who doesn't report to him and that this causes friction. Mr. Poirier questioned whether other communities have a similar set up where the Town Clerk reports to Town Manager and Sue Pilkington noted that she believes that eleven communities were reporting to the Town Manager and those that were reporting to the Town Council were in a mayor form of government. Dennis Finlay added that there were three communities, of which Smithfield was one, with the clerk reporting to the Town Council. Mrs. Pilkington added that she can speak to the fact that a silo was created in the Town Clerks office by not having to report to the Town Manager.

In Section C-5.02 "Submission of Budget and Budget Message", Randy Rossi suggested that the budget submission date be moved back from the fourth Thursday of February to the second Thursday of March. Mr. Rossi noted that this was changed during the last review but, having gone through this a few times, it seems to be a little early and that this issue also came up in the performance audit of the School Department. Mr. Rossi added that it gives more time for departments to present better numbers.

In Section C-5.06 "Adoption – Financial Town Meeting", Randy Rossi stated that he is requesting instituting an 80% rule to reduce any budget appropriation by more than \$10,000 and requiring that the motion be filed in writing at least 96 hours prior to the Financial Town Meeting. John Emin stated that he feels that the 80% rule should apply to both requests for increasing and decreasing the budget. Mr. Poirier stated that the 80% rule exists to avoid a situation where people amass enough votes to direct some benefit to their specific group thereby taking money out of other pockets. Mr. Poirier stated that true democracy is embodied in the Financial Town Meeting and requiring 80% to reduce the budget destroys the democratic nature of the FTM and will discourage people to participate.

Henry Cipriano questioned who came up with the number 80 and John Emin replied that the philosophy at the time was that they did not want the budgets to run away and that it has held its point. Dennis Finlay noted that he has a problem with someone being able to destroy a department or service with 51% and that, most of the time, they don't understand the whole picture.

With regard to Section C-5.07 "Reserve Funds", Randy Rossi stated that there were recent changes to rating agency scoring criteria and suggested gradually increasing the unassigned fund balance over a five year period from 5% to 10%. Mr. Rossi noted that it is re-appropriating the funds as un-assigned versus assigned and that it does not affect the budget or tax basis but just changes in classification.

Mr. Rossi also suggested consideration of changes in the use of excess funds in the undesignated fund balance and allocation of those funds and suggested providing a 60% transfer to the capital reserve fund and 40% to other post-employment benefits trust fund. Mike Flynn questioned whether that would mean that there would no longer be funds transferred for the Land Trust and Mr. Rossi replied that is correct but noted that the Land Trust has \$1.5 million and will still get budget appropriation.

In Section C-12.04 "Dual Office Holding", Randy Rossi suggested reviewing this in order to allow Town employees to sit on a board or commission and that this could be a huge asset to certain committees as long as it is not an area that specifically affects their position. Mike Flynn stated that his concern is with the potential for conflict of interest and Dennis Finlay noted that it would have to be written in that it will be determined by the Council that it is not a conflict of interest. Tracy Ahmadian questioned the potential for collusion and Mr. Finlay replied that it is a possibility but that would be for the Council to decide. Henry Cipriano noted that not enough people are coming out to fill boards and thinks that as long as there are safeguards it can work.

Mike Flynn stated that, for the next meeting, the Town Clerk, Ice Rink director, and Senior Center Director will be requested to appear before the Commission. Mr. Flynn added that Al Costantino requested coming back before the Commission to speak to the Personnel System. Dennis Finlay noted that the remaining departments to appear before the Commission are the Town Council and School Department. Henry Cipriano suggested having the libraries come before the Commission since they are requesting the Town go out to bond.

CONSIDER AND DISCUSS SPECIFIC PROVISIONS OF THE CHARTER

There was no discussion

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

At 9:05 p.m., Henry Cipriano made a motion, seconded by John Emin, Jr., to adjourn the meeting. The vote on the motion was all in favor and the motion carried.

The next meeting is scheduled for **Monday, January 27, 2014 at 7:00 p.m.**

Respectfully submitted,

Donna A. Corrao, Recording Secretary