

Town of Smithfield

Charter Review Commission

64 FARNUM PIKE ESMOND, RHODE ISLAND 02917

Meeting Minutes December 30, 2013

PRESENT: Michael Flynn, Richard Poirier, Henry Cipriano, Jr., John Serapiglia, Jr. Bernice Butera, Tyler Choquette, Robert Buonacorsi, John Emin, Jr., Tracy Ahmadian

ABSENT: None

OTHERS: Dennis Finlay, *Town Manager*, Robert Seltzer, *Fire Chief*, Peter Scorpio, *Building & Zoning Official*, Michael Phillips, *Director of Planning and Economic Development*

MEETING CALLED TO ORDER

Chairman Mike Flynn opened the December 30, 2013 meeting of the Smithfield Charter Review Commission at 7:00 p.m.

EMERGENCY EVACUATION AND HEALTH NOTIFICATION

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

APPROVAL OF MEETING MINUTES – DECEMBER 9, 2013

John Serapiglia made a motion, seconded by John Emin, Jr., to approve the minutes from the December 9, 2013 as submitted. The vote on the motion was all in favor and the motion carried.

DISCUSSION WITH DEPARTMENT HEADS; FIRE DEPARTMENT, BUILDING & ZONING OFFICAL AND PLANNING DEPARTMENT

Chief Robert Seltzer stated that he reviewed the Charter with regard to the Fire Department but noted that the duties of the fire department are mostly referenced through town ordinance. Chief Seltzer distributed a list of duties of the modern day fire department for reference.

John Serapiglia questioned on page C-37, section C-12.04 “Dual Office Holding” and its reference to call fire personnel and Chief Seltzer replied that the call personnel is a really small group and that it is problematic to rely on call personnel for EMS services.

Henry Cipriano questioned training call personnel and the possibility of requiring them to stay a certain amount of time and Chief Seltzer replied that some communities will pay to send call to training programs and then require them to stay 2 or 3 years and if they leave sooner, they must pay the money back. Chief Seltzer added that this could be modified through the ordinance.

John Emin, Jr. questioned the Chief's position on a Personnel Board and Chief Seltzer replied that he does not think it fits the needs of the fire department which has a very strict process of qualifications and elimination. Mr. Seltzer stated that interviewing is very important for finding the right fit and the Committee includes himself, the Deputy Fire Chief, a lieutenant, the HR Director and a private firefighter. Mr. Seltzer added that it makes more sense to have people familiar with the job to make the recommendation and noted that there are full-time directors in place to do the hiring. Mr. Seltzer stated that he is concerned that a Personnel Board adds another level of bureaucracy and putting politics into the process which is currently done as a group recommendation to the Town Manager.

Mike Flynn stated that the Personnel System was taken from a town with a fire district and asked the Chief, who having come from a fire district, how to compare the full-time municipal versus quasi-municipal departments and Chief Seltzer replied that there is a full-time HR director plus the Town Manager here and that there are a lot more in-house resources available.

Bob Buonacorsi questioned the possibility of a residency requirement for the Fire Chief and Chief Seltzer replied that it already is and agreed that it should be. Dennis Finlay added that it is in the job descriptions for fire and police chief and if not, they have one year to obtain residency. Henry Cipriano suggested that it be included in the Town Charter to keep it black and white.

Richard Poirier stated that he does not think it necessary to include the call system in the Charter and understands that the technical skills required now are different than when he was a member of the call system but that he supports the call system as it provides residents of Smithfield with an opportunity to participate in an emergency or catastrophe situation. Mr. Poirier added that there is a higher level of investigation involved with the qualifications of candidates in both the police and fire departments and agrees that the current system of hiring is not broken and is working.

John Emin, Jr. stated that the Commission is considering the 80% rule to decrease the budget and Chief Seltzer stated that it is his understanding that a request to increase the budget must be submitted in advance but to reduce the budget a request does not have to be presented in advance and added that he does not think that is fair and does not provide an opportunity for a response as to how that cut will effect services.

Henry Cipriano questioned whether there were points added for residency and Chief Seltzer replied there are no additional points given for residency.

Mike Flynn questioned the materials for the written exam and Chief Seltzer replied that the applicants get a study guide and the test itself is confidential up to the date of the exam. Mr. Flynn questioned where the 50 questions for the interview come from and Mr. Seltzer replied they come from several departments and applicants are scored for different sections such as appearance and content of answers. Mr. Flynn questioned how many candidates have left the department since 1997 and Chief Seltzer replied that he believes the number is zero and that most who have left have been for injuries. Dennis Finlay added that one dispatcher left to move to Florida but that very few have left for employment at another department.

Mike Flynn commented that, in the Chief's report, he stated that he has no objections to strengthening the testing requirements and Chief Seltzer added that he would like to see an Associates Degree in Fire Service.

Bernice Butera questioned whether candidates are required to be EMT certified and the Chief replied that they require applicants to have EMT-Basic or EMT-Cardiac.

Mike Flynn questioned how many of the new hires came in with backgrounds in fire service and Chief Seltzer replied that all three worked for ambulance companies so that they had EMS experience and were EMT-Cardiacs; one was also a volunteer with West Gloucester.

Tracy Ahmadian questioned the Chief's experience working with a Personnel Board and Chief Seltzer replied that he worked in a fire district that had a Personnel Board and that there was controversy because they did not understand what the department does on a day-to-day basis.

Tyler Choquette questioned how a Personnel Board could help in any stage of the hiring process and Chief Seltzer replied that the only benefit would be by having another set of eyes but added that he is concerned about the amount of time and dedication required which could delay hiring.

Richard Poirier questioned the rate of people leaving on disability and Dennis Finlay replied that the numbers are not that high but that some were hired under the Town Council and that there may have been two since the Town Manager system of government was put in place.

Mike Phillips, Town Planner, summarized the functions of the Planning Department and noted that the Planning Department is not listed in the Charter but that the Planning Board is. Mr. Phillips stated that, out of two of the four towns he has worked for, two were included in the Charter.

John Serapiglia stated that, through working on the Conservation Commission and being that the Planning Board is responsible for the health and safety of the people, he is concerned with developments bringing water cisterns in and questioned who is watching them and that the Town could be liable. Mr. Serapiglia suggested that an ordinance be drafted requiring developers to extend the water line or build a sprinkler system in the house and Mr. Phillips replied that the ordinance currently contains language that if they are not within a certain distance then they must bring water in.

Richard Poirier questioned whether it is a state requirement to have a Planning Director oversee a Planning Board and Mr. Phillips replied that an Administrative Officer is required through the state enabling legislation and that is typically the Town Planner.

John Emin questioned whether there were any other sections of the Charter that he would like to address and Mr. Phillips replied that there has been recent discussion of legislation of having a joint Planning and Zoning Board and that the general feeling is that a Zoning Board is needed but that a Planning Board could have extended power in order to grant special use permits. Mr. Phillips added that a Development Review Board is more in line with what the Planning Board does. Richard Poirier commented that if they were to eliminate the Zoning Board then the Board of Appeals would need to be restructured. Mr. Phillips also suggested reducing the number of Planning Board members from 9 to 7 since getting a quorum can be an issue with a Board of that size.

Mike Flynn questioned the hiring process within the four communities that he worked for and Mike Phillips replied that, of the four, Smithfield was the only one with an HR Director who sat on a committee along with the Town Engineer and Building Official. Mr. Phillips added that it was a thorough interview process and thinks that the current system works and that Department Directors need to be involved in the interview process.

Peter Scorpio, Building and Zoning Official, stated that he is in charge of life safety and works closely with the Fire Department. Mr. Scorpio stated that on page C-15 of the Charter, section C-4.11 "Building Official", the description of duties includes "drainage permits" but that is handled through the Engineering Department and should be excluded from that section.

Mr. Scorpio stated that his office presents the paperwork for the Zoning Board and that they hold staff meetings between the Building Office, Planning Department, and Engineering Department to develop a staff report for each application.

With regard to Mr. Serapiglia's previous comments, Mr. Scorpio noted that the State of Rhode Island has not adopted a sprinkler ordinance and that they cannot enforce it.

John Emin, Jr. questioned the use of solar panels in Town and Mr. Scorpio replied that there are people currently doing it.

Peter Scorpio stated that he agrees with the previous statements regarding a Personnel Board and noted that building officials are required to be licensed and that a department manager should be involved in the process.

Mike Flynn stated that there are more interviews to be held and requested members keeping together the meeting minutes along with suggested amendments to the Charter.

The Town Manager, Finance Director, Tax Assessor, Human Resources Director, and Technology Director will be requested to attend the next Charter Review Commission meeting on Monday, January 13th.

Pertaining to soliciting public comment on the Charter amendments, Dennis Finlay suggested doing an article or display ad in The Observer inviting the public to attend a specific meeting date.

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

John Serapiglia stated that on page C-14, section C-4.06 "Town Solicitor" as it pertains to the School Department, suggested that it would make sense to have one counsel covering the entire town. Mike Flynn stated that the School Department is autonomous and Dennis Finlay added that they have been trying to combine services as has been done with purchasing. Henry Cipriano questioned whether it is State Law that says they can have their own counsel and Mr. Finlay replied that he believes it might be state law and that the School Department would have to consent. Tyler Choquette questioned whether such an agreement would not be in compliance with the Charter with the School's power and duties being taken away and put onto the Town side as far as purchasing?

Henry Cipriano questioned the difference between the two libraries and Dennis Finlay replied that they have two different boards and that there have been several attempts to combine the two but they each want to be autonomous. Richard Poirier noted that the Council previously withheld money from their budget and they never got that money because they would not consolidate.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

At 8:55 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 13, 2013 at 7:00 p.m.**

Respectfully submitted,

Donna A. Corrao
Recording Secretary