

May 1, 2008 - Special Town Council Meeting

At a Special Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Thursday, May 1, 2008 at 6:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello, arrives at 6:05 P.M.

Councillor Barbara A. Barrow, arrives at 6:15 P.M.

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr., Members Present

Councillor Robert J. Sylvia, Absent

POSTED – April 28, 2008

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Mrs. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2. and 42-46-6., RIGL, I hereby call a Special Meeting of the Town Council to formally

consider, discuss and act upon the following item of business:

1. Joint Meeting with the Charter Review Committee – Proposed amendments to the Town Charter

2. Communication of Adam J. Sholes, Special Assistant Attorney General, re: Open Meeting Law.

Said meeting will be held on Thursday, May 1, 2008, at 6:00 P.M. at the Middletown Town Hall, Council Chambers, 350 East Main Road, Middletown, Rhode Island 02842.

Paul M. Rodrigues, President

Middletown Town Council

CC:

Town Council

Town Administrator

Town Solicitor

Public Library

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication.

Present representing the Charter Review Committee were Barbara A. VonVillas, Chair, Lucie-Anne Dionne-Thomas, Secretary and members Francis Forgue, Liz Bozyan and William R. O'Connell.

Barbara VonVillas, Chair of the Charter Review Committee addressed the Council reviewing the process the committee followed when determining revisions to the current charter.

The following sections were reviewed:

Section 502 – A house keeping amendment

Section 601 – Town Clerk; deputy town clerk (Eliminating the deputy from the charter not to eliminate the position just to give the option to the Council)

Section 602 – Amended and redesignated as 704

Section 603 – Amended and redesignated as 1001

Section 604 – Eliminated was considered by the committee as a ceremonial function

Section 605 – Amended and redesignated as 711

Section 606 – Amended and redesignated as 709

Section 607 – Town solicitor (gender change)

Section 608 – Judge of Municipal Court – New Section

Section 609 – Appointment of probate judge (gender change)

Section 701 – Police - Eliminates deputy chief – it will be at the Council’s discretion if one is appointed

Section 702 – Fire - Eliminates deputy chief – language change will not allow the Fire Chief to make appoints.

Section 703 - Public Works (gender change)

Section 704 - Tax assessor – moved from section 602

Section 706 Finance – Added additional language for a director of human resources, Interim Town Administrator Shawn Brown requested the addition of a purchasing agent to this section also. This section was referred to the Town Solicitor Francis Holbrook for review.

Section 709 Building Inspector – A change in title (Building Official) to conform to state law.

Section 710 Planning (New Section)

Section 711 Town Engineer – An organizational move from Section 605. It was the consensus to remove language from this section “need not be a resident of the Town of Middletown”.

Section 712 Information Services (New Section)

Section 802 Same-Qualifications of members; disqualification of member causes vacancy. (gender change)

Section 804 Same – Compensation of members; expenses of member – Comment by Attorney Roland Chase – No change recommended by Committee, but should “election” be changed to the singular,

“election,” to be consistent with 801 and 803?

Section 809 Same – Removal from office (gender change)

Section 811 Police making and administration; school committee not to interfere with superintendent

Section 813 Cooperative maintenance of buildings and grounds (gender change)

Section 814 Purchasing; financial records and vouchers (This amendment was requested by the School Committee)

Section 901 Personnel board – Established; number, qualifications and appointment of members (gender change)

Section 903 Same-Powers and duties enumerated (gender change)

Section 905 Temporary appointments when no list is available (gender change)

Section 907 Regular appointment – Discussion was to remove all language after the word “employees” and before the word “provided”.

Section 910 Demotions and dismissals – To restore language that was previously deleted in error.

Section 911 Personnel review board (gender change)

Section 914 Political activity (clarification)

Section 1001 Board of assessment review (moved from section 603)

Section 1003 Conflicts of Interest (gender change)

Section 1006 Juvenile Hearing Board (New Section)

Section 1007 Fees, penalties and payments collected by the town officials and agencies (gender change)

Section 1008 Comment from Roland Chase

Section 1009 Comment from Roland Chase

Section 1010 Roads and Utilities Advisory Board (New Section)

Section 1104 Deletion

Section 1201 Recommendation from the committee that the charter should be reviewed at least every 5 years.

After a brief recess, Council meeting resumed.

2. Communication of Adam J. Sholes, Special Assistant Attorney General, re: Open Meeting Law.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

Town Solicitor Frank Holbrook reviewed the communication and his conversation with Mr. Sholes of the Attorney General's office. The Town is required to disclose the following pieces of information: retirement contribution, sick time, and funding of a health insurance coverage account. The Attorney General's Office believes that these items represent agreed to benefits granted by the Town to Mr. Kempen during the course of his employment. Mr. Holbrook

explained that only the (3) three areas required by the Attorney General's Office will be disclosed with the rest of the agreement redacted.

Councillor Silveira noted that at this time he believes there is an opportunity to set the record straight concerning this matter.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to direct the Town Solicitor to disclose required information requested by the Office of the Attorney General.

On motion of Councillor Silveira, duly seconded, it was voted to have parties modify terms of the agreement to authorize disclosure; Councillors Barrow, DiPalma and Silveira voted YES; Council President Rodrigues, Vice Chair Mello and Councillor Santos voted NO; MOTION FAILED TO PASS.

On motion of Vice Chair Mello, duly seconded, it was voted

unanimously to adjourn this meeting at 7:45 P.M.

Wendy J.W. Marshall, CMC

Council Clerk