

CHARTER REVIEW COMMISSION

MINUTES

MEETING #2 JANUARY 21, 2010
NORTH SMITHFIELD PUBLIC LIBRARY
20 MAIN STREET

6:05 P.M.

MEETING CALLED TO ORDER BY VICE CHAIRPERSON KENNETH MURPHY

MEMBERS: CHAIRPERSON JASON TINER	-	ABSENT
LINDA THIBAUT	-	ABSENT
VICE CHAIR KENNETH MURPHY	-	PRESENT
REC. SEC. JOHN WOJCIK	-	PRESENT
MICHAEL CLIFFORD	-	PRESENT
FRANCESCA JOHANNIS	-	PRESENT
ALFRED PUCETTI	-	PRESENT

K. Murphy began by stating that the commission's task for this meeting was to review and discuss Articles I - IV of the N.S. Town Charter.

PREAMBLE

Members agreed no change.

ARTICLE I BASIC PROVISIONS

SECTION 1. MUNICIPAL BODY

Members agreed no change.

SECTION 2. FORM OF GOVERNMENT

Discussion began concerning a Town Administrator as opposed to a Town Moderator. It was agreed that this issue would be tabled for a latter section of the charter.

A question was asked concerning the addition of "the U.S. Constitution" in the second sentence: "... and subject only to the limitations imposed by this state constitution and by this charter..." F. Johannis proposed that the town solicitor be asked.

Members also agreed to delete the phrase "...except those vested in the financial town meeting..."

SECTION 3. LOCAL SELF-GOVERNMENT

Members agreed no change.

SECTION 4. STATE LAW

Members were in agreement that the wording in this section was difficult to understand. Simplifying the language would be of benefit. F. Johannis suggested that the town solicitor be asked for an opinion.

SECTION 5. ORDINANCE

Members agreed no change. Discussion about the proposed revisions from 2006 suggested that the "Basic Provisions" Article I was best suited for the present paragraph, and that the revisions proposed in 2006 were best kept in Article IV or some latter article because the revisions were too detailed for "Basic Provisions."

SECTION 6. PROPERTY

Discussion began with M. Clifford asking if there was language in the charter or elsewhere concerning the specific process or procedures that the town must follow to acquire or dispose of land. No one could reference a section of the charter that had specific language. Also discussed was the concept of eminent domain. F. Johannis suggested asking the town solicitor. Depending upon the response, the commission may want to insert language and expand this section.

SECTION 7. GENERAL POWERS

Members agreed no change but would like to ask the town solicitor the meaning of the underlined section in the following: "The town shall have and may exercise all local and municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever..."

SECTION 8. LEGISLATIVE POWERS

Members agreed to eliminate the phrase "...except such powers as are vested in the financial town meeting."

SECTION 9. CONTRACTS WITH OTHER BODIES

Members agreed no change.

At this point in the meeting M. Clifford referred to the 2006 revisions noting that the proposed revision had inserted a Section 10. Code of Ethics. Members discussed the proposed revision and concluded that "Code of Ethics" may be better suited in Article XVI General Provisions. Thus, members agreed not to insert "Code of Ethics" as section 10 of Article I.

ARTICLE II. ELECTIONS

SECTION 1. DISTRICT

Members agreed no change although a discussion was held concerning the concept of five town councilors, four of which would be specifically elected in one of four town districts and a fifth councilor elected at large.

SECTION 2. REGULAR, SPECIAL ELECTIONS

An error in the copy of the Town Charter given to the commission was noticed. The copy referenced town elections held in "odd-numbered years." Because elections are currently held in "even numbered years," the section should be corrected.

Discussion was held concerning shortening and lengthening of terms for elected officials and the town administrator. Problems with succession of government was referred to Article XVII and discussion was tabled.

SECTION 3. COMMENCEMENT OF TERMS

Members agreed no change although a discussion began about staggered terms for the five town councilors. Also discussed was lengthening or shortening of terms for the town councilors. Would local government be more effective by term changes. Why do school committee members serve four year terms when town councilors serve two year terms? In addition, the commission talked about dismissal causes and procedures for various positions.

SECTION 4. PETITIONS

Members agreed to changes proposed in the 2006 revision (page 6). Delete "...not earlier than five (5) weeks nor less than three (3) weeks prior to the date of the primary election. Forms for nominating petitions shall be furnished by the canvassing authority at least five (5) weeks prior to the date of the primary election. The nominating petitions for any candidate may be assembled into one petition before filing with the canvassing authority."

In replace of the deletion add, "at such time and upon such forms as in compliance with state law. Said information shall be available at the town clerk's office."

SECTION 5. CANVASSING AUTHORITY CERTIFICATION

Members agreed no change.

SECTION 6. BALLOT ARRANGEMENT

Members agreed no change.

SECTION 7. PRIMARY ELECTION PROCEDURES

Members agreed to the 2006 proposed changes. Delete "... twenty-eight (28) days prior to the date of the regular or special town election." In place of the deletion add, "... in accordance with state law."

A short discussion began about the Budget Committee and its effectiveness and possible changes. The discussion was deemed out of order and held to a later section of the charter where it was specifically mentioned.

SECTION 8. DECLARATION OF ELECTED CANDIDATES

Members agreed no change.

SECTION 9. MISCELLANEOUS REQUIREMENTS

Members agreed no change.

SECTION 10. BOARD OF CANVASSERS AND REGISTRATION

Members agreed no change. A discussion about the word "bipartisan" was held concerning whether the word limited the canvassing authority to only two groups.

ARTICLE III. FINANCIAL PROVISIONS OF THE TOWN

SECTION 1. FISCAL YEAR

Members agreed no change.

SECTION 2. SUBMISSION OF ESTIMATES

Members agreed no change. A discussion began about part "b" concerning the date the school department shall submit their budget. After much debate the general consensus was that if the date was changed for the school department, then all dates would be impacted.

Discussion was continuing at 7:50 P.M. when the librarian notified the commission that the library was closing in ten minutes. Discussion on Section 2 was to continue at the next meeting. Kenneth Murphy adjourned the meeting at 7:58 P.M. Members agreed to discuss a different location to hold meetings because the library closes at 8:00P.M. The next meeting is scheduled for Monday, February 1, 2010.

