

**Middletown Charter Review Committee**  
**Minutes of 30 August 2017, Middletown Library Conference Room**

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**Attendees (Underline & **Bold** indicates present)**

**Chris Semonelli, Chair**  
**Barbara Barrow**  
 William Flynn, Sr.  
**Paul Mankofsky**

**Art Weber, Vice Chair**  
 Roby Faria  
**Wendy Heaney**  
**Kevin O'Halloran**

**Richard Adams, Sec.**  
 Linda Finn  
**Marilyn Hennessey**  
**Tom Silveira**

**Ex Officio/Liaisons (Underline & **Bold** indicates present)**

**Councillor Barbara Vonvillas**

**Councillor Dennis Turano**

**Town Administrator Shawn Brown**

**Town Solicitor, Peter Regan**

**Administrative**

A quorum being present, the meeting was called to order at 6:07 PM.

The minutes of May 31, 2017 and June 28, 2017 were unanimously approved.

**Schedule**

The Committee discussed the schedule of event and actions necessary to place Charter changes on the 2018 ballot. Deadlines to place Charter changes on the ballot for the 2018 election are as follows:

| <b>Date</b>               | <b>Event</b>  |
|---------------------------|---|
| December 2017             | Charter Review Committee (CRC) work complete.   |
| March/April 2018          | CRC Change Recommendations submitted to Town Council.   |
| June 2018                 | Last date for changes to Council.<br>Change format to include red-lined changes to the Charter with explanations and reasons for the changes. |
| July-September 2018       | Town Council consideration of recommended changes. Council hearings on Council accepted Charter changes.                                      |
| October 2018              | Charter changes submitted to RI Secretary of State for incorporation in 2018 ballot.  |
| Tuesday, November 6, 2018 | Referendum on proposed Charter Changes  |

The remaining Committee meeting dates are listed below. Several Committee members noted that they could not attend various meetings, however, a survey by Chris Semonelli showed that a quorum would be present for all meetings. On a motion by Dick Adams, duly seconded, the schedule was approved by the Committee.

| <b>Date</b>                  | <b>Time</b>  | <b>Location</b>               |
|------------------------------|--------------|-------------------------------|
| Wednesday September 27, 2017 | 6:00-7:30 PM | Middletown Library Conf. Room |
| Wednesday, October 25, 2017, | 6:00-7:30 PM | Middletown Library Conf. Room |
| Wednesday, November 29, 2017 | 6:00-7:30 PM | Middletown Library Conf. Room |
| No meeting in December       |              |                               |
| Wednesday, January 4, 2018,  | 6:00-7:30 PM | Middletown Library Conf. Room |
| Wednesday, January 31, 2018  | 6:00-7:30 PM | Middletown Library Conf. Room |
| Wednesday, February 28, 2018 | 6:00-7:30,   | TBD                           |
| Wednesday, March 28, 2018    | 6:00-7:30    | TBD                           |
| Wednesday, April 25, 2018    | 6:00-7:30 PM | Middletown Library Conf. Room |
| Wednesday, May 30, 2018      | 6:00-7:30 PM | Middletown Library Conf. Room |

So far there has been essentially no public input to the Committee. The Committee requested that the meetings be posted on the Newport Daily News Events Calendar and the Town website along with instructions on submitting public comment. Shawn Brown said he would make the website changes and that Town Department Heads and the School Committee had been asked for input.

Inputs from the Town Departments were received. No inputs from the School Committee have been received.

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**Charter Review and Discussion**

Dick Adams will send a list of changes discussed but not approved to the Committee for information.

The Committee continued with an Article-by-Article review and discussion. The table below summarizes the discussion.

| <b>Article/<br/>Section</b> | <b>Discussion</b>   | <b>Recommended<br/>Changes</b>         |
|-----------------------------|---|--|
| Article V                   | <p>Mr. Regan began the discussion by explaining that this article is almost completely controlled by Rhode Island State Law. A general discussion was then held on the dates by which Charter changes must be submitted to the Town Council for consideration and possible inclusion in the November 2018 election. The applicable dates are shown in the table above. The format for changes should be a red-lined Charter and explanation for each change proposed.</p> <p>As noted above, the Committee agreed that public input and comment was desired and asked that the Charter Committee meeting and purpose be widely advertised.</p> <p>The Committee discussed the meaning of special legislation related to elections and especially the function, authority, membership and terms of service of the Canvassing Authority. Of special interest was the function of the Canvassing Authority as a bi-partisan body in Middletown's non-partisan Town Council elections. Peter Regan explained that RIGL required the Canvassing Authority to be bi-partisan since all state and national elections are partisan.</p>   | None                                   |
| <b>Article VI</b>           |   |  |
| VI/601                      | <p>Mr. Regan began the discussion by noting that although some City or Town Clerks are directly elected, most are now appointed by Administrators to ensure accountability to City/Town Councils and to avoid unnecessary conflicts with the elected Council.</p> <p>He also explained that the duties of the Clerk are generally enumerated in Town Ordinances and Rhode Island law. The Committee asked why there are numerous RIGL references cited for the Canvassing Authority but none for the Town Clerk.</p> <p>In response to a Committee question, Mr. Brown noted that Middletown's Town Clerk is certified by The Rhode Island Town and City Clerks Association.</p>  | Specify references for Town Clerk?     |
| VI/607                      | <p>Mr. Regan, Middleton Town Solicitor, provided an explanation of the duties and responsibilities of the Town Solicitor. He noted that in general it was the responsibility of the Solicitor to represent the Town and all Town officials, elected and appointed to Town Committees.</p> <p>The Committee held a general discussion of the Town Council's Solicitor appointment process.</p> <p>Peter emphasized that legal opinions of the Solicitor were advisory only, were non-binding and that the Solicitor did not have the authority to direct Town employees.</p> <p>Paul Mankofsky asked if the Town Solicitor is required to "...examine and approve...all invitations for bids, contracts and other legal documents..." sent out by the School Administration.</p> <p>Mr. Regan said he did so for the Town Administration but it was not now the practice of the Solicitor to do so.</p> <p>Mr. Regan indicated he would discuss the review the process with the School Department and Town Administration and report to the Committee. The Committee discussed the contract bid process. No changes to the Charter were proposed since the process works properly.</p> | Specify references for Town Solicitor? |

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| Article/<br>Section | Discussion  | Recommended<br>Changes  |
|---------------------|---|---|
| VI/608 &<br>VI/609  | Mr. Regan provided an explanation of the Municipal and Probate Judge responsibilities and terms of service. It was noted that an Alternate Probate Judge is provided in Section 609 but not in Section 608 although alternate Judges are in fact appointed by the Town Council for each position. The Committee suggested that an amendment should be considered to Section 608 to make these two sections consistent with respect to alternate judges.   | Provide an<br>Alternate<br>Municipal Court<br>Judge?              |
| VI/610              | Mr. Regan provided an explanation of how assets held by the Probate Court are administered and safeguarded. He noted that the Probate Court has the authority to set aside and protect assets from estates probated. A general discussion was held of the meaning and use of "Editor's Notes" in the Charter. Peter Regan emphasized that such notes are not directive and explanatory only.  | None  |
| Article VII         |   |   |
| VII/701             | At the request of Mr. Brown discussion of the Police Department will be deferred to next meeting. Chief Pesare will attend to explain the changes thought necessary. Shawn pointed out the requirements for the Police Chief and noted that Police Chief appointment must be ratified by the Town Council.  | Change(s) deferred<br>until meeting                               |
| VII/702             | Shaw Brown provided a general explanation of the section. He noted that the requirements for Fire Chief are less restrictive than for Police Chief and ratification of appointment by the Town Administrator is not required, but by custom Council approval is requested. Also discussed was the meaning of "shall" in Charter text which always should be understood to mean "required to be done". Shawn noted that both the Police and Fire Departments are specifically permitted to issue implementing regulations, procedures and protocols which are binding on the department. | Provide for<br>ratification of<br>appointment by<br>Town Council? |
| VII/703             | The Committee discussed the experience requirements of the Public Works Department Head. It was agreed that as written the Charter properly provides considerable latitude for selection by the Town Administrator. Mr. Brown noted specially that a residence requirement would be unnecessary and overly restrictive since such a requirement would unduly restrict selection of a Director with needed specialized experience. Shawn led a general discussion of how best to maintain the quality of Town governance and the importance of "shall" requirements.                     | Residency<br>Requirement for<br>Public Works<br>Director?         |
| VII/704             | The Committee discussed this section in general focusing on "shall" elements. Shawn noted that this section was controlled almost entirely by RIGL.   | None  |
| VII/705             | The Committee discussed this section in general, again focusing on "shall" elements.  | None  |

The Committee expects to continue the discussion of Article VII and Article VIII and if possible Article IX at the next meeting

**Next Meeting**

The next Committee meeting is scheduled for Wednesday, September 27, 2017 at 6:00 PM in the Middletown Library conference room.

The meeting was adjourned at 7:50 PM.

Respectfully Submitted,

/s/ Richard Adams, Secretary