

Middletown Charter Review Committee
Minutes of 29 November 2017, Middletown Library Conference Room

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

Chris Semonelli, Chair
 Barbara Barrow
Michael 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 by Chris Semonelli at 6:00 PM.

The minutes of October 25, 2017 were unanimously approved.

Schedule

Below are the revised dates and events necessary to place Charter changes on the 2018 ballot. The Committee discussed the work remaining and decided that completing all sections at this meeting was required to commence voting on questions at the next meeting.

Dick Adams provided an overview of how identified question will be presented to the Committee at the December meeting which was rescheduled to December 14, 2017. Sections with no identified questions will be eliminated from the Summary List. Only questions approved by a majority vote of the Committee will be forwarded to the Town Solicitor for development of appropriate language. The questions will then be returned to the Committee for approval before forwarding to the Council. Each approved question must have a rationale description attached.

Date	Event
January 2018	Charter Review Committee (CRC) work complete.
March/April 2018	CRC Change Recommendations submitted to Town Council. Change format to include red-lined changes to the Charter with explanations and reasons for the changes.
May 2018	First Hearing on proposed Charter amendments.
June 2018	Final Hearings on proposed Charter amendments. Council votes on which Charter amendments to be included in November 2018 ballot referenda.
July 2018	Town Council consideration of recommended changes. Council approval of Charter Change Resolution. Canvassing Board approval of ballot referenda.
August 2018	Charter changes submitted to RI Secretary of State for inclusion on 2018 ballot.
Tuesday, November 6, 2018	Referendum on proposed Charter Changes

The remaining Committee meeting dates are listed below.

Date	Time	Location
Wednesday, December 14, 2017	6:00-7:30 PM	Middletown Library Conf. Room
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 (If required)
Wednesday, May 30, 2018	6:00-7:30 PM	Middletown Library Conf. Room (If required)

Charter Review and Discussion

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

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Article/ Section	Discussion	Recommended Changes
Article VIII	School Department	
VIII/814	<p>Peter Regan began the discussion with a description of the requirements of this article and its relationship to RIGL. The School Committee (SC) purchase of computer equipment was cited as an example of the results of not fully complying with this Section. The requirements of this Section require a complete audit trail, full disclosure in agendas, and review by the Town Finance Department and well as the School Administration.</p> <p>The Committee discussed the advisability of placing spending limit authority in the Charter. It was agreed that such limits are better implemented in Town ordinances.</p> <p>The Committee again discussed the advisability of the Superintendent acting as school administration Clerk. See 806.</p> <p>The Committee considered whether the Clerk should be required to sign each purchase order. The Committee agreed that this should properly be a requirement of Town ordinance.</p> <p>The Committee generally agreed that the Section is properly written and requires no modification, only full compliance.</p>	None
VIII/815	Mr. Regan explained that the applicability of RI Open Meeting law and precedent may be included in the Charter but this requirement is controlled by RIGL regardless of what the Town Charter specifies.	None
Article IX	Personnel	
IX/901	<p>Mr. Regan provide a general description of the purpose and execution of Article. He noted that these Charter requirements have served the Town well in providing adequate oversight and implementation of Town staff hiring and management.</p> <p>In response to a question, Mr. Brown explained that all Town committees are assigned an appropriate staff member as liaison. He said the process as currently implemented provides effective communication between the Administration and Town committees.</p>	None
IX/902	Self-explanatory	None
IX/903	Shawn provided an explanation of the difference between classified and non-classified employees. Essentially, non-classified employees are management-level personnel. Union members are classified employees.	None
IX/904	Self-explanatory	None
IX/905	Self-explanatory	None
IX/906	Self-explanatory	None
IX/907	The Committee discussed the appointment process generally noting that the Town Administrator appoints staff employees. The Council is required to ratify staff appointments.	None
IX/908	Self-explanatory	None
IX/909	<p>Peter provided an explanation of the operation of this Section. He noted that the Personnel Board is authorized to hire expertise if required and Town ordinances provide additional implementation guidance and requirements.</p> <p>The Committee asked if Personnel Board membership requirements should be specified in the Charter. After discussion it was agreed that such requirements are best included in the implementing ordinance.</p>	Should Personnel Board member requirements be included in the Charter?
IX/910	Shawn provided a description of how this section operates in practice, noting that he has seen it implemented only once.	None

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Article/ Section	Discussion	Recommended Changes
IX/911	Peter and Shawn explained the operation of this Section. They noted the Personnel Board and Review Board are separate Boards and their functions do not overlap.	None
IX/912	Self-explanatory	None
IX/913	Shawn explained that this section provides Town employees with the right to organize as unions. He noted that this section provides the Council with authority to ratify all Town labor contracts, including the School Department. He noted that this section is being challenged in court by the teachers' union. Shawn emphasized that although the School Department is a department of the Town Administration, RIGL provides special procedures and requirements regarding teacher and school department employees and school department unions	None
Article X	Miscellany	
X/1001	A general discussion was held on the operation of this section. It was noted that RIGL controls the tax assessment and appeal process. The requirement for bi-partisan board membership was questioned by the Committee because Town Council elections are now non-partisan. Peter agreed to research the requirement and report to the Committee.	Pending
X/1002	Self-explanatory	None
X/1003	Self-explanatory	None
X/1004	The revision process for Town ordinances was described and discussed. It was noted that this is an on-going process which involves Town staff and Town committees. The Zoning Ordinance Review Committee's operation was cited as an example of how the process is implemented. The Town Manager is required by RIGL to periodically review and update ordinances.	None
X/1005	Self-explanatory	None
X/1006	Mr. Regan noted that this Section was relatively new and implemented a Middletown Family Court. A brief discussion was held of the Court's operation and effectiveness.	None
X/1007	Self-explanatory	None
X/1008	Peter noted that this Section is an example of how term limits are implemented.	None
X/1009	The Committee noted that this section is controlled by RIGL despite the use of "may", a Zoning Board of Review is required,	None
Article XI	Inauguration and Succession	
XI/1101	Self-explanatory	None
XI/1102	Self-explanatory	None
XI/1103	Self-explanatory	None
XI/1104	Self-explanatory	None
XI/1105	Self-explanatory	None
XI/1106	Self-explanatory	None
XI/1107	Self-explanatory	None
Article XII	Amendment of Charter; Separability [Sic?] of Provisions of Charter	
XII/1201	Peter explained that this Section specifies the Charter review process. He indicated that the language should be clarified to better define this process.	Pending
XII/1202	Self-explanatory	None
XII/1203	Self-explanatory	None
	The End, Done, Finished – Voting Next Meeting!	

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The Committee will begin selection of referendum questions at the next meeting.

Next Meeting

The next Committee meeting is scheduled for Wednesday, December 14, 2017 at 6:00 PM in the Middletown Library conference room.

The meeting was adjourned at 7:30 PM.

Respectfully Submitted,

/s/ Richard Adams, Secretary