

**Middletown Charter Review Committee**  
**Minutes of 14 December 2017, Middletown Library Conference Room**

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**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 6:05 PM.

The minutes of November 29, 2017 were unanimously approved.

**Schedule**

The Committee briefly discussed the work remaining and the schedule and agreed that consideration of the questions recorded in previous minutes should begin at this meeting.

The Committee agreed that 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. The Committee also agreed that the Committee should draft a presentation to the Council describing and providing a rationale for the questions approved by the Committee.

The Committee schedule for referendum questions is below.

<b>Date</b>	<b>Event</b>
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.

<b>Date</b>	<b>Time</b>	<b>Location</b>
Wednesday, January 3, 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 began a review of all questions discussed in previous meetings. Beginning with Article I the Committee discussed and voted on each question listed in approved Committee minutes.

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<b>Article I</b>	<b>Basic Provisions</b>			
I/101 & 102	<p><b>Previous Discussion:</b> Peter explained that this section reaffirms the powers of the Town under RIGL. The Section also address the progression of the form of Town government from Town meeting to Town Council and Town Manager.</p> <p><b>Motion Discussion:</b> The Committee noted that although this question would clarify language it was not of sufficient significance to warrant recommendation as a referendum question.</p> <p><b>Motion by:</b> Adams; Second: Weber</p>	Should the term ‘inhabitants’ be clarified and/or changed?	<p><u>Adams Barrow Faria Flynn</u>  <u>Heaney Hennessey Mankofsky</u>  <u>O’Halloran Semonelli Silveira</u>  <u>Weber</u></p>	<p><b>NO</b>  Yea: 0  Nay: 11</p>
<b>Article II</b>	<b>The Town Council</b>			
II/201	<p><b>Previous Discussion:</b> Mr. Regan continued his explanation of the history of the Charter since original adoption in 1968. The Committee discussed the powers of Town government and the Town Council especially as it relates to the Town Administrator and Town staff members. The Committee noted that Council electors are now non-partisan, a change approved in 2016.</p> <p><b>Motions Discussion:</b> The Committee discussed each of these questions in the context of how to create an environment which would induce more candidates to run for Council and/or to become more involved in Town activities.</p> <p><b>Motions by:</b> Adams Seconds: Weber, Mankofsky, Barrow</p>	<p>Should the number of people elected to the Town Council be changed?</p> <p>Should the Town Council be subject to staggered terms?</p> <p>Should there be a greater incentive (e.g. financial) to serve on the Town Council?</p>	<p><u>Adams Barrow Faria Flynn</u>  <u>Heaney Hennessey Mankofsky</u>  <u>O’Halloran Semonelli Silveira</u>  <u>Weber</u></p> <p><u>Adams Barrow Faria Flynn</u> <u>Heaney Hennessey Mankofsky</u>  <u>O’Halloran Semonelli Silveira</u>  <u>Weber</u></p> <p><u>Adams Barrow Faria Finn Flynn</u>  <u>Heaney Hennessey Mankofsky</u>  <u>O’Halloran Semonelli Silveira</u>  <u>Weber</u></p>	<p><b>NO</b>  Yea: 0  Nay: 11</p> <p><b>NO</b>  Yea: 3  Nay: 8</p> <p><b>NO</b>  Yea: 0  Nay: 11</p>
II/202	<p><b>Previous Discussion:</b> The Committee discussed the definition of “elector” and who may be considered a Middletown citizen, the size of the Council, and noted the recent difficulties in finding citizens willing to devote the time required to stand for office.</p> <p>The Committee discussed the advantages and disadvantages of term limits, whether such limits would increase community involvement in the election process, how term limits could be implemented, and the effects on Council effectiveness.</p>	<p>Should the Council have term limits?</p> <p>Should the Council have three terms followed by one off?</p>	<p>Adams Barrow <u>Faria</u> Flynn Heaney Hennessey Mankofsky O’Halloran <u>Semonelli Silveira</u> Weber</p> <p>Adams Barrow <u>Faria</u> Flynn Heaney Hennessey Mankofsky O’Halloran <u>Semonelli Silveira</u> Weber</p>	<p><b>YES</b>  Yea: 8  Nay: 3</p> <p><b>YES</b>  Yea: 8  Nay: 3</p>

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	<p>The Committee requested additional data on other councils with term limits. Further discussion of council term limits was deferred pending availability of data on other councils.</p> <p>The Committee also discussed staggered terms such as the School Committee and asked for data from other municipalities.</p> <p>The Committee discussed Councillor compensation and generally agreed that compensation was not an issue.</p> <p><b>Motions Discussion:</b> The Committee essentially repeated the previous discussion considering the pro's and con's of term limits and the effect it would have on Council corporate memory, experience. The Committee also discussed the potential advantages of limiting terms such as is now done with the Planning and Zoning Boards.</p> <p><b>Motions by:</b> Weber Seconds: Adams, Barrow</p>			
II/204	<p><b>Previous Discussion:</b> After a general discussion of the section, and especially the meaning of "...military law", Mr. Regan agreed to provide an explanation of this phrase at the next meeting.</p> <p><b>Motions Discussion:</b> The Committee noted that although this question would clarify language it was not of sufficient significance to warrant recommendation as a referendum question.</p> <p><b>Motion by:</b> Adams; Second: Weber</p>	Should the term 'military law' be clarified and/or changed?	<p><u>Adams Barrow Faria Flynn</u>  <u>Heaney Hennessey Mankofsky</u>  <u>O'Halloran Semonelli Silveira</u>  <u>Weber</u></p>	<p><b>NO</b>  Yea: 0  Nay: 11</p>
II/207 & 207.g	<p><b>Previous Discussion:</b> This section, which enumerates the express powers of the Town Council was reviewed in detail by the Committee. The Committee discussed especially the ability of the Council to make or eliminate Town departments and/or agencies and the bonding power of the Council.</p> <p>Mr Flynn suggested that a super-majority would be a good idea for bonding actions. In general, the Committee did not feel this change necessary.</p> <p>Finance Department. The Director of Finance provided the following regarding a requirement to require a "supermajority" approval of any bond referendum. "It is not recommended that a "supermajority" be required for approval of bond referenda. No other communities in Rhode Island require a "supermajority". Middletown does not have a high debt burden and management of our debt burden has resulted in excellent bond ratings. A supermajority would limit the Town's access to capital which could</p>	Should an affirmative (or "supermajority") vote greater than a majority be a requirement to approve a bond referendum?	<p><u>Adams Barrow Faria Flynn Heaney</u>  <u>Hennessey Mankofsky O'Halloran</u>  <u>Semonelli Silveira Weber</u></p>	<p><b>NO</b>  Yea: 2  Nay: 9</p>

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	<p>adversely affect bond ratings, resulting in higher debt service costs. Requiring a “supermajority” would require approval by the RI General Assembly.</p> <p><b>Motions Discussion:</b> The Committee reconsidered the previous discussion focusing on the likely affect on the Town’s financial affairs.</p> <p><b>Motion by:</b> Mankofsky; Second: Flynn</p>			
II/208	<p><b>Previous Discussion:</b> The Committee discussed the Town Council budget approval process. It was noted that a balanced budget is required and that the Council has “bottom line” authority only over School System budgets as required by RIGL. The Committee also discussed the limits of Town budget increases.</p> <p>Mr. Mankofsky asked if Town meeting announcements could be improved by use of social media or other means. He noted that recent budget meetings were attended by very few residents and asked if the Town could improve the announcement process by use of a website calendar, listserv notifications or methods other than newspaper and Secretary of State postings. Mr. Brown indicated he would discuss such changes with Town Staff.</p> <p><b>Motions Discussion:</b> Mr. Regan explained that this is the basis for requiring a balanced Town budget. A general discussion was held about the “bias” of this section toward budget increases rather than decreases.</p> <p><b>Motion by:</b> Mankofsky; Second: Flynn</p>	Should the language regarding the Town Council increasing the budget be clarified to reflect the Town Council’s ability to decrease the budget?	<p><u><b>Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O’Halloran Semonelli Silveira Weber</b></u></p>	<p><b>NO</b> Yea:2 Nay: 9</p>
II/210	<p><b>Previous Discussion:</b> The Committee held general discussion of RI Open Meeting law as it applied to Town open meeting and Executive Sessions. It was noted that if conflicts arose this section was superseded by RIGL and legal precedent.</p> <p>It was noted that the conduct of meetings is also governed by Council Policy Statements which cover such items as use of Robert’s Rules of Order and civility. Council Policy Statements are posted on the Town website.</p> <p><b>Motions Discussion:</b> The Committee considered this change to be redundant and unnecessary.</p> <p><b>Motion by:</b> Adams; Second: Weber</p>	Should the Charter provide specific authority for the Council to publish policy statements?	<p><u><b>Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O’Halloran Semonelli Silveira Weber</b></u></p>	<p><b>NO</b> Yea:0 Nay: 11</p>
<b>Article III</b>	<b>The Town Administrator</b>			

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III/301	<p><b>Previous Discussion:</b> Shawn Brown provided an overview of this section. He noted that he serves “at the pleasure of the Council” and does not have an employment contract which specifies his term of service. 3-year contracts are common for Town Administrators. His term of office is indefinite but may be altered by the Town Council at any time. The Committee held a general discussion of the advantages and disadvantages of a Town Administrator employment contracts.</p> <p>The Committee also discussed the requirement for a Town Administrator to reside in Middletown.</p> <p><b>Motions Discussion:</b> The Committee considered this change to be redundant and unnecessary.</p> <p><b>Motion by:</b> Adams; Second: Weber</p>	Should the Charter require a Town Administrator employment contract with a specified length of service?	<p style="text-align: center;"><u><b>Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O’Halloran Semonelli Silveira Weber</b></u></p>	<p style="text-align: center;"><b>NO</b> Yea:0 Nay: 11</p>
III/304.a	<p><b>Previous Discussion:</b> Shawn provided a general description of the budgetary process as described in this section. In reply to a question from the Committee he noted that any fund balance or surplus generated by the Town may be used to meet Town financial needs while fund balances generated by the School Department may be used only within that department.</p> <p><b>Current Meeting Discussion:</b> The Committee agreed that this question should be deferred until Mr. Brown could be present.</p>	Should the Charter require School System fund balances to be reported to the Town Administration?	<p style="text-align: center;">Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O’Halloran Semonelli Silveira Weber</p>	<p style="text-align: center;">Deferred</p>
III/304.c	<p><b>Previous Discussion:</b> Peter Regan and Shawn Brown provided a general description of the process for appointment or removal of a Town Department Head. Shawn noted that only one occasion had a Town employee requested a hearing before the Town Council. Although the Town Administrator customarily requests the Council approval for Department Head hiring, the Administrator retains the authority to make a final decision.</p> <p><b>Motions Discussion:</b> The Committee discussion centered on the affect this change would have on the Town Administrator’s authority and control over Town staff. It was noted that the Administrator is ultimately responsible for the performance of Department Heads and this change could have the unintended effect of diminishing his ability to administer the Town.</p> <p><b>Motion by:</b> Mankofsky; Second: Flynn</p>	Should the Charter require the Town Council to ratify Town and School Department Head appointments?	<p style="text-align: center;"><u><b>Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O’Halloran Semonelli Silveira Weber</b></u></p>	<p style="text-align: center;"><b>NO</b> Yea:3 Nay: 8</p>

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The Committee will continue voting on referendum questions at the next meeting.

**Next Meeting**

The next Committee meeting is scheduled for Wednesday, January 4, 2018 at 6:00 PM in the Middletown Library conference room.

The meeting was adjourned at 7:40 PM.

Respectfully Submitted,

/s/ Richard Adams, Secretary