

Middletown Charter Review Committee
Minutes of 31 January 2018, 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 6:05 PM.

The minutes of January 3, 2018 were unanimously approved.

Schedule

Committee work is now complete. Approved referenda questions will be referred to the Middletown Town Council for consideration. It is expected that the questions will be on the February 5, 2018 docket at which time hearing dates will be set.

All members of the Committee are encouraged to attend the January 5 Council meeting.

The schedule of events is below.

Date	Event
January 31, 2018	Charter Review Committee (CRC) work complete.
February 5, 2018	Referendum questions forwarded to the Town Council for consideration and Hearings.
March 2018	First Hearing on proposed Charter amendments.
April 2018	Final Hearings on proposed Charter amendments. Council votes on which Charter amendments to be included in November 2018 ballot referenda.
June 2018	Town Council consideration of recommended changes. Council approval of Charter Change Resolution. Canvassing Board approval of ballot referenda.
July 2018	Charter changes submitted to RI Secretary of State for inclusion on 2018 ballot.
Tuesday, November 6, 2018	Referendum on proposed Charter Changes

Charter Review and Discussion

The Committee reviewed pending/deferred questions and the referenda language and explanations provided by Peter Regan, Town Solicitor, for forwarding to the Town Council.

Pending/Deferred questions and results of Committee discussion are listed below. The Committee agreed that none of the pending questions should be forwarded to the Town Council for consideration.

The referenda language and explanations were discussed and approved by the Committee for forwarding to the Town Council. The approved questions and associated texts are included below.

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Article/ Section	Discussion	Recommended Changes	Voting Record (<u>Underline & Bold Color</u> Indicates Disapprove)	Yes? No?
III/304.a	<p>Previous Discussion: 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>Current Meeting Discussion: Shawn provided a memo included below explaining why no change was necessary. The Committee concurred.</p>	Should the Charter require School System fund balances to be reported to the Town Administration?	Adams Barrow Faria Flynn Heaney Hennessey Mankofsky O'Halloran Semonelli Silveira Weber	No change needed
Article X	Miscellany			
X/1001	<p>Previous Discussion: 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.</p> <p>Current Meeting Discussion: The Committee agreed that no change was necessary.</p>	Pending	Adams Barrow Faria Finn Flynn Heaney Hennessey Mankofsky O'Halloran Semonelli Silveira Weber	No change needed
Article XII	Amendment of Charter; Separability of Provisions of Charter			
XII/1201	<p>Previous Discussion: Peter explained that this Section specifies the Charter review process. He indicated that the language should be clarified to better define this process.</p> <p>Current Meeting Discussion: The Committee agreed that no change was necessary.</p>	Pending	Adams Barrow Faria Finn Flynn Heaney Hennessey Mankofsky O'Halloran Semonelli Silveira Weber	No change needed

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Text of memorandum from Town Administrator regarding III/304.a:

“A. No amendment to the Town Charter is necessary.

Fund Balance is reported on an accrual basis of accounting. It is reported within the Town’s legal entity financial reports which are prepared by the Town’s Finance Director, therefore the Town Administration is now aware of the balance. The Town receives monthly financial reports from the School Department, therefore the Town Administration is aware of financial events that may impact the School Department’s financial position.

The Town reviews the School Committee’s meeting notices, there the Town Administration is aware of potential actions by the School Committee that may impact the School Department’s financial position.

Section 304(g) of the Town Charter gives the authority to the Town Administrator to requests this information already.

(g) To coordinate the activities and programs of all departments and agencies of the town including any and all boards or commissions whose members are chosen by the town council. All such departments and agencies shall submit periodic reports to the town administrator as he or she shall direct, and supply him or her with any and all information regarding their work which he or she may request.”

The below Charter changes were approved by the Committee for forwarding to the Town Council for consideration and inclusion in the November 6, 2018 election referendum questions. Questions and text are as submitted by the Town Solicitor.

TOWN OF MIDDLETOWN CHARTER REVIEW COMMITTEE
PROPOSED AMENDMENTS TO MIDDLETOWN TOWN CHARTER

The Charter Review Committee of the Town of Middletown recommends the following amendments to the Middletown Town Charter. Listed below is each question worded as it might appear on the ballot, followed by the full text of the proposed amendment, with words set as strikethrough to be deleted from the Charter and words underlined to be added to the Charter, followed by a summary description of rationale for the proposed amendment.

Question __ Amends Article II, The Town Counsel, § 202. Qualifications of members; vacancy occurs if member becomes disqualified

“Shall the Charter be amended to set limits on the number of consecutive terms members of the Town Council may serve?”

Members of the council shall be qualified electors of the Town of Middletown and shall hold no other paid public office or employment in the service of the town. Current service as notary public, justice of the peace, membership in the national guard or naval, air or military reserve or employment by any of the educational institutions maintained by the state, shall not disqualify persons for council membership. No member of the council shall be eligible to accept any other paid local town office during his or her tenure on the council or for a period of one year thereafter. No member of the council shall serve more than three (3) consecutive partial or full terms on the council, without at least a two-year interval before serving any additional term(s). The office of any council member who shall, during his or her term, cease to meet the foregoing qualifications, shall be deemed vacant.

Summary: The proposed amendment seeks to encourage greater political participation by requiring members of the town council who have served three consecutive terms to take a two-year break before serving any additional terms.

Question __ Amends Article VI, Town Officials; Municipal Court; Probate, § 608. Judge of the Municipal Court

“Shall the Charter be amended to reflect the Town Council’s power to appoint alternate municipal judges in the event of vacancies?”

The town council may appoint a member in good standing of the bar of the State of Rhode Island, with no fewer than 5 years of experience in the active practice of law, to sit as judge of the municipal court for a term of 2 years

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and subject to re-appointment. Whenever such judge of the municipal court is a party or interested in any proceeding about to be heard in his or her court, or is absent or unable to perform his or her duties, or there is a vacancy in the office of judge, the council shall designate a qualified member of the bar of the State of Rhode Island to act as a municipal judge. The fact of such interest, absence, inability or vacancy shall be recorded in the records of said court.

Summary: The proposed amendment would confirm the Town Council's power to appoint alternate municipal judges in the event of vacancies, consistent with the Town Council's power to appoint alternate probate judges in §609 of the Charter.

Question __ Amends Article VII, Town Departments, § 701. Police

“Shall the Charter be amended to modify the qualifications for chief of police to broaden the potential pool of candidates and include requirements consistent with the needs of the Town?”

There shall be a police department, the head of which shall be the chief of police, who shall be a police officer with at least ten five years of experience above the rank of patrolman in any an organized police department or equivalent experience in a state or federal law enforcement agency, have demonstrated experience in the organization, administration, management and direction of police officers and possess such other qualifications as the Town Council may prescribe, consistent with the needs of the Town. The chief of police shall be appointed by the town administrator. In addition to the chief of police, there shall be a deputy chief and such other subordinate officers and patrolmen, all of the aforesaid serving full time, as shall from time to time be determined by the town council. The further organization of the department into divisions or offices or grades shall be made by the town council on recommendation of the town administrator after conferring with the chief of police. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the town and rules and regulations in accordance therewith. The chief of police and other members of the department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the state and the town ordinances. The chief of police shall be in direct command of the police force and shall, subject to the approval of the town administrator and town council, make rules and regulations concerning the conduct of all officers and subordinates.

Summary: The proposed amendment seeks to broaden the potential pool of candidates for chief of police by reducing the years of experience as a police officer above the rank of patrolman from ten to five years, adding a requirement for experience in the administration, management and direction of police officers, and allowing the Town Council to require such other qualifications consistent with the needs of the Town.

Question __ Amends Article VII, Town Departments, § 706. Finance

“Shall the Charter be amended to allow the duties of the tax collector and the human resources manager to be separated from those of the Finance Director?”

There shall be a department of finance headed by a finance director, who shall have ten years prior financial management experience in the public or private sectors and be appointed by the town administrator. There shall also be a deputy finance director, appointed by the town administrator, who shall assist the finance director and shall exercise the powers and perform the duties of the office of finance director in case of the absence or disability of the finance director. The finance director shall act as town treasurer, ~~town tax collector,~~ and purchasing agent, ~~and human resources manager,~~ and shall exercise those powers and perform those duties prescribed for these offices now or in the future by this Charter and the Constitution and laws of the state. The finance director shall also have such additional powers and duties as may be assigned to him or her by the town administrator.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector and the human resources manager to be separated from those of the Finance Director.

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Question __ Amends Article VII, Town Departments, § 711. Town engineer

“Shall the Charter be amended to require that the town engineer be a registered engineer?”

There shall be a town engineer appointed by the town administrator. The town engineer shall be a civil engineer, a registered professional engineer, and need not be a resident of the Town of Middletown. He or she may be appointed to serve either full time or part time. He or she shall be available to provide engineering advice and services to the town administrator, the town council, and all other departments, offices and agencies of the town government. He or she shall be responsible for the custody and proper maintenance of all the files and records that pertain to his or her office, including surveys, plans, maps and the like. He or she shall maintain these files and records in the Town of Middletown. The results of all engineering studies or similar work he or she performs for the town shall become the property of the town. (Added, November 4, 2008.)

Summary: The proposed amendment would require that the town engineer be a registered professional engineer.

Question __ Creates Article VII, Town Departments, § 712. Tax Collector (New Section)

“Shall the Charter be amended to allow the duties of the tax collector to be separated from those of the Finance Director?”

There shall be a tax collector appointed by the town administrator, who shall be responsible for the collection of all taxes and assessments levied by the Town. The tax collector has all the powers, rights and duties prescribed for said office now or in the future by this Charter and the Constitution and laws of the state. The tax collector shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector to be separated from those of the Finance Director.

Question __ Creates Article VII, Town Departments, § 713. Human Resource Manager (New Section)

“Shall the Charter be amended to allow the duties of the human resources manager to be separated from those of the Finance Director?”

There may be a human resource manager appointed by the town administrator, who shall be responsible for the development and daily administration of the Town’s human resource management system, and to ensure that said system meets the current and projected needs of the Town and is compliant with local, state and federal laws and regulations affecting the Town’s workforce. The human resource manager shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the human resources manager to be separated from those of the Finance Director.

Question __ Amends Article VIII, School Department, § 801. School committee - Established; number and election of members.

Shall the Charter be amended to increase the number of school committee members from five to seven and set limits on the number of consecutive terms members of the school committee may serve?”

There shall be a school committee consisting of five seven members, each of whom shall be elected from the town at large by the electors of the Town of Middletown, to serve for a term of four years and until a successor is elected and qualified. Three members of the committee shall be elected at the first election after the adoption of this Charter and at said elections every fourth year thereafter and two four members shall be elected at the subsequent biennial election and at said elections every fourth year thereafter. The election of school committee members shall be by nonpartisan election, an election without designation or identification of political affiliation. No member of the school committee shall serve more than two (2) consecutive partial or full terms on the committee, without at least a two-year interval before serving any additional term(s).

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Summary: The proposed amendment seeks to encourage greater political participation by increasing the number of school board committee members from five to seven, and requiring members of the town council who have served three consecutive terms to take a two-year break before serving any additional terms.

Question __ Amends Article VIII, School Department, § 806. Same - Organization, rules and journal of proceedings.

“Shall the Charter be amended to require that the school committee clerk to be a member of the school committee?”

The school committee shall elect from its membership a chairman, ~~and a vice-chairman and a clerk, all of both of~~ whom shall serve at the pleasure of the school committee. ~~The school committee shall also appoint a clerk, who need not be a member of the school committee and shall serve at the committee's pleasure.~~ The chairman or the clerk may sign any orders and official papers, and the clerk, under the direction of the school committee, shall keep a journal of the proceedings of the committee. The school committee shall adopt its own rules and order of business.

Summary: Together with Section 814, requiring the school committee clerk to be a member of the school committee will provide greater internal controls, by ensuring that purchase vouchers are signed by two people, rather than one.

Question __ Amends Article XII, Amendment of Charter; Separability of Provisions of Charter, § 1201. General Provisions

“Shall the Charter be amended to revise the first sentence of this provision so as to more clearly reflect the separate and distinct issues?”

This Charter may be amended at any time, in the manner provided by the Constitution, and shall be reviewed at least every ten years ~~in the manner provided by the Constitution~~. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the town clerk and inserted in their appropriate places or added to the Charter.

Summary: This amendment would clarify the process for amending and reviewing the Charter.

Next Meeting

No further Committee meeting are scheduled.

The meeting was adjourned at 6:30 PM.

Respectfully Submitted,

/s/ Richard Adams, Secretary