

**REGULAR MEETING of the Burrillville Charter Review Commission held February 3, 2016 at 7:00 P.M in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, RI.**

**MEMBERS PRESENT Robin Schutt, Dennis Anderson, Kelly C. Hunt, James Alix, David Houle, Arthur R. Hurley, James A. Langlois and Elizabeth Lees**

**MEMBERS ABSENT: None**

**It was noted that Donison Allen had resigned from the Commission to accept a position on the Burrillville School Committee. The Commission extended thanks and congratulations to Mr. Allen.**

**Minutes**

**VOTED to accept the minutes of the December 16, 2015 and January 7, 2016 Charter Review Commission meetings and dispense with the reading of said minutes. Motion by Arthur R. Hurley. The motion carried unanimously.**

**Public Comment: None**

**VOTED to close public comment. Motion by Arthur R. Hurley. The motion carried unanimously.**

**Invoices:**

**MOTION to approve invoice #03 from K. Lockaby in the amount of \$200.00.**

**Motion by James Alix.**

**AMENDMENT, adding “subject to the return of any town property”.  
Amendment by James Alix.**

**The Amendment carried unanimously. The Main Motion carried unanimously.**

**New Business:**

**#9 VOTED to open discussion, consideration and action regarding whether the Charter Review Commission should recommend Charter amendments relative to the Personnel Board and/or human resources position or department.**

**Motion by Arthur R. Hurley. The motion carried unanimously.**

**VOTED to open public hearing. Motion by Dennis Anderson. The motion carried unanimously.**

**There was no discussion from the public.**

**VOTED to close public hearing. Motion by Dennis Anderson. The motion carried unanimously.**

**Discussion: Michael C. Wood, Town Manager and Robert Tetreault, Personnel Board, were present for the discussion at the Commission's request. The proposal to recommend Charter amendments relative to the Personnel Board and/or human resources position or department was reviewed and discussed.**

**VOTED to get a legal opinion to determine whether the ability already exists to create the position of a personnel director for all departments of the town, to include the school and sewer specifically. Motion by Arthur R. Hurley. The motion carried unanimously.**

**#29 VOTED to open discussion, consideration and action regarding whether the Charter Review Commission should recommend Charter amendments relative to adding a provision for a Historic District Commission.**

**Motion by David Houle. The motion carried unanimously.**

**Mark Thompson of North Hill Road suggested that the Charter Review Commission should recommend a referendum to establish by Charter an Historic District Commission to oversee the federally recognized historic districts. Thomas J. Kravitz, Town Planner and Joseph**

**Raymond, Town Zoning Official, will be invited to the February 17, 2016 meeting for the continuation of the discussion.**

**VOTED to close. Motion by James Langlois. The motion carried unanimously.**

### **2015 Charter Review Commission Tracking Chart:**

#### **Part One: Pending Items**

**VOTED to open. Motion by James Alix. The motion carried unanimously.**

**#6 & 21 Consider and act on submission from Margaret L. Dudley regarding expanding Town Council authority over the School Department and Sewer Commission as it relates to salary and benefit changes.**

**VOTED that we not make any change relative to this suggestion that affects 3.14 and 19.07. Motion by Dennis Anderson. The motion carried unanimously.**

**#7 Consider and act on Sec. 7.03, Town Solicitor: Duties as they relate to the School Department.**

**VOTED to open. Motion by James Alix. The motion carried**

**unanimously.**

**VOTED to accept the language that the Town Clerk has suggested (as follows):**

**Section 7.03. - Duties.**

**The Town Solicitor shall serve as chief legal advisor to all town departments, commissions, offices or agencies, including the Town Council, and the Manager and the School Committee. The Town Solicitor shall appear for and protect the rights of the Town in all actions, suits, or proceedings, civil or criminal, in law or equity, brought by or against it, or for or against any of its departments, commissions, offices or agencies, including the Town Council, and the Manager and the School Committee. Nothing herein shall prohibit the School Committee from retaining independent legal counsel as they deem necessary and convenient. The Town Solicitor shall also perform such other duties, appropriate to his/her office, as the Town Council and the Manager may require. The Town Solicitor shall examine and recommend the form of all ordinances and resolutions, of all invitations to bid, contracts, and other legal documents issued by any department, commission, office or agency of the Town.**

**Motion by Kelly Hunt. The motion carried unanimously.**

**#8 Consider and act on Sec 8.12 et seq, Purchasing Agent as it relates to School Department Purchases.**

## **Discussion:**

**The Charter Review Commission reviewed Charter language which states, in part:**

**Section 8.11. - Purchasing Agent. There shall be within the Department of Finance, a Purchasing Agent, who shall be the Manager, or someone appointed by him/her. The Manager may appoint the Director of Finance as Purchasing Agent.**

**Section 8.13. - Powers and Duties. The Purchasing Agent, or an officer appointed by him/her, shall purchase or contract for all supplies, materials and the equipment required by any department, commission, office or agency of the Town, including the School Department, and establish and enforce specifications with respect to supplies, materials and equipment.**

**The Commission members agreed that current Charter language is appropriate. The Commission noted that the process appears to be that the Finance Director tacitly appoints the School Business Manager as purchasing agent for the School Department as provided in §8.13 and that the process is effective. The Commission to will consider suggesting the procedure be formalized to better comply with the Charter.**

**VOTED to not change the language but to send a memorandum.**

**Motion by Arthur R. Hurley. The motion carried unanimously.**

**VOTED to rescind the vote. Motion by James Langlois. The motion carried unanimously.**

**VOTED to leave the Charter language as is and put this in a recommendation to the Town Council for future compliance . Motion by Arthur R. Hurley. The motion carried unanimously.**

**#28 VOTED to open consideration and action on submission from Councilor Donald Fox relative to Sec. 18.06, Sewer Commission, regarding his proposal that the Sewer Commission become a department of the town.**

**Motion by James Alix. The motion carried unanimously.**

**MOTION to leave the Charter language as is. Motion by Kelly Hunt. The motion failed, four in favor, four opposed. Voting in favor Kelly C. Hunt, James Alix, James A. Langlois and Elizabeth Lees. Voting in opposition were Robin Schutt, Dennis Anderson, David Houle and Arthur R. Hurley.**

**MOTION to put it out for referendum. Motion by Dennis Anderson. The motion failed, four in favor, four opposed. Voting in favor Robin Schutt, Dennis Anderson, David Houle and Arthur R. Hurley. Voting in opposition were Kelly C. Hunt, James Alix, James A. Langlois and**

**Elizabeth Lees.**

**VOTED to get a legal opinion of what's the process to change sewer commission from what it is to being part of the town. Motion by Arthur R. Hurley. The motion carried, seven in favor, one opposed. Voting in favor were Robin Schutt, Dennis Anderson, James Alix, David Houle, Arthur R. Hurley, James A. Langlois and Elizabeth Lees. Kelly C. Hunt voted in opposition.**

**Part Three: Items to be recommended for amendment**

**Discussion and Action on Recommended Burrillville Charter Changes: Revision #1**

**The Commission asked that the description of item #1 be changed to clarify that the amendment is to enable the Board of Canvassers to comply with RIGL §17-19-7 which requires that a local question must be submitted to the Secretary of State no later than fifty (50) days before any town election so that suitable ballots may be prepared and furnished for the election.**

**VOTED to accept, with one change, as follows:**

**Recommended**

**Burrillville Charter Questions**

## **#1: Section 2.07**

**Shall Section 2.07 of the Charter be amended to change the schedule for a vote of the Town on a recall petition to provide for a vote to be held not less than 60 (sixty) days and not more than 90 (ninety) days from the date that the Board of Canvassers certified the petition as sufficient?**

**Effect of the change: If adopted, this change would increase the timeframe for holding the vote on a recall of an elected official. The change is from “not less than 30 days and not more than 60 days” to “not less than 60 days and not more than 90 days”. The reason for the recommended amendment is that state law requires that the question be submitted to the Secretary of State no later than 50 days before a town election so that ballots may be prepared and furnished for the election.**

## **#2: Section 8.09 (E)**

**Shall Section 8.09 (E) of the Charter be amended, removing the words “by check” as follows: (E) Pay out funds by check, such payments being made only after compliance with the provisions of Section 8.01, article (subsection) (a) and authorization of the Town Manager.**

**Effect of the change: If adopted, this change would allow for payment of funds by the town through means other than check such as electronic transfer.**

**#3: Section 10.05. - Budget Schedule and Procedures.**

**Shall Section 10.05 (A) of the Charter be amended to require that all estimates for capital and operating expenditures by the departments, commissions, offices and agencies of the Town Government for the ensuing fiscal year shall be submitted to the Budget Board no later than the second Monday in January?**

**Effect of the change: If adopted, this change would require that estimates for capital and operating expenditures be submitted to the Budget Board several weeks earlier to allow the Budget Board time to develop their budget recommendation.**

**#4: Section 12.11**

**Shall Section 12.11. - Minimum Housing Officer, which read “There shall be a Minimum Housing Officer, who shall be appointed by the Town Manager to perform duties prescribed by ordinances of the Town Council and the General Laws of Rhode Island, including, but not limited to Chapter VIII of Revised General Ordinances, Town of Burrillville, RI, 1972 and all amendments thereto.” be repealed in its entirety?**

**Effect of the change: If adopted, this change would eliminate a reference to an obsolete Town Ordinance.**

**#5: Section 18.03**

**Shall Section 18.03. - Sealer of Weights and Measures, which**

**provides that, “There shall be a Sealer of Weights and Measures appointed by the Town Manager. The powers and procedures of said office shall be as prescribed by law.” be repealed in its entirety?**

**Effect of the change: If adopted, this change would eliminate the town position of Sealer of Weights and Measures, a position that is presently appointed by the state Department of Labor and Training.**

#### **#6: Section 18.05**

**Section 18.05. - Department of Public Welfare, which provides that, “There shall be a Department of Public Welfare, the head of which shall be the Town Manager or someone appointed by the Manager, approved by the Town Council.” be repealed in its entirety?**

**Effect of the change: If adopted, this change would eliminate the town position of Department of Public Welfare, a service that is presently provided by the State of Rhode Island.**

**Motion by Arthur R. Hurley. The motion carried unanimously.**

#### **Part Four: Technical Changes**

**VOTED to recommend that the Town Council adopt a resolution making technical changes to the Burrillville Town Charter pursuant to Sec. 19.15 of the Charter, (as follows):**

**Burrillville Town Council**  
**Resolution Amending Town Charter**  
**(Technical Changes)**

**WHEREAS, the Burrillville Town Charter, Sec. 19.15, provides that “The Town Council, by resolution, may amend the Charter to realign functions prescribed by the Charter to the appropriate departments and to make necessary changes in the section and article numbers of the Charter to reflect the changes in the amendments adopted by the electors of the Town, including the authority to edit the text of the Charter.; and**

**WHEREAS, the 2015 Charter Review Commission has identified several areas of the Charter that reference obsolete ordinance and Charter numbering.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby amend the Burrillville Town Charter pursuant to Sec 19.15, as follows:**

**Section 10.05(I)(5)**

**5) Continuation. Upon the certification of any such petition for a referendum by the canvassing authority pursuant to subsection 11.0510.05 (I) 2 and 3 of this article, if such petition calls for the reduction or elimination of an item or items in the budget as adopted, expenditures shall continue to be made at the same rate in accordance with subsection 10.04 (k) of this article, until the**

referendum thereon has been held and the issue resolved; provided however, that in the case of a petition calling for a reduction in the total School Department budget, the School Department may continue to spend and/or obligate funds until the referendum is resolved, so long as the rate of expenditure and/or obligation does not exceed that of the previous fiscal year during the same period of time.

#### **Section 12.04. - Powers and Duties.**

The Planning Board shall have such powers and perform such functions as are granted or assigned to it by the General Laws of Rhode Island or by town ordinance. The Planning Board shall administer the sub-division ordinance of the Town as required by that ordinance. Without exclusion of other powers and duties stated in the General Laws of Rhode Island or town ordinances it shall also be responsible to undertake such other work as may be assigned by the Town Council in connection with the physical growth and development of the Town as affecting the health, safety, morals and general welfare of the people and economy and efficiency of community life. The Planning Board shall provide accurate records of its examinations, official actions, and all proceedings to the Town Clerk in accordance with section 4.02 E.

#### **Section 12.08. – Powers and Duties.**

(E) The Board shall hear and decide special use permits to the terms of the ordinance, only when such special exception is specifically

**listed as "Use allowed by special exception" in Section 1130-5, Zoning District Use Regulations of the local zoning ordinance.**

**Section 14.02. - Powers and Duties.**

**The Department of Public Works shall be responsible for the functions and services of the Town, relating to highways, bridges, engineering, public parking lots, solid waste disposal, including maintaining town grounds, public parks, playgrounds, beaches, recreation facilities and public buildings, except those of the School Department, unless requested under Section 11.10 (H), and such other public works activities as may be defined by ordinance.**

**Section 17.08. - Charter Amendments.**

**The first amendment to the Charter, as approved by the electorate on November 6, 1990, became effective January 1, 1991.**

**The second amendment to the Charter became effective January 1, 1997.**

**The third amendment to the Charter shall become effective January 1, 2005.**

**The fourth amendment to the Charter became effective January 1, 2011.**

**The fifth amendment to the Charter shall become effective January 1,**

**2017.**

**Motion by Kelly Hunt. The motion carried unanimously.**

**Communications:**

**VOTED to file, with thanks, the copy of correspondence from Donison Allen to the Burrillville Town Council regarding his resignation from the Charter Review Commission.**

**Motion by Elizabeth Lees. The motion carried unanimously.**

**General Discussion of the Project**

**Consider and act on developing a list of issues for which the Commission requires a legal opinion. Two items discussed earlier on the agenda will be referred to the solicitor. There were no additional items discussed at this meeting.**

**Consider and act on method of preparing and submitting a final report to the Town Council. The process for the Charter Review Commission to conclude their work was discussed. There were no votes taken.**

**General Discussion of the Project: There was no further discussion.**

**Items for future agenda: There was no further discussion.**

**VOTED to adjourn at 8:47 p.m. Motion by Arthur R. Hurley. The motion carried unanimously.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**