

**Meeting Minutes, West Warwick Charter Review Commission**  
**Monday, March 29, 2010 6:30PM**  
**Place: Town Council Chambers, Town Hall**  
**1170 Main Street West Warwick, RI**

- A. Meeting called to order by Commission Chairman Henseler at 6:30PM**
- B. Pledge of Allegiance**
- C. Roll Call-**

**Members present:**

<b>Sean Henseler</b>	<b>Joseph Gardosik</b>
<b>Brian Tucker</b>	<b>Barbara Tabak</b>
<b>Mark Bourget</b>	<b>Felix Appolonia</b>
<b>Giovanni Calise</b>	<b>Frank Parente, Sr.</b>

**Member late:**

**Ronald Nunes**

**D. Secretary determines a quorum is present. No audience members present. Guest speaker Town Solicitor Timothy Williamson present.**

**E. Motion made by Joseph Gardosik to waive to reading of the previous meeting minutes and accept minutes. Motion second by Barbara Tabak. Motion carries by unanimous vote.**

**G. Chairman Henseler review of old business**

**H. Guest Speaker: Town Solicitor Timothy Williamson. Below is a list of questions presented by the Charter Commission to Solicitor Williamson and his response:**

**1. Q: Where there is language that has become overtaken by events—a vestige of a former version of the charter no longer in force-can it be removed without putting it to a public vote? E.g. Article 301 after second sentence, 402 1<sup>st</sup> sentence, 502 c last sentence, art 507-word men in last sentence, entire ART XXIII.**

**A. Section 225 of the Charter dictates course of action. Articles must be changed through amendment process, no language changes without going through the voters. Blanket revisions could be made on ballot but must be specific as to the change (i.e. change “may” to “shall”)**

**2. Q: Article 102- if a proposal to adopt a mayoral form of government is placed on the ballot—must it be accompanied by all of the various powers and duties that the charter commission would recommend—of can that be done at a later date (e.g. simply replacing the word mayor for town manger isn’t sufficient—a mayor would need broader powers for the commission to even recommend that as an option.)**

**A. All duties and powers for new position must be included on the ballot.**

**3. Q: Article 202- what is the term of office for canvassers per state law? 303/915- residency requirement for town manager—are these consistent? Is this requirement legal?**

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**A. Part I- RI General Law 1782- Board of Canvasser Members appointed for 6yrs- statute supersedes any articles in Charter. Part II- Article 303-9-15- Can be done through contract only to residency requirement for position of Town Manager. Section of Charter would need to be deleted by voters. Solicitor recommends that the word “bi-partisan” be removed from the Article and wording be changed to reflect that no party can have more than a particular number of members on the board.**

**4. Q: Article 308H- commission wants to recommend that town manger shall participate in all town labor contract negotiations- to include the school dept—does state law allow this? and**

**5. Article 406R- can the language “other than school dept contracts” be removed pursuant to state law**

**A. Labor negotiations by Town Manager not allowed per RIGL16-2-9. A bill is currently before the General Assembly in an attempt to change.**

**6. Q: Article 406S- there seem to be multiple provisions of the charter not being adhered to- can townspersons force the council to enforce this section in some manner (e.g. how can citizens ensure the charter is being adhered to).**

**A. Article 406-S- To make Town Council or School Committee compliant with Charter would require legal action in a court of law.**

**7. Q: Article 501- would state law preclude sliding the date of the financial town meeting to the right to allow for more accurate numbers of stat aid? Pros/cons.**

**A. Moving the Town Financial Meeting would require enabling legislation through the General Assembly. City of East Providence has done so. Supplemental budgets make this change difficult.**

**8. Q. Article 502 F- be prepared to discuss council’s authority wrt the school budget.**

**A. Article 502-F prohibits. Also see Title 16.**

**9. Q: Article 505 last sentence- be prepared to discuss.**

**A. Article is OK as written. Appropriation needs to happen as close to end of fiscal year as possible in case of unforeseen emergency.**

**10. Q: Article 508- be prepared to discuss wrt school department spending more than allocated at town financial meeting.**

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**A. Under title 16 there is no penalty in place for School Department overspending the budget. One way around this would be verbiage in the Charter could read “In the event that any elected body violates State law with regard to overspending it’s budget...” Problem in determining when an elected body is over budget.**

**11. Q: Article 1501, 1502, 1601, 1801, 2003—there “shall be”—but if there isn’t- and charter is not being complied with- how does 406S play into this and can citizens force compliance with the charter.**

**A. Charter needs definition of jobs. What do Town Planner and Personnel Director do? DPW needs chain of command under the umbrella of the Department of Public Works.**

**12. Q: Article 1506- why is code enforcement in public works—and if in reality it isn’t there should charter be amended to reflect reality OR does 406S kick in...e.g. the town charter is our form of government—at certain points there is no discretion—yet the charter is not being adhered to—how, if at all, an citizens force compliance with the charter (lawsuit? Can we build a provision into the charter?)**

**A. See answer to question 11.**

**13.Q. Article 1901- can 4 yr term be reduced to 2, can we elect by ward and at large?, can we adopt providence model—town council appoints school comm. Members?**

**A. Part1- Term is 4yr. per state law. 3 Towns/Cites are currently exempt. Would require enabling legislation through GA to add West Warwick to the list. Part 2- Would need to go through General Assembly. Part 3- Can be done by ward.**

**14. Q: Article 1905- why isn’t this exactly the same as town council at article 406? Any legal reason why it can’t be made so?**

**A. Article can be amended without violating state law. Nothing prohibits change by Charter but cannot set School Committee.**

**15. Q: Article 1906- in general be prepared to discuss**

**A: Powers and duties of the position must be defined.**

**16. Q: Article 2101- why just school committee not town council?**

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**A: Article can be amended without conflicting state law. Commission may want to add the words “including Town Council.”**

**17. Q: Powers, duties, and authorities of superintendent- be prepared to discuss state law.**

**A. Title 16-2-11 spells out by state law.**

**18. Q: Term limit for town manger- any legal issues?**

**A: If position is appointed cannot have term limit. Otherwise language could be written into Managers contract stating contract will not exceed a certain limit.**

**19. Q: Tax cap in the charter—legal?**

**A: Would need to be specific. Property taxes are limited by state law and Charter could mimic.**

**20. Q: Director of human services-who-can they be dual-hatted?**

**A: Again, must define the position. In Solicitors opinion town should have 2 separate positions.**

**21. Q: Charter says school comm. Can’t overspend their budget- if they do can there be a provision that sets a penalty for doing so? 406S?**

**A: See answer to question 10.**

**I. Set agenda for next Charter meeting. Invitees to include School Committee, School Superintendant and representative of Providence School Committee.**

**J. Motion to adjourn by Joseph Gardosik. Second by Vice Chair Calise. Motion carries by unanimous vote. Meeting adjourned at 9:10PM.**