

**REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY
WEDNESDAY – MARCH 16, 2016 – 5:30 P.M.**

1. 5:30 P.M. CALL TO ORDER

Present: Lawrence Cioppa, Chair
Chris Lawlor, Filer (entered 5:46 p.m.)
James Angelo
Richard Dudley
John Formica
Christian Lund
Nina Rossomando
Paula Ruisi (entered 5:36 p.m.)
Stephen Turano

Also Present: Donna Giordano, Town Clerk
Cathy Brayman, Deputy Town Clerk and Board of Canvassers Clerk
Benjamin Delaney, Recording Secretary

2. 5:31 P.M. UNFINISHED BUSINESS

Mr. Cioppa stated the Commission was considering revisions to the form of elections and number of Town Councilors in the Town.

Ms. Brayman summarized current municipal voting information and stated any potential changes would be most sensible to take place following the availability of 2020 Census data on April 1, 2021.

(Ms. Brayman exited)

Motion by Mr. Angelo, Seconded by Mr. Turano, to adopt Robert’s Rules of Order as a guide to conduct meetings. (Voted unanimously)

Ms. Giordano stated Jason Gramitt, Education Coordinator, Rhode Island Ethics Commission, would be available to attend any meeting in April on a Tuesday or Thursday.

(Ms. Ruisi entered)

Motion by Mr. Angelo, Seconded by Mr. Turano, to move the meeting date of the first week in April from Wednesday, April 6, 2016 to Thursday, April 7, 2016. (Voted unanimously)

Mr. Cioppa, Mr. Formica and Ms. Rossomondo volunteered to visit the Westerly Public Library Auditorium in preparation of the first Public Input meeting.

Ms. Giordano confirmed the second Public Input meeting would be held in the Terrace Room on the third floor.

Discussion was held regarding strengths and weaknesses of At-Large, District and Mixed election systems. The Commission noted concerns of representation and the number of candidates filing.

Motion by Ms. Ruisi, Seconded by Mr. Turano, to maintain the at-large form of elections. (Voted 7 to 1

– Mr. Formica against)

(Mr. Lawlor entered)

Discussion was held regarding the reduction of Town Councilors from 7 to 5. The Commission noted concerns of the level of involvement of Town Councilors and Ms. Giordano stated, on behalf of Council President Silvestri, he supported a 7 member Town Council with staggered terms.

Motion by Mr. Angelo, Seconded by Mr. Dudley to maintain a 7 member Town Council. (Voted unanimously)

Ms. Giordano stated a previous recall procedure was drafted and was not included on a ballot. Mr. Angelo stated he drafted a Code of Conduct for all officials to be included in the Charter as a foundation for potential recalling. The draft article stated:

“Nature of Offense or Offenses – Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the person as a Town official, seriously compromises the official character as a public official or action or behavior in an unofficial or private capacity which, in honoring or disgracing the official personally, seriously compromises the person’s standing as a public official. There are certain moral attributes common to the ideal of a public official- a lack of which indicates by lack of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice, drug [or] alcohol abuse, fraternization with subordinates or cruelty. The public official must be mindful of even the appearance of a conflict of interest in his official capacity. The Town official will refrain from interfering with Town employees in the performance of their duties and responsibilities. Not everyone is or can be expected to meet unrealistically high moral standards but there is a limit of tolerance based on the usual and customary behavior expected of a public official. This article includes acts made punishable by law.”

Discussion was held regarding the inclusion of the draft Code of Conduct. Ms. Rossomondo questioned the specificity of the text and Mr. Angelo noted a past court decision allowed a challenged official to remain in their position.

(Ms. Rossomondo exited)

Mr. Dudley questioned the possibility of extending the existing guideline on page five to include all officials and discussion was held regarding this.

(Ms. Rossomondo reentered)

Discussion was held regarding the specificity of the text and whether failure or refusal to recuse is included.

Motion by Mr. Formica, Seconded by Mr. Lawlor, to adopt this paragraph for further discussion for all officials of the Town, elected or appointed.

Ms. Rossomondo and Ms. Ruisi requested the vote be deferred to allow further review. Additional discussion was held regarding the specificity of the text. Ms. Giordano confirmed the existing guideline on page five was added in 2015.

Discussion was held regarding amending the motion to include the text “such as conviction of a felony or misdemeanor” in part or in full.

Motion by Mr. Cioppa, Seconded by Mr. Formica, to amend the original motion to include the text “such as conviction of a felony or misdemeanor.”

The motion to amend was withdrawn.

Ms. Giordano stated the Town’s Oath of Office contains the same language for all officials.

Discussion was held regarding whether the draft Code of Conduct and page five guidelines addressed situations in which the State does not identify behavior as unethical due to interpretation of the law or other reasons.

Motion by Mr. Cioppa, Seconded by Mr. Formica, to amend the original motion to include “such as indictment for a felony, conviction of a misdemeanor or finding of probable cause of violation of the Code of Ethics made by the Rhode Island Ethics Commission. (Voted unanimously)

Additional discussion was held regarding the specificity of the draft Code of Conduct.

A vote on the amended motion was tabled to the March 23, 2016 regular meeting.

The Commission requested the attendance of the Town Solicitor to discuss draft text for a Code of Conduct which would also serve as a Reason for Recall.

Ms. Rossomondo was requested to consider alternate text for the draft Code of Conduct.

The Commission reviewed and held discussion regarding the 2008 draft procedure for recall. Ms. Giordano stated the fulfillment of vacancies is discussed elsewhere in the Charter.

Motion by Mr. Dudley, Seconded by Mr. Angelo, that [the 2008 draft procedure for recall] be inserted into the Charter as a recall procedure.

Motion by Ms. Rossomondo, Seconded by Mr. Angelo, to amend the motion to include “no person who has been recalled from elected office or who has resigned from office while recall proceedings were pending against such person shall be appointed to any [Town] office or

position of employment within two years after such recall or such resignation.” (Voted unanimously)

(The amended motion was voted unanimously)

The Commission requested Ms. Giordano to forward, upon receipt, Mr. Angelo’s draft text for the address of technology in the Charter to the Town Manager, the Communications Specialist/IT Analyst and Information Systems Manager.

Mr. Angelo stated the draft text and summarized the purpose for its inclusion.

The Commission agreed to table discussion of technology to the March 23, 2016 regular meeting.

3. 6:58 P.M. APPROVAL OF MINUTES

Motion by Ms. Rossomondo, Seconded by Ms. Ruisi, to approve the minutes of the February 23, 2016 meeting. (Voted unanimously)

Motion by Mr. Lund, Seconded by Mr. Formica, to approve the minutes of the March 2, 2016 meeting. (Voted unanimously)

Motion by Mr. Formica, Seconded by Mr. Lund, to approve the minutes of the March 9, 2016 meeting. (Voted unanimously)

4. 7:01 P.M. NEW BUSINESS

Ms. Giordano stated red text in the second copy of the Town Charter provided at a previous meeting included suggestions from Town staff.

Discussion was held regarding the Director of Development Services and the Planning Board.

Ms. Giordano confirmed State law requires the separation of the Planning Board and the Zoning Board of Review.

Discussion was held regarding the organization of the Department of Development Services, including its relation to the Economic Development Commission.

The Commission requested an organization chart of the Town Government and the attendance of the Development Services Director at a future meeting.

Ms. Giordano briefly summarized the historical development of the offices in the Development Services Department.

The Commission was in consensus to table discussion for a future meeting.

Discussion was held regarding term limits for member of the Planning Board and Zoning Board of Review.

Motion by Mr. Angelo, Seconded by Ms. Ruisi that Planning Board and Zoning Board of Review

members not serve more than 2 consecutive terms. (Voted unanimously)

Mr. Cioppa confirmed a discussion of qualifications for appointment to the Planning Board and Zoning Board of Review and a vote on the draft Code of Conduct would be on the agenda for the March 23, 2016 meeting.

5. 7:28 P.M. ADJOURNMENT

Motion by Mr. Angelo, Seconded by Mr. Formica, to adjourn. (Voted unanimously)

Minutes for the March 16, 2016 regular meeting submitted by:

Benjamin Delaney