

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

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

Present: Lawrence Cioppa, Chair
Chris Lawlor, Filer
James Angelo
Richard Dudley
John Formica
Christian Lund
Nina Rossomando
Paula Ruisi
Stephen Turano

Also Present: Donna Giordano, Town Clerk
Benjamin Delaney, Recording Secretary

2. 5:30 P.M. APPROVAL OF MINUTES

Motion by Mr. Dudley, Seconded by Mr. Lawlor to accept the minutes of the March 23, 2016 regular meeting. (Voted unanimously)

3. 5:31 P.M. REPORTS

Ms. Giordano clarified for the Commission information technology (IT) does not require address in the Town Charter. She noted an advertisement for public hearing in the local newspaper will need to be submitted three days prior to the date.

Mr. Cioppa provided Commission members with pamphlets to be distributed. Each member volunteered to post the pamphlets at select locations.

Mr. Cioppa requested Commission members address the Chair when wishing to speak.

4. 5:39 UNFINISHED BUSINESS

Ms. Giordano stated for Mr. Angelo the IT Manager will be coordinating IT between the Town and Police Department and will report to the Town Manager. She noted several positions within the Town Charter are required by State law.

Mr. Angelo questioned the legal definition of a charter and what developments occurred resulting in the need for a charter’s adoption.

(Ms. Giordano exited at 5:44 p.m.)

12-1-1 Planning Board and 12-3-1 Board of Review

Mr. Angelo requested to discuss the number of members serving on the Planning Board and Zoning Board of Review. He cited State law and stated his support for the Planning Board to be made up of the State’s minimum of five members. He clarified for Mr. Lund the Planning Board currently has one alternate and the Zoning Board of Review currently has two alternates.

Ms. Rossomando and Mr. Dudley noted the Charter currently defers to ordinances to set the

Planning Board's organization, powers and duties.

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to revise 12-1-1 Planning Board as "there shall be a Planning Board of five members and one alternate whose organization, powers and duties shall be defined by ordinance."

Mr. Lund noted the authority of the Town Charter would supersede any ordinance.

Ms. Rossomando noted her concern the Commission's review process was mitigating the importance of certain areas identified as needing discussion.

Ms. Ruisi stated her support for discussion and revision to the area of Planning and Zoning.

Mr. Angelo clarified for Mr. Turano the positions of the sixth and seventh Planning Board members would not be filled following expiration of the member's term and a two-thirds quorum is needed for a motion to be carried.

Mr. Turano questioned if the Commission could make a recommendation to the Town Council which it would not include on an election ballot.

(Motion voted 7-2 with Mr. Lund and Ms. Rossomando against)

Ms. Rossomando stated the organization of the Planning Board should be defined by ordinance.

Mr. Lund stated the organization of the Planning Board should be defined by ordinance due to its greater flexibility.

12-4-1 Director of Development Services

Mr. Lawlor stated he was unsure if the Commission should set qualifications for the Director of Development Services and noted the position's job description was written by Human Resources with oversight by and involvement from the Town Manager.

Ms. Ruisi stated the position included several duties and responsibilities which should be outlined within the Charter for departmental efficiency. She stated all staff should be responsible for code enforcement.

Mr. Angelo stated code enforcement had improved with the establishment of the position.

Mr. Turano questioned if the Town could be sued regarding the Department of Development Services not being in accordance with the Town Charter.

Mr. Angelo stated the Commission was being asked to ratify the proposed text of Chapter IV Department of Development Services, which was reflective of current organization and operations.

Mr. Turano questioned why qualifications were included for only select positions.

Ms. Rossomando stated qualifications would be set by Human Resources and the Town Manager.

Mr. Lund cited the Town Council of the Town of Groton (Connecticut) was required to approve all Town job descriptions.

Mr. Angelo cited an additional requirement was compliance with Equal Employment Opportunity (EEO) law.

Motion by Mr. Turano, Seconded by Ms. Ruisi, to place qualifications for the position of Director of Development Services.

Mr. Turano clarified for Mr. Angelo qualifications to add would include education and work experience.

(Motion voted 2-7 with Mr. Cioppa, Mr. Lawlor, Mr. Angelo, Mr. Dudley, Mr. Formica, Mr. Lund and Ms. Rossomando against)

Mr. Lund stated qualifications would be best included in the job description.

Mr. Dudley stated qualifications for the position did not belong in the Town Charter.

Ms. Rossomando stated qualifications were a decision for Human Resources in conjunction with the Town Manager.

Mr. Angelo stated qualifications should be within the job description and placing qualifications in the Town Charter would be in conflict with EEO laws.

Mr. Cioppa stated the position was well-specified.

Mr. Formica stated qualifications should be within the job description.

Mr. Lawlor stated qualifications should be within the job description.

12-3-2 Revision of Zoning Ordinance and Map

Mr. Cioppa noted the Commission previously questioned who kept time regarding review of the Zoning Ordinance and Map.

Mr. Dudley stated the Town Council was responsible for keeping time.

7-1-1 Organization

Mr. Cioppa noted the Commission voted to reject the proposed organization of the Finance Department.

Mr. Angelo drew and summarized his proposed organization of the Department. The Finance Director would act as the Municipal Financial Officer and report to the Town Manager while the School Financial Officer would assist the Schools Superintendent and provide input to the Finance Director.

Ms. Rossomando requested confirmation neither the Town Manager nor their designee would serve as the Finance Director.

Mr. Angelo cited related State law and noted an issue of integration of the Municipal and School budgets. He confirmed the proposed text was the same as the current text with the addition of municipal and school budget accounting integration.

Mr. Lund recommended eliminating “who shall be the Town Manager or his designee” from the text.

Ms. Rossomando questioned if integration of the budgets should be include under 7-1-4 (proposed 7-1-3) Powers and Duties.

Motion by Mr. Angelo, Seconded by Ms. Rossomando, [to revise 7-1-1 Organization as] “there shall be a Department of Finance, the head of which shall be the Director of Finance, who shall report to the Town Manager. The Department shall be organized in as many divisions or offices consistent with the provisions of this Charter as may be deemed necessary by the Council on recommendation of the Town Manager. The Town Manager shall appoint the head of such divisions as may be created, except that the Chief Financial Officer of the School Department

shall be appointed by the Superintendent of Schools. The Chief Financial Officer of the School Department shall provide all School Department financial information as requested by the Director of Finance of the Town. The Director of Finance shall be responsible for the integration of the Town’s municipal budget with the School Department’s budget in order to produce a combined comprehensive, unified and complete master budget to the Town Manager.” (Voted unanimously)

7-1-2 Qualifications

Ms. Rossomando noted and questioned why the proposed text identified broader qualifications. Mr. Lund questioned if the qualification for municipal and school budgeting suggested by Mr.

Angelo would limit candidates for the position.

Mr. Turano, citing the suggestion of Mr. Angelo, questioned if “knowledge” should be specified as “working knowledge.”

Mr. Dudley noted many town charters require a related degree.

Motion by Mr. Formica, Seconded by Mr. Lawlor, [to revise 7-1-2 Qualifications as] “The Director of Finance shall have a working knowledge of municipal and school accounting and taxation and shall have had experience in budgeting and financial control.” (Voted 8-1 with Mr. Lund against)

Mr. Lund stated the revised text could restrict the number of viable candidates.

7-1-3 Salary of Director

Motion by Mr. Angelo, Seconded by Mr. Lund, to eliminate 7-1-3 Salary of Director. (Voted unanimously)

7-1-4 Powers and Duties

Discussion was held regarding the organization of powers and duties under the current and proposed text of the section.

Motion by Mr. Angelo, Seconded by Mr. Formica, to remove the current section 7-1-4 and replace it as 7-1-3 with the text “the Director of Finance shall be the Town Treasurer. Subject to the approval of the Town Manager, he or she shall: (a) appoint and may remove a Purchasing Agent, (b) appoint and may remove a Tax Collector [and] (c) may perform the duties of any office under his or her supervision, except that of the Tax Collector, and may consolidate one or more such offices under one person.” (Voted unanimously)

Mr. Cioppa recommended including the proposed duties of the Office of the Chief Financial Officer, ‘a’ through ‘j’ under the duties of the Town Treasurer as ‘d’ through ‘m.’

Ms. Rossomando noted the role of Town Treasurer would require different duties than the role of Chief Financial Officer and recommended ‘a,’ ‘b’ and ‘c’ be rewritten as ‘a1,’ ‘a2’ and ‘a3.’

Mr. Turano and Mr. Angelo questioned if the text “shall be the Town Treasurer” should be eliminated.

Mr. Lund noted the Town Treasurer may be legally defined at the State level and suggested the

Commission seek clarification.

Mr. Angelo stated for Mr. Turano the Town Manager would determine the annual salary of the Director of Finance.

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to keep the text of 7-1-4 relocated as 7-1-3. (Voted unanimously)

Motion by Mr. Dudley, Seconded by Mr. Lawlor, to insert a revised 7-1-4 with the title "Office of the Director of Finance and the text "the Office of the Finance Director shall: (a) maintain a general accounting system for the Town government and each of its offices, departments and agencies, (b) supervise and be responsible for the disbursement of all monies and have control in all expenditures to ensure that budget allotments are not exceeded, (c) keep separate accounts for the various departments, offices and divisions for which a separate allocation is made in the Town Budget, each of which accounts shall show the amount of funds appropriated, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, (d) notwithstanding the foregoing, both the Town Council and the School Committee shall at all times remain in control of their respective budgets. Additionally, in no way shall the Department of Finance or any provision of this Charter be deemed to abrogate the ability of the Town Council or the School Committee to maintain separate administrative oversight of its respective budget, (e) collect and receive all taxes and special assessments due and payable to the Town. He shall also receive all license fees, rents, funds, money receivable by the Town from the State and/or Federal Government, and from courts and from any department, office and agency of the Town, except as otherwise provided in this chapter, (f) prepare a Monthly Statement of all receipts and disbursements in sufficient detail to show the exact cash position and unencumbered position of the offices, departments, including the Westerly School Department, and agencies of the Town and to prepare as of the end of the fiscal year a complete financial statement and report, which report shall be deemed a public record, (g) have custody of all invested fund of the Town Government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the Town and the receipt and delivery of Town bonds and notes for transfer, registration or exchange, (h) prescribe uniform forms of receipts, vouchers, bills and claims to be used by all departments, offices and agencies of the Town, including the School Department and the Department of Public Works, (i) deposit all funds coming into his hands forthwith in such depositories as may be designated by resolution of the Council, subject to the requirements of law as to surety and payment of interest on deposits, but all such interest shall be the property of the Town and shall be accounted for and credited to the proper account, (j) receive delinquent installments, but no amount received by the Tax Collector for all taxes shall be applied to any current installment until all previous installments of taxes have been paid, and (k) upon being sworn into office, give bond to the Town Clerk with sufficient surety in such amount as the Council may prescribe for the faithful performance of the duties of his office." (Voted unanimously)

Mr. Cioppa confirmed the next Commission meeting would be held Thursday, April 7, 2016 at

5:30 p.m. and requested Mr. Lawlor to file a notice of public hearing for Saturday, April 9, 2016 from 9:00 a.m. to 11:00 a.m.

Mr. Angelo noted the Commission had discussed and made motions on three of the five critical items previously identified.

Mr. Cioppa confirmed for Mr. Lawlor changes may be made to the Commission's recommendations if there is a major reason for needing an amendment.

Mr. Dudley noted the Commission would need to establish a section in the Charter for the Economic Development Commission.

5. 7:28 P.M. ADJOURNMENT

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

Minutes for the March 30, 2016 regular meeting submitted by:

Benjamin Delaney

A handwritten signature in cursive script that reads "Benjamin Delaney". The signature is written in black ink and is positioned below the printed name.