

REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY  
WEDNESDAY – APRIL 20, 2016 – 5:30 P.M.

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

**Present:** Lawrence Cioppa, Chair  
Chris Lawlor, Filer  
James Angelo  
John Formica  
Christian Lund  
Paula Ruisi  
Stephen Turano

**Absent:** Richard Dudley  
Nina Rossomando

**Also Present:** Benjamin Delaney, Recording Secretary

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

**Motion by Mr. Lund, Seconded by Mr. Lawlor, to approve the minutes of the April 13, 2016 meeting with the amendment ‘public’ be corrected on page seven under new business. (Voted unanimously)**

**3. 5:33 P.M. REPORTS**

None

**4. 5:34 P.M. UNFINISHED BUSINESS**

**13-1-1 Solicitor and Appointment**

Mr. Cioppa cited the proposed revision of the text for 13-1-1 and noted Mr. Angelo drafted proposed responsibilities.

Mr. Turano noted 13-1-2 included specific qualifications.

**Motion by Mr. Turano, Seconded by Ms. Ruisi, to insert the staff-proposed revision as written (“The Town Solicitor shall be appointed by the Council upon formal application, upon the basis of his qualifications, and after a merit interview with the Council to serve for an indefinite term. Assistant Town Solicitors shall be appointed by the Council as set forth herein, to serve for a term concurrent with that of the Council and until their successors are appointed and qualified.”) under [13-1-1] Solicitor and Appointment. (Voted unanimously)**

**13-1-4 Duties**

Mr. Cioppa cited the text of 13-1-4.  
The Commission reviewed Mr. Angelo’s list of proposed tasks which the Town Solicitor would be responsible for.

Mr. Cioppa recommended the Town Charter be included in the responsibility to take appropriate action when aware of, knowledgeable of or observant of a legal violation.

Discussions were held regarding the tasks of taking instructions from the Town Council, supervising the implementation of agreements and coordinating the work of all parties involved including Town solicitors assigned to various boards.

Mr. Cioppa questioned if the revisions would intensify the position of Town Solicitor.

Ms. Ruisi stated the Town Solicitor has substituted for solicitors at past board meetings.

Mr. Angelo noted the Town Manager had proposed an Assistant Town Solicitor and a staff attorney position previously existed.

Discussions were held regarding acting on behalf of the Town in disputes and instructing other attorneys or specialist advocates to appear in court in complex disputes.

Mr. Angelo recommended the tasks of coordinating parties and instructing others to appear in court be combined.

Discussion was held regarding calculating claims for damages and compensation.

Ms. Ruisi noted insurance companies were not discussed in the existing Charter.

Discussion was held regarding protecting the rights of individuals and the definition of compensation.

Commission members recommended compensation be clarified as fair and equitable treatment.

**Motion by Mr. Angelo, Seconded by Mr. Formica, to put “(c) Once qualified, solicitors can work in private practice, in local or in the court service. The actual work carried out varies depending on the setting, the Solicitor’s specialist area and the nature of the case. In general however, tasks can include taking the Town Council’s instructions, drafting documents, letters and contracts tailored to the needs of the Town of Westerly and the Town Council, negotiating together with the Town Council and other professionals and/or organizations to secure agreed objectives, supervising the implementation of agreements, coordinating the work of all parties involved, including Town solicitors who are assigned to various Town Board, and instructing other attorneys or specialist advocates to appear in court for the Town in complex matters and disputes, arranging and attending further Town Council meetings where necessary to progress with the case and finalize documentation, protecting the rights of individuals to receive fair and equitable treatment as prescribed under the law and, in his or her capacity as Town Solicitor, his or her role is advisory except that, as an Officer of the Court, the Town Solicitor must take the appropriate action when he or she becomes aware of, has knowledge of, or otherwise observes a violation of federal law, State statute, Town ordinance and Town Charter.” under 13-1-4 Duties. (Voted unanimously)**

### **13-1-5 Opinions**

Mr. Angelo stated the Town Solicitor did not currently render opinions to individuals and recommended a procedure be drafted to allow residents to seek opinions.

Ms. Ruisi stated opinions should be filed with the Town Clerk’s office.

Mr. Angelo requested to provide a revised draft of the section at a future meeting. He clarified for Mr. Turano the opinions would have to be rendered only when involving Town business.

Discussion on 13-1-5 Opinions was tabled to the April 27, 2016 meeting.

### **Diagram – Department of Finance**

Mr. Angelo cited a diagram clarifying the organization of the department under two divisions –

Municipal and School – and including a Municipal Enterprise Fund and summarized the Municipal Enterprise Fund, including business accounting and cost accounting.

Mr. Turano noted he had contacted a Town Councilor, who then contacted the Town Manager, requesting information on the need of a specialized cost accountant for the Municipal Enterprise Fund.

Mr. Cioppa requested Mr. Turano provide the response, when received, to the Commission.

Discussion was held regarding the Municipal Enterprise Fund.

Mr. Cioppa recommended discussion continue at the April 27 meeting.

### **Review of Top Concerns**

Mr. Angelo stated the Commission had not discussed the function and organization of the Public Safety Office.

Ms. Ruisi noted the concern of environmental protection enforcement brought by Charles Marsh, Town resident.

Mr. Cioppa confirmed for Mr. Turano comments from Commission members should be sent to the Chair for distribution.

### **Meeting with Public Works**

Mr. Lund stated a meeting was not needed.

### **Review of Inconsistent Delegation of Departmental Authority**

Mr. Lund stated the Commission had addressed his concerns.

### **Review of the Number of Ballot Questions.**

Mr. Cioppa stated he expected the Commission's revisions, up to this point, would be summarized as nine questions: Council terms, Council vacancies, grounds and procedure for recall, a Code of Ethics including the School Department and an attestation, organization of the Finance Department, adoption of the Department of Development Services, School Committee services, initiative for referendum and Director of the Public Works Department.

Mr. Turano noted the Commission still needed to review additional staff recommendations.

## **5. 6:37 P.M. NEW BUSINESS**

### **Committee Vacancies**

The Commission confirmed all committee vacancies were addressed.

### **Public Safety Director**

Mr. Cioppa noted Commission members should use only the most up-to-date copies provided for reference.

Ms. Ruisi cited a recommendation by Mr. Marsh the Director of Public Safety's duties be modified to specifically address environmental protection and a Chief of Environmental Protection and Public Welfare be established.

Discussion was held regarding current environmental protection enforcement and enforcement under a Chief of Environmental Protection and Public Welfare position.

Mr. Angelo and Ms. Ruisi confirmed for Mr. Turano related ordinances would be needed for enforcement.

**Motion by Ms. Ruisi, Seconded by Mr. Lawlor, to establish a Chief of Environment Protection and Public Welfare under Public Safety in the Town Charter.**

Additional discussion was held regarding current enforcement and the proposed position with regard to quarry properties and the Westerly State Airport.

Ms. Ruisi stated additional Planning and Zoning staff should review plans such as the overlay plan.

Mr. Turano recommended funding should be spent on technology improvements.

Ms. Ruisi noted work in progress under the Information Technology Manager.

Mr. Cioppa stated citizen involvement should be more effective than establishing a Chief of Environment Protection and Public Welfare.

**(Motion voted 3-3-1 with Mr. Formica, Mr. Turano and Mr. Cioppa against and Mr. Angelo abstaining)**

Mr. Formica stated there was an absence of ordinances to be enforced.

Mr. Turano stated his agreement with Mr. Formica's reasoning.

Mr. Cioppa stated his agreement with Mr. Formica's reasoning.

Mr. Angelo recommended Ms. Ruisi organize a narrative for the position for future discussion.

Mr. Cioppa recommended Ms. Ruisi consider the lack of a discussion of environmental protection in the Town Charter.

**Economic Development Commission**

Mr. Cioppa stated the item would be discussed at the April 27 meeting.

**9-1-8 Constables and 9-1-9 Suspension and Disciplinary Action**

Mr. Turano recommended 9-1-8 and 9-1-9 be removed from the Charter.

Mr. Cioppa cited the proposed text revision for 9-1-8.

Mr. Angelo clarified the position of Constable and stated for Mr. Lund constables were above the rank of Community Service Officer.

Mr. Cioppa cited the proposed text revision for 9-1-9.

Mr. Angelo questioned why 9-1-8 was presently in the Charter.

The Commission recommended Mr. Cioppa request clarification on 9-1-8 and 9-1-9 from the Town Manager.

**New Business from the Floor**

Ms. Ruisi requested clarification on 9-1-10.

Mr. Angelo noted the absence of organization for disaster preparedness.

Mr. Turano stated he would review the ordinances related to emergency management.

**6. 7:23 ADJOURNMENT**

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