

## TOWN COUNCIL SPECIAL MEETING

May 21, 2009

A special session of the Jamestown Town Council was called to order at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue at 6:30 p.m. by Council President Julio J. DiGiando, for the purpose of discussing and adopting amendments to the Town Charter. The following members were present:

Michael White, Vice-President

William Kelly

Barbara Szepatowski

absent: Robert W. Sutton, Jr.

also present:

Bruce R. Keiser, Town Administrator

Peter D. Ruggiero, Town Solicitor

Arlene D. Petit, Town Clerk

### UNFINISHED BUSINESS

- 1) Jamestown Town Charter (continued from May 4, 2009)
  - a) Proposed amendments as provided by the Town Charter Committee; *if favorable, to be included on November election ballot*

As a continued item from several previous Council meetings, Council President DiGiando stated that if there was no further discussion on the proposed amendments it was time to consider them for adoption.

#### **Sec. 201. Number, selection, term.** (see additional amendment on last page)

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the changes to Section 201 as recommended by the Town Charter Review Committee.

2<sup>nd</sup> sentence "The regular election of council members shall be held on ~~the first Wednesday of June 2005 and then to~~ the Tuesday following the first Monday of November in odd-number years ~~beginning November 2007.~~"

So unanimously voted.

#### **Sec. 206. Special meetings.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 206 as recommended by the Town Charter Review Committee.

~~“The president or a majority of the town council may call a special meeting; but~~ Only by unanimous majority consent and when the meeting is deemed necessary to address an unexpected occurrence that requires immediate attention to protect the public may the town council meet sooner than forty-eight (48) hours after each member has been notified of a special meeting. Any member may waive the requirement of notice of special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting. (*Compliance with RI General Laws, Section 42-46-6 – Open Meetings*)

So unanimously voted.

### **Sec. 210. Interference with administration.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 210 as recommended by the Town Charter Review Committee.

~~Except for the purpose of inquiries and/or investigations under section 211, the Town Council or its members shall not, publicly or privately, direct, either publicly or privately supervise or interfere with the work of, town employees. subject to the direction and supervision of the town administrator.~~

So unanimously voted.

### **Sec. 212. Vacancies. (and other related sections)**

*Clerk note: this section as presented to the Council included amendments to Sections 212, 405, 406, and 805. The Council vote includes all recommendations as listed.*

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes as recommended by the Town Charter Review Committee under Section 212.

**212** – second sentence – “If ~~such~~ a vacancy occurs in the ...”

**405** – forth sentence – “If a qualified member of such board...qualified elector ~~and~~ or resident...”

**406** – Town Moderator – add the following “If the position of town moderator shall become vacant, it shall be filled by the town council by the next highest vote getter from the most recent election and so on until someone fills the vacancy until the next regular town election. Should none of the vote getters be willing or able to serve then the town council shall appoint a town moderator.”

**805** – first sentence – delete “~~If any elected officer of the town shall cease to be a legal resident thereof, the office held by said officer shall then become vacant.~~”

So unanimously voted.

**Sec. 806. Vacancies. (new section)**

It was moved by Councilor Kelly, seconded by Councilor White to add Section 806 as recommended by the Town Charter Review Committee.

The term “vacancy” (or “vacancies”) as it appears in this Charter shall be deemed to include reference to a vacancy occurring by death, by resignation, by failure to meet the qualifications of office, or by any other cause recognized by the town council. The vacancy of any office shall be filled in the manner described herein specific to a vacancy of that office or, if no such provision exists, shall be filled in the manner of original appointment to that office.

So unanimously voted.

**Sec. 216. Procedure for adopting ordinance.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 216 as recommended by the Town Charter Review Committee.

*(STYLE CHANGE)* [an]...” – remove brackets

*(GRAMMAR/CLARITY)* 2<sup>nd</sup> sentence “

Upon introduction of any proposed ordinance or amendment to an existing ordinance, the town clerk shall distribute a copy to each town council member and to the town administrator; shall file a reasonable number of copies in the office of the town clerk and shall publish the proposed ordinance.”

So unanimously voted.

**Sec. 301. Appointment and qualifications.**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the changes to Section 301 as recommended by the Town Charter Review Committee with the following addition: “that the town administrator must be a resident of the state.

“The town council shall appoint a town administrator, based solely upon the executive and administrative qualifications of the applicant, for an indefinite term. ~~The town administrator need not be a resident of the town or state at the time of appointment, but must become and remain a qualified elector and resident of the town within six months after appointment, unless extension is approved by council.~~ The relationship between the town and the town administrator shall be contractual and not that between a municipality and a civil officer.”

The Council discussed the proposed requirement that a town administrator must be a resident of the state.

The Town Solicitor advised that the employment contract can define the residence requirements.

It was voted, Councilor Kelly, aye; Councilor Szepatowski, aye; Councilor White, nay; Council President DiGiando; nay. The motion failed to pass with a tie vote.

It was moved by Councilor White, seconded by Council President DiGiando to adopt the changes to Section 301 as recommended by the Town Charter Review Committee

It was voted, Councilor Kelly, nay; Councilor Szepatowski, nay; Councilor White, aye; Council President DiGiando; aye. There was additional discussion, with the Town Solicitor reiterating that the employment contract can determine residency status. Councilor Szepatowski and Councilor Kelly asked to change their vote to aye. The motion passed by unanimous vote.

**Sec. 305. Powers and duties of the town administrator.**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the changes to Section 305 as recommended by the Town Charter Review Committee.

(1) The town administrator shall have the authority to remove, ~~with the approval of the town council,~~ any department head...”

So unanimously voted.

It was moved by Councilor Kelly, seconded by Councilor White to adopt the grammar change to Section 305 as recommended by the Town Charter Review Committee.

*(GRAMMAR/STYLE)* section  
(5) – last word “Year” – capitalization

So unanimously voted.

**Sec. 405. Board of assessment review.**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the grammar change to Section 405 as recommended by the Town Charter Review Committee.

*GRAMMAR/STYLE/CLARITY)*  
4<sup>th</sup> sentence “If a member of such board shall cease to be a qualified elector ~~and~~or resident of the town that office shall thereby become vacant”

So unanimously voted.

**Sec. 410. Town engineer.**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the gender reference to Section 405 as recommended by the Town Charter Review Committee.

*(GENDER REFERENCE)* 3<sup>rd</sup> sentence “The results of all...work ~~he~~ performed...”

So unanimously voted.

**Sec. 418. Fire.**

No Council action was taken on this recommendation.

**Sec. 420. Personnel.**

It was moved by Councilor Kelly, seconded by Councilor White to follow the recommendation of the Town Charter Review Committee and remove the Personnel Board from the Charter.

So unanimously voted.

**Sec. 421. Town planner.**

It was moved by Councilor White, seconded by Council President DiGiando to adopt the gender reference to Section 421 as recommended by the Town Charter Review Committee.

“There ~~may~~ shall be a town planner...”

So unanimously voted.

**Sec. 501. School committee membership.**

It was moved by Councilor Kelly, seconded by Councilor White to follow the recommendation of the Town Charter Review Committee and remove the transitional language from section 501.

*(TRANSITIONAL LANGUAGE):* Last sentence

~~“All members of the school committee in office at the time this charter is adopted shall continue to hold office until their normal terms have expired.”~~

So unanimously voted.

**Sec. 805. Elected officials.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 805 as recommended by the Town Charter Review Committee.

~~Any elected officer of the town shall cease to be a legal resident thereof, the office held by said officer shall then become vacant.~~

So unanimously voted.

**Sec. 1103. Capital budget program.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 1103 as recommended by the Town Charter Review Committee.

“The town administrator shall prepare and submit to the town council a ~~tensix~~ (106) year capital program...”

So unanimously voted.

**Sec. 1104. Public notice.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 1104 as recommended by the Town Charter Review Committee.

**cross references incorrect** (*section 223*) – now 1102 & (*section 224*) now 1103) HAVE TOWN CLERK CHANGE. NO BALLOT QUESTION NEEDED:

So unanimously voted.

**Sec. 1106. Proposal for expenditures outside of budget.**

It was moved by Councilor Kelly, seconded by Councilor White to adopt the changes to Section 1106 as recommended by the Town Charter Review Committee.

**(STYLE/GRAMMAR)** 1<sup>st</sup> sentence should state “seeks to increases or reduces”

So unanimously voted.

**Sec. 1201. Charter revision committee.**

**(STYLE/GRAMMAR)** 1<sup>st</sup> sentence “The town council shall appoint a Charter Review Committee to review this Charter whenever it is deemed necessary butt not ~~longer~~ later than...”

So unanimously voted.

**ARTICLE XIII. COURTS**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to include the wording for a Juvenile Hearing Board in the town charter as follows:

**Sec. tbd(1306) Juvenile hearing board.**

There may be a juvenile hearing board with jurisdiction and duties as provided by Rhode Island General Law, Title.

So unanimously voted.

**Sec. 422. Library trustees.**

It was moved by Councilor White, seconded by Council President DiGiando to add the following to Section 422.

There shall be a board of Trustees of the Jamestown Philomenian Library, a free and public library for all the inhabitants thereof, the governance and powers of which shall be in accordance with Rhode Island General Laws Title 29, Chapter 4. (Amend. of 11-3-92, Sec XIV)

So unanimously voted.

**Sec. 201. Number, selection, term.**

The Council discussed the possibility of changing the odd-year local election to an even-year schedule coinciding with the state-wide general election.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to move local elections to even-numbered years in November.

So unanimously voted.

The Council discussed the term requirements to enable the local election to be held on even-numbered years. The discussion took into consideration the term requirement for the School Committee as well as the Town Council.

It was moved by Councilor White, seconded by Councilor Kelly to set the following transition language regarding term limits in order to bring about the even-year local election:

**Jamestown School Committee:** three-year terms until the election in November 2014.

- School Committee members elected in November 2009 to be in office until November 2012 when their term will expire. Those members elected in 2012 will return to the four-year cycle and will serve until 2016.
- School Committee members elected in November 2011 to be in office until November 2014 when their term will expire. Those members elected in 2014 will return to the four-year cycle and will serve until 2018.

**Jamestown Town Council:** three-year terms until the election in November 2012.

- Town Council members elected in November 2009 will serve until November 2012. In 2012 all Town Council term-limits will return to a two-year term limit.

**Town Moderator** would be on the same schedule as the Town Council

So unanimously voted.

### **Finance**

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to require a separate vote for the adoption of the school budget.

The Town Administrator noted that historically the school and town budgets have separate votes of adoption.

Councilor Kelly withdrew the motion.

The Town Solicitor recommended bundling the grammatical and stylistic changes. The individual proposed amendments will be set out in separate questions.

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Kelly to adjourn the meeting at 7:26 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

c: Town Council Members (5)  
Town Administrator  
Town Solicitor  
Administrative Circulation