

Town Council and Charter Review Committee Joint Work Session Minutes
Tuesday, October 17, 2023
5:30 p.m.

I. ROLL CALL TOWN COUNCIL MEMBERS

A special meeting of the Jamestown Town Council was held on October 17, 2023. Town Council Members present were as follows: Mary Meagher, Michael G. White, Randy White, and Erik Brine. Nancy A. Beye was absent.

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, and Town Clerk Roberta Fagan.

II. ROLL CALL CHARTER REVIEW COMMITTEE MEMBERS

Charter Review Committee members in attendance: Jim Rugh, Sav Rebecchi, and Job Toll.

III. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council Vice President Meagher called the special meeting of the Jamestown Town Council and Charter Review Committee to order at 5:40 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

IV. Joint Town Council and Charter Review Committee Work Session

- A) Review and Discuss amendments to the Town of Jamestown Charter as recommended by the Charter Review Committee to the Town Council.

Vice President Meagher made opening remarks. She served as the Town Council liaison to the Charter Review Committee. The Committee worked collaboratively and Vice President Meagher thanked the members for their thorough and thoughtful input.

Solicitor Peter Ruggiero explained the process by which the Town Council appoints a Charter Review Committee to review the Charter. (see attached Article XII.- Amendment of Charter). Within 9 months of appointment, the committee shall submit to the Town Council a report with its recommendations for amendments, additions, and/or deletions. This evening the Town Council will receive that report, and schedule a meeting in the future to advertise a Public Hearing to consider approval of the recommended amendments, and/or make additional recommendations and/or amendments for Charter revisions. No later than July of 2024, a digest or description thereof or any statement of the question(s) as it will appear on the ballot, must be approved by the Town Council.

Charter Review Chairperson Jim Rugh gave an overview of the Final Report to the Town Council (attached), highlighting the “low-hanging fruit” suggested amendments, a total of 11 recommendations.

A lengthy discussion ensued regarding partisan vs. non-partisan elections (Recommendation 2-4 Sec. 201, 501, 406).

The Hatch Act prevents Federal Employees from running in a partisan election. Councilor Brine has personal knowledge of two individuals who wanted to run in a past partisan election but were

restricted due to the Hatch Act. He asked a clarifying question whether a Primary election would be required in a non-partisan election.

Sav Rebecchi answered that would be a choice of the Town Council.

John Murphy, 65 Hamilton Avenue, expressed his opinion on the benefits of identifying a candidate on the ballot as Republican or Democrat. It helps the voter identify with the candidates. Choosing an affiliation represents your values. He would recommend the Town Council not change this.

Jane Gilgun, 19 Sky Sail, commented political affiliation is important. She agrees with many of John Murphy's statements. Ms. Gilgun warned of the risks of not being able to identify a candidate by their party affiliation.

Dennis Webster, 22 Mt. Hope Avenue; asked if Town political committees would be able to endorse a candidate in a non-partisan election. He also questioned if Town political committees would still be able to fundraise, spend, and do financial reporting on behalf of a candidate. How are non-partisan elections going in other towns?

Vice President Meagher asked if an unaffiliated candidate has a local political committee fundraiser, obtain nomination signatures, etc. Taking care of campaign finance is a lot of work, stated Vice President Meagher.

Joseph Cannon, Capstan Street, echoed the request of Dennis Webster to poll other municipalities that have non-partisan elections. It would be valuable information on the progress and effectiveness of non-partisan elections. As far as the State ballot, would the party affiliation still appear on the ballot?

Anne Livingston, Racquet Road, Chair of the Jamestown Democratic Committee. She also agrees with John Murphy's statements. Her main reason for opposing a non-partisan election is, party affiliation guides a voter. Middletown Town Administrator Shawn Brown has observed that the result of their non-partisan election has pitted one geographic area against another. Lastly, Town Committees assist in completing campaign reporting, obtaining nomination signatures, and recruiting the best possible candidates to run for office.

John Murphy spoke to Sec 406, requiring 20% of voters present to go to a paper ballot. The process has been working very well, and he would be opposed to changing the process.

Sav Rebecchi has been recording the Financial Town Meeting (FTM) for many years. It has been his personal experience listening to voters, they "feel" intimidated by the current process of raising their hand to go to a paper ballot at the FTM.

Jim Rugh explained the intent of an amendment to Sec. 406. Voting by ballot would only apply to budget items over 1 million dollars.

Councilor R. White stated he also feels the FTM voting process is effective. If intimidation is due to public speaking that is different from being intimidated by a person, etc. The Town Council vets the budget at several workshops months in advance of the FTM.

Councilor M. White, the FTM is the last bastion of the democratic process. He would not be in favor of a paper ballot requirement as recommended. Voters hesitant to raise their hands to vote may be more perception or optics.

Sav reminded the Town Council that one consideration for the Charter Review Committee was an all-day referendum vs the current FTM meeting. The paper ballot for items over \$1 million was an alternative the Charter Review Committee was comfortable recommending.

Discussion continued on the feasibility and time requirements for a paper ballot requirement at the FTM.

Recommendation 5-6 Sec 212 and 503 Vacancies: Jim Rugh explained if a vacancy occurs on either the Town Council and/or School Committee, the Town Council would select a qualified candidate vs the next highest vote-getter.

Recommendation #7 Sec 216 Procedures for adopting ordinance: regarding the requirement to publish a new or amended ordinance in its entirety. The Charter Review Committee recommends a digest or description to be published.

Recommendation #8 Sec 301. Appointment and Qualifications: related to the appointment of the town administrator. In light of the current housing conditions, the Charter Review Committee recommends residency requirements be expanded from six months to twelve months.

Recommendation #9 – Sec 409. Building: the Charter Review Committee recommends “zoning” be deleted from the required supervision and enforcement duties for the Building Official, and adding the wording that states the Building Official may also serve as the zoning enforcement official.

Recommendation #10 – Section 1104 Public Notice, housekeeping changes to update correct section references.

Recommendation #11 – Sec. 1201, Charter revision committee - clarify the two types of Charter Review committees and the required date of full review.

V. OPEN FORUM

- A) Scheduled request to address- none.
- B) Non-scheduled request to address- none.

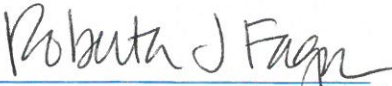
VI. ADJOURNMENT CHARTER REVIEW COMMITTEE

A motion was made by Jim Rugh with a second by Sav Rebecchi to adjourn at 6:55 p.m. Vote: Jim Rugh, Sav Rebecchi, and Job Toll. Vote: Jim Rugh, Aye; Sav Rebecchi, Aye; and Job Toll, Aye.

VII. ADJOURNMENT TOWN COUNCIL

A motion was made by Vice President Meagher with a second by Councilor R. White to adjourn at 6:55 p.m. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:


Roberta J. Fagan, Town Clerk

Mary E. Meagher
23 Melrose Avenue
Jamestown, Rhode Island
02835

July 6, 2023

To my fellow Town Councilors and Members of the Charter Review Committee,

I had the good fortune of serving on the current Charter Review Committee, whom I believe will be coming before you on July 11, 2023 to present the product of their research, discussions, and review. Unfortunately, I will not be at this meeting, so I wanted to introduce the committee to you as I might if I was present. I would ask that someone please ensure that this goes into the record or, at the very least, provide a means for the Committee to hear it.

Because it was a great committee!!! It performed its work efficiently, thoroughly, and clearly. There was plenty of discussion (I fear I contributed to that) and the group was not shy about entertaining varied opinions. I realized after a couple of meetings that we had a group that represented a cross-section of involvement in and familiarity with town government. I had requested to serve on the committee because having served on the Council, I knew of some dilemmas that the current charter poses. Moreover, I had watched other committees grow fractious with differences of opinion and in these fractious times, I feared that could happen. I need not have worried. This committee was a model of decorum and indeed very pleasant.

Jay Sisson and Lucia Marshall had not served on a town committee before, though each brought a commitment to this community that was deeply felt. They also brought fresh perspectives and insight to a document with which the rest of us had perhaps too much familiarity. Jay's work with the Recreation Department and Jamestown Soccer Association gave him a practical bent toward what issues might be addressed. Lucia's fresh approach to the charter ensured that anything might be given consideration. She particularly should be commended for improving the grammar and syntax of not just our proposals, but also some parts of the current charter.

George Souza and Job Toll are veterans of previous committees. George served for many years on the Conservation Committee and I think as its liaison to Harbor. Job has served on the Beavertail Committee and currently serves on the Affordable Housing Committee. (I think he has served on one other committee but I apologize that I cannot name it.) George's experience with the Harbor Commission proved very helpful in our consideration of that part of the charter. And Job's experience showed when he volunteered to be that person every committee needs: the guy who will do the grunt work and take minutes. They brought to our efforts not just experience but also a wisdom that, in some cases, suggested "If it ain't broke, don't fix it" or "maybe we don't want to open that can of worms."

Our chair and vice chair each had a lot of experience with Charter Review and it showed. Sav Rebecchi, our Vice Chair, was indefatigable in his research. He provided us with the history of the Charter and its changes and with what other cities and towns had done in similar situations. He was a terrific resource. Sav prompted much of our discussion by offering ideas and possible changes, some of which are included in our proposals. But I was equally impressed by his equanimity when some of his ideas were not included. That kind of patient contribution and cooperation makes for a great committee member.

And our chair, Jim Rugh, was equally indefatigable in keeping us on track, in organizing our responses, and in producing this final document. He did so with an even-handedness that I admire greatly. Jim was well

suiting to this role. He presented the questions clearly, listened, reflected, would sometimes respond with his opinion but just as often not, and kept the process moving. At the same time, he allowed us to circle back to issues we had discussed earlier, which I think is very important to do with such an important document. Consequences were considered and our language became clearer and the product much better.

I thank all of the members for their efforts. Jamestown is a very lucky place to have such capable people who are willing to serve their community and do so with such skill.

All the best,

Mary Meagher

Town of Jamestown
2022-2023 Jamestown Charter Review Committee

Final Report to the Town Council

The 2022-2023 Town Charter Review Committee consisting of seven (7) voting member: James Rugh, Chairman; Sav Rebecchi, Vice Chairman; Job Toll, Secretary; Lucia Marshall; Mary E. Meagher; James (Jay) Sisson; and George Souza was charged with reviewing the Charter to determine if there are any changes needed. The Committee met bi-weekly and researched and discussed various possible Charter changes. Our eleven recommended changes are presented to the Council for consideration.

In this report recommended text changes are highlighted, additions are underlined, and deletions are struck through. Identical changes to multiple sections are presented together.

RECOMMENDATION 1

In November 2020 voters in Rhode Island passed a ballot measure to drop the words "Providence Plantations" from the official state name. We recommend that the preamble be changed to conform to the current official state name.

PREAMBLE

The people of the Town of Jamestown, in order to secure the right of self-government in all local matters, pursuant to the provisions of the constitution of the State of Rhode Island ~~and Providence Plantations~~, do adopt and establish this Charter.

RECOMMENDATION 2

After considerable research and discussion, the committee recommends the Town move to non-partisan elections for the Town Council, School Committee and Town Moderator. Several other Rhode Island cities and towns have moved to non-partisan local elections (the Town has no control over state and Federal elections) including Newport and Middletown, to name just two.

Sec. 201. - Number, selection, term

The town council shall consist of five members elected from the town at large, each to serve for a term of two years or until a successor is elected and qualified. The regular election of council members shall be held on the first Monday of November

in even-numbered years, beginning November 2012. The names of all candidates for town council who shall have qualified to appear on the ballot shall be listed ~~under their respective~~ without party designations (in the order determined by the board of canvassers by the drawing of lots). Each elector shall vote for no more than five candidates for town council, and the five receiving the greatest number of votes shall be declared elected.

PLEASE NOTE: Under the Jamestown Town Charter, sections 601 and 602, primary, general, and special elections and the authority granted the canvassing authority are governed by Rhode Island General Law 1956, §§ 17-1-1 et seq, 17-8-1 et seq., and 45-4-1et seq. The Committee suggests that the Town Solicitor be consulted to determine if further additions to the Charter may be needed to move to local non-partisan elections. For this reason, we suggest the 2022-2023 Town Charter Review Committee not be discharged until the Town Solicitor makes his report, in case additional changes to the Charter are needed.

RECOMMENDATION 3

This recommendation mirrors recommendation 2 and would make local school board elections non-partisan.

Sec. 501 – School committee membership.

There shall be a school committee of five members, each of whom shall be elected at large from the town by the electors of the town of Jamestown at the regular town election to serve for a term of four years and until the successor is elected and qualified. The names of all candidates for the school committee who shall have qualified to appear on the ballot shall be listed ~~under their respective~~ without party designation (in the order determined by the board of canvassers by the drawing of lots). Those persons receiving the greatest number of votes for an office, not exceeding the number of persons to be chosen for the office, shall be declared elected to office. 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.

RECOMMENDATION 4

We are recommending two changes to section. 406. The change in the first paragraph would mirror recommendations 2 and 3 and would make the Town Moderator election non-partisan.

Currently, at the Town Financial Meeting the Town Moderator can call for a ballot vote on any issue. Voters at the meeting can make a motion from the floor to vote by ballot. We believe many voters are reluctant to take a public position or to speak publicly at this meeting. Our recommendation is to require a ballot vote on the expenditure of money or the incurring of liability in excess of \$1 million. This limit would exempt most bond issues. Had this been in effect at the 2023 Town Financial Meeting it would only have required a ballot on the Town and School budgets. Other cities and towns have a similar provision and we believe many registered voters will support this change.

Sec. 406. - Town moderator.

There shall be a town moderator, who shall be elected at the regular town election without party designation and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not inconsistent with this Charter. In the event that the office of the town moderator becomes vacant during the term of office, the town council will appoint a replacement until the next regularly scheduled election.

The moderator of the Town Financial Meeting shall upon a motion being made and seconded, relative to any business before such meeting, after having heard all the registered voters thereon who shall be desirous of being heard, cause the votes of the registered voters present to be taken thereon. Whenever any question involves an expenditure of money, or the incurring of liability in excess of \$1 million by the Town, or the disposition of Town property in excess of \$1 million, that vote shall be taken by ballot.

RECOMMENDATION 5

Under section 212, when a member of the Town Council leaves the council because they cease “to meet the qualifications established in section 202” (must be a qualified elector, a residents of the Town, and hold no other public office or employment in the service of the town) the Council appoints the next higher vote getter. However, there may be no next higher vote getter or that person could have only received a few votes. In addition, section 212 does not address when a Council members resigns for other reasons. We recommend eliminating the current wording and replacing with wording allowing the Town Council to fill an open position with a “qualified person.”

Sec. 212. - Vacancies.

~~Vacancies shall be said to exist when any member ceases to meet the qualifications established in section 202. If such a vacancy occurs in the membership of the town~~

~~council, the remaining members of the town council shall appoint the next highest vote getter to fill the vacancy until the next regularly scheduled biennial election.~~

If a vacancy occurs in the membership of the council, for whatever reason, the remaining members of the council shall select a qualified person to fill the vacancy until the next regularly scheduled state or town election, at which time the electors shall elect a qualified person to complete any unexpired portion of the term.

RECOMMENDATION 6

Section 503 outlines the process to follow when a member of the School Board leaves the Board. The process is similar to that now followed when a vacancy occurs on the Town Council. The same concerns apply and we recommend mirroring changes recommended to section 212.

Sec 503 – Vacancies.

~~Any vacancy in the membership of the school committee 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, when the office shall be filled for the unexpired term thereof. Should there be no next higher vote getter or if none of the vote getters be willing to serve then the council shall appoint a member, pursuant to the laws of the State of Rhode Island.~~

If a vacancy occurs in the membership of the school committee, for other than the expiration of the member's term, the town council shall select a qualified person to fill the vacancy to serve until the next regularly scheduled state or town election, at which time the electors shall select a qualified person to complete the unexpired portion of the term.

RECOMMENDATION 7

We are recommending changes to section 216 that would allow a “digest or description which substantially expresses the purpose or identifies the subject matter” of a proposed ordinance or amendment to be published in a general circulation newspaper rather than the full text. This is permitted by state law and would result in significant savings to the Town. Many of today's ordinances/amendments are complex, for example the short-term rental ordinance. These can run multiple newspaper pages and cost thousands of dollars per insertion. If this recommendation is adopted a more concise digest of the ordinance or amendment could be published. So that Jamestown voters can read and understand the ordinance/amendment we recommend making it

clear that the full text must be posted on the Town web site and available for public inspection at the Town Clerk's Office.

Sec. 216. - Procedure for adopting ordinance.

An ordinance or amendment to an existing ordinance may be introduced by any member at any regular or special meetings of the town council. Upon introduction of any 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 ordinance or amendment. It shall not be necessary for the full text of an ordinance or amendment to an ordinance to be published. The Council may approve a digest or description which substantially expresses the purpose or identifies the subject matter. Following the publication by at least seven days, the town council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the town council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall have sufficient printed copies of the ordinance or amendment available at the town hall.

As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town. The full ordinance or amendment shall be posted and to post on the town's website: (1) the complete ordinance or amendment and (2) the places where copies of it have been filed and the times when they are and shall be made available at the Town Clerk's office for public inspection.

RECOMMENDATION 8

Section 301 deals with the appointment of the town administrator. Candidates are permitted six months to become a resident of the state of Rhode Island. Finding suitable housing in Rhode Island is becoming more challenging. In light of current housing conditions, we recommend expanding this time to twelve months.

Sec. 301. - Appointment and qualifications.

The town council shall appoint a town administrator for an indefinite period of time, based solely upon the executive and administrative qualifications of the applicant, as outlined by generally accepted professional standards. 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 state within ~~six~~ twelve months after appointment, unless an extension is approved by town council. The relationship between the town and the town administrator shall be contractual and not that between a municipality and a civil officer.

RECOMMENDATION 9

Currently the building official may serve as the minimum housing inspector, a position mandated by state law. The building official is also responsible for supervision and enforcement of ordinances relating to buildings, zoning, trailer parks and other matters. We feel that zoning enforcement is a critical function and should be more prominent. We recommend that "zoning" be deleted from the list of supervision and enforcement duties and that wording be added that states he may also serve as the zoning enforcement official.

Sec. 409. - Building.

There shall be a building official who shall be nominated by the town administrator with the approval of the town council and shall be responsible for the supervision and enforcement of ordinances relating to buildings, ~~zoning~~, trailer parks and other matters assigned to the building official pursuant to law. The building official may also serve as the zoning enforcement officer and the minimum housing inspector. In the absence of a town engineer, the building official shall be responsible for the custody and proper maintenance of engineering records including surveys, plans, maps and the like, pertaining to town property and projects.

RECOMMENDATION 10

We are recommending two housekeeping changes to section 1104 which requires that the Town budget and capital budget be printed and available 14 days in advance of the financial town meeting. In 2002 sections 223 and 224 were deleted and replaced with section 1102 and 1103. At the time section 1104 was not corrected to indicate the proper sections. For the sake of accuracy, we recommend these changes be made to section 1104.

Sec. 1104. Public notice.

The recommended budget (section ~~223~~ 1102) and capital budget as provided in section ~~224~~ 1103 shall be printed and available to the public at least 14 days preceding the annual financial town meeting-

RECOMMENDATION 11

Our final recommendation is to clarify in section 1201 that there are two types of charter reviews. A full review which by the current charter occurs every six years, and a special review that can take place as needed (the most recent special review took place in 2020 to update section 219 – Initiative Petition). The committee felt that there could be confusion regarding the date of full review since it could be a year or more from the call for a committee to the submission of a final report. To eliminate any question, our recommendation is to make the appointment of the next full charter review committee September 1, 2029 and full reviews every six years from that date. (September 1 was selected as it would allow the committee to meet during the fall/winter/spring and avoid the summer with it can be a challenging getting a quorum).

Sec. 1201. - Charter revision committee.

~~The town council shall appoint a charter review committee to review this Charter whenever it is deemed necessary but not longer than six years from the previous review.~~ The town council shall appoint a special charter review committee whenever it is deemed necessary. The council shall appoint a full charter review committee beginning September 1, 2029, and every six years from that date. The Town Clerk shall inform the Council no less than six months before the next Full Review to begin the process of review committee selection. Said full review committee shall within nine months of its appointment submit to the town council a report with its recommendations for amendments, additions or deletions.

Submitted by the 2022-2023 Jamestown Charter Review Committee:

James Rugh, Chairman
Sav Rebecchi, Vice Chairman
Job Toll, Secretary
Lucia Marshall
Mary E. Meagher
James (Jay) Sisson
George Souza

July 11, 2023

ARTICLE XII. - AMENDMENT OF CHARTER

Sec. 1201. - Charter revision committee.

The town council shall appoint a charter review committee to review this Charter whenever it is deemed necessary but not longer than six years from the previous review. Said review committee shall within nine months of its appointment submit to the town council a report with its recommendations for amendments, additions or deletions.

(Amend. of 11-5-2002, § XII)

Sec. 1202. - Separability of provisions of Charter.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter, or any of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

(Amend. of 11-5-2002, § XII)

Sec. 1203. - Form of ballot and procedures.

It shall not be necessary for the full text of the Charter or of amendments to the Charter to be printed on the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose, or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the town council shall approve the statement of the question, as it shall appear on the ballot. A copy of the full text of the Charter or amendments shall be posted in each polling place, at the office of the town clerk and such other places as may be designated by the board of canvassers. All proposed amendments shall have a public hearing. Should two or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments added to this Charter shall be appropriately numbered by the town clerk and inserted in their appropriate places.

(Amend. of 11-5-2002, § XII)