

EAST PROVIDENCE CANVASSING AUTHORITY MEETING

THURSDAY MAY 3, 2018

After a short delay, the meeting was called to order at 6:14 pm by Elizabeth Pegg, Clerk.

Present were Elizabeth Pegg – Clerk, Peter Barilla Sr., Nicholas Oliver, Leslie Shattuck-Moore – Canvassing administrator and Lauren Jones – Special Council.

Thomas Riley, a member of the public, objected to the meeting going forward. His objection is noted.

The first agenda item was reorganization of the Canvassing Authority pursuant to R.I. General Laws 17-8-5 (a) (1). Elizabeth Pegg – Clerk asked for a motion for chairperson, a motion was made by Nicholas Oliver to nominate Peter Barilla Sr. - Chairman, seconded by Elizabeth Pegg. Motion Carried 3-0

Nicholas Oliver made a motion to have Elizabeth Pegg remain as Clerk, seconded by Peter Barilla Sr. – Chairman. Motion Carried 3-0

Motion made by Peter Barilla Sr. – Chairman to enter Executive session pursuant to R.I. General Laws 42-46-5 (a) (2), to discuss Kilmartin v. East Providence Et Al, Su-2018-104-MP and Board of Elections hearing regarding the Charter of the City of East Providence , General Laws 17-7-5, seconded by Elizabeth Pegg, Clerk. Motion Carried 3-0

The Executive Session began at 6:20 p.m. The Executive Session adjourned at 7:35 p.m.

The open session meeting resumed at 7:37 p.m.

Peter Barilla Sr. – Chairman, apologized to the open session audience for the delay in time.

Motion made by Nicholas Oliver – Member, to seal the executive session minutes, seconded by Elizabeth Pegg – Clerk. Motion Carried 3-0

Nicholas Oliver – Member, made a motion that we combine 5 and 6 on the docket relating to the City Council and combine 7 and 8 on the docket relating to the School Committee. Seconded by Elizabeth Pegg – Clerk. Motion Carried 3-0

Upon consideration of items 5 and 6, Peter Barilla Sr. – Chairman, asked Lauren Jones, Special Council, for a reading of the facts. Attorney Jones presented a written copy of the facts to each Canvassing Board Member, and read the facts to the public relating to the questions concerning the City Council Election and Term-of-Office Issues. On a motion made, seconded, and approved 3-0, the Canvassing Authority approved and accepted the facts as given. Based on the facts, the Canvassing Authority made the following conclusions of the law.

Motion made by Nicholas Oliver – Member, that the Charter amendment that passed in 2012 regarding 4 year terms did not need general assembly ratification. Seconded by Elizabeth Pegg – Clerk Motion Carried 3-0

Motion was made by Nicholas Oliver – Member, that there is an election for city council in 2018 and it be a 2 year term election. There wasn't a second

Motion was made by Peter Barilla Sr. – Chairman, that there is an election for city council in 2018 and it be a 4 year term election. Seconded by Elizabeth Pegg – Clerk.

In the discussion that ensued, Nicholas Oliver – Member, made this statement:

“When any municipality holds an election, the terms and conditions on the ballot in my opinion are a binding contract between the municipality and the electorate. On each ballot since the original question in the 2012 election, the ballot has stated the City Council is for 2 year terms, including 2016. It is my opinion that the 5 members of the East Providence City Council was for 2 year terms including the 2016 election , therefore, I feel an election is required to elect a city council in the upcoming November 2018 election.

After further discussion a vote was taken. Motion Carried 2-1

Attorney Jones again presented a copy of the facts to each canvassing Board Member relating to questions concerning School Committee Election and Terms-of-Office Issues. He again read the facts to the public relating to the questions concerning the School Committee Election and Terms –of-Office Issues. On a motion made, seconded, and approved 3-0, the Canvassing Authority approved and accepted the facts as given. Based on the facts, the Canvassing Authority made the following conclusions of the law.

Motion was made by Nicholas Oliver – Member, that there is an election for school Committee in 2018 and it be a 2 year term election. Seconded by Elizabeth Pegg – Clerk.

In the discussion that ensued, Nicholas Oliver – Member, stated that the term of office for school committee follows state law and with the facts presented to him the school committee is a 2 year term and they would need to seek ratification/ waiver of the General Assembly to be a 4 year term. He stated he felt that the School Committee needs to go back to the General Assembly if they want a 4 year term.

Peter Barilla Sr. – Chairman, disagreed and stated that the School Committee should have a 4 year terms because 2 years is not enough time to complete their duties and policies.

Nicholas Oliver – Member, disagreed with the Chairman because he also felt that School Committee issues are different than City Council Issues and 2 year terms are sufficient. But as he stated before they can seek General Assembly ratification/waiver for a 4 year term.

After further discussion a vote was taken. Motion Carried 2-1

Attorney Jones again presented a copy of the facts to each Canvassing Board Member relating to questions concerning Mayor Election and Terms-of-Office Issues. He again read all the facts to the public relating to the questions concerning the Mayor Election and Terms - of - Office Issues. On a motion made, seconded, and approved 3-0, the Canvassing Authority approved and accepted the facts as given. Based on the facts, the Canvassing Authority made the following conclusions of the law.

Motion was made by Nicholas Oliver – Member, that there is an election for Mayor in 2018 and it be a 4 year term. Seconded by Elizabeth Pegg – Clerk

Nicholas Oliver-Member, stated he was disappointed at the voter turnout in the November 7, 2017 Special Election. However, because there is no requirement of a certain turn-out for an election to be valid, he stated that the Charter amendment changing the term of Mayor to four years was valid.

After further discussion a vote was taken. Motion Carried 3-0

Peter Barilla Sr. – Chairman, asked for a motion to adjourn. Motion was made by Elizabeth Pegg - Clerk, to adjourn. Seconded by Nicholas Oliver – Member. Motion Carried 3-0

The meeting adjourned at 8:28 p.m.

Respectfully submitted,

Elizabeth Pegg, Clerk