

Ordinance Revision Ad Hoc Committee
April 20, 2023
4540 South County Trail
Council Chambers
Charlestown, RI 02813
6:00 p.m.

The Ordinance Revision Ad Hoc Committee of the Town of Charlestown, duly advertised and posted, was held April 20, 2023, at 6:00 p.m. at the Charlestown Town Hall, Council Chambers, 4540 South County Trail, Charlestown, RI

The meeting was called to order by Councilor Carney at 6:00 p.m.

Roll Call: Town Councilor Stephen J. Stokes, Town Councilor Deborah A. Carney, Member-at-large William Coulter, Member-at-large Lewis Johnson, Planning Commissioner Ruth Platner, Affordable Housing Commissioner Lorraine Boucher and Economic Improvement Commissioner Jane Glander. Also in attendance were Charlestown Police Lieutenant Kevin Kidd, Administrative Assistant to the Town Administrator Susan R. Shea, Acting Town Administrator Jeffrey S. Allen, and Town Solicitor David Petrarca.

A motion was made by Mr. Coulter and seconded by Ms. Boucher to approve the meeting minutes from March 23, 2023. Motion passed unanimously.

Let the record show that Zoning Board of Review Member Sheila Andrew arrived at 6:03 p.m.

Discussion and potential action regarding review and prioritization of potential Town Ordinance revisions

Ms. Glander stated that she is president of the Library Board of trustees and on the Economic Improvement Committee and that she has been looking at the ordinances that affect those areas. One area was prohibition for businesses that work from their home, or store equipment there. She stated that it should be more specific in order to better help business owners. Ms. Carney stated that such licensing follows state code and town licenses are issued accordingly. It's imposed on all home-based business per the state statute stated Ms. Weinreich.

Another concern of Ms. Glander was signage on personal property that may not be appropriate. She also noted that the fee for licensing firearms dealers is only \$5.00 and doesn't explain to whom they are sold. Lt. Kevin Kidd explained that all firearms dealers must complete a background check. State and federal laws supersede town law. (Chapter 111). Lastly, she noted that the current outdoor entertainment ordinance limits entertainment from noon – 7:00 p.m. It was suggested that that section could be tweaked a bit. Chapter 114-3 regarding flea markets say, "The Town Council may grant to any charitable, civic or fraternal organization a license to operate a flea market." Ms. Glander suggested that be looked at as well.

Lorraine Boucher spoke next. She asked about the Tree Warden and if that person was responsible for protecting the trees on public property as well as for removing piles of old wood and downed trees on town owned property. Ms. Carney stated that currently, the Conservation Commission oversees the removing of trees on open space or conservation land. The town doesn't know exactly who is responsible if there aren't any management plans in place.

Ms. Boucher said that there is open land that could be used to build affordable housing, but it is her understanding that the state is still considering a new bill for accessory dwellings. Attorney Petraca said that there is a bill pending in the state legislature addressing ADU's which is being considered as a statewide policy.

Ms. Boucher stated that if you have ordinances that are ineffective, they are far worse than having no ordinance at all because they tend to cause problems. The committee should consider some way taking out unnecessary ones like the use of foul language as there is really no enforcement. (Chapter 162 Peace and Order).

Sheila Andrews gave her top 5 chapters that need to be reviewed: Chapter 4 Agriculture, Chapter 12 Climate Resiliency, Chapter 96 Coastal Ponds and Moorings, Chapter 158 Parks, Beaches and Recreation and Chapter 218 Zoning.

Ruth Platner questioned the process of the company (General Code) who will be working with the town in codifying and updating our ordinances and wondered if they look for inconsistencies. Attorney Petrarca said that they look at all aspects of the ordinances including a changes in the law for local regulations. Ms. Platner requested that the next meeting be a roundtable set up for better eye contact.

Mr. Johnson stated that he was happy with the current ordinances. Some things are obsolete, but he found a petty group of typos. He mentioned the problem of identify theft and how now there is property theft where titles are forged. There are no procedures in place for the clerk's office. Mr. Petrarca said that it is not something the town could regulate. Anything can be recorded if it is an original document. The Clerk's office is in a position where they must accept documents for recording. The State does not have a mechanism in place either. Land evidence records are not indexed by property, but rather it is done by last name. It's not an easy solution.

Mr. Johnson spoke of Chapter 103-9 Loud animals and nuisances. Ms. Carney asked if Mr. Johnson was willing to clean up the language and grammatical errors for the committee. He also spoke of language changes to Chapter 122-1 Garbage and Refuse, Chapter 152 Noise, Chapter 152-6 Implementation of the Noise Ordinance, Chapter 165-3 Use of the CRCC, Chapter 188-163 (?), Chapter 197 Elderly Tax Procedures, Chapter 192, Chapter 197, Chapter 218-5.

Ms. Carney asked if all the typographical errors could be advertised as one hearing, separate from the substantive changes that may be proposed. Mr. Petrarca said that the town could hold a public hearing for "clerical" changes. Ms. Platner asked if a one-word change to a particular

chapter would open the entire ordinance for further changes. Mr. Petrarca said that it would depend. He said the public might give the council some push back but it all depends on how the ordinance is advertised. Ms. Carney asked the committee to keep a running document of typos so it could be placed in as a Word document for review all at once and advertised as such.

Ms. Carney said Chapter 3 Affordable Housing needs updating. She said Chapter 210 Wastewater Management must also be reviewed and noted that there is correspondence from the WWM Commission explaining how much their mission has changed. They will hold a meeting next month to discuss their role going forward. Chapter 152 Noise needs reviewing. Ms. Carney questioned if Chapter 158 4.1 Friends of Ninigret Park was really needed. The Council has vacancies every month with no public interest to serve. She suggested that this should fall under the umbrella of the Park and Recreation Department. Chapter 162-1H Peace and Good Order needs some language cleanup. Chapter 163 Public Trees which falls in line with Friends of Ninigret Park with no interest in the public serving on the Tree Committee. She would like to see this fall under the auspice of the Charlestown Conservation Commission. Chapter 218-62 Elections Signs are unconstitutional so that needs to be addressed.

William Coulter stated that his concern is with solar and renewable energy (“The Green Energy Bill”). Mr. Petrarca said there is some discussion going on with the State. He said it needs a better opinion of the implications for the town regarding compliance. He also discussed the food trucks and how the fee is assessed. Another concern is Accessory Dwelling Units, which is currently being discussed by the General Assembly.

Mr. Stokes expressed concern for Chapter 218 where there are inconsistencies regarding signage. The park fee schedule and outside events at Ninigret needed to be reviewed. The Animal Control Officer told Mr. Stokes that she would like to see Chapter 103-16 changed “Dogs at Large” add after 10-day stray hold animals need to be adopted or euthanized. The Building Official should have the ability to act on variances on a minor level. Mr. Stokes mentioned that the mailing component for notice to abutters for zoning matters are often dealt with addresses, provided by the tax assessor’s office, that may have changed over the course of year.

Lt Kidd brought up the issue of littering. He recommended that instead of going through the RI Traffic Tribunal that it goes through our municipal court where the town would receive the revenue rather than the state.

Ms. Weinreich stated that on the agenda there will be discussion about reaching out to the boards, committees and commissions for their input of any amendments they would like to see reviewed. She recommended that the same should be done for department heads.

Ms. Carney suggested that input was also important from the public. The Pipeline is coming out soon and recommended that it would be a good source for getting the word out.

Discussion and potential action regarding sending correspondence to Board, Committee and Commission Chairs for input on possible amendments

A motion was made by Ms. Boucher and seconded by Ms. Andrews to request that an email correspondence be sent to all chairs of all town board, committee and commissions and request of review the existing town ordinance relevant to them, with and request input regarding any proposed amendments to the ordinance. This correspondence will not be sent to the zoning board of review. This correspondence will also be sent to all department heads for their input.

Mr. Stokes amended the motion to submit recommendations by July 20th. Seconded by Mr. Coulter. Motion passed unanimously.

Discussion and Potential action for community outreach

Ms. Platner questioned where the meeting videos can be viewed. Ms. Weinreich explained that it's an Ad Hoc committee, so it does not necessarily fall under the videos in the IQM2 software which is unlike other meetings such as Planning, Zoning, Council,. She suggested that the Town Administrator work with IT to see how the video can be made available to the public.

A motion was made by Ms. Carney and seconded by Ms. Andrews to have language placed in the Pipeline. Motion passed unanimously.

Mr. Stokes made a motion to not to hold the May or June Ordinance Review Committee and that the next meeting will be held on July 20. Mr. Coulter seconded. Motion passed unanimously.

Ms. Carney asked that any information received during the two months' break to be forwarded to the committee so they can review.

Adjournment

With a motion from Ms. Boucher and seconded by Mr. Coulter the meeting was adjourned at 7:48 p.m. Motion carried unanimously.

Respectfully Submitted,

Susan R. Shea
Administrative Assistant

Date Approved: