

**CHARTER REVISION ADVISORY COMMITTEE  
REGULAR MEETING – FINAL MINUTES  
FEBRUARY 22, 2024, at 6:00 pm**

**Charlestown Town Hall Council Chambers**

Note: Words set as strikeover are to be **deleted** from the Charter; words set in underline are to be **added** to the Charter.

**1. Call to Order**

The meeting was called to order at 6:02 p.m.

**2. Roll Call :**

Catherine Graziano - Absent  
Margaret Hogan – Arrived 6:03 p.m.  
Anne Mulhall – Present  
Lorna Persson – Arrived 6:05 p.m.  
Laura Rom - Present  
Evelyn Smith – Present until 7:50 p.m.  
Rosemary Sullivan - Present  
Amy Rose Weinreich, Town Clerk - Present  
Jeffrey Allen, Town Administrator - Present  
Deborah Carney, Council Liaison – Present  
Peter Ruggiero, Town Solicitor - Present  
Shirell Perry, Committee Clerk – Present

**3. Discussion and potential action concerning the approval of prior meeting(s) minutes:**

**a. January 9, 2024**

**Motion to approve the minutes as written, made by Laura Rom seconded by Anne Mulhall and approved unanimously.**

**4. Update, Discussion, and Potential Action regarding Action Items from previous meetings:**

- a. Draft ballot questions – Attorney Ruggiero**
- b. C-41 Appointment; term - deferred from January**
- c. C-42 Qualifications; appointment of elected officials – deferred from January**
- d. C-43 Enumeration – deferred from January**
- e. C-100 Setting the Tax Levy (Budgeting) – A. Weinreich**
- f. C-147 Municipal Court – C. Graziano – deferred from January**
- g. C-155 and C156 Department of Public Assistance – deferred from January**
- h. C-172 Establishment and organization Compensation (Planning Commission) – deferred from January**
- i. C-173 Meetings, Quorum and Rules – Changes suggested by – Maggie Hogan**
- j. C-185 Dual Office Holding – Attn. Ruggiero to draft language - deferred from January. Additional recommendation from Councilor Stokes.**

The Committee discussed the following Action Items from previous meetings:

**C-19 Number, Elections**

Ms. Carney made the following clarifications:

- Attorney Ruggiero suggested that if the Board were to go forward with the staggering of terms it would take effect in November of 2026.

- In 2026 the two highest vote getters would get the four-year terms and then the three lowest vote getters would get the two-year terms.
- If this question goes forward and it goes on the ballot and is approved by the voters it would not impact the November 2024 election it would take affect in November 2026.
- In 2028 the three seats would be up for the three lower vote-getters, then that would become a four-year term and from that point on everything would be on a four-year cycle.

**Motion made by L. Rom seconded by Maggie Hogan and approved unanimously to accept four-year staggered terms which shall begin in 2026.**

**C-41 Appointment; Term (Administrator)**

*A. Following the procedure set forth in C-42A, the Town Administrator shall be appointed by a majority of the Council. for an indefinite term with an initial one (1) year probationary period, the provisions of which shall be acceptable to a majority of the Council, and thereafter shall serve at the pleasure of the Council.*

In April of 2023, the Tax Assessor proposed the following:

*I would recommend changes as I believe the “employment” of the Town Administrator should be negotiated, designed, and identified in an employment contract between the Town Council and the Town Administrator.*

**After a detailed discussion of the above suggestion proposal, a Motion was made by Maggie Hogan to reject the proposed change and was seconded by L. Persson and unanimously approved.**

**C-42 Qualifications; appointment of elected officials**

**Motion was made to remove all but the last sentence of C-42 A, as follows, by Maggie Hogan, seconded by Anne Mulhall and unanimously approved.**

*A. ~~Whenever the position of Town Administrator becomes vacant, the Town Clerk shall post the vacancy, at a minimum, in the Town Hall, the Library and advertise in other media deemed appropriate. The Town Clerk shall solicit resumes and references. A search committee appointed by the Council, shall review the qualifications, conduct interviews, conduct the appropriate reference checks and forward all resumes and references to the Council. The Administrator shall be chosen by the Council on the basis of executive and administrative abilities, with special reference to academic experience in, or knowledge of, accepted practices in respect to the duties of office as hereinafter set forth.~~*

**C-43. Enumeration.**

*The Town Administrator shall be head of the administrative branch of the town government. He/she shall be responsible to the Council for the proper administration of all offices of the town, as provided herein, and to that end he/she shall have power and be required to:*

*L. Serve as Acting Treasurer in the absence of the Town Treasurer.*

*N. Act as purchasing agent for the town. In this capacity, he/she may delegate authority to departmental subordinates. Responsibility in either case will rest with the Administrator.*

In his April 25, 2023, memo, the Tax Assessor recommended removing either items L and N or adding language for the Town Administrator to serve as Acting in the absence of every Department Head.

**Motion made to reject by Laura Rom seconded by Maggie Hogan and unanimously approved.**

**C-100 Setting the Tax Levy**

Ms. Weinreich explained that she was suggesting that clarifications be made based on some ambiguous language. Changes include: removing the reference to the Budget Public Hearing/Financial Referendum which was what the Town’s budget process was previously referred to and replaced by the Financial Town

Referendum. The strikethroughs and underlined language as proposed clarifies what was required by state statute and what actually happens in the Town's local process. The Council establishes the tax levy, and the Tax Assessor sets the tax rate and sends out the tax bills.

**§C-100 Setting the tax levy, tax rate, and financial resolutions.**

*A. ~~Within~~ Prior to fourteen (14) calendar days of the ~~Budget Public Hearing/Financial Referendum~~ Financial Town Referendum, the Council shall, ~~based on the budget and the warrants approved by the electors,~~ set establish the tax levy for the coming fiscal year.*

*B. Upon approval by the electors of the budget and any warrants at the Financial Town Referendum, the Tax Assessor shall set the tax rate prior to the creation of tax bills, on or before August 15 per R.I.G.L. §44-5-22.*

*C. The Council shall adopt appropriate financial resolutions, including authorizing the Town to borrow money in anticipation of taxes.*

**Motion made to adopt the recommendations brought forward by the Town Clerk above with the addition that all references to “Budget Public Hearing/Financial Referendum” be changed throughout the Charter to “Financial Town Referendum”, by Margaret Hogen, seconded by Rosemary Sullivan and unanimously approved.**

**C-144. Duties (Solicitor)**

**Motion to table this until Catherine Graziano's return made by Margaret Hogan, seconded by L. Persson and unanimously approved.**

**C155 and C156 Department of Public Assistance**

**Maggie Hogan made a motion that no changes be made, seconded by L. Persson. Action: Mark “No Action” on tracking sheet.**

**C172 Establishment and organization; ~~compensation~~ Composition. (Planning Commission)**

*12. Shall the Town Charter be amended at Part 14, Commissions and Boards, Article LIII, Planning Commission, § C-172 Establishment and organization; compensation composition, be amended to provide for a four (4) year term of office for full members at each subsequent election as the current terms of office expire? [If approved, this amendment will become effective beginning on the 2026 election cycle and establish four (4) year terms of office for members as current members' terms of office expire.]*

**Motion to adopt the language that Attorney Ruggerio provided above to be a Ballot question regarding the terms of the Planning Committee was made by Laura Rom and seconded by L. Persson.**

**C-173. Meetings, quorum and rules. (Planning Commission)**

*A. Regular meetings of the Commission shall be held at least once a month on such days as the Commission may determine, and special meetings shall be held at the call of the ~~Chairman~~ Chair or on written request of two (2) members.*

*B. ~~Three (3) members shall constitute a quorum, but no action shall be taken by the Commission without the concurring vote of three (3) members.~~ Quorum and voting shall be as required by Rhode Island State Law.*

*C. Meetings of the Commission shall be held as the Commission may determine. The ~~Chairman~~ Chair or, in his/her absence, the Vice Chair-~~Chairman~~, may administer oaths, compel the attendance of witnesses and the submission of explanatory data. Alternate members may actively participate in all hearings, whether acting in a voting capacity or not. In the event a regular Commission member cannot vote, then the first alternate shall serve as a voting member of the Commission. In the event two regular Commission members cannot vote, the second alternate shall also serve as a voting member. In the absence of the first*

*alternate, the second alternate shall serve as the first alternate. No member or alternate may vote on any matter before the Commission unless he/she has been present for the entire proceedings on that application or has reviewed the meeting tapes, the minutes and familiarized himself/herself with the application.*

**Motion to approve the change of Chairman to Chair as well as changing B. from: ~~Three (3) members shall constitute a quorum, but no action shall be taken by the Commission without the concurring vote of three (3) members.~~ To: Quorum and voting shall be as required by Rhode Island State Law, made by Maggie Hogan and seconded by A. Mulhall and unanimously approved.**

**C-185. Dual Office Holding.**

**Move to table this until next week for Attorney Ruggerio to work on the wording to exempt members of the Emergency Management Agency from the Dual Office Holding restriction made by Margaret Hogan and seconded by L. Rom unanimously approved.**

**5. Review, discussion, and potential action concerning charter sections C-1 through C-209, as needed.**

**a. C-188 Elected officials and members of boards and commissions – Recommendation from Councilor Stokes**

Town Councilor Stephen J. Stokes brought the question to the Committee whether an ad hoc committee should be held to residents only. He gave the opinion that when you are looking for specific expertise, there are times that you need to look outside of the Town residents. Ms. Carney brought up the point that there is nothing precluding the inclusion of that expertise as a guest speaker for their opinions and expertise, but to be a voting member of an Ad Hoc Committee you should be a resident. The Committee was in agreement, but no vote was taken.

**b. Department of Emergency Medical Services – Recommendation from Councilor Stokes**

Mr. Stokes presented the following proposal to the Committee:

***Department of Emergency Medical Services***

***§ C-XXX. Emergency Medical and Rescue Services***

*The Town shall provide emergency medical and rescue services. These services may be provided by a Town department established for such purpose by the Town Council or may be contracted to a qualified third-party, licensed by the State. Such qualified third-party shall be deemed to have fulfilled the provisions set forth in § C-XXX. Through § C-XXX.*

***§ C-XXX. Establishment and Composition.***

*There shall be a Department of Emergency Medical Services (EMS), the head of which shall be the Chief of Emergency Medical Services. He/she shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Chief of EMS becomes vacant, the Town Administrator may post the vacancy at the Town Hall and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town administrator, shall review the qualifications, conduct interviews, obtain the appropriate reference checks and forward to the council all resumes and references. The Department will be composed of uniformed officers, paramedics, and emergency medical technicians as shall from □me to □me be recommended by the Chief of EMS, supported by the Town Administrator and approved by the Council.*

***§ C-XXX Powers and duties.***

*The Chief of EMS and other members of the Department shall have all the powers and duties as are now or hereafter vested in municipal emergency medical services by the laws of the state and town ordinances.*

***§ C-XXX Organization; appointment.***

*The organization of the Department, appointment of its members as well as their powers and duties shall be set forth in town ordinances and in the Rules and Regulations of the Department.*

Mr. Stokes pointed out that the reasoning behind his suggestion is that he would like it to be very difficult for a future Council to remove an emergency service that we are now going to provide for our citizens.

Ms. Hogan suggested that if they are only going to primarily service Charlestown, the Town should make them employees.

Ms. Carney suggested that the “shall” at the beginning of paragraph two needs to be “may” instead of “shall”.

Ms. Hogan suggested we strike the middle part on how to go about hiring. Attorney Ruggerio suggests that we want to provide EMS services.

**Action: Peter Ruggerio to draft wording.**

### **§ C-190. Public records.**

*[Amended 11-8-1988; ratified by Town Council 2-10-1992]*

*All records and accounts of every office, department or agency of the town shall be open to any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the Administrator. Excluded from this provision are all records and documents, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. Also excluded are all personnel and medical files and any similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.*

Ms. Sullivan brought up a question as to whether HIPA should be included in the last sentence of C-190. Ms. Hogan explained that that will all be covered by state law anyway. The state's going to determine what's a public record and what's not a public record. Attorney Ruggerio pointed out that the problem is when you get benefits from tax funds a lot of your privacy rights go away because the access to public record act requires the disclosure of date of birth and all these other things that might not normally be public record so you have to be very careful here.

### **§ C-191 Word usage.**

*The use in this Charter of personal pronouns of the masculine gender is intended to include both the masculine and feminine gender.*

Ms. Sullivan brought this up to see if we wanted to deal with masculine and feminine pronouns here and throughout the Charter.

Attorney Ruggiero suggested that gender neutral terminology could be utilized throughout the Charter as a cleanup measure.

## **6. Public Comment**

Mr. Stokes suggested that the Committee consider adding a line for Director of Public Safety to the Town Administrator's role.

## **7. Adjournment 8:02 p.m.**

Deborah Carney wrapped up the meeting stating that the Committee appeared to be just about done. She stated that ideally, the Council would like to have the Committee's suggestions by June so that a public hearing could be advertised for July. She suggested that the Committee wrap everything up at the next

month's meeting, holding a public hearing at the end of April, then have a special meeting to get recommended changes to the Council.

**Action: Amy Weinreich to bring the calendar to the next meeting.**

**Next meeting March 12, 2024.**

**Motion to adjourn made by Margaret Hogan, seconded by R. Sullivan**