

**CHARTER REVISION ADVISORY COMMITTEE
REGULAR MEETING**

Final Minutes

January 9, 2024, at 6:00 pm

Charlestown Town Hall Council Chambers

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

1. Call to Order

The meeting was called to order at 6:04 p.m.

2. Roll Call

Catherine Graziano - Present
Margaret Hogan – Present
Anne Mulhall – Present
Lorna Persson – Present
Laura Rom - Present
Evelyn Smith – Arrived at 6:10 p.m.
Rosemary Sullivan - Present
Amy Rose Weinreich, Town Clerk - Present
Jeffrey Allen, Town Administrator - Present
Deborah Carney, Council Liaison – Present until 6:55 p.m.
Peter Ruggiero, Town Solicitor – Arrived at 6:08 p.m.
Shirell Perry, Committee Clerk – Present
Public: Ruth Platner – Present

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

a. December 12, 2023

Ms. Graziano asked that under Roll Call her having been marked as absent be corrected to present. Ms. Perry stated that under Roll Call, Maggie Hogan’s arrival time should be 6:26 p.m., not 5:25 p.m.; Laura Rom had a change to page 6 Item 6, 3rd line “beginning of the tax year ~~was~~” change to “beginning of the tax year and”; Amy Weinreich asked that at the bottom of page 4 under Section f, that West Beach Road, should be Old West Beach Road.

Motion to approve the minutes as amended made by Maggie Hogan, seconded by Anne Mulhall, and approved unanimously.

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

a. Review of the list to track Committee approved changes to the Charter to include a “Reject/Approve” column, a date discussed column, and a version control – Ms. Mulhall

The Committee discussed proposed amendments to the Charter as follows:

C-18. Public Highways not owned in fee simple absolute. Ms. Graziano summarized that the Committee had approved a change on November 14, 2023, but then on December 12, 2023, the state law that required the recording was brought to light, so the change became unnecessary, and the Committee voted that a change didn’t need to be proposed because it was already in the state law.

C-19. Number, Elections. According to the December 12, 2023 minutes, Attorney Ruggiero drafted the language for Questions 1 and 2, indicating there was no action for the Committee at this time; per the November 14, 2023 minutes, Page 4, Item 5a, the Committee addressed C19 specifically, “Ms.

Carney and Ms. Rom both stated that they are against term limits and their reasons for it. The Committee voiced their agreement. No formal action was taken.” Then at the December 12, 2023, meeting, the language was presented. The Committee expressed that the language for the staggering of terms was something that they were still interested in.

Action: Amendments to the tracking chart: Mark the item as TBD for now, and remove the date from the rejected column. A decision can be made at a future meeting.

C-20. Eligibility; holding other offices; votes which benefit members. Approved on November 14, 2023

C-28. Conduct; quorum; voting. Approved on November 14, 2023

C-30. Appointments. Attorney Ruggerio spoke with the Police Chief about this matter and was briefed on the way things are set up in Charlestown. The Town Sergeant is appointed by the Town Council to attend Town Council meetings and keep good order. He also performs local civil process. He doesn't do anything for the courts because the Police can't do any civil process, only criminal process. Annually, the Chief submits a list to the Council, for appointment, of around 50 people who are Constables that perform a variety of responsibilities in Town. The majority of those people perform traffic details. There are also people like Joe Warner (Building Official), Matt Dowling (Wastewater Management Specialist), Dispatchers, the Animal Control Officer, and others who are made Constables because, during the course of their work, they may have occasion to enforce civil activity like an ordinance provision. The Police Chief specifically asked that this practice be left as is. Ms. Carney asked if it is legal what we are doing. Because the question was to investigate whether local licensing was superseded by state law, Attorney Ruggerio responded that the Town Constables were not doing anything the State Constables did. The constables at the state level are certified, they are appointed by the District Court, with regulations enforced by the Department of Business Regulations. Attorney Ruggiero clarified that the terminology, even though it appears the same, means different things. Ms. Graziano asked if the Committee should propose any type of definition to distinguish it from the State Constables. Attorney Ruggerio's opinion is that since it is working, and under the Chief's request, it should be left alone.

Motion to Reject made by L. Persson, Seconded by L. Rom – Motion passed 6 to 1 – Ms. Hogan abstained.

C-31 Legislation (J) (under Article VIII Town Council – Powers)

All legislative powers of the town shall be vested in the Council except such powers as are or may be vested otherwise by the State Constitution, by this Charter and by laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council may enact and amend ordinances relating to the town's property, affairs and government not inconsistent with the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council shall have, under this Charter, and may exercise all such additional powers and authority as are consistent with this Charter and have now been granted or may hereafter be granted to it under the Constitution or laws of the state. The Council, by ordinance, may assign additional functions or duties to officers, departments or agencies established by or under this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. Without limiting the generality of the foregoing, the Council shall have and exercise the following specific powers, subject to the provisions of this Charter and all applicable provisions of general and special laws.

J. To review and act upon the town budget in the manner prescribed in Article XXV, C-81 through C-83.

Ms. Hogan noted that this section may need to be revisited number-wise if changes were made to the Budget process. **No action necessary** – It is a tracking item.

C-38. Authorization and publication of ordinances and resolutions.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the Town Clerk and shall be recorded in a book kept for that purpose. Within seven (7) calendar days after final passage, each ordinance shall be published at least once in such manner as the Council may prescribe by ordinance.

Motion to Approve made by M. Hogan, Seconded by E. Smith – Motion passed unanimously.

C-41. Appointment; term. This was a suggestion from Ken Swain’s memo from April 25, 2023. Ms. Hogan expressed her belief that the Administrator already serves under a contract. Ms. Carney pointed out that it is not a formal contract outlining dates of service, but rather outlines the parameters, i.e, salary, benefits, etc. She noted the current contract stated the Administrator serves at the will or the pleasure of the Town Council. She noted that if the Town had an Administrator that they didn’t agree with they would have the opportunity to fire them without being locked into any long-term contract with a severance package.

Motion to defer this item to the February meeting made by M. Hogan and Seconded by L. Persson and was unanimously approved.

C-42. Qualifications; appointment of elected officials. (Appointment of Administrator.) Ms. Graziano stated that this language was sent to Peter regarding the vacancy of the Town Administrator position after the September 12, 2023 meeting. Attorney Ruggiero requested time to follow up on this.

Motion to defer this item to the February meeting made by M. Hogan, seconded by Evelyn Smith, and was unanimously approved.

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, Mr. Swain 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. Ms. Graziano pointed out that it was addressed during the November meeting and Ms. Hogan had asked about the historical amendments of the Charter concerning this section.

Motion to defer this item to the February meeting made by E. Smith and seconded by R. Sullivan and was unanimously approved.

C-54. Establishment and C-55. Organization (Department of Finance). See Tax Assessor memo dated April 25, 2023

Ms. Hogan summarized that earlier in the fall when the Committee discussed this proposal, Mr. Allen wanted to let the new Treasurer get his feet wet, so at some point, the Committee would need to re-address this item.

Mr. Allen stated that he does not agree with adding this new position, noting that the Town has a Treasurer and that the position could be titled Finance Director, but expressed that the Town does not need both. Ms. Allen stated that he would like to create a position for Payroll and Benefits to provide help to the Treasurer, but stressed that the Town doesn't need a Finance Director and a Treasurer. Mr. Allen reported that the Department was functioning well now, but that a succession plan needed to be developed. Ms. Hogan inquired about Human Resource duties; Mr. Allen explained that payroll and benefits have been handled by the Treasurer's office and grievance issues were handled by the Town Administrator. Mr. Allen explained that he does have an HR consultant that he uses on occasion for personnel issues. Ms. Hogan asked whether Mr. Allen was suggesting any structural changes; Mr. Allen responded that he was satisfied with the current Depart structure. Laura Rom inquired about the rationale for the request. Ms. Carney explained that the Town hired a consultant, Clifton, Larson, Allen (CLA), to do a study of the entire Finance Department including the Treasurer's Office, Tax Collector's Office, and the Tax Assessor's Department. CLA looked at the functioning of the department and issued a report. One of the recommendations in their report was to appoint a Finance Director, under which would be the Treasurer, the Tax Collector, and the Tax Assessor. They identified other things, for example, there was no succession plan in place for the Tax Assessor's and Tax Collector's departments. In other words, the people we had in those positions were assets to the Town and if they should retire, there was no provision set up for a replacement. Mr. Allen stated that he has been working with those Departments to develop a plan. Ms. Hogan pointed out that it sounds although that the CLA report was being effectuated in other manners without hiring a Financial Director position. Ms. Smith pointed out that the Town Administrator was essentially a Financial Director since all three of those departments report to the Administrator.

Motion to Reject was made by M. Hogan and seconded by L. Persson and was unanimously approved.

C-57. Qualifications (Treasurer)

The Committee discussed historical amendments to this section.

Motion to report this item as having been researched and reviewed and determined that no further action is necessary made by E. Smith and seconded by L. Rom.

C-79.D. Procedures for Commission (Budgeting). Approved June 13, 2023.

D. The Budget Commission shall complete its consideration of the budget, including all necessary conferences with the Council, Administrator, department representatives, Charlestown School Committee, citizens and private corporations, no later than ~~March 31~~ March 15. The Budget Commission shall also on that date publish its recommended budget by filing two (2) copies with the Town Clerk's office, one for posting for public inspection in the Clerk's office, and the other copy for the use of town officers. The Town Clerk shall have sufficient copies of the budget prepared for distribution to interested persons.

C-87.B.3 Notice. Approved September 12, 2023.

§ C-87Notice.

B. Financial Referendum.

3. The Board of Canvassers shall determine the location of polling places and the process of the referendum not inconsistent with state election laws.

C-100. Setting the Tax Levy (Budgeting).

Ms. Weinreich requested an opportunity to review this matter for further discussion.

Motion to defer this item to the February meeting made by M. Hogan and seconded by A. Mulhall and was unanimously approved.

C-102 Purchasing Agent (Purchasing); C103.E. Policy (Purchasing); C-104. Procedures (Purchasing).

The Committee discussed Mr. Swain's concerns contained in his April 25, 2024 memo and Mr. Allen expressed that he was pleased with the way things were working at this time.

Motion to reject proposed amendments to C-102 made by M. Hogan and seconded by L. Persson and unanimously approved.

Motion to reject proposed amendments to C-103 and C-104 made by M. Hogan and seconded by L. Persson and unanimously approved.

C-119. Composition (Police Department).

The Committee discussed the following language changes proposed by Ms. Hogan.

There shall be a Police Department, the head of which shall be the Chief of Police. He/she shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Chief of Police becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library 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 if requested by any council member. The Department will be composed of command officers and ~~patrolmen~~ patrol officers as shall from time to time be recommended by the Chief of Police, supported by the Town Administrator and approved by the Council.

Motion to approve language changes proposal by M. Hogan and seconded by L. Persson

C-144. Duties (Solicitor).

No Action Taken.

C-147. Municipal Court

Ms. Graziano stated that she would be sending a document over to Attorney Ruggiero. A request was made to have this moved to February.

Motion to defer this item to the February meeting made by M. Hogan and seconded by A. Mullhall and was unanimously approved.

C-151. Establishment and appointment. (Animal Control Officer). Approved November 14, 2023

A. There shall be an Animal Control Officer appointed by the Administrator, who shall report functionally and administratively to the Chief of Police.

C-153. Establishment and appointment. (Emergency Management). No Action Necessary

C-155 and C-156. Department of Public Assistance

Motion to defer this item to the February meeting made by E. Smith and seconded by M. Hogan and was unanimously approved.

C-157. Wastewater Management Commission

Ms. Weinreich confirmed that the Ordinance Review Advisory Committee is currently looking at the Wastewater ordinance to revise it. Attorney Ruggiero gave a brief background that when the Commission was originally formed their purpose was to get everyone compliant with the septic systems, and at this point, they are pretty much finished. He stated that it may be premature to remove it at this time.

No Action

C-170. Appointment of Commission (Building Commission)

A. There ~~shall~~ may be a Building Commission of (5) members appointed by the Council for staggered terms of office lasting three (3) years. One (1) member ~~shall~~ may be first appointed for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. All appointees thereafter ~~shall~~ may be appointed for three (3) years. Appointment to fill a vacancy ~~shall~~ may be for the unexpired term. One (1) member of the Council, one (1) member of the School Committee and the Town Administrator ~~shall~~ may serve as ex-officio members with no voting rights.

Motion to amend 170A Instead of there ~~shall~~ be a Building Commission to, there may be a building Commission made by L. Persson and seconded by L. Rom and unanimously approved.

C-172. Establishment and organization; compensation. (Planning Commission)

Motion to defer this item to the February meeting made by A. Mullhall and seconded by Evelyn Smith

Action: For this to go forward it is necessary to clearly articulate the Amendment Language as well as the Ballot Question for review.

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

Action: Attorney Ruggiero to write Amendment to include “to be consistent with State Law”.

Motion to defer this item to the February meeting made by A. Mulhall and seconded by L. Rom and unanimously approved.

C-174 E. Powers and Duties (Planning Commission)

Ms. Hogan stated that it looks as though the Rhode Island Development Council is defunct.

The Commission shall report annually to the Council at the end of the fiscal year, summarizing the work of the preceding year and recommending plans for future development of the town. ~~A copy of this report shall be filed with the Rhode Island Development Council in accordance with the provisions in the General Laws of Rhode Island.~~ All plans and reports of the Commission shall be first submitted to the Council, and thereafter the Commission may publish and distribute copies of plans and reports in order to promote public interest in and understanding of the work of the Commission.

Motion to remove the sentence “A copy of this report shall be filed with the Rhode Island Development Council in accordance with the provisions of the General Law of RI.” Made by M. Hogan, seconded by L. Persson, and unanimously approved.

C-185. Dual Office Holding

Ms. Rom feels strongly that it should not be limited to one board per person. Ms. Graziano suggested that we add a sentence that allows the Council that in the instance of an appointed member that would allow them to serve on more than one board. However, the Council shall have the authority to allow an appointed member to more than one board but not more than two.

Action: Attorney Ruggiero to draft proposed language.

Motion to defer this item to the February meeting made by L. Persson and seconded by L. Rom and unanimously approved.

At 8:00 p.m., Attorney Ruggiero excused himself.

- a. Draft proposed language for Municipal Court Judge – Ms. Graziano**
- b. Draft proposed language for Senior Services – Ms. Mulhall/Ms. Graziano**
- c. Consider amendment to C-30 concerning the Appointment of Constables – Attorney Ruggiero – addressed earlier in the meeting.**
- d. Update on historic Charter amendments per request of Ms. Hogan – Amy Weinreich**
- e. Update on a Charter provision concerning property tax sales – Jeff Allen**

Mr. Allen said the question would be are we doing it? We are now. Mr. Allen mentioned that he is working with Peter Ruggiero’s office at this time to start the process.

- f. Update on Town Council action concerning the recording, live streaming, and utilization of agenda management software for all Boards that have Town Hall Staff support – Amy Weinreich**

Ms. Weinreich shared that The Council did take action at their January 8, 2024 meeting to require recording, live streaming, and agenda software usage for all boards and commissions that have staff support. She noted that the Committee’s agendas and all backup documentation would be populated to the IQM2 web portal and the Committee’s videos would be livestreamed and recorded. Ms. Weinreich is hopeful for a February start.

Ms. Graziano asked if there was anything anyone would like to cover that we didn’t cover.

Ms. Weinreich suggested that the Committee prioritize which matters to place in front of the voters.

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

6. Public Comment - None

7. Adjournment

Motion made by Maggie Hogan, seconded by Lorna Persson, and approved unanimously to adjourn.
Adjournment took place at 8:07 p.m.