

**CHARTER REVISION ADVISORY COMMITTEE
REGULAR MEETING
November 14, 2023, at 6:00 pm
Charlestown Town Hall Council Chambers**

DRAFT MINUTES

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 6:07 p.m.

2. Roll Call

Catherine Graziano - Absent

Margaret Hogan – Arrived at 6:17 p.m.

Anne Mulhall – Present

Lorna Persson – Present

Laura Rom - Present

Evelyn Smith – Absent

Rosemary Sullivan - Present

Amy Weinreich, Town Clerk - Present

Jeffrey Allen, Town Administrator - Present

Deborah Carney, Council Liaison – Present

Peter Ruggiero, Town Solicitor - Present

Shirell Perry, Committee Clerk – Present

Public: Ruth Platner

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

a. October 10, 2023

Ms. Perry stated that Ms. Graziano requested to amend Page 2, first paragraph, second to last sentence to read:

“Ms. Graziano stated that changing Council terms was a local issue, however, the form of voting may be a state issue; Atty. Ruggiero stated that it was his opinion that changing Council terms was a local matter.”

Motion made to approve the minutes as amended made by Ms. Persson, seconded by Ms. Mulhall, and approved unanimously.

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

a. Amend list to track Committee approved changes to the Charter to include a “Reject/Approve” column – Ms. Hogan/Ms. Mulhall

Ms. Mulhall explained that she retyped Ms. Hogan’s version of the sheet to track Committee-approved changes to the Charter into a shareable document. She shared the document with Ms. Graziano with editor permission to make sure she wanted to do it this way. Ms. Carney

cautioned that if everyone has access to the document, there would be potential for a rolling quorum. Ms. Rom pointed out that this document was only to add what was completed at the meeting. She acknowledged the approved column being added as discussed previously but pointed out that she had added a date discussed column that she thought would be beneficial to aid in locating previous discussions. A question was raised as to adding a version control. Ms. Rom expressed her thanks stating that meeting minutes are great, but this is extremely useful.

Action: A. Mulhall to confirm whether the live version contains a revision date for the document.

Motion made to accept the document by Ms. Mulhall, seconded by Ms. Persson, and approved unanimously.

b. Review of Proposed Charter amendment questions as drafted by the Town Solicitor – Atty. Ruggerio/Ms. Weinreich

Attorney Ruggerio explained that he had provided three examples at the last meeting of what could be done and provided a summary of information previously provided to the Committee, including possible wording of questions, provision of explanation materials, and publication options.

c. Draft proposed language for C-18, Public Highways not owned in fee simple absolute – Ms. Hogan

C-18 Public highways not owned in fee simple absolute

Ms. Hogan presented a proposed amendment as follows:

Public highways not owned by the town in fee simple absolute may not be sold but may be abandoned in accordance with the laws now or hereinafter in effect on such abandonment. Notice of all such abandonments shall be recorded in the Land Evidence records.

Ms. Hogan noted that this matter was addressed in State Law as RIGL § 24-6-1, Order of Abandonment--Reversion of Title—Notice, with provision for particular municipalities and asked the Committee to consider approaching the Town’s legislators about adding language for Charlestown. Ms. Hogan clarified that the proposed Charter amendment would provide clarity in Land Evidence Records for title searchers.

Motion made to amend C-18 as proposed made by Ms. Hogan, seconded by Ms. Mulhall, and approved unanimously.

Action: Administrator Allen to check with Alan Arsenault as to whether there are any abandoned roads in Charlestown.

d. Draft proposed language for C-151, Animal Control Officer, Establishment and Appointment – Mr. Allen

Mr. Allen stated that the Charter currently addressed this matter as follows:

§ C-151 Establishment and appointment.

A. There shall be an Animal Control Officer appointed by the Administrator.

B. If necessary there may be an Assistant Animal Control Officer appointed by the Administrator with the approval of the Council

C. The Animal Control Officer shall report functionally and administratively to the Chief of Police.

He noted that the addition of this language would put the Animal Control Officer both officially and administratively under the Chief of Police. As it stands now, they are appointed by the Administrator and there was a question as to who they report to. In their day-to-day functioning, the Animal Control Officer is an enforcement agent, and prosecution is handled through the Police Department for any animal-issued tickets she gives out. The Police Chief assists with the budget process. The Officer utilizes Police secretarial services to submit purchase orders and to order products. Ms. Hogan inquired whether the Animal Control Officer was a police officer; Mr. Allen replied that they were not, their primary duty was to manage the animal shelter. Being that we are a small town, we don't necessarily have her out there patrolling, but she will, and she answers calls for service relative to animal complaints. She will go out and answer calls for service, but she is a civilian. She doesn't have arrest powers, she doesn't carry a gun.

Ms. Persson suggested the following revision:

§ C-151 Establishment and appointment.

A. There shall be an Animal Control Officer appointed by the Administrator.

B. If necessary there may be an Assistant Animal Control Officer ~~appointed by the Administrator with the approval of the Council~~

C. The Animal Control Officer shall report functionally and administratively to the Chief of Police.

Motion made by Ms. Hogan to adopt §C-151 as presented and amended, seconded by Ms. Persson and unanimously approved.

e. Draft proposed language for Municipal Court Judge – Ms. Graziano

Attorney Ruggiero is currently reviewing the document from Ms. Graziano.

Action: Table until Ms. Graziano returns.

Attorney Ruggiero noted that at the last meeting, Ms. Graziano proposed drafting language for this purpose for his review prior to distributing it to the group. He noted that Ms. Graziano was not present this evening and suggested tabling the matter until she returned. He noted that she intended to copy the relevant portion from the state statute and place it in the Charter. He suggested that the Committee consider the following:

- By putting this section in the Charter, the only way to amend would be to go to the voters. Currently, it is a special Act of the General Assembly; any amendments would be requested from the General Assembly. He shared that his own experience was that requesting changes from the General Assembly was a lot easier than obtaining a Charter amendment.
- He suggested that the current Municipal Judge have an opportunity to look at the proposed amendment to ensure that her job wouldn't be made more difficult. Something for you to think about in terms of where you think it should land. There is no right answer.

Motion made by Ms. Hogan to table this matter until the next meeting. Ms. Rom seconded and it was unanimously approved.

f. Draft proposed language for Senior Services – Ms. Mulhall/Ms. Graziano

Ms. Mulhall had some questions prior to proceeding. She noted the following:

§ C-153 Establishment and appointment.

D. There shall be a Charlestown Emergency Management Agency (CEMA) comprised of the Director of Emergency Management, and other personnel qualified in emergency service and approved by the Director.

She inquired who the other personnel were that were qualified with regard to seniors. She stated that she was in the process of drafting proposed amendments, but wanted to understand what was already being addressed concerning dementia or Senior emergency services

Action: Mr. Allen to check with the Director of CEMA to find out if there is someone specifically that they can contact for these services.

She further inquired about the Emergency Management sections of the Charter, as to whether the Charlestown Emergency Management Agency acts as liaison between local full-time and or part-time residents and public, private volunteer, and public safety agencies.

She additionally discussed §C-176 Senior Citizens Commission concerning qualification for membership and the Commission's role in addressing the needs of Charlestown's Senior population.

Concerning §C-156 Department of Public Assistance Director, Ms. Mulhall inquired whether the Town had a Director. Mr. Allen explained that there wasn't a named Director, but that there was \$6,000 budgeted to address the resident's needs.

Action: Mr. Allen to provide Lisa Schipritt and Kevin Gallup's contact information to Anne Mulhall

5. Discussion and potential action of the Charter and any further proposed additions/changes/revisions

a. Proposed amendments concerning term limits and term lengths for elected Town officials (C-19) (C-172)

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.

Action: Add resolved no action on the completed list.

Action: Attorney Ruggiero to work on term length language for the Planning Commission.

b. 2024 meeting schedule.

Motion made to accept as proposed the 2024 meeting schedule by Ms. Hogan, seconded by Ms. Mulhall, and approved unanimously.

6. Review, discussion, and potential action concerning Charter Sections C-1 through C-209, as needed.

Ms. Hogan brought the following proposed amendments to the attention of the Committee for consideration:

C-18 Public highways not owned in fee simple absolute

Public highways not owned by the town in fee simple absolute may not be sold but may be abandoned in accordance with the laws now or hereinafter in effect on such abandonment. Notice of all such abandonments shall be recorded in the Land Evidence records.

§ C-20 Eligibility; holding other office; votes which benefit member.

A. Members of the Council shall be qualified electors of the Town of Charlestown and shall hold no other paid public office or employment in the service of the town, pursuant to the Rhode Island State Law, Title 17, Chapter 1 - 5.1. No member of the Council shall be eligible to hold any other paid local town office for a period of one (1) year following his/her term on the Council. A member of the Council may hold elective town office immediately succeeding his/her term on the Council.

[Amended 11-5-1996]

B. No member of the Council shall vote on any proposition through which the member, directly or indirectly, could financially benefit.

C. As elected municipal officials, Councilors are subject to the Rhode Island Code of Ethics in Government, R.I. Gen. Laws § 36-14-4 and as may be amended.

§ C-28 Conduct; quorum; voting.

A. The Council shall adopt and publish its own rules governing the conduct of its meetings. except that, no rule may be implemented that prevents any Councilor from placing an item on an agenda for discussion and/or action.

B. A quorum shall consist of the majority of the qualified members, and except as otherwise provided in this Charter, the affirmative vote of at least three (3) Council members present shall decide any issue. The vote upon any matter shall, upon the request of two (2) Council members, be taken by roll call and entered upon the record of the proceedings.

[Amended 11-2-2010]

Ms. Hogan stated that previous Councils have not allowed individual Councilors to put things on Town Council agendas, expressing that this deprives their representatives of their voice on the Council.

§ C-30 Appointments.

The Council shall have the power to:

A. Appoint regular, standing, or special commissions and committees.

B. Appoint the Administrator and such other officials as herein provided in C-42.

[Amended 11-2-2010]

C. Appoint such numbers of constables to serve civil process as it shall from time to time determine, and to charge and collect for licenses issued to such constables such fees as the Council shall fix by ordinance.

Ms. Hogan suggested Investigating whether local licensing was superseded by state law, RIGL §9-5-10.1. She noted that constables were licensed by the Department of Business Regulations She suggested referring this section to the Solicitor for review.

Action: Ms. Weinreich to send Attorney Ruggiero the list of Constables and any relevant information.

Motion made by Ms. Hogan to refer §C-30 to the Town Solicitor for review, seconded by Ms. Persson and unanimously approved.

Action: Attorney Ruggiero to review the matter with the Chief of Police

§ C-31 Legislation.

[Amended 11-2-2010]

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 if changes were made to the town budget process, the Committee may need to revisit this section.

§ C-33 Introduction.

[Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-2-2010]

Every proposed ordinance, other than an emergency ordinance, shall be read a first time by title and explained by its sponsor at the meeting at which it is to be introduced. ~~An affirmative vote of three (3) of the members of the Council shall be necessary for its introduction.~~ A date shall be set for a hearing on the proposed ordinance. At least seven (7) calendar days prior to the hearing, the proposed ordinance shall be published in a newspaper having distribution within the town unless a greater notice period is required by state law.

Ms. Hogan stated that this amendment was to prevent practices that deprive people of representation. She noted inconsistencies between Town and State requirements relating to notice periods; this amendment would clean up language to make it consistent.

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

[Amended 11-2-2010]

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.

Ms. Hogan inquired how this section changed in 2010. In response to Ms. Hogan's inquiry about how this section was implemented, Ms. Weinreich provided a brief overview of the process of advertising and preserving ordinances in their final form. Ms. Carney stated that the Council could take up the matter of whether to advertise in the Newspaper.

Action: Ms. Weinreich to research the 2010 amendment.

§ C-43 Enumeration.

[Amended 11-8-1988, ratified by Town Council 2-10-1992; 11-5-1996]

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:

A. Appoint, or recommend for appointment, such officials as are provided for in this document. He/she may remove or suspend appointees who have been directly appointed by him/her and in all other cases (excepting committees and commissions) may recommend their removal by the Council.

B. Keep the Council advised of the future needs of the town and make recommendations as he/she may deem desirable.

C. Attend all Council meetings, unless excused from attendance by the majority of the Council.

D. ^[1]Report in writing to the members of the Council at an interval and manner determined by the Council. Personnel/confidential matters shall not be included.

[Added 11-2-2010]

[1] Editor's Note: Former Subsection D, concerning serving as ex officio member of the Planning Commission, was repealed 11-5-1996.

E. Recommend to the Council adoption of such measures as may be needed for the health, safety or welfare of the community or for the improvement of administrative services.

F. See that all laws and ordinances are duly enforced, including any franchises, permits and privileges granted by the town.

G. Supervise and monitor all departments and personnel that are under his/her direction, as defined herein, and shall be responsible for facilitating the exchange of interdepartmental communication, thus increasing the efficiency of the administration.

[Amended 11-2-2010]

H. Provide for the delegation of authority to departmental subordinates; however, in this event, responsibility will rest with the Administrator.

I. Receive from the Treasurer, review and submit to the Council within ninety (90) calendar days after the end of the fiscal year a preliminary financial report for the preceding year, together with a report of all administrative activities.

[Amended 11-5-1996; 11-2-2010]

J. Maintain a perpetual inventory of town property, including real, personal, tangible and equipment.

[Amended 11-2-2010]

K. Supervise the preparation of the annual budget; and monitor the approved budget, keeping the Council advised as to overexpenditures or improprieties by any commission, department, individual or agency.

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

M. Be informed about current federal funding or grants; and prepare and/or supervise all applications for federal funding and/or federal grants for which the Council might apply.

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.

O. Perform such other duties as may be prescribed by this Charter or required of him/her by the Council not inconsistent with this Charter. Any additional duties or responsibilities assigned will not entitle him/her to any additional compensation.

P. Prepare annually and recommend to the Budget Commission a capital budget and a comprehensive five-year capital improvement program. Input from the Planning Commission may be requested from time to time.

Ms. Hogan expressed her curiosity as to the changes in 1996 and 2010.

Action: Ms. Weinreich to research 1996 and 2010 amendments.

§ C-57 Qualifications.

[Amended 11-5-1996]

The Treasurer shall have knowledge of municipal accounting, possess experience in computer-based accounting systems and shall have experience in budgeting and financial control.

Ms. Hogan expressed her curiosity as to the changes in 1996.

Action: Ms. Weinreich to research 1996 amendment.

§ C-119 Composition.

[Amended 11-2-2010]

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 ~~men~~ officers as shall from time to time be recommended by the Chief of Police, supported by the Town Administrator and approved by the Council.

Ms. Hogan suggested consider amending the language for gender neutrality.

§ C-144 Duties.

[Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-5-1996; 11-2-2010]

The Town Solicitor shall be the attorney for the town and legal advisor to the Council, the Town Administrator and all other departments, officers and agencies of the town. He/she shall direct the work of the Assistant Town Solicitors. It shall be the duty of the Town Solicitor to:

A. Appear for and protect the rights of the town in all actions, suits and proceedings, civil or criminal, in law or equity, brought by or for or against any of its departments, including the Board of Canvassers.

B. Examine or prepare all ordinances and resolutions, and all invitations for bids, contracts and other legal documents sent out by any department, office or agency of the town.

C. Perform such other duties appropriate to his/her office as the provisions of this Charter, the Council and/or the Town Administrator may require.

Ms. Hogan inquired if §C-144B was being enforced. Attorney Ruggiero gave a brief overview.

§ C-157 Establishment; organization and appointment.

A. There shall be a Wastewater Management Commission whose duties and functions shall be determined by ordinance.

B. There shall be a Wastewater Management Specialist appointed by the Administrator, upon approval by the Council.

Ms. Hogan noted that these duties were not outlined as with other department heads. Ms. Carney suggested that the Committee not address this matter, as there was currently an ordinance being reviewed.

§ C-170 Appointment of Commission.

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

[Amended 11-2-2010]

B. When the Commission is serving as a building committee for a specific municipal project, the Council may appoint up to four additional members with voting rights. When the Commission is serving as a building committee for a specific school project, the School Committee may appoint four additional members with voting rights.

C. Additional members appointed by the Council or School Committee shall serve only for the duration of the specific municipal or school project and shall only have a vote for the specific project for which they were appointed.

D. Appointees to the Commission shall have expertise in the financing, building managing and maintaining of facilities.

Ms. Hogan inquired whether the Building Commission was in existence. Ms. Carney noted that it was and was initially formed at the time the Town was building the Police Station. Ms. Carney stated that there haven't been appointments to the Commission recently and that the Commission hasn't met because there have been no building projects. Ms. Hogan noted that there were other duties of the Commission. Mr. Allen stated that these were duties that could be performed by the Department of Public Works. Ms. Carney suggested a potential solution to say that in the absence of volunteers to serve on the Commission, then the duties shall fall to the Town Administrator.

§ C-173 Meetings, quorum and rules.

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 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.

C. Meetings of the Commission shall be held as the Commission may determine. The Chairman or, in his/her absence, the Vice 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 can not vote, then the first alternate shall serve as a voting member of the Commission. In the event two regular Commission members can not 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.

[Added 11-4-2008^[1]]

[1]Editor's Note: This amendment also redesignated former Subsection C as Subsection D.

D. The Commission shall adopt rules for the transaction of business.

[Amended 11-5-1996]

Ms. Hogan suggested checking whether this section concerning the Planning Commission was consistent with recent changes in the law

Action: Attorney Ruggiero to check into this.

§ C-174 Powers and duties.

E. 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.

Ms. Hogan noted that she believed the Rhode Island Development Council was defunct.

Action: Attorney Ruggerio to check reporting requirements.

Action: All approved Motions to be added by Ms. Mulhall to the overall list.

The next meeting will be held on December 12, 2024, at 6:00 p.m. at the Charlestown Town Hall, Council Chambers.

7. Public Comment - None

8. Adjournment

Motion made by Ann Mulhall, seconded by Ms. Persson, and approved unanimously to adjourn. Adjournment took place at 7:54 p.m.