

**CHARTER REVISION ADVISORY COMMITTEE  
REGULAR MEETING**

**December 12, 2023, 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 6:05 p.m.

**2. Roll Call**

Catherine Graziano - Present  
Margaret Hogan – Arrived at 6:26 p.m.  
Anne Mulhall – Present  
Lorna Persson – Present  
Laura Rom - Present  
Evelyn Smith – Absent  
Rosemary Sullivan - Absent  
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  
Public: Ruth Platner

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

**a. November 14, 2023**

Ms. Graziano recused herself, not having been at the last meeting, creating a lack of quorum for voting. **Motion made to table this item to await a quorum with the arrival of Ms. Hogan made by Ms. Mulhall and seconded by Ms. Rom 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**

Ms. Mulhall explained that she completed all of the above and added a pending column. To accommodate the added information, she moved the information into an Excel spreadsheet and would like more time to work on the presentation of the data. Ms. Graziano mentioned that she and Ms. Mulhall had a brief discussion, suggesting that the items that have been approved or rejected go to the bottom and the pending stay at the top for ease in the review process. Ms. Mulhall pointed out that Excel would actually make it easier to reorder and that she just needed a little extra time to complete it.

**b. Draft proposed language for Municipal Court Judge – Ms. Graziano**

Ms. Graziano stated that she put together a rough draft and sent the below update to Attorney Rugerio for his review and comment, noting that this proposal would add the Municipal Court to the Charter. Ms. Graziano acknowledged that she saw comments from Attorney Rugerio in the last minutes about his concerns for putting it in the Charter, that it would then restrict the Town if they wanted to change it, because the voters would need to approve a future change as opposed to going back to the state legislature to request a change. Ms. Graziano respectfully disagreed in the sense that the enabling

legislation by the state allowed Charlestown to have a Municipal Court and appoint Judges; if the Municipal Court were put in the Charter, much like the Probate Court is in the Charter, it would cement the Court into the Town. She noted that the mechanics of that Court would be left to the discretion of the Town Council. Ms. Graziano reiterated that she believes this matter belongs in the Charter. Ms. Graziano noted that a number of other Cities and Towns that had enabling legislation placed the matter in their respective Charter. Ms. Graziano pointed out that the proposed language was a rough draft. Ms. Graziano asked Attorney Ruggerio if he had any other comments; Attorney Ruggerio responded there is no right answer, just the preference of the Town where it is placed. Ms. Graziano stated that she would get copies of the Charter language from those municipalities that contain Municipal Courts. Attorney Ruggerio suggested that the Committee consider language for both the Probate and Municipal Courts to allow the Council to authority to adjust the mechanics of the Courts by ordinance.

**Action:** Ms. Graziano will submit information for the next meeting.

*Part 12  
Probate Court  
And Municipal*

*ARTICLE XL  
Establishment*

*§ C-147. Establishment; selection and term of Judge of Probate. [Amended 11-5-1996]  
There shall be a Probate Court; and there shall be a Judge of Probate who may be the Town Solicitor. He/she shall be appointed by the Council to serve for a term of office concurrent with that of the Council and until his/her successor is appointed and qualified.*

*§ C-148. Clerk<sup>1</sup>. There shall be a Clerk of Probate Court who shall be the Town Clerk.*

*§ C-149. Absence of Judge. [Amended 11-5-1996; 11-2-2010]*

*Whenever the Judge of Probate Court is absent or unable to perform his/her duties, or there is a vacancy in the office, his/her duties may be temporarily performed by the Assistant Town Solicitor or by an Acting Probate Judge designated by the Council. If the absence or vacancy exceeds ninety (90) calendar days, the Council may appoint another Probate Judge to fill the unexpired term*

*Municipal Court Established*

*C- There shall be a Municipal Court for the Town of Charlestown, as established pursuant to Title 45, Chapter 2, Section 32 of the General Laws of the State of Rhode Island, 195, as amended.*

*The Court shall be composed of one or more Judges assigned by the Town Council. The Judge shall serve until his or her successor shall be duly assigned as aforesaid.*

*A. Except for the initial appointment, the term of the assignment for the Judge shall be concurrent with the term of the Town Council. The initial term of assignment shall begin when the Town Council assigns the first Judge, and the assignment shall be for a term to run concurrent with the term of the Town Council making the appointment.*

*B. The judge shall be a lawyer admitted to practice before the Supreme Court of the state, in good standing, and shall have not less than five year's experience in the active practice of*

*C- There shall be a clerk of the Municipal Court who shall be appointed by the Town Administrator.*

*C- In case of sickness, absence or other disability or ineligibility of the Municipal Court Judge, the Town Council may, by resolution, appoint an acting Municipal Court Judge for the term of such sickness, absence, disability or ineligibility of the Municipal Court Judge, at such salary as the Town Council may*

determine. An acting Municipal Court Judge shall perform all duties of the Municipal Court Judge, and in the performance of such duties shall have the same effect as if the duties were performed by the Municipal Court Judge. The acting Municipal Court Judge's services shall automatically terminate upon the return of the sitting Municipal Court Judge. The Town Solicitor may serve as acting Municipal Court Judge.

*ARTICLE XLI*

*Powers and Duties*

*§ C-150. Judge to exercise and perform.*

*The Judge of Probate shall exercise and perform the powers and duties of a Probate Court for the Town.*

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

Ms. Mulhall sent an email to Lisa Schipritt from Charlestown Emergency Management Agency (CEMA); she reported that she hadn't heard back from her yet but would follow up with her. The Committee discussed qualifications for individuals to work with senior citizens. Ms. Mulhall noted that the Committee had previously discussed the Senior Citizens Commission being part of this section, but that nothing has been solidified; she requested that this matter be continued to the January meeting for further investigation. Ms. Graziano stated that the purpose of this was to see if anything was necessary to put in the Charter regarding CEMA and Senior services.

Ms. Mulhall stated that she had questions concerning CEMA's available list of local, full-time, and/or part-time public, private, and volunteer public safety agencies. Additionally, she inquired whether the Senior Center Director should be listed specifically as one of the public agencies in relation to C-156, Department of Public Assistance. Ms. Mulhall expressed her desire to understand the specific requirements to be a part of the Senior Citizens Commission and how the Commission determines the needs of the senior citizens. Ms. Graziano agreed that this was an important endeavor to centralize all the information. She provided suggestions concerning qualifications to serve on the Senior Citizens Commission. Ms. Mulhall suggested a variety of ages could serve on the Committee in order to provide different perspectives on senior care.

Mr. Allen addressed Senior Emergency Services relative to Dementia, stating that this was considered a personal emergency and that CEMA deals with non-personal emergencies. Mr. Allen noted that Libby Bray was the special needs registry person, reachable at (401) 218-1968.

Ms. Mulhall clarified that the goal of these inquiries was to determine if the Charter should be more specific concerning Senior services.

Ms. Graziano noted that the result of this research may be the creation of an Office of Senior Services or directing that role to someone who is already employed by the Town.

**d. Proposed amendments concerning term lengths for elected Town officials (C-19) (C-172) – Attorney Ruggerio**

1. *Shall the Town Charter be amended at Article VI, Town Council, Organization and Election, §C-19 Number: Elections, be amended to provide that the two (2) candidates receiving the largest number of votes shall be elected to a four (4) year term and, that the next three (3) candidates receiving the largest number of votes be elected to a two (2) year term? Thereafter, at each subsequent election, the term of office for a Council member shall be four (4) years.*
2. *Shall the Town Charter be amended at Article LIII, Planning Commission, §C-172 Establishment*

*and Organization; compensation 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?*

Attorney Ruggiero noted that Question 1 related to the Town Council and Question 2 related to the Planning Commission; he suggested that this could be the wording for the questions and the Charter would be edited upon passage.

Ms. Carney inquired about clarifying language concerning the date of enactment; Attorney Ruggiero responded that those details would be worked out if the Committee decided to move in this direction.

Attorney Ruggiero noted that no action was necessary from the Committee at this time;

**e. Consider amendment to C-30 concerning the Appointment of Constables – Attorney Ruggiero**

Attorney Ruggiero noted that the Town does appoint constables, but explained that they can't serve civil process of Courts unless they are certified by the Court, and stated that it was unclear what the appointed constables' purpose was.

Mr. Allen stated the Town Sergeant was the only individual who served court documents. There was discussion concerning certification by the Court system for the Town Sergeant versus RIDOT certification for traffic constables.

Ms. Graziano inquired if the Committee was to amend this section. Ms. Hogan suggested that the Committee consider the matter based on the conversation. Attorney Ruggiero suggested that the Town Administration acquire more information about what our constables actually do and whether any hold a certification.

**Action: Mr. Allen to find out if the Town Sergeant has a certification and what types of things he is currently serving for the Town.**

Ms. Graziano noted that the provision for the Town Sergeant was as follows:

*§ C-162 Establishment and appointment.*

*[Amended 11-2-2010]*

*There shall be a Town Sergeant appointed by the Town Administrator and approved by the Council.*

*§ C-163 Powers and duties.*

*A. The Town Sergeant shall be responsible for assisting the Council President in maintaining order at all Council meetings.*

*B. He/she shall have all the powers, privileges and immunities of his/her office. He/she shall perform all the duties as prescribed by the General Laws and applicable special laws and ordinances.*

*[Amended 11-5-1996]*

The Committee considered the difficulty in educating the public concerning any amendments for this matter. Ms. Carney suggested a column in the tracking sheet for future review. The Committee consented to place this matter on the pending list.

**f. Update on abandoned roads – Jeff Allen**

Mr. Allen stated that there were three abandoned roads in Town according to Alan Arsenault, Director of Public Works: Niantic Highway, Old Bradford Road and Old West Beach Road. Mr. Allen stated that these roads were abandoned according to RI General Laws.

Mr. Arsenault did confirm that the Town no longer maintains these roads.

Attorney Ruggiero explained the process historically, noting that by Council decree, the road was literally split down the middle and the land on either side of the middle reverted to the abutters, noting further that if there were two properties on either side of the road, the lot lines literally moved. He further explained that there were now provisions in the law to do an administrative subdivision so that that property gets tracked in the Land Evidence Records when it's decreed as abandoned.

The Committee noted that this matter could be removed from the list as RIGL § 24-6.1(c) codified the recording requirements.

**Action:** Ms. Weinreich to collect more information on the three abandoned roads. Mr. Allen to ask Mr. Arsenault if he has any additional information concerning the three abandoned roads to ensure that the Town was in compliance with state statute.

**g. Update on historic Charter amendments per request of Ms. Hogan – Amy Weinreich**

Ms. Hogan stated that this information came too late for her to review for this evening's meeting. She stated that she would go through and highlight what the changes were so she has a good understanding.

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

**a. Consider a Charter provision concerning property tax sales**

Ms. Rom inquired whether the Committee wanted to consider a provision in the Charter regarding property tax sales. She noted that state law requires it, but did not prescribe how to go about it.

Attorney Ruggiero provided an overview of the process as provided in state law and practiced within the Town. He cautioned that once a matter was adopted into the Charter, the Town was required to do it. Ms. Rom suggested acquiring input from the Tax Collector as to what she feels would be an appropriate time frame to require that a tax sale be held. She expressed that this matter should be regulated at a high level in the Charter, just to make sure it gets done. Attorney Ruggiero stated that it should be not less than every three years.

**Action:** Mr. Allen to ask the Tax Collector her thoughts on timing.

**b. Consider a Charter provision concerning Ninigret Park**

Ms. Rom stated that she placed this matter on the agenda because there have been a number of questions recently about Ninigret Park. She expressed that perhaps the Charter should delineate what can and cannot be done with the Park to alleviate misconceptions and protect the integrity of the Park.

Ms. Carney stated that this information was contained in the deeds for the Park and may not belong in the Charter.

Attorney Ruggiero stated that the deeds do control everything, and noted that the Town adopted ordinances concerning Ninigret as well.

Ms. Hogan suggested that the deeds for Ninigret Park could be listed as appendices to the Charter.

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

Ms. Carney stated that a resident inquired that if someone doesn't pay their third quarter taxes, does the penalty go back to the beginning of the year rather than the quarter? Is that something that is in state law? Attorney Ruggerio explained that the penalty was charged back to the beginning of the tax year and could not be waived; he stated that the Town could get an exception from the General Assembly that would allow a waiver.

## **7. Public Comment**

Ruth Platner inquired asking how she could receive the handouts that are given out at the meeting for review. Ms. Weinreich stated that she could request them by email.

### **Readdressed:**

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

### **a. November 14, 2023**

**Motion made to approve the minutes as written, made by Ms. Hogan, seconded by Ms. Rom, and approved unanimously. Ms. Graziano abstained.**

## **8. Adjournment**

**Motion made by Laura Rom, seconded by Lorna Persson and approved unanimously to adjourn. Adjournment took place at 7:35 p.m.**