

**CHARTER REVISION ADVISORY COMMITTEE  
MEETING – FINAL  
June 13, 2023 at 6:00 pm  
Charlestown Town Hall, Council Chambers**

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1. **Call to Order** - The meeting was called to order at 6:04 p.m.

2. **Roll Call:**

Margaret Hogan - Present  
Anne Mulhall - Absent  
Lorna Persson - Present  
Laura Rom, Vice Chair - Present  
Evelyn Smith - Absent  
Catherine Graziano, Chair - Present

Amy Weinreich, Town Clerk – Present  
Jeffrey Allen, Acting Town Administrator – Present  
Deborah Carney, Council Liaison – Present

Shirell Perry, Clerk - Present

3. **Approval of prior meeting(s) minutes.**

**April 6, 2023**

Deborah Carney requested to change the spelling of her name from “Debra” to “Deborah” Carney **Action:** Ms. Perry to make changes and finalize the minutes.

**Motion made by Margaret Hogan, seconded by Laura Rom, and unanimously approved to approve as amended, including the changes highlighted in yellow, the April 26, 2023, meeting minutes.**

**April 26, 2023**

**Motion to approve made by Margaret Hogan, seconded by Lorna Persson, unanimously approved.**

**May 12, 2023**

A request was made to remove the second comma after April 25 under #3 and change the date and time of the next meeting to June 13, 2023, at 6:00 p.m. **Action:** Ms. Perry to make changes and finalize the minutes. **Motion Ms. Hogan, seconded by Ms. Rom, and unanimously approved to approve as amended.**

4. **Discussion and potential action regarding establishing a subcommittee for the purpose of researching Charter Amendment history.**

Ms. Graziano provided a brief history of the Committee’s discussion concerning this matter, stating that there were a few Committee members that wanted to research the development of the Charter over the years.

Ms. Rom stated that she and Ms. Mulhall began the research process and found it to be overwhelming. She further stated that there may not be significant value in knowing the history of every amendment that has been made to the Charter. Ms. Rom further stated that some of the key sections had been changed numerous times.

Ms. Hogan expressed that she didn’t believe the Committee needed detail of every revision. She suggested that the Committee review the Charter in smaller sections and seek out the historical revision as needed.

Ms. Weinreich addressed the Committee, noting that she had a collection of each Charter Revision as it was adopted by the voters and suggested that the Committee look at the ballot questions for particular topics as they happened over time. She further suggested that if the Committee encountered a particularly divisive topic, the related minutes

of the Committee and Public Hearing could be examined to gain further insight. Ms. Weinreich volunteered to provide an overview of historical Charter change ballot questions.

The Committee consented that a subcommittee was not necessary, and that research would be done by topic, as needed.

## **5. Discussion and potential action regarding establishing cumulative list of Sections reviewed.**

Ms. Graziano suggested that a formalized method for tracking the changes to the Charter be enacted, either by using the Charter itself or a cumulative list. **Action:** The Committee consented that Ms. Hogan will put together a list for tracking the changes to the Charter.

A suggestion was made to keep a running list of questions being sent to the Solicitor. **Action:** The Committee consented to compile a list of questions being sent to Jeffrey Allen to then forward to the Town Solicitor in sections.

Ms. Rom suggested that a list of action items and who is responsible be kept. **Action:** The Committee consented that Ms. Rom will formulate a record of action items.

A suggestion was made to add a standing item to the agenda: **Action:** The Committee consented that the Clerk will add a standing agenda item at the beginning of each agenda "Update on action items."

Ms. Rom shared that she found the book, "Municipal Charters in Rhode Island 2013" to be helpful. It gives a high-level structure for how each town works. Although it's old, it still has value. It was published by the Department of Municipal Finance. **Action:** The Committee consented that Ms. Weinreich send a copy of the Municipal Charters in Rhode Island Rev. 2013 to Ms. Carney.

A proposal was made to update the Charter as we go. **Action:** The Committee consented that Ms. Weinreich send a Word document of the Charter to the Committee to be updated and marked up in different colors with notes to follow the changes (i.e., change at a later date, etc.).

**Motion made by Ms. Hogan, seconded by Ms. Rom, and unanimously approved that Ms. Perry send approved minutes to date to the Council as an FYI at her convenience.**

## **6. Discussion and continued Review of the Charter and any further proposed additions/Changes/Revisions.**

### **A. Further discussion of proposed changes as suggested by Town Clerk and Tax Assessor.**

Ms. Graziano mentioned there were several items discussed at length at the previous meeting, it would make sense to vote on them.

**Motion made by Ms. Hogan that C79D be amended to require the budget to be submitted to the Town Council by March 15<sup>th</sup> as suggested by the Town Clerk. Ms. Row seconded, and it was unanimously approved.**

Motion made by Ms. Hogan to recommend to the Town Council that the Charter be amended to explicitly permit voting by mail for the budget. Discussion concerning the relative recommendation by the Town Clerk ensued. Ms. Hogan withdrew her motion.

**Ms. Hogan made a motion to reconsider the motion to approve the May 12, 2023 minutes, seconded by Ms. Persson, and unanimously approved.**

**Ms. Hogan made a motion to strike the sentence "Clerk Weinreich suggests that the Charter (C-95) be amended to explicitly permit voting by mail for the budget" because it is inaccurate Ms. Rom seconded, and unanimously approved. Action:** The Committee consented to propose a potential charter change concerning this matter for a future public hearing.

**Motion made by Ms. Hogan, seconded by Ms. Rom, and unanimously approved to amend C-100 as proposed on 5/12 to add words “or any time prior to the issuance of the tax bills” at the end of the sentence under proposed C-100 (B).**

Discussion ensued concerning Advertising Requirements and the need for consistency throughout the Charter to not specify print advertising and to use the language used in C-38 which states: “shall be published in a manner as the council may prescribe by ordinance.” Ms. Weinreich pointed out that the language exists in C-38 but we will have to make sure that the entire Charter needs to be examined so that proper language is inserted in the proper sections. (Note: C-27D should be included in changes).

**Ms. Hogan made a motion to change the title of Acting Administrator to Interim Administrator, C46 & C47 and wherever else it may appear. Seconded by Ms. Rom. Unanimously approved.**

Ms. Hogan made a motion that the word “shall” be changed to “may” in C42 Section A. Ms. Hogan withdrew her motion due to the need to take a closer look at section C42A. **Action:** The Committee consented to redraft section C42.

Discussion ensued regarding whether the position of Tree Warden is required by state law. Attorney Peter Ruggiero submitted an email stating that it is required per R.I.G.L. § 2-14 et sec.

Ms. Graziano added that the Department of Public Assistance Social Services is governed by R.I.G.L. § 40-6 et sec.

Concerning C-185, Dual Office Holding, **Action:** The Committee consented to Ms. Hogan drafting language regarding Town employees that are residents and to address that if a committee is not ad hoc, a resident can be appointed to more than one board, with a possible Ethics Committee opinion.

The Committee further discussed C-185, Dual Office Holding, as follows:

- A. No elected or appointed shall hold more than one position, elected or appointed. **Action:** The Committee consented to replace with the language “No elected member of town government shall hold more than one” and work appointed in a subsequent section. Strike “appointed”
- B. No employee of the Town shall hold an elective office in town. (No action was recommended.)
- C. For the purpose of this Article LVIII, Town Constables, Notaries Public, Justices of the Peace, volunteer firemen, members of the Police Reserve, and members of Ad Hoc Committees shall be considered neither elected nor appointed officials of town government nor as town employees. **Action:** The Committee consented to strike “or appointed”.

The Committee clarified that the goal was to allow volunteers to serve on more than one Board or Committee and to allow Town employees who are residents to volunteer to serve or be appointed. The Council may require an Ethics advisory from the State. A potential solution would be to remove “appointed” and keep “no elected member of town government shall hold more than one.”

Concerning C-13 Acquisition of Real Estate, Ms. Hogan noted that the section was amended in both 11/5/2002 and 11/7/2006 and would like to know what those changes were. **Action:** The Committee consented that Ms. Weinreich would research and submit the changes to Ms. Hogan.

Ms. Hogan proposed that C-18, Public Highways, be not owned in fee simple absolute. Ms. Hogan made a motion to amend this by adding “All Abandonment shall be recorded in the Land Evidence Records.” Ms. Hogan withdrew her motion. **Action:** The Committee consented that Ms. Hogan submit language prior to a vote.

**B. Further discussion regarding Town ‘Finance Director’ position.**

Ms. Hogan suggested that this matter be revisited in the Fall so that the new Treasurer can have some input. It was noted that this matter was generated from a report by CLA (Clifton, Larson and Allen) to the Town Council on March 29, 2023, at 7:00 p.m. **Action:** The Committee consented that Mr. Allen will send a digital copy of the report to all Committee members. **Action:** The Committee consented that Ms. Carney will send a link to the video presentation that was made to the Town Council.

### **C. Further discussion regarding Planning Commission status and structure.**

Ms. Rom requested this topic. Ms. Rom referenced the state statute concerning C-172. The discussion was around the concerns regarding the advantages and disadvantages of a Planning Commission being elected versus appointed. Charlestown is the only town that is elected. Ms. Rom did some research because she wanted some rationale as to whether it should stay the way it is or whether it should be changed. Ms. Rom referenced several things from the Charlestown Town Council minutes that had to do with subdivisions. Ms. Rom suggested that the Planning Board should serve at the pleasure of the Council and when you are an elected Board, that doesn't happen. Ms. Rom expressed that she didn't see where the advantage of an elected Planning Board and felt it could be dangerous.

Ms. Rom inquired whether the Planning Commission was always elected. Ms. Graziano explained that it has been from the onset of the Charter which was 1981. However, there is a state law that talks about planning boards and commissions and mandates that every city or town shall appoint one. However, if you had a Charter in existence, under the statutes, which provided for an elected planning board then that board could continue as an elected board. From quick research, it appears that we did not have a charter prior to that state law being enacted.

The Committee considered that the Council could seek either a legal opinion or a declaratory judgment. Depending on the timing that the first Planning Commission was elected, Charlestown might not be in compliance. The Home Rule charter exemption occurred in 1972 (Public Law 1972, Chapter 204, Section 2 and has never been amended) and we did not have a Home Rule Charter at that time. It is possible that the Town has not been in compliance with state law the whole time.

It was noted that the Town's Solicitors have an inherent conflict concerning this matter. If the Council seeks an opinion or an action, outside counsel may need to be sought.

Ms. Carney stated that she was willing to put this matter on the Council Agenda to decide whether the Town should request a Legal opinion or Declaratory Judgement from a Judge. **Action:** The Committee consented that Ms. Carney will add this matter to the Council Agenda for June 26, 2023.

The Committee discussed changing the Planning Commission's length of term from six years to four years. **Action:** The Committee consented to get the ruling on whether the Planning Commission should be Appointed or Elected prior to voting on this.

### **D. Further discussion regarding term limits on town elected officials.**

Article 6 C-19. It was noted that a couple of Towns had staggered terms. The Chariho School Committee has four-year staggered terms which provides for some continuity. Town Councils, except for the larger towns, tend to have two-year terms. The staggered term seems to have a more stable environment due to the learning curve and continuity. There was discussion about how staggering would work. If the Charter change is approved, then the top five highest vote-getters get elected. The top two would get four year-terms and the bottom three would get two-year terms. In two years, the top two would have two more years left and the bottom three would be up for re-election. **Action:** The Committee consented to look at the language Town Council uses.

The committee further discussed term limit configurations. **Action:** The Committee consented that this matter be put on the next agenda. It was suggested that when the agenda is written, the Committee should always have

a possible vote. **Action:** The Committee consented that the agenda be drafted to include “Discussion and potential action” for all subjects.

**Action:** The Committee consented that Ms. Weinreich will solicit agenda items for the next meeting on July 11, 2023, at 6:00 p.m. The meeting schedule for the rest of the year is as follows: August 8, September 12, October 10, November 14, and December 12 at 6:00 p.m.

## **7. Adjournment**

**Motion made by Ms. Graziano and seconded by Ms. Rom to adjourn at 8:03 p.m. The motion passed with a unanimous vote.**

**ATTEST:**

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Shirell G. Perry, Committee Clerk  
Approved: July 11, 2023