

The **Regular Meeting** of the **Ordinance Revision Ad Hoc Committee** of the Town of Charlestown, duly advertised and posted, was held **November 16, 2023, at 6:00 p.m.** at the Charlestown Town Hall, Council Chambers, 4540 South County Trail, Charlestown, RI.

1. The meeting was **CALLED TO ORDER** by Deborah A. Carney, Town Council President at 6:00 p.m.

2. **Roll Call:** Town Council President Deborah A. Carney, Town Council Member Stephen Stokes, Member-at-large William Coulter, Member-at-large Lewis Johnson, Planning Commissioner Ruth Platner, Zoning Board of Review Member Joseph Pangborn, Tax Assessor Kenneth Swain, Town Clerk Amy Rose Weinreich and Deputy Town Clerk Jennifer Gabriele, followed by the Pledge of Allegiance.

It was noted that Ms. Glander was not in attendance.

Ms. Carney announced that Sgt. Westervelt will be taking over for Lt. Kevin Kidd.

### 3. Approval of Minutes From September 21, 2023

**Motion to approve the meeting minutes from September 21, 2023. Moved by Ms. Boucher, second from Mr. Pangborn. The motion was unanimously approved.**

### 4. Unfinished Business – Discussion and potential action concerning the following:

#### A. Chapter 192 – Taxation (requested by Ken Swain, Tax Assessor)

Mr. Swain explained that in December 2017, the Town Council requested an increase in the values of the Disabled, Blind, Veteran, and Senior exemptions and also implemented the requirement of annual verification. Mr. Swain stated that everyone must apply for these exemptions; however, the status of blind and disabled veterans will typically remain the same. Mr. Swain stated that low-income seniors are required to file their applications annually. Mr. Swain researched surrounding communities and stressed that none of the communities required annual verification.

The Council's 2017 amendment of this ordinance required the Tax Assessor to send out residence verification letters to every applicant who filed for a personal exemption. Mr. Swain stated that there are over 300 veterans in our town and the first year the verification letters went out, most of them did not return the letter of verification. The ordinance amendment required that if the letter of verification was not returned, then the Tax Assessor was to remove the exemption. If the resident chose to fight that decision, then it was to be brought back to the Council. Mr. Swain pointed out that the first year of the verification letters was very contentious.

Mr. Swain recommended that the ordinance be refined to only those properties held in trusts or life estates, which both have a verification process. The reasoning is that those properties, in particular, do not always house the applicant. Mr. Swain stated that when a property goes into a trust, the Assessor's office is required by law, to give them the exemption if the resident is the applicant. He stated that sending out letters to the applicants causes a lot of confusion. The residents do not understand why, as owners of the property, they need to go through the verification process annually.

Ms. Carney asked if a Veteran applies for a Veteran exemption this year and they remain at the same home, would they have to verify the following year? Mr. Swain confirmed, noting that this was not necessary prior to the 2017 amendments. Ms. Carney asked Mr. Swain if he felt the proposed wording would resolve the issue. Mr. Swain confirmed that it would.

Ms. Platner asked if an individual owned the property, why it mattered if they lived there or not. Mr. Swain clarified that they must be residents and must prove residency on their initial application. Ms. Platner stated that a property owner could move and still retain the exemption if they still own the property. Mr. Swain responded by saying that the Assessor's office monitors where the mail goes. Mr. Swain continued by saying that he can deny the exemption at any time, by law. He explained that the Assessor's office checks annually for any address changes and further stated that when the office receives an address change, they automatically check to see if there are any exemptions attached to the account.

Mr. Johnson inquired if the residents needed to be there 183 days a year. Mr. Swain confirmed. Mr. Pangborn asked how the office received an address change. Mr. Swain responded by stating when a resident doesn't receive their tax bill the Tax

Collector's office will search for them because the taxes are delinquent. Mr. Swain further explained that when the tax bill is returned and when the resident realizes that their bill is late, they tend to give their new address to the Tax Collector.

Attorney Petrarca added that the tax bill is mailed out with a 'Do Not Forward' directive and if it is returned, sometimes the yellow return label notes the new address.

**Motion to forward the requested ordinance change to the Town Council. Moved by Mr. Coulter, seconded by Ms. Boucher. The motion was unanimously approved.**

**B. Chapter 11 – Conservation Commission Membership; Annual reporting (awaiting recommendation from the Commission)**

Ms. Carney stated that she spoke with Shirley Griffin of the Conservation Commission and that the Commission requested no changes to the ordinance at this time. The Committee consented to remove the item from the list.

**C. Chapter 210 – Wastewater Commission (awaiting recommendation from Matt Dowling, Wastewater Specialist)**

Ms. Carney stated that she had not received any correspondence from Mr. Dowling and Ms. Weinreich concurred.

**Motion to table this item until communication from Mr. Dowling was received. Motion made by Mr. Coulter and seconded by Mr. Pangborn. The motion was approved unanimously.**

**D. Chapter 152 – Noise (by consent of the Committee 7/20/23)**

Ms. Carney stated that there was nothing new or pending received.

Ms. Carney read the Committee's September 21, 2023 meeting minutes as follows:

*Ms. Carney asked Mr. Allen what the largest noise complaint was in his past experience.*

*Ms. Carney stated that the Town Council has received complaints about the quarries on Ross Hill road due to blasting.*

*Ms. Platner asked if anything could be done about the noise control about Ross Hill Road blasting. She added that the quarries are grandfathered in Zoning. However, the noise isn't a Zoning issue, it is a Nuisance. Is it possible to have a noise ordinance that deals with the nuisance part of it. Is there any ability to have some kind of noise control?*

*Attorney Petrarca replied that their ability to quarry is grandfathered because the quarry preexisted the houses. He added that there are limitations as to what they can do especially for preexisting nuisance. One of the risks is that someone might run into the problem with enforcement.*

*Mr. Stokes asked Attorney Petrarca how difficult it is to prove a noise ordinance violation and if our police department had the capability.*

*Mr. Petrarca replied it is difficult to prove. There are a lot of elements to prove for a violation.*

*Mr. Allen stated that a decibel meter reader is difficult to use due to surrounding elements interfering with the results.*

*Mr. Stokes asked if more stringent requirements would be a clearer way to enforce the noise ordinance. Mr. Stokes noted that at the quarries they are only allowed to blast for so many hours per year. He added the gun range in Bradford also has specific hours.*

*Mr. Pangborn noted that there is a special use permit allowing specific hours for blasting.*

*Ms. Glander mentioned that the outdoor entertainment event has to end at 7 p.m.*

*Mr. Stokes noted that some of our facilities have built into their license allows for entertainment between certain hours. Mr. Stokes mentions there are several ordinances that apply and any movement of the ordinances may*

*Mr. Petrarca noted that during the recodification process they look for contradictions.*

Ms. Carney stated that at the time, the Motion was to postpone this topic until the next meeting. Ms. Carney noted that there was nothing new on this topic.

Ms. Boucher expressed her concern that the subjective language makes the ordinance unenforceable.

Mr. Stokes stated that as unenforceable as it is, if the Police are notified and respond by requesting the noise to be turned down, the resident generally complies. If they don't turn it down, at least there is an identifiable way for the ordinance to

be enforced. Specifically for the quarrying operations, specific criteria could be created, i.e., the hourly limit per year. Mr. Stokes further stated that he agreed that it would be difficult to enforce. Mr. Stokes continues by stating the ordinance was more of a preventative measure.

Ms. Carney read an excerpt from the ordinance as follows:

*‘the purpose is to establish standards for the control of noise pollution in the town to protect public health safety and general welfare.’*

Ms. Carney revisited the last meeting where Mr. Allen and Lt. Kevin Kidd discussed when they received complaints about excessive noise. If the residents do not respond by lowering the volume of noise and it escalates, without an ordinance there is no repercussion.

Mr. Stokes stated the noise disturbance definition says ‘that it exceeds reasonable person standards for loudness’ and asked Attorney Petrarca if that was a legally defined definition.

Attorney Petrarca responded that it was a legal term of art; the reasonable person is typically applied in the civil context in a negligence standard and how it is applied in enforcement is amorphous. Attorney Petrarca stated that it was not an easy task to enforce. He added that this ordinance has been written elsewhere and maybe we should look into other communities’ verbiage. Attorney Petrarca pointed out that Code review would go over this ordinance as part of their review and suggest language or other options. He stated that there are a few options; delegate to a small subset to see what else is in Rhode Island, let Code Review come back with their comments, or remove the ordinance.

Mr. Coulter stated that the ordinance acts as a vehicle for noise complaints and most rely on neighborly respect.

Ms. Carney addressed Ms. Boucher, noting that most cities and towns have their ordinances online, and suggested she do a check and see if some have language that would be better. Ms. Boucher stated that she will look for definable specific non-subjective ordinances and will report back at the next meeting.

Mr. Stokes asked if including a specific time would be beneficial to the residents. Sgt. Westervelt stated that including a time would clarify so that it would lessen the complaints.

Ms. Carney stated the Committee will continue looking into this item.

#### **E. Chapter 218-59 – parking/storing recreational vehicles (requested by Ernest Morreira)**

Attorney Petrarca stated that the information that he has gathered from other communities and Building Officials has all agreed that the language is universal. The Committee agreed that changing the verbiage could pose a problem.

**Motion to remove this matter from the list made by Mr. Coulter, seconded by Ms. Boucher. The motion is unanimously approved.**

### **5. New Business – Discussion and potential action concerning the following:**

#### **A. Chapter 78 – Amusement Devices (requested by EIC)**

Jane Glander, EIC representative was not present.

Ms. Weinreich stated that less than 10 of Charlestown’s licensed businesses currently hold a Mechanical License permit. Ms. Weinreich added that she would not oppose repealing this ordinance. Attorney Petrarca and Ms. Weinreich agreed that repealing this ordinance appears to be the request of the EIC. Ms. Carney reviewed the ordinance and stated that it seems to be obsolete.

**Motion made by Mr. Stokes, seconded by Mr. Coulter to propose repealing Chapter 78 – Amusement Devices to the Town Council. The motion was unanimously approved.**

#### **B. Chapter 98 – Dance Halls (requested by EIC)**

Ms. Weinreich stated that the Economic Improvement Commission recommended repealing this Chapter.

**Motion made by Ms. Boucher, seconded by Mr. Stokes to propose repealing Chapter 98 - Dance Halls to the Town Council. The motion was unanimously approved.**

### **C. 2024 Meeting Schedule**

Mr. Coulter asked the Committee if anyone opposed changing the meeting start time to 6:30 pm. The committee agreed that 6:30 pm was an acceptable time.

**Motion to adopt the 2024 meeting schedule as presented with the exception that the time of the meetings change to 6:30 pm, made by Ms. Boucher, seconded by Mr. Coulter.**

Ms. Weinreich mentioned that it might be in the Committee's best interest to wait until February to hold the first meeting of 2024 due to the list of changes expected to come in the month of January from the General Code.

**Ms. Boucher proposed an amendment to strike the January 18, 2024 meeting from the 2024 meeting schedule. Mr. Coulter seconded the amendment. The amendment was approved unanimously.**

**The main motion as amended was called and passed unanimously.**

### **6. Discussion and potential action regarding an update on the status of General Code Review.**

Ms. Weinreich updated the Committee stating that she, Attorney Petrarca, Ms. Carney, and Mr. Stokes attended a Zoom meeting with the representatives from General Code regarding the recodification process. General Code is in the process of reviewing the ordinances and looking for state and federal law discrepancies as well as providing editorial comments and grammatical changes. Ms. Weinreich added that the completed review should be received in the month of January. Attorney Petrarca added that the review will consist of structural and suggested changes and will be interactive and cloud-based.

### **7. Public Comment**

Joseph DeMarco was present and noted that his copy of the Zoning Ordinance did not have a Table of Contents or page numbers. It was determined that this was due to the form in which his copy was made.

### **8. Committee Member requests for future agenda items - None**

### **9. Next meeting date – February 15, 2024 at 6:30 pm**

### **10 Adjournment**

**Motion made by Mr. Coulter, seconded by Ms. Boucher to adjourn the meeting.**

The meeting adjourned at 7:09 pm.

Respectfully submitted by,  
Jennifer Gabriele