



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Tuesday, June 14, 2016**  
**6:00 PM**

*The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.*

*Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.*

**I. ROLL CALL**

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS AND PROCLAMATIONS**

**IV. PUBLIC HEARINGS, LICENSES AND PERMITS**

*All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.*

**A) Town Council Sitting as the Alcoholic Beverage Licensing Board**

- 1) **NOTICE** is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3 Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **NEW** license application has been received by the Town Council under said Act, for the period May 17, 2016 to November 30, 2016 (duly advertised in the *Jamestown Press* April 28<sup>th</sup> and May 5<sup>th</sup> editions), and continued from the public hearing of May 17, 2016:

**CLASS B – VICTUALER - LIMITED**

PP Jamestown, LLC  
dba: Preppy Pig BBQ  
35 Narragansett Avenue  
Jamestown, RI 02835

- a) Approval of the Liquor License for a **NEW CLASS B – VICTUALER – LIMITED LICENSE**; review and discussion and/or potential action and/or vote

- b) Approval to raise the **CLASS B – VICTUALER – LIMITED LICENSE CAP** to Two (2) [Present Cap One (1)] and set the **CLASS B – VICTUALER – LIMITED LICENSE CAP** at Two (2); review and discussion and/or potential action and/or vote
    - c) Approval to raise the total number of **LIQUOR LICENSES** in the Town of Jamestown to **THIRTEEN (13)** from Twelve (12); review and discussion and/or potential action and/or vote
  - B) Licenses and Permits; review and discussion and/or potential action and/or vote, continued from May 17, 2016
    - 1) Multi-License Application (new) Victualing and Entertainment
      - a) PP Jamestown, LLC dba: Preppy Pig BBQ  
Location: 35 D Narragansett Avenue
    - 2) Holiday License (new)
      - a) PP Jamestown, LLC dba: Preppy Pig BBQ  
Location: 35 D Narragansett Avenue
    - 3) One Day Event/Entertainment License Applications
      - a) Applicant: Lawn School 8<sup>th</sup> Grade Class  
Event: 8<sup>th</sup> Grade Graduation Dance  
Date: June 21, 2016  
Location: Fort Getty Pavilion

**Additional Request for: Waiver of Pavilion Rental Fee**

**V. OPEN FORUM**

*Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue*

- A) Scheduled to address
- B) Non-scheduled to address

**VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

**VII. UNFINISHED BUSINESS**

- A) Charter Review Committee Report/Charter Review Process; review and discussion and/or potential action and/or vote

**VIII. NEW BUSINESS**

- A) Town Council Meeting dates for July and August; review and discussion and/or potential action and/or vote

**IX. ORDINANCES AND APPOINTMENTS AND VACANCIES**

**X. CONSENT AGENDA**

**XI. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

**XII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS**

**XIII. EXECUTIVE SESSION**

**XIV. ADJOURNMENT**

*Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. In addition to the two above-mentioned locations, notice also may be posted at the following locations: Jamestown Police Station; and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).*

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to [cfernstrom@jamestownri.net](mailto:cfernstrom@jamestownri.net) not less than three (3) business days prior to the meeting.

Please run the following ad in the *Jamestown Press* editions of April 28<sup>th</sup> and May 5<sup>th</sup>:



**Jamestown, Rhode Island**  
**NOTICE**

It is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following application has been received by the Town Council for the **NEW** license under said Act, for the period May 17, 2016 to November 30, 2016.

**NEW LICENSE:**

**CLASS B – VICTUALER – LIMITED**

PP Jamestown, LLC  
dba: Preppy Pig BBQ  
35 D Narragansett Avenue  
Jamestown, RI 02835

The above application will be in order for hearing at a meeting of said Licensing Board on **Tuesday, May 17, 2016 at 5:30 p.m.** at the Jamestown Town Hall, Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue, in said Jamestown, at which time and place all remonstrants may make their objections against granting this license.

By Order of the Town Council  
Cheryl A. Fernstrom, CMC, Town Clerk

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INTEROFFICE MEMORANDUM

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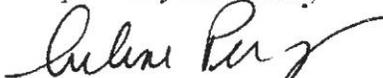
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**TO:** HONORABLE JAMESTOWN TOWN COUNCIL  
**FROM:** TOWN CHARTER REVIEW COMMITTEE  
**SUBJECT:** REPORT TO COUNCIL  
**DATE:** APRIL 6, 2016

The Town Charter Review Committee would like to thank the Jamestown Town Council for the opportunity to review the Town Charter. We ask that the Council review and consider the recommendations made by the Town Charter Review Committee in the attached report.

The Town Charter Review Committee would also like to thank the individuals that assisted us in our deliberations; most notably, Mary Meagher, Vice President of the Jamestown Town Council and ex-officio member of the Town Charter Review Committee, the Town Administrator, Town Solicitor, and Town Clerk and members of her office, and other interested parties that gave their suggestions and encouragement.

Respectfully submitted,

  
Arlene Petit, Chairperson

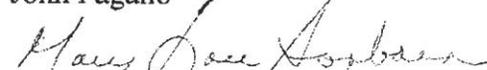
  
James Rugh, Vice Chairperson

  
Edward Gromada, Secretary

  
Anthony Antine

  
Blake Dickinson

  
John Pagano

  
Mary Lou Sanborn

# JAMESTOWN HOME RULE CHARTER

## Town Charter Review

2015 – 2016

The TCRC consisted of the following voting members:

Arlene Petit, Chairperson  
James Rugh, Vice Chairperson  
Edward Gromada, Secretary  
Anthony Antine  
Blake Dickinson  
John Pagano  
Mary Lou Sanborn

Ex Officio member, Mary E. Meagher, Town Council Vice President

This Town Charter Review Committee (TCRC), being a diverse and dedicated group was charged by the Town Council to complete a review of the Charter solely for the purpose of determining if there were any changes necessary. Any recommendations for changes to the Charter were to be submitted to the Town Council for their consideration. This ad hoc committee was given a nine month term to complete their task

The TCRC held sixteen (16) meetings beginning on August 11, 2015 and ending on April 6, 2016. All meetings were held at the Jamestown Town Hall, all were properly posted and open to the public.

There was some Jamestown Press coverage, but it was minimal. Public participation although posted at several locations and on the Secretary of State's website was also minimal.

The TCRC set the process for review of the Charter at their second meeting on August 26, 2015. "The committee would defer voting for two weeks on any recommendations for change." The committee followed that process with the exception of one meeting held on October 28. Four sections were voted on at their first appearance on the agenda; therefore to keep with the set process those specific votes were considered to be null and void and were revisited at the December 2 meeting.

The Jamestown Home Rule Charter was established in 1974 by the people of the Town of Jamestown, in order to secure the right of self-government in all local matters pursuant to the provisions of the State of Rhode Island and Providence Plantations. Since that time there have been several changes to the document; all adopted by the voters of Jamestown. The Charter has continued to be a legal guide to our local Councils in governing and protecting the health, safety and welfare of its citizens.

After much study, research, and due diligence the TCRC recommends the following changes to the Charter. The recommendations are in order of those most significant; however, all should be considered by the Town Council.

## RECOMMENDATIONS

Perhaps most significant to the committee was its discussion of the Financial Town Meeting (FTM) and the means by which citizens vote on the Town Budget. The TCRC did review alternatives to the FTM in their charter review, but chose instead to unanimously support the following resolution.

While the FTM voting process is not described in the Charter, it is the Committee's hope that the Town Council will give the budget approval process, whether it be at an FTM or referendum, a thorough review and support this resolution.

|   | <b>Resolution</b>  |
|---|--|
| <b>Article XI. Financial Provisions</b> | <b>The TCRC strongly recommends the implementation of a paper ballot or electronic ballot to approve the Town, School, and combined budgets and any warrant item exceeding fifty thousand dollars (\$50,000), whether through a Financial Town Meeting or through an all-day Referendum.</b> |

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**This change more closely follows the Open Meetings Act:**

|                                     |   |
|-------------------------------------|---|
| <b>Article II. The Town Council</b> | <b>Section 206 Special Meetings</b><br><del>The town council may convene a special meeting only by majority consent of the town council. The town council may meet sooner than 48 hours after each member has been notified of a special meeting, but only by unanimous consent of the town council. Any member may waive the requirement of notice of a special meeting, and such waiver shall be entered in the record of the proceedings of such special meeting.</del> <u>Special Meetings shall be subject to and comply with the Open Meetings legislation of the State as set forth in Title 42, Chapter 42-46 of the Rhode Island General Laws. The town council may by a majority vote convene an Emergency Meeting as set forth in § 42-46-6 to address only an unexpected occurrence that requires immediate action to protect the public.</u> |
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**Following discussions with the Town Clerk and the Board of Canvass Clerk it was decided that there was no need for party designation:**

|   |  |
|---|--|
| <b>Article IV. Administrative Departments</b> | <b>Section 405. Board of Assessment Review</b><br>There shall be a board of assessment review consisting of three members and one alternate member who shall sit only when any one of the three members is unavailable. All members shall be qualified electors and residents of the town and shall be appointed by the town council for a term of three years. <del>There shall be no more than two board members belonging to the same political party noninclusive of the alternate member.</del> If a member of such board shall cease to be a qualified elector and resident of the town that office shall thereby become vacant. The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of the assessed valuation as determined by the assessor. The board shall keep an accurate record of its proceedings which shall be available for public inspection. If it shall appear that the valuation of any property has been erroneous or incorrect, the board shall have authority to order a correction. Such determination shall be certified by the board to the tax assessor |
|---|--|

whose duty it shall be to make such corrections in the valuation as the board may determine. If the tax roll has been certified by the tax assessor the tax assessor shall transmit the findings of the board to the town council, which may cancel in whole or in part the tax based on such valuation in order to effect a correction. The town council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering and disposing of appeals. The taking of an appeal to the board of assessment review of any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax.

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**This section has been changed to reflect the process if there were not a next vote getter:**

**Section 406. Town Moderator**

There shall be a town moderator, who shall be elected at the regular town election and shall have those powers and perform those duties prescribed now or in the future by the constitution and laws of the state not inconsistent with this Charter. In the event the office of the town moderator becomes vacant during the term of office, ~~the next highest vote getter from the most recent election shall be elevated to serve until a replacement is found~~ the Town Council will appoint a replacement until the next regularly scheduled election.

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**The changes in this section identifies Emergency Medical Services and provides a reporting standard for the Jamestown Fire Department, a 501(c)3 charitable organization:**

**Article IV. Administrative Departments (continued)**

**Section 418. Fire and Emergency Services**

There shall be a Jamestown volunteer fire department and emergency medical services, the organization of which shall be consistent with its current operating Charter of incorporation and the fire department ordinance established by the town council.

- (1) Budget. The fire and emergency medical services departments shall submit budget estimates in the same manner as other departments. The fire department shall operate under the same budget constraints as every other department.
  - (2) Annual report. The ~~volunteer fire~~ department shall make a written annual report to the town council of the condition of all fire stations, ~~fire~~ apparatus, fire alarm systems and of all matters and property relating thereto and such other matters as the town council may request.
  - (3) Jamestown Fire Department. The Jamestown Fire Department, a 501(c)3 charitable organization, shall make a written annual report to the town council on the condition of its financial position. This report may be in the form of its current year Form 990 filing statement with the IRS or other audited financial statement.
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This section was changed to correctly identify Emergency Medical Services:  
Article VIII. Miscellany

**Section 805. Elected Officials**

For the purposes of this Charter, volunteer firefighters, volunteer ambulance emergency medical service members, town constables, and members of the special police shall not be considered elected or appointed officials of town government nor as town employees.

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This change allows the Town Council the ability to retain a key committee member with specific qualifications:

Article X. Boards,  
Commissions and Committees

**Section 1002. Membership and Terms**

(3) Unless otherwise mandated by state law or regulations, all terms of board, commission and committee membership shall be limited to three years. With the exception of the zoning board of review alternate members, no person shall serve more than three consecutive terms on the same committee and that person shall not be reappointed to that body for one year thereafter, unless the person has special qualifications required by the board, or for other good reason, with a unanimous vote of the council concurring with the reappointment.

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This change allows for expanded notification to the public:

Article II. The Town Council

**Section 216. Procedure for Adopting Ordinance**

An ordinance or amendment to [an] existing ordinance may be introduced by any member at any regular or special meeting of the town council. Upon introduction of any ordinance or amendment to an existing ordinance, the town clerk shall distribute a copy to each town council member and to the town administrator; shall file a reasonable number of copies in the office of the town clerk and shall publish the ordinance. Following the publication by at least seven days, the town council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the town council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall have sufficient printed copies of the ordinance available at the town hall.

As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town "and to post on the Town's website": (1) the complete ordinance and (2) the places where copies of it have been filed and the times when they are available for public inspection.

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**This addresses the issue of there being no higher vote getter:**

**Article V. Schools**

**Section 503. Vacancies**

Any vacancy in the membership of the school committee shall be filled by the town council by the next highest vote getter from the most recent election and so on until someone fills the vacancy until the next regular town election, when the office shall be filled for the unexpired term thereof. Should there be no next higher vote getter or if none of the vote getters be willing to serve then the council shall appoint a member, pursuant to the laws of the State of Rhode Island.

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**The changes to the following three (3) sections reflect consistency in hiring qualification for all Department Directors (Sections 301, 404 and 421)**

**Article III. Town Administrator**

**Section 301. Appointment and Qualifications**

“The town council shall appoint a town administrator for an indefinite term period of time, based solely upon the executive and administrative qualifications of the applicant, as outlined by generally accepted professional standards. The town administrator need not be a resident of the town or state at the time of appointment, but must become and remain a qualified elector and resident of the state within six months after appointment, unless an extension is approved by town council. The relationship between the town and the town administrator shall be contractual and not that between a municipality and a civil officer.

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**Article IV. Administrative Departments**

**Section 404. Tax Assessor**

There shall be a tax assessor with training and experience who shall be nominated by the town administrator with the approval of the town council, and shall have those powers and perform those duties prescribed now or in the future by town ordinance, the constitution and laws of the state not inconsistent with this Charter.

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**The Editor’s Note has no legal impact on this section and should be removed. It is believed that this is editorial in nature and does not require any other action that removing it.**

**Section 422. Library Trustees**

**Editor’s note**

~~Proposition 12 submitted to the voters at the November 3, 2009 read as follows: “Shall the Charter be amended to add the phrase “a free and public library for all the inhabitants thereof” after the term Jamestown Philomenian Library? (Amends Article IV, § 422).”~~

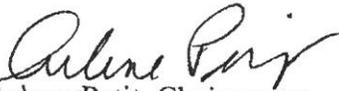
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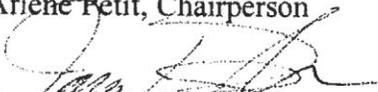
The Town Charter Review Committee would like to thank the Town Council for giving us the opportunity to review the Charter and make recommendations to improve the Charter.

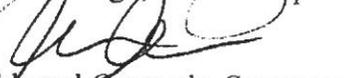
In addition the Committee would like to thank the individuals that assisted in their deliberations; most notably, Mary Meagher, the Town Administrator, Town Solicitor, Town Clerk and members of her office and other interested parties that gave their suggestions.

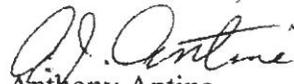
If the Honorable Town Council finds this report acceptable, please release the TCRC from their charge.

Respectfully submitted,

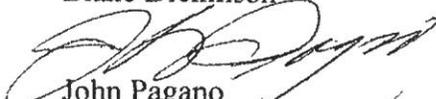
  
Arlene Petit, Chairperson

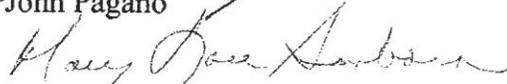
  
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| June   |  | Mon   | Tue  | Wed   | Thu   | Fri       | Sat      |
|--|--|---|--|---|---|-----------|----------|
|  |  |   |  | <b>1</b><br>Bills Deadline @ Noon<br>Probate Court: 2 pm<br>Planning Commission:<br>7:30 pm | <b>2</b><br>5 <sup>th</sup> Grade Town Hall<br>Visit: 10 am<br>School Committee:<br>7 pm (MS) | <b>3</b>  | <b>4</b> |
| <b>5</b>   | <b>6</b><br>Financial Town Meeting:<br>7 pm (LS) | <b>7</b><br>Library Board of Trustees:<br>5 pm (JPL)<br>(rescheduled from 6/14)   | <b>8</b><br>Housing Authority:<br>6 pm (PA)<br>Harbor Commission: 7 pm                         | <b>9</b><br>Conservation<br>Commission:<br>7 pm (CR)<br>CIAA drop off                       | <b>10</b>   | <b>11</b> |          |
| <b>12</b>  | <b>13</b>  | <b>14</b><br>Special Town Council: 6 pm<br> | <b>15</b><br>Town Council Agenda &<br>Bills Deadline @ Noon<br>Planning Commission:<br>7:30 pm | <b>16</b><br>Traffic Committee:<br>6 pm<br>School Committee:<br>7 pm (MS)                   | <b>17</b>   | <b>18</b> |          |
| <b>19</b><br> | <b>20</b>  | <b>21</b><br>Water & Sewer: 5:30 pm<br>Town Council: 6 pm<br>Tree Committee:<br>6:45 pm (JPL)                                   | <b>22</b><br>Recreation Workshop: 6 pm<br>Juvenile Hearing Board:<br>6:30 pm (JPD)             | <b>23</b><br>CIAA opening reception<br>5:00 – 7:00  | <b>24</b>   | <b>25</b> |          |
| <b>26</b>  | <b>27</b>  | <b>28</b><br>Zoning Board of<br>Review: 7 pm  | <b>29</b><br>Town Council Agenda &<br>Bills Deadline @ Noon                                    | <b>30</b>   | <b>2016</b>   |           |          |

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| July |  | Mon  | Tue   | Wed   | Thu  | Fri         | Sat |
|------|--|--|---|---|--|-------------|-----|
| Sun  |  |  |   |   |  | 1           | 2   |
| 3    | <br>Fireworks | 4<br> | 5<br>Water & Sewer: 6:30 pm<br>Town Council Meeting: 7 pm   | 6<br>Probate Court: 2 pm<br>Planning Commission: 7:30 pm                          | 7<br>School Committee:<br>7 pm (MS)                                | 8           | 9   |
| 10   |  | 11<br>Library Board of Trustees:<br>5 pm (JPL)   | 12<br>Town Council Agenda & Bills<br>Deadline @ Noon<br>Housing Authority: 6 pm (PA)<br>Harbor Commission: 7 pm | 13  | 14<br>Conservation Commission:<br>7 pm (CR)                        | 15          | 16  |
| 17   |  | 18<br>Statewide EMA Meeting:<br>2 pm - 4pm   | 19<br>Town Council: 5:30 pm<br>Tree Committee:<br>6:45 pm (JPL)   | 20<br>Planning Commission:<br>7:30 pm<br>Juvenile Hearing Board:<br>6:30 pm (JPD) | 21<br>Traffic Committee:<br>6 pm<br>School Committee:<br>7 pm (MS) | 22          | 23  |
| 24   |  | 25<br>Arts & Culture Initiative:<br>6:30 pm  | 26<br>Zoning Board of Review:<br>7 pm   | 27<br>Town Council Agenda & Bills<br>Deadline @ Noon                              | 28   | 29          | 30  |
| 31   |  |  |   |   |  | <b>2016</b> |     |

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(JPL)=Jamestown Police Dept. (JPL)=Jamestown Philomenian Library; (MS)=Melrose School; (PA)=Pemberton Apartments; (LS)=Lawn School

# August

| Sun       | Mon   | Tue  | Wed   | Thu  | Fri         | Sat       |
|-----------|---|--|---|--|-------------|-----------|
|           | <b>1</b><br>Water & Sewer: 6:30 pm<br>Town Council: 7 pm  | <b>2</b>   | <b>3</b><br>Planning Commission:<br>7:30 pm   | <b>4</b><br>School Committee:<br>7 pm (MS)                             | <b>5</b>    | <b>6</b>  |
| <b>7</b>  | <b>8</b><br><br>Closed | <b>9</b><br>Library Board of Trustees:<br>5 pm (JPL)                   | <b>10</b><br><b>Town Council Agenda &amp; Bills Deadline @ Noon</b><br>Housing Authority:<br>6 pm (PA)<br>Harbor Commission: 7 pm | <b>11</b><br>Conservation Commission:<br>7 pm (CR)                     | <b>12</b>   | <b>13</b> |
| <b>14</b> | <b>15</b>   | <b>16</b><br>Town Council: 5:30 pm<br>Tree Committee:<br>6:45 pm (JPL) | <b>17</b><br>Planning Commission:<br>7:30 pm  | <b>18</b><br>Traffic Committee: 6 pm<br>School Committee:<br>7 pm (MS) | <b>19</b>   | <b>20</b> |
| <b>21</b> | <b>22</b>   | <b>23</b><br>Zoning Board of Review: 7 pm                              | <b>24</b><br>Juvenile Hearing Board:<br>6:30 pm (JPD)   | <b>25</b>  | <b>26</b>   | <b>27</b> |
| <b>28</b> | <b>29</b>   | <b>30</b>  | <b>31</b><br><b>Town Council Agenda &amp; Bills Deadline @ Noon</b>   |  | <b>2016</b> |           |