

**TOWN COUNCIL MEETING**  
**August 20, 2018**

**I. ROLL CALL**

Town Council Members present:

Kristine S. Trocki, President  
Michael G. White, Vice President  
Blake A. Dickinson  
Mary E. Meagher  
Eugene B. Mihaly

Also in attendance:

Andrew E. Nota, Town Administrator  
Christina D. Collins, Finance Director  
Michael C. Gray, Public Works Director  
Edward A. Mello, Police Chief  
Lisa W. Bryer, Town Planner  
James Bryer, Fire Chief  
Steven Tiexiera, Deputy Fire Chief  
Anne Kuhn Hines, Conservation Commission Chair  
Joyce Antoniello, Conservation Commission Member  
Peter D. Ruggiero, Town Solicitor  
Denise Jennings, Water Clerk  
Cheryl A. Fernstrom, Town Clerk

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

President Trocki called the regular meeting of the Jamestown Town Council to order at 6:36 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

**III. TOWN COUNCIL SITTING AS THE BOARD OF  
WATER AND SEWER COMMISSIONERS**

The Town Council convened as the Board of Water and Sewer Commissioners at 6:37 p.m. and adjourned from sitting as the Board of Water and Sewer Commissioners at 7:12 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

**IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS,  
RESOLUTIONS AND PROCLAMATIONS**

None.

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

None.

## **VI. OPEN FORUM**

- A) Scheduled request to address. None.
- B) Non-scheduled request to address.

Gayen Thompson of Grinnell Street shares the publication called “Underwater” by the Union of Concerned Scientists regarding storm water issues as it may be of interest to the Town Council. Council members noted the seriousness of this issue.

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

- A) Town Administrator’s Report: Andrew E. Nota  
Mr. Nota reported on:

- 1) Jamestown Golf Course update

Mr. Nota reported the progress since the August 8<sup>th</sup> special meeting and approval of a short-term plan for greens rehabilitation (\$110,000) that includes purchase of sod from SODCO, with responsibilities and labor and shared costs with the operator. This will keep the course open and improve conditions. A long-term lease will be worked out in the next phase which includes construction and drainage work on the greens and CRMC permitting. The support by Council on the short-term plan bought us time and allows us to work collaboratively over next few years.

- 2) State Aid FY2018 Revised and FY2019 Enacted for the Town of Jamestown

Mr. Nota reported the Town is estimated to receive approximately \$80,000 more from Pass Through (\$32,000) and Education (\$48,000) Aid than originally anticipated. There are unknown expenses that may affect the additional revenue’s impact.

- 3) Island Rubbish Contract Renewal

Mr. Nota reported an agreement has been reached with Island Rubbish for an additional five-year lease continuation. This will be brought back before Council for review and approval in September.

- 4) Final Overview of FY2019 State Budget as Enacted

Mr. Nota reported on the budget summary provided by the RI League of Cities and Towns highlighting major impacts for municipalities. This information is included in the meeting packet.

- 5) RI Interlocal Risk Management Trust Loss Prevention Training Schedule

Mr. Nota reported on loss prevention training seminars offered by The Trust for members, most of them at no cost.

- 6) Building Code Commission Establishes Statewide Building Permit Fees

Mr. Nota reported on the new statewide building permit fees implemented by the State Building Commission using formulas and criteria assigned to each community based on costs for services. The new system was initiated to prevent price gauging by municipalities. The fee structure can be adjusted in the future based on costs. The Town was granted an extension and the new fee schedule will be in effect September 1<sup>st</sup>. The RI League of Cities and Towns fought this and will be tracking it over the next year. Discussion ensued of the new permit fees.

### **VIII. UNFINISHED BUSINESS**

- A) Upcoming Meetings and Sessions – dates and times
  - 1) Scheduling of public information session for Golf Course, Library and School Bonds; review, discussion and/or potential action and/or vote

President Trocki noted proposed public information sessions to provide facts and education on the upcoming projects for the Golf Course, Library and Schools. The end of September and early October would be appropriate, with one session at a Town Council Meeting and one stand-alone session with questions and answers, so that voters have an understanding of the projects in order to make an educated decision on Election Day. The first session will be an agenda item for the October 1, 2018 Town Council Meeting, followed by a public information session early to mid-October. The Town Clerk will coordinate with the School Department, Library, Golf Course and Town staff for the second session.

- 2) Town Council Meeting Schedule; review, discussion and/or potential action and/or vote
  - a) September meeting schedule

The Town Council will have two regular meetings in September on Tuesday, September 4<sup>th</sup> and Monday, September 17<sup>th</sup>.

### **IX. NEW BUSINESS**

- A) Donation of Diepenbrock Sculpture to the Town of Jamestown for placement at East Ferry, as requested by Councilor Mihaly; review, discussion and/or potential action and/or vote

President Trocki referenced the Whale's Tail sculpture by Jamestown artist Peter Diepenbrock displayed at East Ferry for two weeks prior to departing for Tarrytown, NY.

Pat Tuff of Racquet Road noted the citizens group formed with Joan Swift, Wendy Ross and herself as a result of their appreciation for the sculpture on display temporarily at East Ferry. Jamestown is home to so many artists and a sculpture would make an amazing entrance to the Island. They asked the artist if another sculpture could be created for placement at an East Ferry location, and he informed them yes, and what is proposed is a

sculpture to be privately funded and gifted to the Town of Jamestown. The cost is \$90,000, and as of this morning, \$60,500 has been pledged.

Joan Swift of Emerson Road referenced the photographs of the proposed sculpture. Councilor Mihaly noted the discussion of a bronze texture for the sculpture as an alternative. Ms. Swift noted the group met with the artist and determined the stainless steel texture would be a more durable piece of art and less expensive to maintain, and that is what is proposed. They want citizens to enjoy and appreciate the work that speaks for itself. A photo-shopped version was displayed to show the ten-foot statue at an East Ferry location by the seawall. We have a proven piece by a gifted artist of a subject that would be appropriate for our Island community and its marine environment and heritage. The \$60,500 raised to date represents pledges from many people and they plan to continue to solicit donations from community in any amount.

Artist Peter Diepenbrock stated the sculpture would be a replication of the original one on a two-foot base of a material to be determined.

Wendy Ross of East Shore Road stated they are excited about this project and gifting it to the Town of Jamestown. Our momentum is amazing, we would like to raise the rest of the money quickly, and we are here to answer any questions.

Councilor Dickinson noted Jamestown is a vibrant arts community and there is precedent for this type of project. Public involvement on all levels is needed to be sensitive to all members of the community and to the iconic view at the proposed location.

Peter Diepenbrock displayed photos of the sculpture in varying views at different times of day and explained the proposal and why it is appropriate for the location. The sculpture base could be a cast concrete cylinder or granite, which not included in the \$90,000 price. Additional contributions would be solicited for the pedestal and footing at approximately \$12,500. Discussion ensued of the bronze texture, noting if the sculpture was the victim of graffiti, it would be difficult and more expensive to clean and restore than stainless steel, and would cost an additional 15% to 20% higher than stainless, which he feels is more reflective of the colorations around it. The sculpture would probably have a different rotation that is more appropriate than the one pictured, perhaps facing East Ferry Deli with the back spine facing Shoreby Hill, depending on how it looks when suspended from the crane. Discussion ensued of the strength and durability of the 3/16" stainless steel material chosen.

Councilor Dickinson commented this is a great idea to give people the opportunity to view public art. He suggested the northern sector of the square as an appropriate location so as not to obstruct the iconic view shed. Mr. Diepenbrock noted this will not block the view, but enhance it. Councilor Dickinson asked about the cost of maintenance. Mr. Diepenbrock stated it would require two people for one day every other year, and if ignored, it would still be fine.

Councilor Mihaly stated this will be a great enhancement for the Town, the group has done an amazing job, and he would like to see it happen, as we need more public art. Detailed questions on insurance costs and lighting design need to be considered.

Ms. Tuff noted the lighting and base costs are separate and part of the \$12,500, and donations will be solicited for that as well and all who donate will get the recognition deserved. Vice President White commented he is impressed with the statue and the proposed location.

The group would like Council approval.

President Trocki expressed her appreciation for and enjoyment of the sculpture while it was on display, noting she does not object to the project. However, it is difficult to make a decision that changes the view shed permanently, especially since the community is unaware of this initiative. It is important to be sure that the artist community and our citizens are on board with moving forward with the project. She would be honored to have the sculpture there, but doesn't want it to happen too quickly without knowing the level of interest of the community.

Councilor Mihaly agreed with her concerns, as the public does need to be informed. The JAC has already said yes to the project. President Trocki feels it is fair to be cautious as this is a permanent display rather than a rotating art display. We need to get this out to the public and give them a chance to weigh-in. Discussion ensued.

Mr. Diepenbrock asked for an indication of where the Council stands on the sculpture to help them move forward. Ms. Swift stated she will solicit support from arts organizations, East Ferry businesses and Shoreby Hill residents, noting not every citizen will be in agreement.

Vice President White noted it would behoove us to pass a motion supporting the concept of this gift of over \$100,000 and encourage the community to respond and support the concept of the project.

Solicitor Ruggiero was asked for his opinion, and stated the donation could be deferred until there is public input. President Trocki is in favor of soliciting donations and giving everyone the opportunity to be part of it (the playground project was referenced). We want everyone onboard before moving forward. She suggested the group invite people to the next meeting, bring public awareness through *Jamestown Press* articles, sending letters to the Clerk and Council, and approach the Chamber of Commerce and arts organizations.

Councilor Mihaly suggests we do several things:

- Follow Vice President White's suggestion for non-binding support;
- Make this an agenda item for the September 4<sup>th</sup> meeting;

- Depending on feedback from the public, have a special workshop if needed to give us a sense of where the public is.

Councilor Mihaly suggested next steps for the group to contact associations, put ads in the newspaper, and get the information out in public, as people need to know what is proposed.

Councilor Dickinson commented he has received texts asking that people be informed prior to making a decision, suggests speaking to business owners for their input, and letting people know what funds have been raised.

Councilor Meagher noted that process is important and the process for determining place-making is important. It is very different working in the private sector from working in the public sector. Public art is important, Mike’s proposed motion is perfect and she supports it, and she supports asking the community to weigh-in.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to approve this in concept.**

Discussion. Mr. Diepenbrock was asked the timeline to build, and he answered five months, once legal issues and other details are worked out, with work estimated to begin in January with a projected June delivery. Council members commented they never considered such a project until the sculpture was on display. This is accepting a gift that will have a long-term public impact at a very important location in the community. We need input from the public that will make this decision and the raising of the funds easier. The community has something to offer and that is why the process is necessary and works. The group was urged to get the word out through various means to make the public aware.

Back to the motion. **President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

This will be on the September 4<sup>th</sup> meeting agenda.

- B) Cell Tower development in the north end: IT Consultant Michael Glier; review, discussion and/or potential action and/or vote

Mr. Glier noted poor cellular service and public safety concerns for the north end have been discussed for a long time. Data supports locating a cell tower on town-owned land and leasing to carriers, as wireless is the preferred service going forward. Mr. Glier proceeds with a PowerPoint Presentation “Prospective Cell Tower Site to Service the North End of Jamestown” prepared with the assistance of Jean Lambert, Amy Wengefeld and Azure Giroux as follows:

Initiative:

- Cellular service on the north end is poor to non-existent
- Public safety communications experience poor performance
- Town-owed parcels on the north end may be suitable for a cell site
- Town has experience leasing to cellular carriers

- Market opportunity for carriers

Important Issues:

- More households disconnecting landline-based services
- Reliable public safety (police and fire) communications needed
- Wireless is the preferred service delivery method

Goals:

- Identify at least 2 parcels for prospective cell sites
- Estimate number of north end parcels to be served by each site
- Criteria for preliminary site selection/rejection

Overview of Terms:

- Parcel – properties from existing plat maps
- Primary Service Area – within 1.62 mile radius around proposed site
- Secondary Service Area – between 1.62 and 2.0 mile radius around proposed site

Criteria for Location by Priority:

- Serve the largest number of north end parcels
- Parcel height above sea level – elevation reduces required tower height
- Minimum parcel size to accommodate 3 carriers (1/2 to 1 acre)
- Access and distance to utilities - fiber communications service most important
- Accessibility during and after extreme weather conditions

Initial Survey Results

- Town-owned parcels that met base criteria: 1) Cedar Lane 2) North Pond 3) East Shore Road
- Cedar Lane Survey Area map reviewed
- Howland Avenue Survey Area map reviewed
- North Main Road Survey Area map reviewed
- East Shore Road Survey Area map reviewed

Site Survey Parcel Coverage Comparisons (using 2 mile radius, 125 ft. tower)

- Cedar Lane 1775 parcels
- Howland Avenue (100 ft. tower) 1434 parcels
- North Main Road 1215 parcels
- East Shore Road 598 parcels

Next Steps:

- Town Council direction before proceeding
- Internal discussions between Administration, Planning, Zoning, Public Works; Preliminary site reviews; RFI or RFP development to bid outside engineering services

Council discussion ensued of other non-Town-owned (private, CILT) properties that may be available and suitable and the possibility a private parcel could be “swapped” for a Town-owned parcel (may be long, drawn-out process). Discussion ensued of best possible locations, options, needed cellular and public safety services, landowners coming forward, and contacting landowners to discuss property purchase/swap. It was noted private parcels usually end up as single carrier sites and a site with multiple carriers is preferred.

Discussion ensued of costs to construct a tower, potential revenues, engineering services and best site (North Road area) may be non-town owned parcel.

**A motion was made by Councilor Meagher with second by Vice President White to proceed with phone calls to pursue properties and solicit an RFP. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Public Comment:

Carol Crafts of North Main Road asked if one tall tower or two smaller towers, perhaps one at the Transfer Station and one at another location, would be a solution. President Trocki stated a tower needs to be tall enough to be above the tree canopy and carriers may not be willing to pay to be on multiple towers. Mr. Glier stated height above sea level is most desirable, and data is available from a survey focused on a smaller tower.

- C) Award of Bid: Jamestown Fire Department Rescue Boat Outboard Motors for One (1) F225XCA and One (1) LF225XCA 25” Shaft Yamaha four-stroke outboard motors to repower the 2008 28’ Protector Rescue Boat, with Yamaha OEM Equipment and Rigging and Two (2) Year On-site Service Contract, to Conanicut Marine Services, Inc. of Jamestown, RI for an amount not to exceed \$49,000.00, as bid, as recommended by Fire Chief James Bryer

Chief Bryer noted the \$60,000 anticipated cost for this repair.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to award the bid. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- D) Town-owned Lots in the Jamestown Shores (34) to be placed under the Conanicut Island Land Trust Conservation Easement for preservation, as requested by the Jamestown Conservation Commission; review, discussion and/or potential action and/or vote
  - 1) Memorandum of Town Planner Lisa Bryer
  - 2) Photographs and Maps of Proposed Conservation Easements in the Jamestown Shores
  - 3) 2012 Conservation Easement

Town Planner Lisa Bryer noted the 2012 Conservation Easement granted to the Conanicut Land Trust for preservation and protection of 86 lots in the Jamestown Shores. The Conservation Commission advocates adding an additional 34 lots in the Shores acquired since 2012 to the Conservation Easement. It appears some of the lots may have viable other uses, and we don’t want to put them in a Conservation Easement if that is the case. The Wetlands Map examined indicates 90% of the lots fall in the wetlands. It may be prudent to hire an environmental person to determine if the lots included in the 10% have viable uses.



Councilor Meagher noted properties that appear to be viable. Area 4 contains lots that do not appear to be in the Wetlands. Councilor Dickinson noted the watershed that runs through the area and the Water Resources Protection Committee should weigh-in before any decisions are made. Councilor Mihaly stated evaluation and determination by a professional going lot-by-lot would be prudent.

Joyce Antoniello of Columbia Avenue, Conservation Commission Member, noted many lots have been extensively observed and determined to be wet, and if not in the wetlands, abut wetlands, and don't appear to have any municipal value. Council members note the possibility for affordable housing. Ms. Antoniello noted some of the lots are land-locked and inappropriate for any type of development. Council members don't object to placing many of the lots in the existing Conservation Easement, but want to investigate others for potential uses, as once they become part of the Conservation Easement they can no longer be used for other purposes.

Sav Rebecchi of Sail Street commented on challenges for access to the shore, water, and the Upper Shores Advocates group he is part of with a web address of [www.uppershores.us](http://www.uppershores.us). The issue of water, water usage, and alternatives discussed recently on Facebook (Jamestown Yard Sale) were noted. Past water resources reports indicated the water is there as long as there is rain, and that some wells are not as deep as they should be. Noted was a report from the RIDEM Division of Forestry that included a section "Timber Stand Improvement" containing guidelines for forest management and water resources preservation. It revealed that a 60 to 80 feet tall tree uses in excess of 200 gallons of water per day, more than the average family uses daily, and an acre of mature trees could consume more than 1,000,000 gallons of water per year. Many homes in the Shores have trees that consume more water than the families who live there. Perhaps the growth of large trees on the Conservation lots could be managed.

Mr. Rebecchi noted the Jamestown Shores Lots Management Plan in place that prohibits the land from being used for public parks (Page 8), and prohibits cutting, trimming or removal of vegetation except for invasive species management (Page 10), and the concern is this restricts the use of forest management on those 34 lots. Mr. Rebecchi was thanked for the information.

Jerome Scott of Walcott Avenue asked what benefits accrue to the Town by giving up the 34 lots for Conservation. Town Administrator Nota stated the Town would not be giving them up, only putting them in the Conservation Easement. The original intent was for preservation and would prohibit future sale and development of the lots, but that does not prohibit other neighborhood uses. Mr. Scott further asked if any of the 34 lots could be used for affordable housing using above-ground OWTS. He feels the Town should not enter into an agreement that gives up control at this time.

Councilor Members appreciate Mr. Scott's comments and thanked Ms. Antoniello for her efforts and recognize this proposal. Next steps will include hiring a professional to walk the properties to determine any potential uses.

Councilor Dickinson noted he prefers to see the Water Resources Protection Committee reinstated prior to making any decisions.

## **X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS**

- A) Appointments, Vacancies and Expiring Terms
  - 1) Jamestown Fire Department Compensation Committee (Two vacancies with three-year term ending dates of May 31, 2021; Fire Department Representative and Citizen-at-Large Representative); duly advertised; review, discussion and/or potential action and/or vote
    - b) Letter of interest for reappointment
      - i) Ron Barber (Fire Department Representative)

**A motion was made by Councilor Meagher with second by Councilor Dickinson to reappoint Ron Barber. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- 2) Jamestown Zoning Board of Review (One vacancy with an unexpired five-year term ending date of December 31, 2018); review, discussion and/or potential action and/or vote
  - a) Letter of resignation
    - i) Joseph Logan
  - b) Appointment of 1<sup>st</sup> Alternate to Member for the unexpired term to December 31, 2018
    - i) Marcy Coleman
  - c) Appointment of 2<sup>nd</sup> Alternate to 1<sup>st</sup> Alternate for the unexpired term to December 31, 2018
    - i) Judith Bell
  - d) Appointment of 3<sup>rd</sup> Alternate to 2<sup>nd</sup> Alternate for the unexpired term to December 31, 2018
    - i) Lisa Hough

A letter of thanks will be sent to Joe Logan for his many years of service to the Town of Jamestown.

**A motion was made by Councilor Meagher with second by Vice President White to move the Alternates up one spot and advertise for a 3<sup>rd</sup> Alternate. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Advertising of vacancies will continue.

## **XI. CONSENT AGENDA**

**A motion was made by Councilor Mihaly with second by Vice President White to approve and accept the Consent Agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- A) Adoption of Town Council Minutes
  - 1) July 16, 2018 (regular meeting)
  - 2) August 8, 2018 (special meeting)
- B) Minutes of Town Boards/Commissions/Committees
  - 1) Jamestown Seniors Working Group (04/05/2018)
  - 2) Jamestown Seniors Working Group (04/19/2018)
  - 3) Jamestown Zoning Board of Review (06/26/2018)
- C) CRMC Notices
  - 1) August 2018 Calendar
- D) Abutter Notification
  - 1) Notice of Proposed Administrative Decision: An application for modification has been submitted to the Zoning Enforcement Officer, pursuant to Article 6, Section 609 of the Jamestown Zoning Ordinance. The Zoning Enforcement Officer has decided that the request is consistent with the requirements of 609. You have the right to file a written objection to this determination and, if timely filed, the request for modification shall be denied. If no written objections are received within thirty (30) days of July 26, 2018 the modification shall be granted. Application of Mark & Donna Hemphill, whose property is located at 120 Garboard St., and further identified as Assessor's Plat 15, Lots 173 & 174, for a variance from Article 3, Table 3.2 (District Dimensional Regulations) to construct a 24' x 26' garage 11'3" from the side (Garboard) lot line, 15' being required. Said property is located in a RR80 zone and contains 14,400 sq. ft.
- E) Event/Entertainment License Applications
  - 1) Applicant: Jamestown Police Department  
Event: Wheels n' Steel Touch-a-Truck  
Date: October 7, 2018  
Location: Jamestown Police Station, 250 Conanicus Avenue
  - 2) Applicant: Arthur H. Washburn, Jr.  
Event: Jamestown Seaside Family Cruise  
Date: September 2, 2018  
Location: Fort Getty
- F) Vendor/Peddler License Application
  - 1) Applicant: Rebecca Madeiro  
Event: Seaside Family Cruise  
Date: September 2, 2018  
Location: Fort Getty



- (September)
- J) Fort Getty Utility Impacts (September)
- K) Water supply concerns in the Jamestown Shores (October)

The following items will be added to future agendas as requested:

- Summer Recreation wrap-up – September 17<sup>th</sup>
- Safe Routes to School – September 4<sup>th</sup> or 17<sup>th</sup>

#### **XIV. EXECUTIVE SESSION**

None.

#### **XV. ADJOURNMENT**

**A motion was made by Councilor Meagher with second by Vice President White to adjourn. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Jamestown Town Council adjourned the regular meeting at 9:38 p.m.

Attest:

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Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Town Solicitor