## TOWN COUNCIL MEETING February 18, 2020

## I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on February 18, 2020. Town Council Members present were as follows: Michael G. White, Mary Meagher, Nancy A. Beye, Randall White, and William J. Piva, Jr. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter Ruggiero, Chief of Police Edward A. Mello, Public Works Director Michael C. Gray, Town Planner Lisa Bryer, Parks and Recreation Director Andrew Wade, and Water and Sewer Clerk, Denise Jennings.

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

Town Council President White called the meeting of the Jamestown Town Council to order at 6:31 P.M.in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led in the Pledge of Allegiance.

A motion was made by Vice President Meagher with second by Councilor Piva to Convene as the Board of Water and Sewer Commissioners. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

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

See Board of Water and Sewer Commissioners Meeting Minutes.

The Council adjourned at 6:38 P.M. from sitting as the Board of Water and Sewer Commissioners.

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

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

## A) Presentations:

1) Jamestown's Invasive Plants Publication Presented by Taylor Point Restoration
Association

Lois Migneault representing Taylor Point and Jamestown Invasive Plants Campaign, presented the brochure compiled to inform residents of invasive plants.

Vice President Meagher questioned how residents would obtain the brochure. Migneault advised they would be available at Town Hall. She further suggested they be distributed in the Building Department. She also suggested the Public Works Director be advised.

Public Works Director Gray stated he was aware of the campaign and local invasive species.

Town Planner Bryer stated this publication would also be placed on the sustainable Jamestown website.

The Council applauded the effort.

2) Jamestown Fireworks Update Presented by Parks & Recreation Director Andrew Wade

Parks and Recreation Director Wade explained since the last meeting he has made progress regarding the Fireworks and has met with Barbara Szepatowski and Thomas McNiff who have offered to take over the event, which was previously run by Bob Bailey and the "Rocket Hogs".

Barbara and Thomas outlined their plan regarding Fireworks in Jamestown. They also explained dates have been set for Friday, July 3<sup>rd</sup> with rain date of July 10<sup>th</sup>. They advised a meeting at the library will be held for volunteers within the next two weeks. They further explained once plans have been finalized, they will present the plans to the Town Council for final approval.

Thomas McNiff stated they would also like to formalize the process, to aid in future transitions.

Councilor Piva suggested reaching out to local business for support. Barbara stated they will be joining the Chamber of Commerce.

Finance Director Collins advised the Town is not going out to bid for the contract is with "Jamestown Lights and Magic".

The Council thanked Barbara and Thomas for taking over the event.

Councilor Beye questioned how much funds were needed to be raised. Barbara advised the goal is \$25,000 to \$26,000.

Councilor Piva stated he has spoken to Mr. Bailey and it is a relief for him that the event is being taken over by others.

3) Library Renovations Status Update Presented by Library Board of Trustee's

Gene Mihaly, Chair of the Library Board of Trustees explained the status of the Library Renovation. He explained the involvement with the Town, OLIS, fundraising efforts and the need for additional funds from the voters to be requested at the next Financial Town Meeting.

Discussion ensued on reimbursement.

Vice President Meagher commented on the fundraising effort.

Mr. Mihaly advised he would start the Town Campaign on April 1<sup>st</sup>; and a kickoff party will be held on April 19<sup>th</sup> at the Yacht Club.

Discussion ensued on process for moving forward with regards to funds.

## V. PUBLIC HEARINGS, LICENSES AND PERMITS

The Town Council will review each license application and vote on it individually. 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. Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

- A) Trash Collector License Renewal Application
  - 1) Applicant: Waste Management of RI, Inc. **dba: Waste Management** Address: 1610 Pontiac Ave, Cranston, RI 02920

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Trash Collector License Renewal Application for Waste Management of RI, Inc. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- B) Event License Applications
  - 1) Applicant: Quononoquott Garden Club

Event: Plant Sale
Dates: May 16, 2020
Location: Fort Getty Pavilion
a) Request for Waiver of Fee's

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Event License Application and Waiver of Fee's; of Quononoquott Garden Club for their event on May 16<sup>th</sup>.Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

2) Applicant: Conanicut Island Arts Association

Event: CIAA 46<sup>th</sup> Annual Art Show

Dates: July 18-25

Location: Recreation Center

A motion was made by Vice President Meagher with second by Councilor Beye to approve the CIAA 46<sup>th</sup> Annual Art Show to be held on July 18<sup>th</sup>- 25<sup>th</sup>. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

## VI. OPEN FORUM

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

No comments were made.

#### VII. UNFINISHED BUSINESS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

- A) Upcoming Meetings and Sessions dates and times
  - 1) Town Council Meeting Schedule: March 2, 2020 & March 16, 2020 at 6:30 p.m.
  - 2) Schedule Budget Work Sessions for FY 2020/2021
  - 3) Open Meeting Training for Town Staff, Boards and Commissions March 3, 2020 at 10:00 A.M.

Upcoming dates were reviewed and Finance Director Collins advised on the typical budget schedule; with the deadline of April 20, 2020 for Council adoption.

### VIII. NEW BUSINESS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

A) Request of Vice President Mary Meagher Regarding Authorization of Payment from the Harbor Budget for Stenographer Services for Appeal Hearings of the Harbor Commission

Vice President Meagher advised on the current appeal before the Council and if an issue would go to Court that the Town cover the cost of the Stenographer.

Councilor Piva questioned how many appeals are made to Harbor. Chief Mello advised about ten.

Town Solicitor Ruggiero advised it was de-nova hearing review. He also explained the need to review the ordinance to determine a standardize process.

A motion was made by Vice President Meagher to pay for the Stenographer Services regarding the Museler and Sears Appeal Hearings, from the Harbor Commission, currently before the Town Council. Seconded by Councilor Piva. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- B) Jamestown Oyster Farm Expansions
  - 1) CRMC Public Notice of Seakist Aquaculture LLC, 151 Cedar Hill Drive Jamestown, RI; Project located in Dutch Island Harbor; File # 2019-12-079

- 2) CRMC Public Notice of Walrus & Carpenter Oysters LLC, 83 State Street, Narragansett, RI; Project located in Narragansett Bay West Passage; File # 2012-12-055
- 3) CRMC Public Notice of Adam Silkes, 65 Pierce Road, North Kingstown, RI; Project located in West Passage, Narragansett Bay; File # 2013-04-057
- 4) CRMC Public Notice of Antonio & Joseph Pinheiro, 161 Beacon Avenue, Jamestown RI; Project located in Dutch Island Harbor; File # 2014-12-056
- 5) Letter of Sharon Purdie and Ted Sybertz dated February 9, 2020
- 6) Letter of Sharon Purdie, Ted Sybertz, William R. Kalander, Jr., Jim and Renee McCooey dated January 22, 2020
- 7) Letter of Kara and Christopher Museler dated January 24, 2020
- 8) Email of Alan and Lorraine Katz dated January 21, 2020
- 9) Letter of Town Administrator Hainsworth dated February 12, 2020

Town Administrator Hainsworth advised on letters of concern received regarding expansion of aquaculture in Dutch Harbor. He further explained the Pinheiro application, had not gone before the Harbor Commission for review prior to application with CRMC.

Councilor Piva questioned jurisdiction and the role of the Council.

Town Solicitor Ruggiero advised on notice of applications and the ability of the Council to, if they so choose, to weigh in on the CRMC application. He further explained legal standards and objections at CRMC. He explained possible scientific standards that CRMC looks at and their hearing and procedures.

Vice President Meagher advised CRMC preview and effects on neighbors is important to recognize. She reviewed the current projects.

Town Administrator Hainsworth stated the Harbor Commission has not had a chance to review and some ideas should be presented to Harbor.

Vice President Meagher advised we have a forum here and suspect neighbors will go to CRMC meeting as well.

Councilor Beye brought up that other communities have asked for impact studies.

Councilor White questioned when CRMC decides enough is enough and how do they decide that.

Discussion ensued on the history of aquaculture, size of operations, jurisdiction, capacity, saturation level, and legislation.

Town Solicitor Ruggiero suggested a meeting with CRMC for an open dialog on the subject.

Scott Palumbo, of Whispering Drive stated concern with the expansion of aquaculture in Dutch Harbor. He also presented the Council with a visual on floating docks. He also suggested a moratorium be enacted similar to Charlestown.

Councilor Piva questioned if letters of concern had been brought to CRMC.

Councilor White questioned the moratorium.

Discussion ensued on the moratorium in Charlestown and it was determined it was a Memorandum of Agreement.

Lorraine Katz of Westwind Dr., also commented on concerns with the view, house values, and recreational effects of oyster farms. She advised the Conservation Commission objected in 2016, due to conservation zone and conservation values and ascetics.

Vice President Meagher commented on the conservation zone.

Ted Hackman of Bow Street, stated concern with safety of with people and boats getting caught up in the aquaculture gear.

Vice President Meagher questioned if oyster farms were competing with clamers. Chief Mello advised currently they are not competing.

Tony Pinheiro showed the Council his proposed application to CRMC and advised on the benefits of farming. He also questioned the authority of the Administrator to send the objection letter.

Vice President Meagher advised Pinheiro that Town Administrator Hainsworth has that authority to send letters of concern on behalf of the town as the application was not submitted before the Harbor Commission for review.

Discussion ensued on the Pinheiro application.

Will Wilson of Galley Street, suggested residents should embrace aquaculture and to see the area in person; as the visual makes it look worse that it is.

Vice President Meagher suggested a motion be made to reaffirm the letter sent by Town Administrator Hainsworth.

A motion was made by Vice President Meagher with second by Councilor Beye to affirm the letter sent by Town Administrator Hainsworth, dated February 12, 2020, regarding concerns with the Pinheiro CRMC Expansion Application. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

Discussion ensued on CRMC review, standards, and establishing a dialog with CRMC.

Discussion ensued on Seakist expansion and concerns.

Councilor White moved to authorize the Town Administrator to write a letter of concern to CRMC regarding 2019-12-079- Seakist Application and also to further explain the Council's concern with saturation and review of Aquaculture Permits in Jamestown. Vice President Meagher seconded. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

C) Authorization of the Golf Course Club House Construction Bid Award to Mill City Construction, Inc. in an Amount Not to Exceed \$2,813,893.00

Public Works Director Gray advised on the history of bids and they were received over budget. He further explained the meeting held to reduce costs with changing the program. He explained the following cost saving measures: such as removing the portico, foundation wall will be replaced with individual piers, stamp concrete will be changed to brood concrete, retaining walls, screening areas of mechanicals, and windows on the second floor. He also stated even with the changes it is a nice looking building.

Councilor Piva questioned the meeting room capacity. Public Works Director Gray advised it would be 88.

Discussion ensued on cart storage and the additional cost.

Public Works Director Gray explained the site work would be completed by the Department of Public Works and further recommended the bid be awarded to Mill City Construction, Inc.

Priscilla Foley of Lincoln Street, commented on the other options available on the Golf Course and with changes of design, she felt it was not the building that was offered to the voters and requested reconsideration at a new referendum with the current proposed plan. She also questioned the availability of funds to restore the greens.

David Dolce of Keel Avenue, stated maybe the delays can be looked at as a blessing. He further discussed his concern of debt service. He further advised on the commercial empty space in town and meeting room availability at churches and the Recreation Center. He requested the Council reconsider this and postpone this project for another year.

Vice President Meagher stated this project has been discussed a lot for many years and explained the benefits with building the new Club House.

A motion was made by Vice President Meagher with second by Councilor Piva to award the bid for the Golf Course Club House Construction to Mill City Construction in an amount not to exceed \$2,813,893 with the Town completing the Site Work for the Project. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

A motion was made by Vice President Meagher with a second of Councilor Beye to open the Public Hearing. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- IX. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:
  - A) Public Hearing for Proposed Amendments to the Code of Ordinances regarding Chapter 78- Harbor Management Ordinance

Chief Mello advised on the proposed changes to the Harbor Management Ordinance.

Discussion ensued on mooring inspections.

Chief Mello advised on the outreach regarding the change to notify the public that these changes will begin next season.

A motion was made by Vice President Meagher with second by Councilor White to approve Proposed Amendments to the Code of Ordinances regarding Chapter 78- Harbor Management Ordinance. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

B) Public Hearing for Proposed Amendments to the Code of Ordinances regarding Chapter 46- Hawkers, Peddlers, Door-to-door salespersons and Mobile Food Establishments

Chief Mello advised on the proposed change and history of amendments as initiated by Town Clerk Liese to be in compliant with State Regulations. He further explained amendments to the Code of Ordinances regarding Chapter 46- Hawkers, Peddlers, Door-to-door salespersons and Mobile Food Establishments. He further explained food truck permits would only be permitted under Special Events. However there would be exemptions for farm products, and non-profits. He also advised on the elimination of door- to- door sales. He also informed the Council that

Town Clerk Liese, Solicitor Ruggiero, Building Official Costa and Recreation Director Wade had all reviewed and provided guidance on the proposed.

Councilor White questioned the allowance of food trucks.

Clarification was provided on Food Trucks and there allowance at Special Events only.

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Proposed Amendments to the Code of Ordinances regarding Chapter 46- Hawkers, Peddlers, Door-to-door salespersons and Mobile Food Establishments. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye

## X. CONSENT AGENDA

A motion was made by Vice President Meagher with second by Councilor White to approve and accept the Consent Agenda. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

The Consent Agenda consists of the following:

- A) Adoption of Town Council Minutes
  - 1) January 6, 2020 (regular meeting)
  - 2) January 21, 2020 (regular meeting)
  - 3) January 21, 2020 (executive session)
  - 4) January 21, 2020 (interview session)
  - 5) January 31, 2020 (special meeting)
  - 6) February 3, 2020 (executive session)
  - 7) February 3, 2020 (interview session)
  - 8) February 3, 2020 (special meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Zoning Board of Review (December 17, 2019)
  - 2) Jamestown Harbor Commission (December 11, 2019)
- C) Finance Director's Report: Comparison of Budget to Actuals as of January 31, 2020
- D) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

13-0852-00M	\$35.69
MOTOR VEHICLE ABATEMENTS TO 2006 TAX	ROLL
13-0852-00M	\$10.44
MOTOR VEHICLE ABATEMENTS TO 2007 TAX	ROLL
19-0368-06M	\$7.90
MOTOR VEHICLE ABATEMENTS TO 2010 TAX	ROLL
20-0141-05M	\$64.33

TANGIBLE PERSONAL	PROPERTY ABATEMENTS TO 2013 TAX I	ROLL
01-0001-89		\$43.75
TANGIBLE PERSONAL	PROPERTY ABATEMENTS TO 2014 TAX I	ROLL
01-0001-89		\$52.50
TANGIBLE PERSONAL	PROPERTY ABATEMENTS TO 2015 TAX I	ROLL
01-0001-89		\$52.68
TANGIBLE PERSONAL	PROPERTY ABATEMENTS TO 2016 TAX I	ROLL
01-0001-89		\$51.48
TANGIBLE PERSONAL	   PROPERTY ABATEMENTS TO 2017 TAX I	ROLL
01-0001-89		\$51.96
TANGIBLE PERSONAL	   PROPERTY ABATEMENTS TO 2018 TAX F	ROLL
01-0001-89		\$53.10
REAL ESTATE ABATEM	MENTS TO 2019 TAX ROLL	
10-0140-50	Plat 4, Lot 36	\$3.22
12-0793-48	Plat 3, Lot 516	\$210.91
TOTAL ABATEMENTS	<u> </u>	\$ 637.96
TOTAL ADDENDA	,	\$ 0

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

A motion was made by Vice President Meagher with second by Councilor White to receive the Communications. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

The Communications consists of the following:

## A) Communications

1) Copy of Letter to: Jamestown Town Council
From: Georgie Wynn, Amanda Wynn, Perry Heath, Tobin Heath, Jeffrey Heath,
Keira Heath, Devon Heath, Eloise Heath, Owen Heath, Sara Heath, Akira Heath,
Will Laurie, Erika Lauri, Mimi Lauri, Evan Boden, James Boden, Hugh Flood,
Charlie Flood, Haley Flood, Eliza Flood, Samuel Flood, David Parsons, Emily
Parsons, Josh Parsons, Ben Parson, Matt Parsons, Sam Parsons, Susan Ferguson,
Will Ferguson, Riley Christopher, George Christopher, Liza Christopher, Claire
Potter, Sophie Potter, Phoebe Potter, Katja Sertl, Nick Sertl, Caroline Lippincott,
Hadley Edie, Melinda Edie, Schlyuer Edie, Eliza Wright, Abby Wright, Louise
Wright, Bea Rosen, Josh Rosen, Lydia Rosen, Nate Ross, William Ross, Eliza
Ross, Oliver Booth, Taylor Booth, Garnett Booth, Sarah Hirsch, Matt Hirsch,
Ludia Richardson, Philip Richardson, Ellie Williams, Sophie Williams, Adele

Huffine, Holly Huffine, Charlie Wright, Redwood Wright, Jay Mayers, Tim Mayers, Galan Haas, Regan Haas, Kelsey Moody, Anne Hay, Wphraim Graham, Jessica Graham, Amanda Graham, Harrison Mielde, Jameson Mielde, Maya de la Torre, Elijah de la Torre, Cara Liberati, Natasha Gaither, Grace Flickinger, Anna Flickinger, Sam DiGasper, Milo DiGasper, Anza DiGasper, Ella Hutchinson, and Ben Hutchinson

Dated: January 28, 2020

Re: Jamestown Boat Yard Expansion

2) Copy of Letter to: Jamestown Town Council

From: Tom Potter

Dated: January 31, 2020

Re: Jamestown Boat Yard Expansion

3) Copy of Letter to: Jamestown Town Council

From: Tom Potter

Dated: January 31, 2020

Re: Jamestown Boat Yard Expansion

4) Copy of Letter to: Jamestown Town Council

From: Charlotte Kreutz

Dated: January 30, 2020

Re: Jamestown Boat Yard Expansion

5) Copy of Letter to: Jamestown Town Council

From: Melinda Edie

Dated: January 29, 2020

Re: Jamestown Boat Yard Expansion

6) Copy of Letter to: Jamestown Town Council

From: Carol Chew

Dated: January 29, 2020

Re: Jamestown Boat Yard Expansion

7) Copy of Letter to: Jamestown Town Council

From: Mrs. Michael F. Greene, Dr. Janet Burke

Dated: January 29, 2020

Re: Jamestown Boat Yard Expansion

8) Copy of Letter to: Jamestown Town Council

From: Paula Shevlin

Dated: February 3, 2020

Re: Jamestown Boat Yard Expansion

9) Copy of Letter to: Jamestown Town Council

From: Richard Perkins Dated: February 5, 2020

Re: Jamestown Boat Yard Expansion

10) Copy of Letter to: Coastal Resources Management Council

From: Jamie A. Hainsworth, Town Administrator

Dated: February 5, 2020

Re: CRMC Application File Number: 2019-06-014

11) Copy of Letter to: Jamestown Town Council

From: Polly Hutcheson Dated: January 28, 2020

RE: Jamestown Boat Yard Expansion

- B) Public Notice
- Jamestown Zoning Board of Review Notice of Public Hearing on February 25,
   2020; Application Request for Variances of Craig & Amy Feld, 7 Beavertail Road,
   Jamestown, RI 02835
- 2) CRMC Notice February 2020 Calendar

Councilor Piva recused from RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS and departed Council Chambers.

### XII. EXECUTIVE SESSION

The Town Council may seek to enter into Executive Session for review, discussion and/or potential action and/or vote on the following:

A) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS)

A motion made by Vice President Meagher with second by Councilor White to enter Executive Session Pursuant to RIGL § 42-46-5(a) Subsection (2) Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, et al, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS at 9:25 p.m. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye

The Town Council reconvened the regular meeting at 9:33 P.M. It was announced no action was taken in Executive Session.

## XIII. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor White to adjourn. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye

The regular meeting was adjourned at 9:34 P.M.	
Attest:	
Erin F. Liese, CMC, Town Clerk	