# TOWN COUNCIL MEETING

**February 21, 2017**

# 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

Lisa W. Bryer, Town Planner

Michael C. Gray, Public Works Director

Edward A. Mello, Police Chief

Andrew J. Wade, Parks and Recreation Director

David A. Petrarca, Town Solicitor

Cheryl A. Fernstrom, Town Clerk

# CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 6:37 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

# TOWN COUNCIL SITTING AS THE BOARD OF

# WATER AND SEWER COMMISSIONERS

# The Board of Water and Sewer Commissioners convened at 6:38 p.m. and adjourned at 6:48 p.m.

# ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS

# AND PROCLAMATIONS

None.

# PUBLIC HEARINGS, LICENSES AND PERMITS

None.

President Trocki stated she would rather have the Target Shooting ordinance discussion at the public hearing rather than during Open Forum.

**A motion was made by Councilor Meagher with second by Vice President White to amend the agenda order and move X. Ordinances and Appointments and Vacancies A) Ordinances to the next item prior to V. Open Forum, addressing B) Appointments later in the agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

# X. ORDINANCES AND APPOINTMENTS AND VACANCIES

## Ordinances

### Amendment of the Jamestown Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article V. Weapons; two versions of an ordinance amendment to regulate firearm discharges will be considered by the Town Council. One version would prohibit firearm discharges on the entire Conanicut Island, and the second version would limit firearm discharges on a portion of Conanicut Island. The Council will review, discuss, and potentially amend and/or revise and/or possibly vote to advertise both draft ordinance amendments for public hearing in the *Jamestown Press.*

President Trocki noted the two versions of the ordinance amendment. An open, public discussion will take place at the public hearing, and tonight the Council will vote to advertise one or both of the ordinance amendments for public hearing. Council members concurred.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to proceed to advertise the two ordinance versions for public hearing.**

Discussion. Councilor Dickinson stated he was under the impression one version would be put forward by Council, and he prefers the Council make a decision on one version to advertise rather than both versions. President Trocki noted her preference not to choose a version until both are fully vetted. Councilor Meagher agreed that both versions should be advertised so that we hear both sides of the conversation. Councilor Mihaly agreed. Solicitor Petrarca stated the Council has the flexibility to advertise one or both versions and to amend the version of choice during the course of the public hearing. Substantive revision would require re-advertisement for public hearing. Councilor Dickinson prefers to choose one ordinance for advertising. Discussion continued.

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

Discussion ensued of a date for the public hearing in April or May and whether it should be part of a regular meeting or a separate meeting. The Target Shooting ordinances public hearings were set for Monday, April 10th at 7:00 p.m.

Quentin Anthony of Bay View Drive asked to what extent the Council can vote to revise the preferred ordinance. Solicitor Petrarca stated since both ordinance versions will be advertised, the Council has the most discretion to make changes based on comment by the public and Council, and additional hearings could be held as long as the public hearing is not closed. As long as the revised ordinance is close to what was advertised, it could be adopted without re-advertisement. This option gives as much flexibility as would be allowed. Substantive changes would require re-advertisement.

President Trocki strongly encourages citizens to hold their comments on target shooting for the public hearing, the better venue for discussion on April 10, 2017.

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

# VI. 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*

## Scheduled to address

## None.

## Non-Scheduled to address

Nick Robertson of Carr Lane asked if the Council is considering a public shooting range and whether that would be part of the public hearing agenda or should be advertised for a separate public hearing. President Trocki answered that would have to be a separate public hearing, but the topic and any topic would not be considered off limits during the course of the public hearing. Councilor Dickinson stated the Council could be petitioned to include that option.

Mr. Robertson stated he does not support a ban on target shooting. If the Council is going to limit the activity, they should provide an alternative. The shooters support this community by taxes, and shooters should be offered the same opportunities as golfers, skaters, and soccer, equal to other groups.

# COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

## Administrator’s Report: Town Administrator Andrew E. Nota

### Aging in Place Report

Town Administrator Nota referenced the “Building An Age-Friendly Community Strategic Plan” that targets goals, strategies and actions that address the needs of older adults in RI, the challenges and gaps in services, the “Aging in Community Executive Summary Report,” and the “RI Healthy Aging Data Report.” The reports note the population growth of adults over age 65 and the special needs for this population group, as well as the support services that will be required to keep them living in the community in the future. The reports will be posted on the Town’s website. A future Aging in Place workshop (or series of workshops) should be scheduled in May or June. Discussion ensued of a Council Liaison to the Friends of the Jamestown Seniors (Councilor Mihaly stated his willingness to do that). Discussion continued.

## **VIII. UNFINISHED BUSINESS**

## Solar Array Project Updates; review and discussion and/or potential action and/or vote

### RITBA Solar Array Project: Eric Offenberg, RITBA Director of Engineering

Mr. Offenberg presented ideas for the planned project and additional information, including buffering and an alternate site. Review of past meetings and discussions ensued.

Mr. Offenberg presented plans with more visuals of landscaping and other views as requested for the original site (RITBA property adjacent to the Newport Bridge) and views for an alternate location (RITBA property off Route 138 adjacent to the Dutra Farm). Alternate views for the revised solar array plan at the original site was reviewed at length, including discussion of the vegetation, trees, and proposed plantings. New plantings to create improved vegetative buffers, views, and enhanced islands at the entrance to the Island were noted. RITBA considers the original location a viable option.

Alternate location views (RITBA property off Route 138 adjacent to the Dutra Farm) were displayed and reviewed at length. This location is long and narrow but has a southern exposure and provides the possibility for a larger, joint solar array project that could be shared by the Town and RITBA. They are willing to move forward with due diligence to determine whether the project is viable, including another Grid study, preliminary layouts, soil analysis, and environmental study, requiring significant time and money.

Councilor Meagher referenced Zoning Ordinance compliance. Mr. Offenberg noted the alternate site is not zoned Public and would require rezoning. RITBA is willing to proceed if the Town is willing to endorse the joint project that could provide power for both RITBA and the Town. Viability of that site would not be known until conclusion of the feasibility study. No financial commitment by the Town is required to proceed. Lengthy discussion ensued.

Town Administrator Nota stated the Town uses approximately 2 MW of power. This project could potentially provide 1 to 1½ MW of power, with ½ to 1 MW for the Town, adding power to the local grid, and helping the Town during brownouts. We won’t know the size of the project and the interconnect structure until the studies are completed. Councilors express appreciation for RITBA’s open mindedness and flexibility; they look forward to the feasibility study and hope this can work.

**A motion was made by Councilor Dickinson with second by Councilor Mihaly to instruct the Town Administrator and staff to work with the RITBA to leverage the necessary resources to determine the feasibility of this project.**

Discussion. This project has tremendous promise, and it is hoped it will come to fruition. We exercised our concerns and this seems to be a more exciting alternative. We need to turn to green energy; this location would eliminate fewer trees and would be less visible.

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

Mr. Offenberg was thanked by the Council.

### Other Town Projects

Town Administrator Nota commented this is not the only solar array project. Other sites have been reviewed but not completely studied, including the Transfer Station, which could handle 1 MW of power. However, our grid is limited and there are challenges. The School Department is gearing up for roof repair and replacement at both Lawn and Melrose Schools, which could include solar array installation to provide 300,000 to 400,000 KW of electricity. This is preliminary and has not been reviewed with the School Department. Other Town buildings under review are at Ft. Wetherill, the Highway Barn and Wastewater Facility. Per State Law we fall under Net Metering and can generate power in one location and use it in another to meet our needs. We are taking this opportunity to vet all possibilities. More information and project options will be reviewed in the future.

## Tax Exemptions for Veterans: requesting the General Assembly enact Enabling Legislation to allow the Town of Jamestown to provide an additional adjustment to the tax exemptions for Veterans; review and discussion and/or potential action and/or vote

### Resolution No. 2017-02

Passage of legislation by the General Assembly would empower the Town to provide more tax relief for our veterans. This will be back before Council when enabling legislation is passed.

**A motion was made by Councilor Meagher with second by Vice President White to waive reading of the Resolution. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Dennis Webster of Mount Hope Avenue stated he is in support of the Resolution and referenced the State law regarding eligible veterans and the term honorably discharged and the three levels of that discharge. This Resolution would disallow any veteran who is not at the top level of honorably discharged.

President Trocki thanked him for this information. The Resolution can be adopted subject to appropriate language revisions as reviewed and approved by the Solicitor.

**A motion was made by Councilor Dickinson with second by Councilor Meagher to adopt the Resolution pending law review and move this forward.** **President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

## Amendments to the Jamestown Town Charter: requesting the General Assembly enact Enabling Legislation to allow amendment of the Jamestown Charter as approved by the voters at the November 8, 2016 General Election; review and discussion and/or potential action ad/or vote

### Resolution No. 2017-03

This Resolution would allow for adoption of the Charter amendments that appeared on the November ballot as questions 8-17.

**A motion was made by Councilor Mihaly with second by Councilor Meagher to waive reading of the Resolution.** **President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Discussion ensued of the votes on the Charter Amendments.

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

## Upcoming Meetings and Sessions – dates and times

The following sessions are scheduled:

* March 6th 7:00 p.m. Town Council Meeting with Town Administrator’s Budget Submission
* March 9th 6:00 p.m. Town Capital Budget Hearing and Work Session
* March 20th 6:30 p.m. Town Council Meeting/Water and Sewer Meeting
* March 21st 6:00 p.m. Town Operating Budget Hearing and Work Session
* March 23rd 6:00 p.m. Town Operating Budget Hearing and Work Session
* March 30th 6:00 p.m. Town Council/School Budget Hearing and Work Session
* April 3rd 7:00 p.m. Town Council Meeting
* April 6th 6:00 p.m. Town Budget Review Work Session, if needed
* April 10th 7:00 p.m. Target Shooting Ordinance Public Hearings
* April 13th 6:00 p.m. Town Budget Review Work Session, if needed
* April 17th 6:30 p.m. Town Council Meeting/Water and Sewer Meeting

with Budget Adoption

Vice President White reports the School Committee adopted their budget the last meeting (February 16th).

**IX. NEW BUSINESS**

None.

# X. ORDINANCES AND APPOINTMENTS AND VACANCIES

## Appointments, Vacancies and Expiring Terms; view and discussion and/or potential action and/or vote

### Jamestown Harbor Commission (One vacancy with a three-year term ending date of December 31, 2019); duly advertised; interview conducted

#### Letter of interest for appointment

##### James Heagney

**A motion was made by Councilor Meagher with second by Vice President White to appoint James Heagney to the Harbor Commission. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

President Trocki noted there were seven applicants to serve along with Town staff members, including Parks and Recreation Director Andy Wade. Not all candidates were available for an interview, and Council members indicated they would like to appoint three members so that the Committee can get up and running and make the final appointment after all interviews were conducted.

### Jamestown Community Playground Renovation Committee (Four Citizen-at-large members); duly advertised; interviews conducted

#### Letters of interest for appointment

##### Michelle Bush

##### Michael Cabral

##### Lisa Carlisle

##### Betty Kinder

##### Bradley Parsons

##### Christina Smith

##### Barbara Szepatowski

President Trocki noted there were seven Citizen-at-Large applicants to serve with representatives of the Library Board of Trustees, Ryan Bourque Family, 1990 Playground Committee, Jamestown Arts Center, and the Parks and Recreation Director. Five very qualified, enthusiastic candidates were interviewed. Not all candidates were available for an interview, and Council members would like to appoint three members this evening so the Committee can begin meeting, and the final appointment will be made after all interviews are conducted.

**A motion was made by Councilor Meagher with second by Vice President White to appoint Michelle Bush, Bradley Parsons, and Christina Smith to the Jamestown Playground Renovation Committee. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Clerk will schedule the remaining interview and notify candidates not appointed this evening that the process is continuing.

### Jamestown Tax Assessment Board of Review – Alternate (One vacancy with a one-year term ending date of December 31, 2017); duly advertised; no applicants

### Jamestown Tree Preservation and Protection Committee (Two vacancies with three-year term ending dates of December 31, 2019); duly advertised; no applicants

President Trocki urged citizens to come forward to apply for the vacant positions and asked the *Jamestown Press* to publicize them.

**XI. CONSENT AGENDA**

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.*

**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.**

The Consent Agenda approved consists of the following:

## Adoption of Council Minutes

### February 6, 2017 (regular meeting)

### February 6, 2017 (executive session)

## Minutes of Boards/Commissions/Committees

### Jamestown Harbor Commission (01/11/2017)

## CRMC Notices

### Public Notice of application for Assent by 602 East Shore Road Trust to construct and maintain fixed timber pier with fixed terminus and 1200 lb. tender lift extending 116 ft. beyond Mean Low Water at Plat 2 Lot 83, East Passage of Narragansett Bay

### Public Notice for Proposed Amendments to the Coastal Resources Management Program Procedures Public Hearing on Tuesday, March 28, 2017 at 6:00 p.m., Department of Administration Conference Room A, One Capitol Hill, Providence, with written comments due by March 10, 2017

## Abatements/Addenda of Taxes

Total Abatements: $162,908.26 Total Addenda: $160,447.35

### Real Property/Tangible Abatements to 2016 Tax Roll

**Account/Abatement Amount**

#### 02-0509-94 $ 2,163.88

#### 03-1694-00 $15,220.60

#### 06-0115-50 $ 3,600.26

#### 11-0119-00 $ 4,319.44

#### 12-0236-01 $22,943.19

#### 12-0925-00 $ 1,900.74

#### 13-1955-50 $ 103.82

#### 18-0176-00 $ 564.56

#### 18-0222-00 $ 772.20

#### 18-0347-15 $ 3,216.91

#### 18-0640-00 $34,667.76

#### 18-0742-10 $17,542.93

#### 18-0817-25 $ 2,402.11

#### 20-0544-20 $ 10.47

#### 23-0080-00 $ 1,113.68

#### 23-0942-00 $14,469.31

#### 23-0942-00 $35,302.67

#### 23-1073-30 $ 2,594.00

### Real Property/Tangible Addenda to 2016 Tax Roll

**Account/Addenda Amount**

#### 03-0131-10 $ 103.82

#### 03-1112-00 $35,302.67

#### 04-0231-05 $34,667.76

#### 04-0863-10 $15,220.33

#### 06-0168-57 $ 1,900.74

#### 13-1628-25 $17,542.93

#### 18-0875-01 $ 2,594.00

#### 19-0576-00 $ 2,163.88

#### 19-1224-01 $ 4,319.44

#### 19-1487-00 $ 3,216.91

#### 20-0544-20 $ 2,402.11

#### 20-0587-05 $22,943.19

#### 23-0110-50 $14,469.31

#### 26-0053-75 $ 3,600.26

## Holiday License Renewals

### Cumberland Farms, Inc. dba: Cumberland Farms Store #1108

Address: 41 North Road

### Islandish, Ltd. dba: Chopmist Charlies

Address: 40 Narragansett Avenue

## Private Investigator License Renewal

### Malcolm Brown dba: South Shore Investigative Agency

Address: 203 Seaside Drive

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

## Communications

### Letter of Town Planner Lisa W. Bryer, AICP re: Administrative Subdivision between Westwind Drive and the One (1) Foot Strip adjacent to West Wind Drive

### Memorandum of Robert Rodgers requesting Town Council endorsement of pending legislation that would restrict the carrying of firearms onto school grounds (legislation endorsed by Council in 2016 failed)

### Request from the Jamestown Philomenian Library Board of Trustees to meet with the Town Council to discuss Library/Town staff communications and interactions

## Proclamations and Resolutions from other Rhode Island Cities and Towns

### Resolution of the Westerly Town Council Opposing the Federal Railroad Administration’s Proposal for an Alternative Route for the Northeast Corridor

The following items were removed for discussion: Communications 2) from Robert Rodgers and 3) from the Library Board of Trustees. The Resolution of the Westerly Town Council is the same as the Resolution of the Charlestown Town Council endorsed at the last meeting.

Communication 2) Mr. Rodgers provides documents to the Town Administrator regarding proposed legislation that would restrict the carrying of firearms onto school grounds. Similar legislation proposed last year, endorsed by the Town Council, did not make it out of committee and has been resubmitted in this session. Mr. Rodgers is requesting Town Council endorsement. President Trocki stated this issue will be on a future agenda for review and determination whether it will go forward as an agenda item and voted on at that time. Discussion continued. Councilor Dickinson asked if the School Committee has the authority to ban firearms on school grounds, and if they did, could it be ignored. Solicitor Petrarca stated this will be researched and findings reported to Council.

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Communication 3) The Library Board of Trustees requests to meet with the Town Council in Executive Session to discuss Library/Town communications and interactions. President Trocki stated her preference to have any such discussions in public session. Councilor Mihaly agreed. Councilor Meagher stated personnel related issues should be in closed session. Vice President White stated it should the discussion should start in open session, and if it becomes apparent the discussion belongs in executive session, it could be scheduled. Further clarification is needed from the Library Board to determine if the discussion belongs in open session or closed session. The Board will be informed the Council prefers the discussion in open session.

# XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

## Town Council Rules and Procedures

## Town Administrator’s Budget Submittal

## Golf Course Rehabilitation Project

Discussion ensued of the need for this agenda category. Solicitor Petrarca commented this is the best way to address upcoming issues to remain within the guidelines of the Open Meetings Act. Councilor Meagher commented on Town Council Rules and Procedures and whether rules of conduct for Committees could be included. Solicitor Petrarca noted some Boards have their own (Planning, Zoning, Library Trustees). The Solicitor’s office will have rules of conduct prepared for Council for the March 6th meeting. The Golf Course presentation should be ready for the March 6th meeting.

**XIV. EXECUTIVE SESSION**

None.

**XIV. ADJOURNMENT**

**A motion was made by Vice President White with second by Councilor Dickinson 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 8:28 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Finance Director

Town Solicitor