

**TOWN COUNCIL MEETING  
September 3, 2019**

**I. ROLL CALL**

A special meeting of the Jamestown Town Council was held on September 3, 2019. Town Council Members present were as follows: Michael G. White, Mary E. Meagher, Nancy A. Beye, Randall White, and William J. Piva, Jr. Also present Interim Town Administrator Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, Public Works Director Michael C. Gray and IT Consultant Michael Glier.

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

Town Council President White called the special meeting of the Jamestown Town Council to order at 6:32 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

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

**A) Presentation of Proclamations:**

- 1) No. 2019-15: Military Service Gordon Mitchell Bruce Livingston
- 2) No. 2019-16: Military Service Walter G. Swistak
- 3) No. 2019-17: Military Service Victor C. Richardson

Councilor Beye read the Proclamation for Gordon Mitchell Bruce Livingston.

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the 2019-15 Proclamation for Gordon Mitchell Bruce Livingston. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Councilor Piva read the Proclamation for Walter G. Swistak.

**A motion was made by Vice President Meagher with second by Councilor Piva to adopt the 2019-16 Proclamation for Walter G. Swistak. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Councilor White read the Proclamation for Victor C. Richardson

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the 2019-17 Proclamation for Victor C. Richardson. 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 second by Councilor Piva to open the Public Hearing at 6:39 PM. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

#### **IV. 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.*

- A) Entertainment License Application; review, discussion and/or potential action and/or vote
  - 1) Applicant Jamestown Beer Holdings LLC  
Dates: 09/01/2019 to 11/30/2019  
Location: 34 Narragansett Avenue

A representative for the applicant was present; however not familiar with the particular events Jamestown Beer Holdings LLC would like to hold.

Vice President Meagher questioned if Chief Mello had received all conditional items.

Chief Mello advised he had not; but the Town Clerk will not issue until all items have been provided. He also advised this license is only for a few months and would need to know the frequency and type of events held.

**A motion was made by Vice President Meagher with second by Councilor Piva to approve the Entertainment License for Jamestown Beer Holdings LLC for the period September 3, 2019 to November 30, 2019, contingent on all conditions of Entertainment License and of Chief Mello as follows: Applicant provide a tentative schedule of inside entertainment; entertainment be limited to inside only; Be limited to acoustical music and non-amplified entertainment; Applicant to provide a floor plan depicting the service area of beer, general seating plan and storage area of brewed products. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

No public comment.

- B) Holiday License Application; review, discussion and/or potential action and/or vote
  - 1) Applicant Jamestown Beer Holdings LLC  
Dates: 09/01/2019 to 11/30/2019  
Location: 34 Narragansett Avenue

**A motion was made by Councilor White seconded by Vice President Meagher to approve the Holiday License for Jamestown Beer Holdings LLC for the period September 3, 2019 to November 30, 2019, contingent on all conditions of a Holiday License and of Chief Mello as follows: Applicant provide a tentative schedule of inside entertainment; entertainment be limited to inside only; Be limited to acoustical music and non-amplified entertainment; Applicant to provide a floor plan depicting the service area of beer, general seating plan and storage area of brewed products. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

No public comment.

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

#### **V. OPEN FORUM**

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

Frank Meyer, of Southwest Avenue commented on the Beavertail Lease and offered to make a power point presentation on Beavertail. He further advised he had provided the power point on a thumb drive to former Town Clerk Cheryl Fernstrom.

Deb Barone, of Cedar Lane questioned the allowance of public comment during the Cell Tower Presentation. She was informed she could speak during that time.

Councilor Piva questioned if Mr. Cannon intended on staying through the meeting or would he like his item to be heard sooner.

Mr. Cannon advised he would stay for the entire meeting.

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

- A) Town Administrator's Report: Christina D. Collins, Interim Town Administrator

Interim Town Administrator Collins reported on the bond rating and the savings to the Town.

#### **VII. UNFINISHED BUSINESS**

- A) Presentation and Report on North End Cell Tower by Public Works Director Mike Gray and IT Consultant Mike Glier; review, discussion and/or potential action and/or vote

Public Works Director Gray provided an update and history of the North End Cell Tower. He further advised in the summer of 2017 discussions were held on the lack of coverage on the North End of Town. He further explained in 2018 funds were allocated to determine the

feasibility to provide service to the North End. He explained in addition to staff; GIS Student Interns were used to determine potential locations on town owned parcels. It was identified Cedar Lane and North Main Road would be possible locations to be studied. The Council authorized the study of both sites. He explained IT Consultant Glier drafted an RFP to solicit engineers to assess the two sites.

Councilor Piva questioned how the study came to fruition.

Public Works Director Gray advised he did not recall the Council member that brought it forward.

Vice President Meagher advised it was initiated by Town Administrator Nota and Fire Department.

Interim Town Administrator Collins advised in August, 2017 the Town received many complaints about the coverage.

Chief Mello advised this initiative was not driven by law enforcement and advised on public safety communications.

Discussion ensued on Public Safety communication.

Public Works Director Gray advised on the two locations presented to Council.

Councilor White questioned the distance between the two points and northern tip of the island.

Public Works Director Gray advised it was about a ¼ mile apart in distance between locations. He further advised on the preliminary assessments and it was determined both sites were viable to provide service to the North End of the Island. He explained that Cedar Lane Tower would be 150 feet in height and would reach service as far as West Reach. The North Road Tower would be 175 feet in height and service would reach Summit. He explained utilities at each location. He explained the next phase of research would include balloons to measure from view points and a vehicle would be driving to collect the data.

Councilor White questioned what the balloon data would provide

Public Works Director Gray advised the balloons would provide for renderings; but the final report would determine existing coverage and also what proposed coverage would be if cell towers would be developed.

Discussion ensued on coverage and need.

Councilor Piva remarked if we are providing only a little bit of coverage, it is a lot to ask of the neighbors and would dramatically change the landscape of Route 138.

Councilor White advised on the letter received by Dennis Webster on the historical work done by the Council.

Discussion ensued on past applicants from private contractors and they were denied by Zoning and Planning due to aesthetics.

Discussion ensued on the evolution of service, viability of 5G, and distributed antenna systems.

IT Consultant Glier explained viability of 5G and coverage of antenna systems.

Public Works Director Gray summarized his presentation on opportunities to study (to provide) better coverage by the Town. He advised on the need to be transparent with the public on the next phase of study.

Attorney Dylan Connelly representing the residents of Cedar Lane requested Cedar Lane site be removed from consideration, due to the economic harm to his clients. He also apologized on the short notice of his letter. He requested the vote tonight be to no longer consider Cedar Lane. This would resolve the issue with his client and save the town money and the litigation obstacle. He also stated you do not see residents present tonight requesting more cell service.

Council Vice President stated for the record, she had previously done work for the Charron's; but no longer had a financial or professional interest with the Charron's.

Dennis Webster of Mt Hope Avenue advised on the locations of the previous cell towers that were denied by Planning and Zoning. He further commented on the distributed antenna system and the viability of 5G.

Deb Barone of Cedar Lane thanked those that spoke and for questions asked as the discussion has been informative. She stated no one wants a cell tower in their back yard. She further explained the scenic corridor and history on the initiative. She explained in 2005 cell tower applicants was denied due to disagreement with the Comprehensive Plan. She further stated concern with developing 5G and health concerns. She urged the Council to seek other ways of addressing this. She also was pleased to hear this was not a Public Safety issue. She also suggested reaching out to Cox, as sometimes lack of service can be a simple fix and further requested a study to look at what carriers are working on the island.

Public Works Director Gray clarified that he and Mike Glier are not developing towers. They are simply providing information to make available for a decision of the Council and is ultimately up to the tax payer if this project will move forward.

Council President White stated no Council has approved the building of a cell tower.

Discussion ensued on the scenic highway.

Attorney Connelly commented on effect of his clients with the lost interest in buyers of his client's property. He requested a meeting in Executive Session if Cedar Lane remains as a site to be considered.

Councilor White questioned the next step in the process. He suggested to only progress with the needs assessment to determine the scope of the problem.

Councilor Piva concurred with Councilor White and also commented it was not a Public Safety issue and why would we consider a large tower at this time, when the public is not here requesting a tower.

Vice President Meagher also concurred with the need assessment.

Jane Murray of Cedar Lane was so happy to hear that there is not a safety issue. She commented how the need of cellular is convenient and suggested those without service get a land line.

Chief Mello clarified he was not speaking for the Fire Department and to confirm with Fire Dept. if they have an issue. Also clarified the police do not have an issue communicating with each other; however he cannot confirm if residents have issue contacting the department.

Council President White advised getting a land line could have a financial burden.

Discussion ensued on the lack of cell service in the North End, carrier data and needs assessment.

**A motion was made by Councilor White to approve and commission a needs assessment consistent with the next step of the North End Cellular Survey measuring current cell service of all carriers, with an instrumented vehicle driving through all areas to establish a base line of current cell service levels. Seconded by Vice President Meagher.**

Councilor Piva stated he would like to eliminate both sites for consideration of a cell tower in Jamestown.

Vice President Meagher questioned if you could see a tower at the Transfer Station.

Discussion ensued on cell tower need and timeframe of the study.

President White questioned if you could suspend potential solutions without determining the need. He further stated no one has authorized a cell tower. They have only tried to determine a solution to add cell service to the North End

Attorney Connelly advised the motion does not prevent consideration of Cedar Ridge it does not resolve the concerns with potential litigation

Vice President Meagher advised consultation with the Town Solicitor would be needed to address Attorney Connelly's request.

**Councilor White further amended the motion to suspend the consideration of any cell tower until they analyze the need. Vice President Meagher seconded the addendum to the motion.**

**Back to the Motion:**

**Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Town Administrator's Search; review, discussion and/or potential action and/or vote, continued from August 28, 2019.
  - 1) Approval of Town Administrator's Candidate Recruitment Advertisement; review, discussion and/ or potential action and/or vote

Vice President Meagher stated it was a great advertisement.

Councilor Beye requested the 7 year experience be changed to 5.

Councilor Piva like's the commensurate with experience language.

Town Solicitor Ruggiero commented on the online publication.

Discussion ensued on location of advertisements.

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

Town Solicitor Ruggiero advised on the procedure to receive resumes. He stated the Council will receive all applicants at one time. He further explained Deb Shea will receive applications with a specific email address to allow for confidentiality.

- 2) Compensation of Interim Town Administrator; proposed to be the same as the Town Administrator budget amount, of \$123,437.74; review, discussion and/ or potential action and/or vote

Vice President Meagher stated they will be compensating Interim Town Administrator at the current budgeted amount of the previous Town Administrator.

**A motion was made by Vice President Meagher to approve the salary adjustment of \$123,437.74 for Interim Town Administrator Collins. Seconded by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- C) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule: September 16, 2019 at 6:30 p.m.; review, discussion and/or potential action and/or vote (additional sessions to be added as needed)
  - 2) Schedule Hearing Date and Discussion of Hearing Process: Museler Appeal; review, discussion and/or potential action and/or vote

Town Solicitor Ruggiero advised this will be placed on September 16<sup>th</sup> Agenda to allow for Attorney Quentin Anthony to be present.

It was noted this would be for scheduling and the process will be reviewed. The hearing will not take place on the 16<sup>th</sup>.

## **VIII. NEW BUSINESS**

- A) Proposal by Jamestown Arts Center, Outdoor Art Experience (OAE) for approval of exhibit locations, summer 2020; review, discussion and/or potential action and/or vote

Molly Dickinson, Project Manager from the Jamestown Arts Center explained her request to add the town hall lawn as an additional exhibit location.

**A motion was made by Vice President Meagher with second Councilor Beye to approve the town hall lawn as an additional exhibit location for the Jamestown Arts Center, Outdoor Art Experience. Seconded by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Amendment to Lease Agreement with AT&T Site ID: RI4182- 96 Howland Avenue Water Tank; review, discussion and/or potential action and/or vote

Interim Town Administrator Collins advised this was initiated with former Town Administrator Nota and the Solicitor had reviewed.

**A motion was made by Vice President Meagher to approve the Lease Agreement with AT&T Site ID: RI4182-96 Howland Avenue Water Tank with second by Councilor Piva. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

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

- A) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote on each listed appointment, vacancy and/or expiring term
- 1) Jamestown Affordable Housing Committee (One vacancy with a three-year term ending date of May 31, 2022); duly advertised;
    - a) Letter of interest for appointment
      - i) Joseph Cannon Jr. (previously interviewed)

Council Piva commented on the qualifications of Mr. Cannon.

**A motion was made by Councilor Piva to appoint Joseph Cannon Jr. to the Affordable Housing Committee with a term ending May 31, 2022 with second by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye**

- 2) Jamestown Planning Commission Member (One vacancy with a four-year term ending date of December 31, 2019);
  - a) Request for appointment & continuation
    - i) Michael Swistak

Vice President Meagher spoke on the qualifications of Chairman Swistak.

**A motion was made by Vice President Meagher to reappoint Michael Swistak to the Planning Commission with a continuation through December 31, 2023 with second by Councilor Piva.**

**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 approved consists of the following:

- A) Adoption of Town Council Minutes
  - 1) August 19, 2019 (regular meeting)
  - 2) August 19, 2019 (executive session)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Planning Commission (June 26, 2019)
  - 2) Jamestown Planning Commission (July 17, 2019)
  - 3) Jamestown Planning Commission (August 7, 2019)
- C) Abatements/Addenda of Taxes: \$550.00      Total Abatements: \$ 620.61
  - Account/Abatement Amount**
  - 1) Abatements to 2019 Motor Vehicle Tax Roll
    - a) 04-0160-06M      \$132.53
    - b) 04-0160-07M      \$82.06
    - c) 13-1559-60M      \$144.10
    - d) 19-0990-14M      \$261.92
  - 2) Addenda to Real Estate and Real Property 2017 Tax Roll
    - a) 19-0593-00      \$150.00
  - 3) Addenda to Real Estate and Real Property 2018 Tax Roll
    - a) 19-0593-00      \$150.00
  - 4) Addenda to Real Estate and Real Property 2019 Tax Roll
    - a) 07-0741-21      \$250.00
- D) One Day Event/Entertainment License Applications
  - 1) Applicant: Rhode Island Turnpike and Bridge Authority  
Event: 4 Bridges Ride  
Date: September 15, 2019  
Location: Rte. 138
  - 2) Applicant: Rhode Island Turnpike and Bridge Authority  
Event: Citizens Bank Pell Bridge Run  
Date: October 20, 2019  
Location: East Shore Road & Freebody to Pell Bridge
- E) Award of Bid:
  - 1) Parks & Recreation Department: Turf Management Supplies & Consulting Services to Tom Irwin Inc.

**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 Beye to receive the Communications. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Communications and Proclamations and Resolutions from other RI cities and towns consists of the following:

- A) Communications
  - 1) Invitation to the Rhode Island Coalition for the Homeless's Annual Award Breakfast Monday, September 23, 2019
  - 2) Jamestown School Department Construction Project - Roof Replacement to Colony Roofing Industries Inc.
  - 3) Jamestown School Department Construction Project- Roof Replacement to Commercial Roofing & Contracting, Inc.
  - 4) Jamestown School Department Owner's Project Manager and Commissioning Services for School Building Projects, Revised Fees to Colliers International
  - 5) Jamestown School Department Architectural Services to Saccoccio & Associates, Inc.
- B) Resolutions and Proclamations from other RI cities and towns
  - 1) Resolution of the Town of Charlestown relative to Public Access to the Shoreline

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

- A) Presentation on Gould Island (September 16, 2019)
- B) Taxation items: RIGL § 44-3-12 Visually Impaired Persons – Exemption and RIGL § 44-3-5 Gold Star Parents' Exemption
- C) Beavertail Property Lease Terms

Councilor Piva questioned if Mr. Meyer's power point presentation would be reviewed in September.

It was noted they would receive the power point to schedule for a future meeting.

- D) Noise Ordinance (September 16, 2019)

Chief Mello commented on procedure of adopting ordinances and requested he would like to recommend some potential amendments to the Noise Ordinance for discussions; prior to drafting advertisement and adoption.

Discussion ensued on transparency and input on ordinances.

- E) Parking at Beach Facilities (September 16, 2019)

Councilor Piva announced his recusal from Executive Session: 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 at 8:11 p.m.

### **XIII. EXECUTIVE SESSION**

- 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) review, discussion and/or potential action and/or vote

**A motion made by Vice President Meagher with second by Councilor Beye 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) Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye**

The Town Council reconvened the regular meeting at 8:42 p.m. It was announced the following action was taken in Executive Session:

**A motion was made by Vice President Meagher with second by Councilor Beye to authorize the Town Solicitor to act as necessary to protect the Town's interest in Balzer vs. Town of Jamestown, C.A. No. 1:19-cv00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye**

**A motion was made by Vice President Meagher with second by Councilor Beye to seal the Minutes of the Executive Session. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye**

### **XIV. ADJOURNMENT**

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

The regular meeting was adjourned at 8:43 p.m.

Attest:

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Erin F. Liese, CMC, Town Clerk