# TOWN COUNCIL MEETING

**October 3, 2016**

# ROLL CALL

Town Council Members present:

Kristine S. Trocki, President

Mary E. Meagher, Vice President

Blake A. Dickinson

Michael G. White

Thomas P. Tighe

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

Fred Pease, Town Sergeant

Cathy Kaiser, School Committee Chair

Wyatt A. Brochu, 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 7:07 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

# ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS

# AND PROCLAMATIONS

None.

## **A motion was made by Vice President Meagher with second by Councilor White to move up agenda items IX. Ordinances and Appointments A) Appointments and Vacancies and VI. Reports A) Administrator’s Report: Town Administrator Andrew E. Nota to the next items to be addressed. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

# ORDINANCES AND APPOINTMENTS AND VACANCIES

## Appointments and Vacancies

### Jamestown Housing Authority (One vacancy with an unexpired five-year term ending date of December 31, 2017); duly advertised; no applicants

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

### Jamestown Tree Preservation and Protection Committee (One vacancy with an unexpired three-year term ending date of December 31, 2016); duly advertised; no applicants

President Trocki noted the three vacancies and encouraged citizens to apply.

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

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

### 2016 ICMA Conference

Town Administrator Nota reported on the 102nd ICMA Conference he attended in Kansas City, MO last week, with speakers and sessions pertaining to many issues facing Jamestown and communities across the country.

### Local incident – Fire Station

Mr. Nota reported on a bomb threat that occurred last Sunday at approximately 7:30 p.m. He thanked the family who encountered the threat, the Jamestown Fire Department, and the Jamestown Police Department for their appropriate actions. A full investigation took place and is ongoing, and was handled very professionally by our public safety departments. Fortunately, the incident turned out to be a hoax. President Trocki noted such matters must be taken seriously, and our Police Department and Fire Department should be commended for their professional handling of the situation.

### Professional Development

Mr. Nota reported on senior staff members who attended the RI Interlocal Risk Management Trust seminar on Disruption Readiness that outlined preparedness on many levels and how to manage situations coming off a disruption.

### Scheduling of Town Council Meetings, Work Sessions, and Public Hearings - Update

Mr. Nota reported on a number of projects that were authorized by Council, budgeted, and ready to proceed.

#### Mackerel Cove restroom rehabilitation project

#### Fort Getty rehabilitation project – including restrooms and gatehouse

#### An RFQ is under development for design services, and will be part of a public, staff and Council discussion, with dates to be set.

### 

#### East Ferry design

This project includes the sidewalks and parking area, including landscaping. This process with public engagement should proceed and dates set for public sessions.

#### Golf Course Club House workshop

#### Monday, November 7, 2016, at 6:00 p.m. is tentatively set for the workshop, with Architect Bill Burgin in attendance, to review the draft plans and re-engage the public.

#### Mr. Nota asks the Council how would like to approach the series of projects. Councilor Dickinson would like to move the East Ferry, Fort Getty, and Mackerel Cove project discussions until after the new Council is seated.

President Trocki noted the two dates set for upcoming workshops:

* October 12, 2016 at 6:00 p.m. - Rights-of-Way Public Workshop
* October 26, 2016 at 6:00 p.m. – Lawn Avenue Complex and Playground Design and Planning Input Community Workshop

Town Administrator Nota referenced the two grant awards totaling $500,000 to support the Playground rehabilitation ($100,000) and Lawn Avenue Complex rehabilitation ($400,000) projects. The workshop will engage the public and help move the projects forward.

A date is needed for the East Ferry, Fort Getty, and Mackerel Cove discussion (to be scheduled after the new Council is seated). Councilor Dickinson would like the golf course discussion on its own date, and as the top priority. (November 7th at 6:00 p.m.). Vice President Meagher would like public engagement prior to finalizing any RFQ for Fort Getty so that we know what the public would like at Fort Getty. Discussion ensued of the first meeting to install the new Council, scheduled for Monday, November 21st, at which time workshop dates for East Ferry, Fort Getty, and Mackerel Cove can be set.

Mr. Nota referenced inquiries as to the next meeting of the Ordinance Review Committee, which should include the Rental Ordinance, Noise Ordinance, alcohol use on Town property, as well as other issues.

# IV. PUBLIC HEARINGS, LICENSES AND PERMITS

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

**A motion was made by Vice President Meagher with second by Councilor White to open the public hearings at 7:23 pm. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

## Public Hearings

### Acceptance of the Unimproved Portions of Lawn Avenue and Pemberton Avenue and Merger of One-Foot Strip of Land into Westwind Drive Right-of-Way; review and discussion and/or potential action and/or vote

#### Resolution No. 2016-16 To accept unimproved portions of Lawn Avenue, Pemberton Avenue and a strip of land along the southerly side of Westwind Drive and to authorize Utility and Drainage Easements; review and discussion and/or potential action and/or vote

Attorney Deb Foppert of Jamestown is in attendance on behalf of applicant Dutch Harbor Development, LLC who has obtained preliminary approval through the Planning Commission of a minor subdivision for a six-acre parcel in the R40 zone located off Arnold Avenue to create two additional lots. Each resulting lot will be just shy of two acres and prohibited from further subdivision. Public sewer connections have been approved via Arnold Avenue, and water tie-in is approved for Lot C on Arnold, and Lots A and B on Westwind Drive will have private water systems. The design meets Subdivision Regulation requirements. The one foot strip along Westwind Drive added to the road was noted, creating a 51 foot wide road. Engineer Mike Darveau in attendance explained the stormwater runoff through the piping system on Lawn Avenue and Westwind Drive, diverted through the system, and out into the bay. Town Planner Bryer and Public Works Director Gray in attendance have no objections and have provided their comments prior to Planning Commission preliminary approval.

Town Council Comments. None

Public Comments. None.

A **motion was made by Vice President Meagher with second by Councilor White to approve Resolution No. 2016-16. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

Resolution No. 2016-16 was read by President Trocki.

### Proposed Amendment of the Jamestown Code of Ordinances, Chapter 10 Animals, Article VII. Non-Domesticated Animals (new) Sec. 10-200 Feeding Non-Domesticated Animals (new); Sec. 10-201 Definitions (new); Sec. 10-202 Prohibitions (new); Sec. 10-203 Exceptions (new); and Sec. 10-204 Enforcement (new); review and discussion and/or potential action and/or vote; duly advertised in the *Jamestown Press* September 2nd edition

Numi Mitchell, PhD of Howland Avenue, Scientist leading the Narragansett Bay Coyote Study, was in attendance to speak to the issue of feeding non-domesticated animals and support adoption of the proposed ordinance. Dr. Mitchell reviewed best management practices and the guidelines regarding coyotes adopted by the Town of Jamestown ten years ago. Dr. Mitchell explained the dangers of coyotes becoming habituated, often by unintentional feeding and sometimes intentional feeding, creating a risk to humans and domesticated animals. An explanation of habituated behavior ensued. Farmers leaving livestock carcasses outside in winter months, as the ground is frozen, is problematic as it provides a major food source during breeding season. Well-fed coyotes produce more and The resulting problem from feeding coyotes is more food equals larger, healthier litters of coyote pups, increased coyote population, and more habituated coyotes, reducing the fear factor of humans and putting people and pets in danger. The coyote referred to as Cliff in Middletown and Newport was used as an example. Dr. Mitchell stated coyotes have a wonderful function in the eco system, and should not be habituated to the human population. Feeding coyotes needs to stop, and it is important to adopt the proposed No-Feed Ordinance and enforce it after adoption. Dr. Mitchell reviewed and explained the provisions of the proposed ordinance.

Vice President Meagher commented on the problem of unsecured dumpsters as feeding locations.

Dr. Mitchell reviewed food attractants and the inherent dangers associated with food sources. The community needs to fix the root of the problem and cease feeding of coyotes immediately. People need to understand the risks, and that feeding coyotes is illegal per State law. Review of proper feeding of domesticated animals and attractants ensued.

Councilor Dickinson asked why RIDEM doesn’t enforce the law? Dr. Mitchell stated it should be enforced, but isn’t.

President Trocki read the Prohibitions outlined in Sec. 10-202, Exceptions outlined in Sec. 10-203, and the provision for Enforcement outlined in Sec. 10-204 for violations of the ordinance punishable by a civil penalty of from $100 to $500 for each day of violation in the proposed ordinance.

Dr. Mitchell stated feeding coyotes it is not acceptable. One feeder source impacts a radius of 3 ½ square miles around the feeding location.

Vice President Meagher noted increased coyote sightings in town. This ordinance is the first step in curtailing the coyote problem.

Public Comments.

David Minus of Lawn Avenue stated we need to do something to eliminate the coyotes to eliminate the problem, whatever it takes.

Councilor Dickinson noted that he learned as a member of the Tick Task Force that getting rid of the animals is only part of the problem. He supports the ordinance and how important it is to cease the feeding coyotes.

Councilor White noted that a previous Council did an education program on coyotes. This ordinance as an education program is a good way to go to control the coyote population problem.

Chief Mello feels the ordinance is a good educational tool and gives us a tool in the tool box to help control the problem.

Vice President Meagher commented people need to be educated so that they know what not to do. President Trocki asks for continued coverage on this issue by the *Jamestown Press.* We want our residents to be informed, and our residents and pets to be safe.

Dr. Mitchell will provide a copy of a safety brochure on how to deal with coyotes for public information and distribution at Town Hall.

**A motion was made by Vice President Meagher with second by Councilor White to approve this ordinance. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

### Proposed Amendment of the Jamestown Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article V. Weapons, Sec. 38-112 Definitions (new); Sec. 38-113 Shooting Prohibited (new); Sec. 38-114 Use of Weapons in Self-Defense (new); and Sec. 38-115 Enforcement (new); review and discussion and/or potential action and/or vote; duly advertised in the *Jamestown Press* September 22nd edition

President Trocki noted the extensive ongoing discussion by the Ordinance Review Committee, public workshops, public hearing, ordinance revision, advertisement, and the revised ordinance before us for public hearing this evening. There are many opinions on how this should be regulated, and the Council would like to hear everyone’s comments and make the best decision going forward.

Town Administrator Nota referenced the evolution of this Target Shooting ordinance was defined by the community. He was directed by Council to review and revise the ordinance, and in so doing, communicated with all sides of the issue. It was a challenge to develop an ordinance that addresses the concerns of the community.

President Trocki noted copies of the proposed ordinance are available for the public, and asked Town Administrator Nota to review the proposed ordinance.

Mr. Nota proceeds with an overview of the proposed Ordinance. Currently there are seven (7) ranges in town located at 21 Wildflower Lane, 109 Carr Lane, the Community Farm on Eldred Avenue, 750 North Main Road, 1191 North Main Road, 1243 North Main Road, and 1180 North Main Road.

Sec. 38-112 Definitions. The terminology that appears throughout the ordinance was reviewed.

Sec. 38-113 Registration Required. The original language was read followed by reading of the revised language as regards the sale or transfer of property where a shooting range already exists and that future use of the property will be considered a new application and subject to the limitations established in Sec. 38-118, unless the transfer is to an immediate family member. The provisions of Sec. 38-118 are more stringent than those applied to an existing range.

Sec. 38-114 Registration Form. Mr. Nota would like to revise the language to read “The Recreational Target Range Registration Form shall be prepared and maintained by the Registrar . . . The Registrar is authorized to obtain such other relevant information as is needed to effect the purposes and objectives of this ordinance including all written permissions from property owners and occupants required under Sec. 117 and Sec. 118 of this ordinance.” This brings to light the requirement that written permission must be submitted to the Registrar with the application form. No additional insurance requirement is imposed on the property owner above what is required by the insurer.

Sec. 38-115 Recreation Term. This section remains unchanged.

Sec. 38-116 Registration Filing Requirement. This section remains unchanged.

Sec. 38-117 Shooting Prohibited. A number of clarifications are required, presently 1 through 6. No person . . . shall discharge any firearm in the Town of Jamestown, except as follows:

1. This subsection remains unchanged.
2. This subsection remains unchanged.
3. Use of a Recreational Target Range is restricted to the period between 9:00 a.m. to 6:00 p.m., Monday through Saturday and 12:00 p.m. to 4:00 p.m. on Sundays; provided, however, that all activity must cease 30 minutes before sunset on a year-round basis. This is a modification of the time shooting is allowed.
4. This subsection remains unchanged.
5. The point of discharge of any firearm shall be a minimum distance of 500 feet from:
6. Any dwelling or principal or accessory building on an abutters property. This new language clarifies the provision.
7. Any target and/or berm or backstop location shall be 500 feet from any dwelling or principal or accessory building

Vice President Meagher suggests “The point of discharge of any firearm or the location of the target (backstop or berm) shall be a minimum distance of 500 feet from any dwelling or principal or accessory building.” The phrase ~~“on an abutters property”~~ would be eliminated and this would clarify the provision.

1. The maximum distance from the point of discharge to the backstop structure is limited to 100 feet.

Mr. Nota continues: The setback requirements set forth in this section must be complied with if the shooter does not possess the specific written permission of the owner and occupant of the property subject to any setback provisions set forth in this ordinance to discharge a weapon within the specified setback distance.

Vice President Meagher suggests “The setback requirements described in Sec. 38-117.5 must be adhered to unless the recreational target range has written permission or approval from the owner and occupant of any property who’s dwelling or principal or accessory building is within 500 feet of the point of discharge or target backstop or berm. Said permission must be on file with the Registrar.

Mr. Nota reads the section: No person shall discharge any firearm in such fashion that the shot, bullets, arrows, darts or other missiles shall in their flight carry over, along or across the land of another, any public roadway, designated public walking path, access way, sidewalk, hiking trail, park area, or bike path, into which they shall not have written permission of the owner and occupant thereof to shoot. Such written permission shall be carried on the person at all times when engaged in the activity and shall be shown and exhibited upon request by the police.

Vice President Meagher suggests “. . . for which they do not have written permission.”

Sec. 38-118 Shooting Prohibited (Ranges Established after the effective date of this Ordinance). This is a new section and applies to potential applicants for a new range after ordinance approval, and the restrictions are more onerous.

Mr. Nota reads the section: The following provisions are applicable to all Recreational Target Ranges not established as of the effective date of this ordinance.

1. A Recreational Target Range located on private property must contain a minimum land area of no less than two (2) acres;
2. A Recreational Target Range must be specifically permitted by the property owner;
3. The point of discharge of any firearm shall be a minimum distance of 1000 feet from any dwelling or principal or accessory building, any public property, including but not limited to, public roadways, public walking/bicycling path, access way, sidewalk, hiking trail, park area, picnic area, right-of-way or beach area.

This greatly expands the required setbacks and perimeter for new ranges.

It continues: The above noted setback requirements must be complied with if the shooter does not possess the specific written permission of the owner and occupant of the property within the specified setback distance.

The last paragraph of Sec. 38-117 is then repeated as the last paragraph of Sec. 38-118, with the additional provision for the 1000 foot setback, which inhibits the potential development of new ranges.

Sec. 38-115 Use of weapons in self-defense. Mr. Nota reads the section: No provision of this chapter shall be construed as prohibiting the use of licensed armed guards or of firearms by private persons in the Town for the protection or defense of person or property in accordance with Rhode Island Law.

Sec. 38-116 Enforcement. Mr. Nota reads the section: Any person violating the provisions of this section shall be punished as provided in Sec. 1-15.

There are a number of changes in the terminology and language as noted. Six of the established seven ranges will be affected, as written permission from an abutter is a requirement in the proposed ordinance. It appears only one range may have concern for obtaining abutter written permissions to continue. There are no interested parties to establish a new range under the new ordinance.

President Trocki noted her struggle with this ordinance, as she is trying to find middle ground in her various roles and as a mediator, which is causing consternation, and she is unsure this ordinance works. She tries to be open-minded, but is having difficulty with the activity which is dangerous on one hand, but has been a long-standing tradition with a good public safety record on the other. She would like hear from legal counsel as there are questions on safety and liability. How do we make our town safer and less exposed to liability?

Solicitor Brochu commented it is important to be clear as to the goals of what this ordinance wants to achieve. What does safety mean? This ordinance contains the registration component and the distance component for shooting. Is this ordinance achieving the safety goal, and how is it achieving that? Regarding liability, this is a difficult question – what is our exposure – this asking for an answer not based on any facts. This is a regulatory area where currently the town has no duty to regulate other than what is outlined in State law. Any time a regulatory program is undertaken, there is exposure. Is the ordinance lawful? Achieving what is intended? How does it affect property owners’ rights? The language needs to be clear so that everyone understands the ordinance. Does the Town have exposure due to enactment of the ordinance related to management or enforcement of the ordinance? Once the activity is regulated it becomes an allowed activity, which is now too speculative to address.

Councilor Dickinson questions discharge, which State law regulates. Solicitor Brochu notes that hunting is regulated by RIDEM and requires a license. What does the ordinance require and does it regulate safety or is it registration? As written the ordinance does not determine whether a range is safe or under what circumstances that determination would be made. The intent is more for registration rather than permitting the ranges under a regulatory program. Mr. Nota stated the registration is for public notice so that people know where ranges are located. This is setting the framework for allowing the activity. The ordinance is written to eliminate activity from most areas of town and will hold new ranges to a higher setback. Over time there would be fewer ranges. President Trocki noted this is the area she is struggling with. She values the activity enjoyed by many for a long time, but our community has expanded and changed. There are best practices, safety measures, and alternatives, and this is not an easy issue.

Councilor Dickinson is of the opinion the ordinance will give people a false sense of security. This is a managed activity by State and Federal regulation and the ordinance will not solve the predominant problem and confuse residents, as it will not eliminate discharging a firearm and citizens will not know if it is coming from hunting or target shooting.

Councilor White feels we should be concerned for safety and liability. The solutions could be: prohibit target shooting in Jamestown, and there is no liability; do nothing, and there is no liability. This is an activity on private property, and we are not responsible for activities on private property unless it violates a law. The ordinance tries to control but not prohibit the activity, which has a great safety record for the seven ranges over many years. We need to know what residents feel about the ordinance and if they are agreeable to a compromise to allow the activity to continue.

Public Comments.

Randall White of Westwood Road stated that no matter how well intentioned, the activity is inherently dangerous. Accidents happen. The ordinance does not regulate the size of weapons or caliber of ammunition used. He is deeply concerned and the argument for regulating this activity is public safety. Areas of the ordinance concern him, including the distinction between the 500 ft. and 1000 ft. setbacks for existing and new ranges. He feels this does not have a place in this consideration and is problematic. The setbacks are meaningless if there is written permission from neighboring property owners. The liability and exposure provides no comfort level for residents. The only responsible thing in the name of public safety is to enact an ordinance that prohibits all target shooting. This ordinance doesn’t work.

Gayen Thompson of Grinnell Street stated she has learned a lot from the comments made. She expressed concern for public safety. Regulations imposed on drivers for licensing and the requirements to continue to drive were noted, and yet there are still many accidents. This is a dangerous activity and the proposed ordinance has no provisions for the size or type of weapons used and the distance a bullet can travel; the Island is 9 miles long by 1 mile wide. The ordinance should require a backstop or berm behind a target as a safety precaution. This is a difficult decision.

Bruce Dickinson of Arnold agrees with much Gayen said, except he doesn’t believe it is inherently dangerous. He agrees some type of regulation is required. Chief Mello noted if someone was shooting on property he had no recourse to prohibit it. We need some type of regulation, but this goes beyond that. Sec. 18-117 prohibits shooting except for legal hunting as defined by state and local regulation. We should take on what the State has done for us without a backstop, and add it to something that has a backstop, giving the police recourse and guidelines. This ordinance goes above and beyond what is necessary.

Mike diAngeli of Court Street stated he lives next to the Wildflower Lane shooting range. Hunting is not target shooting. It is a nuisance, not pleasant, and reduces property values, in addition to being a public safety issue. No one will buy his property if it is next to a shooting range. The ordinance is very unclear. He feels the Chief of Police should inspect the ranges before they are registered.

Chris Cannon of East Shore Road referenced his comments of six months ago. This is a public safety issue that needs to be addressed. He expressed concern that bullets from target shooting can travel 1 to 3 miles when a target is missed. There is no comparison between hunting and target shooting, and he has no problem with hunting or gun ownership. There is no definition in the ordinance of a compact area, making it hard to enforce. The proposed ordinance would allow shooting for up to 3000 hours a year with multiple rounds. The safety measures outlined need a lot of definition to provide protection. The Town should operate a target range so that it will be compliant. Mr. Cannon referenced the NRA manual and their recommendations for target shooting ranges. He maintains his position that only target shooting at a safe professionally run range and not in someone’s backyard is the best option for the safety of Jamestown. If the Council will not prohibit target shooting in Jamestown, then enacting this ordinance is better than no regulation; taking some action is better than taking no action.

Paul Sprague of Mast Street stated Mr. deAngeli and Mr. Cannon nailed it. This is not about safety, it is really about noise. He referenced ads that suggest target shooting is putting children at risk while they play. There are no ranges near playgrounds. Safety cannot be argued, existing private ranges have a 100% safety record, and there has never been an accident. People move here because it is a beautiful place. As someone who grew up here, why did they move here? Don’t try to take something away because you did not do your homework before you moved here. He feels all existing ranges should be grandfathered. As far as 3000 hours of shooting, who has enough money to purchase ammo to shoot that much? This is not about safety, it is an issue of noise.

Quentin Anthony of Bay View Drive is here to speak on behalf of the Land Trust, which owns 500 acres of open space representing over 150 properties. There are disturbing areas in the ordinance, as referenced by Randy White. Many residents walk through the Land Trust property, which does not have the same rights as properties with structures on them. The Land Trust cannot give permission or deny it to an existing or prospective shooting range. There is an existing range next to the Land Trust property, and there may be as many as 50 people a day walking, running, and hiking on the Land Trust property. It should be a safe place, and he requests to have the same rights as a property owner.

Merrill Sherman of Walnut Street suggested the first change referenced by Vice President Meagher regarding the 500 ft. should be an “and” and not an “or”. She does not understand the discussion of creating liability by passing the ordinance. Our State and Federal government passes regulations that set minimum standards, and somehow they don’t seem to be liable. She doesn’t see where it creates liability for the Council and they should be comfortable setting minimum standards. The facts are clear on how bullets can travel, and it is okay to set standards. If an abutter is comfortable granting permission for a neighbor to shoot on their property, why does the Town want to deny it. The Town has made a lot of progress with the ordinance and has done a good job. Such ordinances are not uncommon, it would be sensible to pass this, and there is always room for improvement. The real liability is in doing nothing, and adopting this ordinance is the sensible thing to do.

Doc Clark of Ledge Road agreed with Ms. Sherman; the town is not avoiding liability by not having any regulation. Hunting uses different weapons than target shooting and existing hunting ordinances cannot be used for target shooting, and both safety and noise should be regulated in the ordinance. The Island has changed, this was formerly a farming community and now it is a suburban community, and the rationale there has never been regulation and therefore we should not have any because of tradition isn’t valid. Sec. 38-118 should make clear that previous sections apply to it as well as the information under it. This ordinance is not perfect, but it is good, and it should be cleaned up and enacted. Do not spend time trying to make it perfect.

Steven Sparhawk of Dumpling Drive stated he looked up the punishment as outlined in Sec. 1-15 of the Code of Ordinances, which states “. . . shall be punished by a fine of not more than $500 or by imprisonment of not more than 30 days”. For shooting a pellet gun in my yard you’re going to put me in jail and make me a criminal. Chief Mello stated that it could be up to that amount at the discretion of the Judge in District Court. As a NRA Certified Range Safety Officer, the incidence of stray bullets has been on long-distance rifle ranges. The ordinance proposes 100 feet and he suggests making it 75 feet, which is 25 yards. On a range like that it is almost impossible to shoot a bullet over the berm. His biggest issue is with the State law that classifies BB guns and pellet guns as firearms, as he shoots his pellet gun ever other day since he lived here, has never had an issue, and would hate to see that activity end.

Phil Allen of North Road stated he enjoys trap shooting, has done it his whole life, and has always handled guns appropriately. He likes antique weapons, loves living here, and enjoys trap shooting on Columbus Day. He shoots from 10:00 a.m. to 12:00 noon, puts the firearms and ammunition away and locks it up, and enjoys the activity.

Nick Robertson of Carr Lane stated the common guys can come up with a solution and lawyers aren’t the only ones who can make decisions. The reason the safety records for the shooting ranges is so good is because the shooters have practiced safety rules and use of firearms. You have to know where bullets go and that is what makes the difference. The Council is on the right track and should not get intimidated by liability. Someone will take a case no matter how ridiculous. You may want to see how Jamestown feels about a shooting range and put it on a ballot, and a location can be found once it is determined there is support for it. He believes in safety and people who shoot here do too. Keep doing what you are doing.

Nick Lapinski of Hammett Court stated he is the son of a law enforcement officer and marksman, and without informal ranges, our youth won’t learn to shoot, wildlife population won’t be controlled, and the activity will not be carried on. Other activities are dangerous, such as bicycling and swimming. This is a good thing and it should not be eliminated.

Ken Newman of Avenue B stated the proposed ordinance is positive. It safeguards the existing ranges and in a way grandfathers them in and allows for prospective ranges to be held to a higher standard. He likes the ordinance the way it is with the provisos for the existing ranges and potential ranges. The idea of written permission is important and goes a long way to simplify this for the police chief. This is a strong first step, it recognizes the community has changed, and takes it into consideration the tradition here.

Ray Ianetta of Maple Avenue stated for 30 years he lived between two ranges and he was never afraid of being shot. Phil Willis on one side, very respectful and safe, shot two hours max. Sandy Kane on the other side, ran a gun shop, and at times it went on all afternoon. It was the noise he didn’t like. He suggests the Council limit the activities and consider cutting back on the hours allowed and exclude Sundays.

Town Council Comments:

Vice President Meagher stated Councilor White put it well and Ken stated it very well. As Chris stated something is better than nothing. This is a start and the concerns raised by Randy make me want more information. We can’t create a liability-free world. The distinction between the 500 feet and 1000 feet can be concerning, as you can’t put public safety in the hands of a neighbor. She was ready to come to vote in favor of the ordinance, would like to do something as it is important, but questions were raised that have merit and she is concerned.

President Trocki stated she has a problem with treating two similarly situated people differently. The person she most aligns with is Councilor Dickinson, but their approaches are from opposite directions. She leans towards prohibiting the activity, as it is about safety, and noise can be dealt with by a revised noise ordinance or by neighbors in court. She would like a strong regulation based on safety, and has learned a lot from tonight’s discussion and comments.

Vice President Meagher noted Quentin’s concern for the Land Trust property and safety for those who use it. We can’t make it perfect, and enough questions were raised so that she would like revisions to the ordinance, and review at a later date. Prohibiting the activity is not her intention.

Councilor White agrees with Vice President Meagher. He is not ready to vote on this tonight. He doesn’t see a problem with existing ranges, as they have a great safety record. They have a lesser radius as they have already demonstrated they can operate a safe range.

Paul Sprague stated the current ranges are 100% safe and have a proven history. Don’t take away the activity because people don’t like the noise, as it is not fair.

Councilor White stated we have the ordinance and he recommends making changes, including whether a place is dangerous and addressing properties without structures on it. We might want to limit hours and perhaps current operators can come up with something a little more restrictive on the hours of operation. It needs work.

President Trocki stated we are having this discussion in compliance with the Open Meetings Law. We are not having discussions behind closed doors. This is what is proposed, it is open government and transparent, and we speak as five people responsible for public safety.

Town Administrator Nota stated everyone assumes the dual standard of 500 feet and 1000 feet is predicated on increased safety. The 500 feet was following RI State law on hunting. Increasing that number was done to limit the number of ranges from proliferating in the future.

Councilor Dickinson asked for information from Doc Clarke. Doc questioned the process and modifying the ordinance. President Trocki explained the open meeting process and procedures that need to be followed. Councilor Dickinson stated from the beginning he was open to regulating the activities, as are those who engage in the activity. He respects the opinions of others, and most people who engage in the activity in Jamestown are respectful of their neighbors. The activity may be more offensive to people here, but he doesn’t know of shooters who want to do this for more than an hour. Other activities, including hunting, are more dangerous than target shooting. The State regulates these activities and is successful at it, and we should look at their regulations and incorporate them into ours. In hunting you can be 500 feet from a dwelling and can shoot in any direction. With target shooting it is in one direction, with a backstop added, and is a safer activity. We are already moving in the right direction, and reaching out to the people we will come up with an improved ordinance. People can still hunt on properties, even if target shooting is prohibited. Let’s make the activity safe, look at those who engage in the activity, and look at what the State does.

Solicitor Brochu stated the public hearing could be continued or the ordinance could be rewritten and a new public hearing scheduled and put before the public. It would give more latitude to have the revised document for review for a future public hearing.

President Trocki stated there were many good points made this evening. Everyone contributed to the discussion, which is important, and it will result in a better outcome for this ordinance.

Gayen Thompson asked about regulations for the current operators and if there can be restrictions placed on them, including a backstop. President Trocki stated without an ordinance no restrictions or requirements can be placed on the operators.

From the audience: Most of the operators already have backstops.

Councilor Dickinson stated responsible people put up a backstop. President Trocki stated she would like proof of liability insurance. Councilor Dickinson noted the property owner is liable. If they expose themselves to risk, they may lose their property.

**A motion was made by Vice President Meagher with second by Councilor White to close this hearing and set a date to have a new public hearing on this issue or a new public discussion on this issue within 90 days.**

Discussion. Based on the discussion, we know a new public hearing or discussion is needed.

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

Town Administrator Nota asked if the Council would like it sent back to the Ordinance Review Committee. President Trocki commented this should be left to the people who have more knowledge of this activity. Town staff should review these minutes and take the ideas and use them to develop an ordinance we can work with.

# V. OPEN FORUM

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

## Scheduled to address. None.

## Non-scheduled to address.

Alan Katz of Westwind Drive stated the Dutch Harbor neighbors have a Communication on the agenda signed by himself and his neighbors, which he read. Their former scenic vista is now an active commercial aquaculture operation with numerous cages and marker buoys. They are requesting Town Council support in the form of a letter to CRMC objecting to the latest aquaculture expansion. Vice President Meagher stated this is adjudicated by CRMC, the Town is not part of the process, and is not in charge of the hearings. They need to contact CRMC so that they can be notified of those meetings. Town Administrator Nota referenced the process through CRMC and that the Town very seldom has grounds to interfere with that process. Mr. Nota will communicate with Mr. Katz to provide information, and this will be placed on a future agenda for follow-up. The proposed activity in question is to add winter kelp in addition to oysters in their aquaculture project. As this is a Communication, the Council can listen but cannot act.

## **VII. UNFINISHED BUSINESS**

None.

**VIII. NEW BUSINESS**

## Award of Bid: Sustainable Jamestown Plan to Horsley Witten Group of Providence, RI for an amount not to exceed $63,180 as recommended by the Proposal/Qualification Team (Planner Bryer, Commissioner Cochran, Commissioner Pendlebury, Commissioner Prestigiacomo [Alternate], Town Administrator Nota)

Town Planner Lisa Bryer in attendance addressed the award of bid and explained the process before the Planning Commission since 2012, which began as an Economic Development Plan. As the discussion continued it was realized there are many economies in Jamestown and sustainability is the connection of all issues in Jamestown as outlined in the Comprehensive Plan, and the focus was changed to a Sustainability Plan. An RFP was prepared and seven bids received, with three firms interviewed. Horsley Witten had the lowest qualified, responsive bid and the greatest capabilities. Town Administrator Nota feels this is a good fit and supports the recommendation.

**A motion was made by Councilor Dickinson with second by Vice President Meagher to award the bid to Horsley Witten Group for an amount not to exceed $63,180. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**X. 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 Tighe with second by Councilor Dickinson to approve and accept the Consent Agenda. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

The Consent Agenda approved consists of the following:

## Adoption of Council Minutes

### September 20, 2016 (regular meeting)

## Minutes from Boards, Commissions and Committees

#### Jamestown Harbor Commission (07/13/2016)

#### Jamestown Harbor Commission (08/10/2016)

#### Jamestown Zoning Board of Review (08/23/2016)

## CRMC Notices

## Abatements/Addenda of Taxes

Total Abatements: $4,585.13 Total Addenda: $5,445.31

### Motor Vehicles – Abatements to 2016 Tax Roll

**Account/Abatement Amount**

#### 03-0137-28M $ 62.15

#### 13-1562-47M $ 46.10

#### 10-0301-10M $ 65.74

### Properties – Abatements to 2016 Tax Roll

**Account/Abatement Amount**

#### 04-0964-50 $ 308.02

#### 11-0455-20 $ 410.12

#### 12-0236-50 $ 124.41

#### 15-0030-12 $ 557.70

#### 15-0248-00 $ 589.45

#### 18-0260-00 $ 689.83

#### 18-0817-35 $ 528.53

#### 19-1295-98 $ 805.83

#### 23-1007-10 $ 397.25

### Properties – Addenda to 2016 Tax Roll

### **Account/Abatement Amount**

#### 08-0648-00 $ 386.70

#### 09-0028-00 $1,506.48

#### 13-0406-00 $1,327.88

#### 18-0785-04 $1,732.25

#### 22-0293-12 $ 492.00

## Finance Director’s Report

## One Day Event/Entertainment License

### Applicant: Jamestown Parks and Recreation

### Event: 10th Annual Skatefest

### Date: October 7, 2016

### Location: Lawn Avenue Skate Park

### Applicant: Jamestown Rotary Club

Event: 41st Annual Jamestown Classic Bike Race

Date: October 10, 2016

Location: Fort Getty Pavilion; streets of Jamestown

### Applicant: Jamestown Parks and Recreation

Event: 28th Annual Jack-O-Lantern Jog 5K

Date: October 29, 2016

Location: Fire Station; streets of Jamestown

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

**A motion was made by Councilor Dickinson with second by Councilor Tighe to receive the Communications and Resolutions and Proclamations. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

The Communications and Resolutions and Proclamations received consists of the following:

## Communications

### Letter of Commander Leslie Kurtz, Arnold Zweeir Post 22, American Legion, expressing support for re-evalation of the Town’s Veterans’ Tax Abatement

### Letter of Burrillville Town Council requesting Jamestown Town Council adoption of a Resolution Opposing the Siting of the Clear River Energy Center in Burrillville, RI

### Letter of Dutch Harbor neighbors re: aquaculture activities and the effects on adjacent property owners

### Letter of Nonie Drexel supporting adoption of the proposed Town ordinance to regulate private shooting ranges in Jamestown

### Letter of Richard and Cynthia Trask supporting adoption of the proposed Town ordinance to regulate shooting ranges in Jamestown

## Resolutions and Proclamations of other Rhode Island cities and towns

## Resolution of the Barrington Town Council Supporting the Goals of the Rhode Island Energy Challenge

## Resolution of the Burrillville Town Council Opposing the Siting of the Clear River Energy Center in Burrillville, RI

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

Tax Abatements for Veterans will be on the next agenda.

**XIII. EXECUTIVE SESSION**

None.

# XIV. ADJOURNMENT

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

The Jamestown Town Council adjourned the regular meeting at 10:25 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Finance Director

Town Solicitor