

TOWN COUNCIL MEETING
April 16, 2018

I. ROLL CALL

Town Council Members present:

Kristine S. Trocki, President (arriving at 6:49 p.m.)
Michael G. White, Vice President
Blake A. Dickinson
Mary E. Meagher
Eugene B. Mihaly (arriving at 6:48 p.m.)

Also in attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Michael C. Gray, Public Works Director
Steven Saracino, Tree Warden
Elaine Peterson, Tree Committee Chair
Andrew J. Wade, Parks and Recreation Director
John A. Murphy, Town Moderator
Angela Deneault, Police Lieutenant
Mary Lou Sanborn, Library Board of Trustees Chair
James Bryer, Fire Chief
Peter D. Ruggiero, Town Solicitor
Denise Jennings, Water Clerk
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council Vice President White 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.

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

The Town Council convened as the Board of Water and Sewer Commissioners at 6:37 p.m. and adjourned from sitting as the Board of Water and Sewer Commissioners at 7:15 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

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

A) Presentations

1) Fort Getty Road Landscape Improvements - Jamestown Tree

Preservation and Protection Committee Report; Tree Warden Steven Saracino, Tree Preservation and Protection Committee Chair Elaine Peterson and Public Works Director Michael C. Gray

Chair Elaine Peterson gave the Tree Committee Annual Report. The Committee has seven voting members, meets monthly on the third Tuesday at 6:45 p.m. at the Library, and all are welcome to attend and participate. Their responsibilities are the management of the Town's trees in accordance with the Tree Ordinance. 2017 was a very active year, and a very active 2018 is underway. Committee activities were highlighted as follows:

- Community Outreach and Educational presentations
- Tree Removal and Pruning Permit Applications
- Residential Tree Program
- Tree Nursery
- Memorial Tree Program
- Arbor Day Celebration 2017 – red maples planted in front of St. Matthew's
- Tree City USA – received award for 15th consecutive year
- Transfer Station – planted assorted trees and shrubs
- America the Beautiful Grant application
- Arbor Day 2018 on April 27th

Council members thanked Elaine for the report and the resource provided by members of the Tree Committee.

Fort Getty Road Landscape Improvements Report by Tree Warden Steve Saracino and Public Works Director Michael Gray. Tree Warden Saracino reported on the project that began over a year ago and developed to create and preserve a sustainable natural landscape for the area. The project starts at Beavertail Road and extends 1,300 feet into the parkway and ends in front of the Farm (1st phase). Pictures of the proposed plant groupings are displayed and referenced. Jeffrey Boal and Abigail Jenkins of Fox Hill Farm on Fort Getty Road are funding the purchase of all plant materials for the project, scheduled to begin this spring. Utility wires in the area will determine the height of the plantings, with deer-resistant shrubs, perennials, and smaller trees planned for the area. Maintenance will be a cooperative effort between the Public Works Department, Parks and Recreation Department, and Tree Committee. The Council extends its appreciation to the Boal family for funding this project that benefits the entire community.

B) Resolutions

- 1) No. 2018-08 "A Resolution in Opposition to the Proposed Inclusion of the North Atlantic Region in the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program"; review, discussion and/or potential action and/or vote

The Resolution was read by Council President Trocki.

A motion was made by Councilor Meagher with second by Councilor Mihaly to pass this Resolution. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Aye.

V. PUBLIC HEARINGS, LICENSES AND PERMITS

None.

VI. OPEN FORUM

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

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

A) Town Administrator's Report: Andrew E. Nota
Town Administrator Nota reported on ongoing projects and initiatives.

1) Supporting Information on options for Veterans' Exemptions
Council members are not able to act on this issue as they are waiting for a ruling from the RI Ethics Commission. Review of the spreadsheet in the Council packet proceeds, explaining the six main categories for veterans' exemptions and providing detail on tax exemptions and assistance in determining the total exemption impact.

3) Community Projects Update
Mr. Nota gave an update on projects underway by department.
Parks and Recreation Department: Lawn Avenue Recreation Complex redevelopment, North Road Playground, Fort Getty Preparations, Mackerel Cove Preparations, ROW Improvements and Spring Cleanup Work.
Public Works Department: East Ferry Project, East Ferry Touch-and-Go, North Road, South Pond Dam, Spring Cleanup Work, Sidewalks, Road Improvements and Fort Wetherill Roof.

2) Graffiti at Reservoir Circle
Lieutenant Deneault reported on the April 2nd incident call. A spray painted 2' x 2' swastika was located on the asphalt at the corner of Reservoir Circle and East Shore Road. The image was faded, it is unknown how long it had been there, and does not appear to be addressed to one property. Councilor Meagher requested the item be placed on the agenda at the request of concerned Reservoir Circle residents. Councilor Dickinson noted this incident occurred many years ago against a prior Reservoir Circle property owner. Lieutenant Deneault stated research going back 20 years did not find a police report at this location. This will be researched for potential removal solutions.

Mr. Nota reported on the communication from Commissioner of Education Ken Wagner to Superintendent Duva (received too late for inclusion on the agenda) announcing the Jamestown Necessity of School Construction application has been reviewed and it is recommended the Council on Elementary and Secondary Education approve the
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\$6,835,711 project. This will move to the full Council for review and approval on May 15th. The application reflects a 35% reimbursement from the State, with updated figures.

VIII. UNFINISHED BUSINESS

- A) Letter of the League of Women Voters of RI advocating for in-person early voting in RI beginning in 2019 and requesting Town Council adoption of a Resolution supporting House Bill 7501 and Senate Bill 2419; review, discussion, and/or potential action and/or vote, continued from April 2, 2018
- 1) Jane Koster, President, RI League of Women Voters
 - 2) Rob Rock, Director of Elections, RI Department of State

Rosemary Woodside, Treasurer of the League of Women Voters, speaks on behalf of President Koster, who is at a forum in Newport. The League advocates for this Resolution and hopes the Council will act favorably on their request and support Early Voting.

Rob Rock, Director of Elections, thanks the Council for this opportunity and the League of Women Voters for bringing this forward. He is here in support of House Bill 7501 and Senate Bill 2419 that formalize the Early Voting process. Explanation of the current process ensued, 20 days prior to the election, which is time consuming and labor and paper intensive. The proposed legislation will streamline the process using e-poll books for voter check-in, ballots cast using the DS200 voting equipment, and take place at the location of choice by the local Board of Canvassers. 46% of the electorate across the country use Early Voting and the numbers continue to increase. All polling locations will have e-poll books for Election Day and Early Voting, proposed for the 20 day period and the last Saturday and Sunday prior to Election Day, 12:00 noon to 4:00 p.m. The Board of Elections will adopt rules and regulations for Early Voting if the legislation is passed. The Elections Task Force formed after the 2016 Election with participation by the Jamestown Town Clerk and Deputy Town Clerk was noted. Resolutions of Support for Early Voting were adopted by Westerly, Foster, Glocester, North Kingstown, Providence, Pawtucket and Central Falls.

Town Administrator Nota referenced the RI League of Cities and Towns meeting that addressed Early Voting, with Rob and Secretary of State Gorbea in attendance. League members are supportive of Early Voting, but are concerned with flexibility for staffing and the financial burden for our larger communities.

Rob noted trends across the country for Early Voting, which is predicted to reduce Election Day costs as fewer election workers, pre-printed ballots and other supplies will be needed. The goal is to improve the voting experience. Absentee ballots can still be requested up to 21 days prior to the Early Voting period.

A motion was made by Councilor Meagher with second by Councilor Mihaly to develop a Jamestown Resolution for the next meeting. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

- B) RI Turnpike and Bridge Authority – history with the Town of Jamestown regarding payments for services; review, discussion and/or potential action and/or vote

Town Administrator Nota prepared the information based on the request of Councilor Dickinson. Discussion ensued of a newspaper article that declared public utilities are exempt from land use and zoning regulations, referencing RITBA. Solicitor Ruggiero disagreed and stated there are no exempt State agencies in RI. In such cases the balance of interest test is applied, and this was never resolved.

Councilor Dickinson noted objections by the Council to the RITBA solar array project. Council members commented RITBA could share how they arrived at the determination they were exempt from local regulations, all areas should have been vetted prior to moving forward, and the Land Trust was commended for paying attention to this issue. Discussion ensued of the procedure for requesting the RITBA annual payment and why it was delayed for this year at the discretion of the Town Administrator, who is charged with making such decisions.

- C) Upcoming Meetings and Sessions – dates and times

This will be reviewed later in the agenda. The summer meeting schedule will be reviewed in May.

IX. NEW BUSINESS

- A) Town Moderator's General Rules for Financial Town Meetings – Town Moderator John A. Murphy; review and discussion

Moderator Murphy of Hamilton Avenue addressed the laws relating to Financial Town Meetings as described in Section 406 of the Town Charter. This has been part of the RI General laws since 1896. RIGL §45-3-17 begins with “Moderator to preside” and 45-3-18 begins with “Regulation of meeting by Moderator” declaring the Moderator of the meeting shall preside over the FTM. Our FTM follows Robert's Rules of Order. He prepared the information to update the rules to be consistent with the obligations under the law. His intention for the FTM is consistent with the law, and it is his opinion the vote to approve the combined town and school budget should be eliminated. Council members like the revised language, which will appear on the FTM booklet.

- B) Award of Bid: for new carpeting for the Town Hall building to Factory Carpet Outlet for an amount not to exceed \$34,224.80 as recommended by Public Works Director Michael C. Gray; review, discussion and/or potential action and/or vote

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

- C) Award of Bid: for new ductless mini split systems for the Recreation Center Office and Teen Center (to provide air conditioning and supplemental heating) to Eagle Design Corp. for an amount not to exceed \$13,448.44 as recommended by Public Works Director Michael C. Gray

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

D) Adoption of the FY 2019 (July 1, 2018 to June 30, 2019) Town, School, and Capital Budgets; review, discussion and/or potential action and/or vote
Town Administrator Nota explained adjustments to the budget. As originally proposed the budget reflected a 29 cent tax rate increase. A reduced transportation contract and special education cost reductions resulted in a \$101,206 reduced budget request. Recommendations by Council Members resulted in reduced budget line items and increased revenues, resulting in a 19 cent tax rate increase or \$547,000. Lengthy discussion ensued. Expenditures is a 2.47% increase, there is growth from new construction and renovations based on building permits, and an increase in State revenues.

A motion was made by Councilor Meagher with second by Vice President White to approve the FY 2019 (July 1, 2018 to June 30, 2019) Total General Budget of \$10,735,066. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

A motion was made by Councilor Mihaly with second by Councilor Meagher to approve the FY 2019 (July 1, 2018 to June 30, 2019) Total Public Schools Budget of \$13,567,492. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS
None.

XI. CONSENT AGENDA

Item C) CRMC Notice 2) SAMP public hearing was removed by request of Councilor Meagher.

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

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
1) March 26, 2018 (budget work session)

- 2) April 2, 2018 (regular meeting)
- 3) March 8, 2018 (school budget work session)
- 4) April 10, 2018 (special meeting)
- 5) April 10, 2018 (budget work session)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Board of Canvassers (02/28/2018)
 - 2) Jamestown Library Board of Trustees (03/06/2018)
- C) CRMC Notices
 - 1) April 2018 Calendar
- D) Abatements/Addenda of Taxes

Total Abatements: \$4,080.47 Total Addenda: \$3,776.71

 - 1) Motor Vehicle Abatements to 2009 Tax Roll

<u>Account/Abatement Amount</u>	
a) 18-0868-05M	\$ 65.25
 - 2) Motor Vehicle Abatement to 2010 Tax Roll

<u>Account/Abatement Amount</u>	
a) 18-0868-05M	\$ 22.32
 - 3) Motor Vehicle Abatement to 2016 Tax Roll

<u>Account/Abatement Amount</u>	
a) 12-0050-01M	\$ 24.36
 - 4) Real Estate/Motor Vehicle Abatements to 2017 Tax Roll

<u>Account/Abatement Amount</u>	
a) 03-0131-00	\$3,776.17
b) 12-0050-01M	\$ 47.66
c) 19-0602-05M	\$ 144.17
 - 5) Addenda to 2017 Tax Roll

<u>Account/Addenda Amount</u>	
a) 01-0688-98	\$3,776.71
- E) Finance Director's Report
- C) CRMC Notices
 - 2) Public Hearing Notice for proposed adoption of Chapters 1, 2, 6 & 7 of the Shoreline Change Special Area Management Plan, May 22, 2018 at 6:00 p.m., One Capitol Hill, Conference Room A, Providence, RI with written comment to CRMC Executive Director Grover J. Fugate by May 14, 2018

Councilor Meagher asked if a staff member attends the CRMC hearings. Town Administrator Nota stated he or Town Planner Bryer attend.

A motion was made by Councilor Meagher with second by Vice President White to approve Item C) 2). President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

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

Councilor Meagher requested Communication 1) be removed for placement on a future agenda. The Resolutions from Pawtucket and Charlestown were noted. Councilor Dickinson noted Communication 2) regarding the Wildlife Feeding Ordinance. He appreciates the commendation noted in the *Newport Daily News* article but feels communication is the only solution, not regulation.

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

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

- A) Communications
 - 1) Letter of Conanicut Island Land Trust President Quentin Anthony and Jamestown Conservation Commissioner Joyce Antoniello requesting Town Council approval to add 33 town-owned lots to the existing Conanicut Island Land Trust's Conservation Easement
 - 2) *Newport Daily News* April 4, 2018 article commending Portsmouth and Jamestown for enforcing their wildlife non-feeding ordinances
 - 3) RITBA release statement regarding cancellation of the Solar Energy Project due to lack of support from the Jamestown Town Council
 - 4) Moving Forward RI 2040 Newsletter and project update
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns
 - 1) Resolution of the Pawtucket School Committee supporting legislation for Gun Free Schools
 - 2) Resolution of the Pawtucket School Committee Supporting the School Construction Obligation Referendum
 - 3) Resolution of the Barrington Town Council in Opposition to the Governor's FY 2019 Budget Request Article 1 Quasi-Public Reserve Transfers (Sections 15-16) and Article 10 – Quasi-Public Reserve Transfers (Sections 5-9)
 - 4) Resolution of the North Smithfield Town Council in Opposition to any legislative proposals that mandate Contract Continuation for expired teacher contracts
 - 5) Resolution of the North Smithfield School Committee in Opposition to any legislative proposals for binding arbitration for teacher and other school employee contracts
 - 6) Resolution of the North Smithfield School Committee in Support of \$250 million School Construction General Obligation Referendum
 - 7) Resolution of the North Smithfield School Committee in Support of Bills H 7696 and S 2181 to place a referendum before the voters at the November 6, 2018 general election amending Article XII
 - 8) Resolution of the Charlestown Town Council in Support of Bills

- H7769 and S2751 an Act Relating to the Subdivision of Land
- 9) Resolution of the Charlestown Town Council in Opposition to Bill S2413 an Act Relating to Zoning Ordinances
 - 10) Resolution of the Charlestown Town Council in Support of Removal of the “Sunset Provision” regarding the Residential Mortgage Foreclosure Mediation Act

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Planning Department/Planning Commission/Affordable Housing Committee Reports (May)
- B) Final report on the Fire Station Rehabilitation Project (May)
- C) Friends of the Jamestown Rights of Way Report (May)
- D) Cell Tower development in the north end (May)

Councilor Meagher referenced the letter of the Library that should be added to the Council Rules and Procedures. The issue of cell phones at Council meetings by Councilors and staff should be reviewed on a future agenda.

XIV. EXECUTIVE SESSION

- A) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (issues affecting NAGE 69 and IBPO); review, discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Councilor Dickinson with second by Councilor Meagher to enter into Executive Session at 8:30 p.m. pursuant to RIGL §42-46-5(a) Subsection (1) Personnel.

Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel the following vote was taken: President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

The Town Council reconvened the regular meeting at 8:46 p.m. President Trocki announced that no votes were taken in Executive Session.

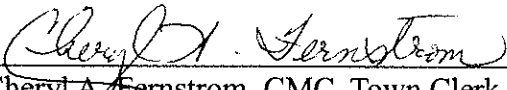
A motion was made by Councilor Dickinson with second by Councilor Meagher to seal the Minutes of Executive Session. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

XV. ADJOURNMENT

A motion was made by Vice President White with second by Councilor Mihaly 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 8:46 p.m.

Attest:



Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor