

**TOWN COUNCIL MEETING  
December 3, 2018**

**I. ROLL CALL**

Town Council Members present:

Michael G. White, President  
Mary E. Meagher, Vice President  
Nancy A. Beye  
Randall White  
William J. Piva, Jr.

Also in attendance:

Andrew E. Nota, Town Administrator  
Christina D. Collins, Finance Director  
Michael C. Gray, Public Works Director  
Edward A. Mello, Police Chief  
Lisa W. Bryer, Town Planner  
Andrew J. Wade, Parks and Recreation Director  
Donna Fogarty, Library Director  
Mary Lou Sanborn, Library Trustees Chair  
Peter D. Ruggiero, Town Solicitor  
Cheryl A. Fernstrom, Town Clerk

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

President White called the regular meeting of the Jamestown Town Council to order at 7:04 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

A Moment of Silence was observed in memory of President “41” George H. W. Bush.

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

None.

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

A) Proclamation; review, discussion and/or potential action and/or vote

1) No. 2018-09: Honoring Probate Judge J. Peter McGuirl

The Proclamation was read by President White.

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the Proclamation.**

Discussion. Vice President Meagher noted she was on the Council in 1991 and made the motion to appoint Peter McGuirl as Probate Judge. When Peter served on the RI Turnpike and Bridge Authority as Chair he led RITBA into adopting the highway between the two bridges, which is part of the reason the highway is so well landscaped and maintained.

Back to the vote on the motion. **President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

## V. PUBLIC HEARINGS, LICENSES AND PERMITS

None.

## VI. OPEN FORUM

A) Scheduled request to address.

- 1) Mary Lou Sanborn – congratulations to Members of the Town Council

Mary Lou Sanborn of Bay View Drive, Library Board of Trustees Chair, congratulated the new Town Council on behalf of the Library Board of Trustees and invited them to tour the Library and view the current building renovation plans. The annual report and updated strategic plan can be viewed on the Library website. The renovation plans are in the final stage of design development, and upon approval will be presented to the Council.

B) Non-scheduled request to address.

Charlotte Zarlengo of Seaside Drive congratulated the new Town Council and stated she is in attendance on behalf of Jamestown Shores President Ann Gagnon and all Shores Association members regarding the 34 lots they thought were protected in perpetuity. Their area sought for high development is no longer a summer community, leaving less room for groundwater protection. This is a crisis that will continue until there is protection, and water problems in the Shores adversely affects the entire Town. She urges the Council to protect the 34 Shores lots and put aside funds for future purchase of lots for groundwater protection. The Water Resources Protection Committee is under review, and the Shores Association would like one of their members appointed to the Committee. Thank you.

Vice President Meagher suggested Communication 4) from Ann Gagnon be addressed at this time. At the request of the Council, Town Planner Lisa Breyer reviewed the 34 lots proposed for protection for possible affordable housing lots. Planner Bryer will report on this at a future meeting.

Sav Rebecchi of Sail Street wants to recognize the advocacy group Upper Shores Advocates. There are 900 homes in the Shores, and 700 to 800 of them are not represented by the Shores Association and do not speak for all residents of the Shores. The Upper Shores Advocates would like their issues to be heard as well. Thank you.

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

A) Town Administrator's Report: Andrew E. Nota

1) East Ferry Project Review

Town Administrator Nota provided a two-page status update focusing on Phases 1, 2 and 3. Discussion involved the funding element, which includes:

- State of RI Commerce Corporation Grant \$ 65,000
- RIDEM Grant For Pump-out Renovations \$ 10,000
- Waterfront Reserve Funds \$325,000-\$350,000
- Harbor Commission Capital Funds \$ 30,000
- Total Project costs \$400,000-\$450,000

The East Ferry Project is not funded with taxpayer dollars.

Public Works Director Michael Gray gave an update on the work performed by Cardi Corporation and Town staff over the spring and fall. The goal was to complete the project by Thanksgiving, but it was held up by heavy rains. Work included removal of the old concrete sidewalks and installation of crosswalks; the parking lot was left with binder material and temporary striping for winter and with guardrails installed to protect the benches; and the project will resume in the spring. A Grant received through the Harbor Office will fund rebuilding the pump-out, with work by Town staff. The sidewalk along the condo building by Grapes and Gourmet, Island Realty, and CMS was repaired along with the Town project and paid for by the business owners. Cardi should be commended for the work completed prior to the Tree Lighting.

President White thanked the Town Administrator for the new set-up for the Christmas Tree Lighting and additional space provided. Vice President Meagher noted the new sidewalks look great. It has been 40 years since the sidewalks, paving and landscaping were done and the new northern sidewalk behind the bus stop should be completed later this week. Discussion ensued of the interest for a dedicated brick or paver program at East Ferry.

2) Town Council On-boarding Program

Town staff is putting together a more formal program with binders, with an update of activities by department that should be ready in the coming weeks. A tour of Town facilities will be coordinated for December or January. Professional staff is here to answer questions.

3) Preliminary Budget Work Session Schedule

Mr. Nota stated the budget development process has commenced, and the FY 2019-2020 capital and operating budget memorandum to Town staff dated November 14<sup>th</sup> is attached to this report. Town department heads meet with the Town Administrator to review their budgets beginning in January and the proposed Town Administrator's budget is submitted to the Council 90 days prior to the FTM, followed by public budget work sessions for the capital, operating, and school budgets, with Town Council budget adoption required 30 days prior to the FTM. Discussion ensued.

## VIII. UNFINISHED BUSINESS

None.

## IX. NEW BUSINESS

- A) Upcoming meetings, work sessions, budget work sessions, workshops, and other sessions; review and discussion and/or potential action and/or vote
- 1) Town Council Meeting date and time
  - 2) Board of Water and Sewer Commissioners Meeting date and time

President White noted meetings can be changed as needed and have been the first and third Monday of the month, with Water and Sewer on the third Monday as part of the regular meeting. Councilor White proposed the July meeting be on the first Monday. Discussion ensued.

**A motion was made by Vice President Meagher with second by Councilor Piva to continue with the current schedule of the first and third Monday of the month. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- 3) Annual Budget Work Session with Jamestown School Committee and School Department, pursuant to RIGL §16-2-21

This takes place in December and is tentatively scheduled for December 17<sup>th</sup> at 6:00 p.m. prior to the next scheduled meeting.

- 4) Town Council Tour of Town Facilities

President White would like the tour, using the Parks and Recreation bus for transportation, and can be done on multiple days if needed. Councilor Piva would like the Ambulance Barn and the Fort Wetherill Barn included in the tour.

- B) Town Council Liaison positions; review, discussion and/or potential action and/or vote
- 1) Jamestown School Department Liaison
  - 2) Jamestown Philomenian Library Liaison
  - 3) Jamestown Conservation Commission Liaison

The three liaison positions were appointed by the last Council and other liaison positions can be included on a future agenda for review and/or vote. The intent of the liaison positions is to facilitate communication and share information prior to receipt of approved board/commission/committee Minutes. This will be addressed at a future meeting with a full list of committees.

Sav Rebecchi of Sail Street stated meeting videos began in 2009, and liaisons were not used as much as the videos were available.

- C) Town Council Appointed positions:
  - 1) Town Solicitor/Prosecutor; review, discussion and/or potential action and/or vote
    - a) Letter of request from Peter D. Ruggiero of Ruggiero, Brochu & Petrarca for reappointment as Town Solicitor and Prosecutor, with background information

Vice President Meagher would like to continue with current Solicitor Ruggiero, Brochu & Petrarca. They have been terrific, serve as Solicitors for other RI communities, are a great resource, and have served the Town admirably. This position serves at the pleasure of the Council and can be revisited at any time.

Councilor Piva noted his agreement with Vice President Meagher; however, we have a letter of interest and resume from Jamestown firm Archer & Foppert and they should be given them the opportunity for an interview. Councilor White agreed. Their prosecution experience was not outlined in their (unsolicited) letter of interest and resume.

**A motion was made by Councilor White with second by Councilor Piva to interview Archer & Foppert. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- 2) Probate Judge; review, discussion and/or potential action and/or vote
- 3) Town Sergeant; review, discussion and/or potential action and/or vote

Fred Pease has verbally confirmed his interest to continue as Town Sergeant.

**A motion was made by Councilor Piva with second by Vice President Meagher to accept Fred Pease as our Town Sergeant. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- 4) Bond Counsel; review, discussion and/or potential action and/or vote

David Ferrara on behalf of Taft & McSally submitted a letter of interested to continue. The firm has served as Bond Counsel for over twenty years and does an excellent job. Their services are utilized as needed with no retainer.

**A motion was made by Vice President Meagher with second by Councilor Beye to retain David Ferrara and Taft & McSally as bond counsel. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- D) Town Council Rules and Procedures; review, discussion and/or potential action and/or vote

- E) Town Council Goals and Objectives; review, discussion and/or potential action and/or vote

President White recommends we carry the Rules and Procedures and Goals and Objectives to a future agenda at a regular meeting or special session in January after Council review.

- F) Review of the Open Meetings Act, Access to Public Records Act, and Code of Ethics by Town Solicitor Peter D. Ruggiero

Solicitor Ruggiero explained the Open Meetings Act including:

- What is a quorum
- Conducting business outside of a duly called meeting
- Consensus the same as a vote
- Emails and what is allowed
- Use of electronic media
- Subcommittees
- Meeting postings and what is required

Solicitor Ruggiero referenced Title 42 Chapter 46 of the RI General Laws, Open Meetings (provided in the meeting packet), guidebooks available on the Attorney General's website, and Open Government Forums in January and August of each year. Notice of the sessions will be forwarded to Council by the Clerk. The Solicitor and Town Clerk are available to assist with any questions on Open Meetings.

Solicitor Ruggiero referenced Title 36 Chapter 14 of the RI General Laws, Code of Ethics. The RI Ethics Commission has publications on their website, and the regulations have doubled. Conflict of Interest and when to recuse were explained. A conflict exists if there is a financial benefit or loss affiliated with an issue for you or a member of your family, and a question of a conflict can be opined by the Solicitor. The only binding opinion is a written advisory opinion from the RI Ethics Commission, which may take four to six weeks. Discussion ensued of the Veterans Exemption issue before the previous Council. Solicitor Ruggiero explained the recusal procedure (forms are available at all meetings on the Council table). The reasons for an abstention and how that differs from recusal were explained. The Ethics Commission also conducts trainings and could do a workshop at Town Hall for Council and/or board/commission/committee members. Discussion ensued.

Solicitor Ruggiero referenced Title 38 Chapter 2 of the RI General Laws, Access to Public Records. Discussion ensued of documents and communications exempt from disclosure and subject to disclosure. Most correspondence and documents are subject to disclosure, except for the 27 exemptions listed in the Act (38-2-2. Definitions (4)). The Access to Public Records Act is also available on the Attorney General's website (included in the meeting packet).

Sav Rebecchi of Sail Street asked if Democratic Committee Meetings can be attended by three or more Council members. Solicitor Ruggiero noted political party meetings are exempt, but cannot be used to usurp the law, and discussion of Town business by Town Council members at such meetings would be a violation.

- G) Review, discussion and/or potential action and/or vote regarding a Grant of Easement by and between the Town of Jamestown and The Narragansett Electric Company through a portion of Town property located on Battery Lane designated as Plat 11 Lot 11 to provide electrical service to property located on Battery Lane designated as Plat 11 Lot 38, and authorization for signing by the Town Administrator

Town Administrator Nota explained the Easement and its development by Solicitor Wyatt Brochu in conjunction with National Grid. Language was modified to reflect that no aerial equipment will be used. Councilor White referenced Dennis Webster's concerns, appreciates the revisions, and asked if additional language should be included that any reconsiderations must come back to the Town for review and approval.

Jeff Hamlin, Battery Lane property owner, asked if this was the only change to the Easement language. Mr. Nota stated yes, and there can only be an underground connection. With the approval this evening, the Town Administrator can sign the Easement, it will be final, and connection can proceed. Mr. Hamlin asked if this could be continued to the next meeting so that he can review this further.

Councilor White noted the Waterfront Easement the Battery has and asked if this agreement would affect that. Town Planner Bryer displayed a map of the area and noted the Battery accesses their property through Town property. The strip of land referenced was originally used for underground communication cables by the Federal government. The subject area is overgrown. Discussion ensued.

**A motion was made by Vice President Meagher with second by Councilor Piva to continue this to the next meeting. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

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

### **A) Ordinances**

- 1) Presentation of certified initiative petition from Town Clerk concerning proposed adoption of Jamestown Sanctuary Ordinance, submitted pursuant to the relevant requirements of Sec. 219 of the Town of Jamestown Charter; review, discussion, and/or possible action to notice for public hearing and/or set down for submission to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

Solicitor Ruggiero summarized the Petition submitted to the Town Clerk that met the eligibility requirements of 454 signatures, with 455 certified signatures, with a proposed ordinance. Does the Council want to schedule a public hearing or go to a referendum? The Clerk provided a schedule of available dates for public hearing, noting conflicts. Solicitor

Ruggiero summarized actions that the Council can go to public hearing or referendum and an actual decision must be made within 30 days.

**A motion was made by Councilor White with second by Vice President Meagher to schedule a public hearing on the earliest date available, the 13<sup>th</sup>.**

Discussion. Councilor Piva noted this should go directly to referenda, as this has already taken a lot of the past Council's time. The Solicitor noted once the Canvassers certify signatures it triggers Council action. Councilor White stated the purpose of the public hearing would be to gain information why we are at this stage. The original ordinance that accompanied the signed petition was revised by the Working Group based on the Chicago Welcoming Ordinance. He asked why the petitioners went back to the original ordinance. He concurs with many of the sentiments contained in the initiative and the original ordinance and agrees with Conanicut Sanctuary's concern the current Federal administration is over-reaching on undocumented immigration. As a Prosecutor for 32 years he experienced first-hand the reluctance of undocumented victims of crime to come forward for fear of deportation. He is not persuaded that the proposed element relates to this community, and it is a solution in search of a problem. The JPD is bound by the US Constitution, it is difficult to be a police officer, and use of their discretion is one of their greatest tools. This proposed ordinance is directed at local police officers, does nothing about the over-reach of the Feds, and does nothing about the victimization of a vulnerable population. The local police have no interest in being deputized, as their responsibility is to our Town, and they don't want people hiding from them in fear of deportation. He feels there is no problem, and if there is a public hearing he would like to know of any incident in which a Jamestown Police officer conducted themselves in a way would have been in conflict with the proposed ordinance. The Federal government and the lack of a proper immigration policy is the problem. To direct police how to enforce the law is not proper. What is wrong with a resolution? Vice President Meagher noted many of her concerns were articulated by Councilor White. A public hearing would be advertised and the concerns of the community could be aired at the public hearing.

Public comment.

Sav Rebecchi of Sail Street noted he served on three Charter Commissions and Section 219 was reviewed at length. It is his opinion this would appear on a referendum ballot as a question "Shall the Town Council adopt an Immigration Protection Ordinance?" Many people who signed the petition stated they never saw the proposed ordinance.

Solicitor Ruggiero noted the Charter provision is ambiguous. The proponents of the petition represented orally to him and others in a meeting the proposed ordinance was provided with the petition. They gave the Clerk a written directive they were filing the signatures with the ordinance under the provisions of this Charter section. There are no pre-filing requirements, standards or criteria for acceptance or review of such provisions, and the Charter is silent in this area. The entire ordinance would appear on a referenda ballot as that is what was submitted. The Municipal Protection Ordinance for RI Cities and Town submitted was prepared by the ACLU. Vice President Meagher noted the Working Town Council Meeting

Group formed and options presented. This is the ordinance that would go forward as petitioned by Conanicut Sanctuary. Councilor White noted Section 219 is silent regarding discontinuation of a petition. Does that leave the legal possibility for withdrawal of the petition if signers of the petition rescinded their signatures? Solicitor Ruggiero stated as he reads it once this starts, it cannot be stopped. President White stated it is important for the Town to have a public hearing. Conanicut Sanctuary stressed if you do not agree with an ordinance, you are anti-immigrant, and he disagrees with that.

Back to the vote on the motion. **President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White Aye; Councilor Piva, Nay. Motion passes by a majority vote in the affirmative.**

The public hearing will be advertised for Thursday, December 13, 2018 at 6:00 p.m. Based on the Charter provision, if the ordinance is not approved, a referendum must be scheduled no less than 30 days nor more than a year from the date of the vote. The Board of Elections requires a minimum 50 days to prepare for a referendum. Councilor White asked if we know the cost of a special election. Town Administrator stated it would be between \$2,000 and \$3,000, based on one polling place.

Mr. Hamlin asked if the Battery Easement issue could be revisited this evening, and was informed there was a vote to continue to the next meeting, and it cannot be revisited at this time.

- B) Vacancies; review, discussion and/or potential action and/or vote
    - 1) Jamestown Affordable Housing Committee (Three Vacancies - One vacancy with a three-year term ending date of May 31, 2021, One vacancy with an unexpired three-year term ending date of May 31, 2020, and One vacancy with an unexpired three-year term ending date of May 31, 2019); duly advertised
      - a) Letters of resignation
        - i) Edie Flynn
        - ii) Lydia Thomas
        - iii) William J. Piva, Jr. – elected to Town Council
      - b) Letters of interest for appointment
        - i) Sydney Keen – for full term
        - ii) Fred Pease – for unexpired term
    - 2) Jamestown Fire Department Compensation Committee (One vacancy with a three-year term ending date of May 31, 2021); duly advertised
      - a) Letter of resignation
        - i) Jerome Scott
      - b) Letter of interest for appointment
        - i) Sydney Keen
  - C) Expiring Terms; review discussion and/or potential action and/or vote
    - 1) Beavertail State Park Advisory Board (One vacancy with a three-
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- year term ending date of December 31, 2021); duly advertised
  - a) Term limit reached
    - i) Neil Blitz
  - b) Letter of interest for appointment
    - i) Linda Warner
- 2) Jamestown Conservation Commission (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised
  - a) Letter of resignation
    - i) Bill Reardon
  - b) Letter of interest for reappointment
    - i) Phil Larson
  - c) Letters of interest for appointment
    - i) Jessica Wurzbacher
    - ii) Sydney Keen
    - iii) Susan Shim Gorelick
- 3) Jamestown Harbor Management Commission (Three vacancies with three-year term ending dates of December 31, 2021); duly advertised
  - a) Letters of interest for reappointment
    - i) Eric Lexow
    - ii) Wayne Banks
    - iii) Daniel Wurzbacher
  - b) Letter of interest for appointment
    - i) John Primiano
    - ii) Nicholas Radesca
- 4) Jamestown Housing Authority – Resident Commissioner (One vacancy with a five-year term ending date of December 31, 2023; duly advertised
  - a) Letter of interest for reappointment
    - i) Kathy Powers
- 5) Jamestown Juvenile Hearing Board – Member (Two vacancies with three-year term ending dates of December 21, 2021); duly advertised
  - a) Letter of resignation
    - i) Richard Mulcahey
  - b) Letter of interest for reappointment
    - i) Barbara Szepatowski
  - c) Letter of interest for appointment – to move up to Member from Alternate Member
    - i) Michael Lichtenstein
- 6) Jamestown Juvenile Hearing Board (Two alternate member vacancies with two-year term ending dates of December 31, 2020); duly advertised
  - a) Letter of resignation
    - i) Cheryl Petrosinelli

- b) Letter of interest for appointment
    - i) Sydney Keen
- 7) Jamestown Philomenian Library Board of Trustees (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised
  - a) Letter of resignation
    - i) Marianne Kirby
  - b) Letter of interest for reappointment
    - i) Mary Lou Sanborn
- 8) Jamestown Planning Commission (One vacancy with a four-year term ending date of December 31, 2022); duly advertised
  - a) Letter of interest for reappointment
    - i) Dana Prestigiacomio
  - b) Letter of interest for appointment
    - i) Richard Lynn
    - ii) Sydney Keen
    - iii) Erik Brine
- 9) Jamestown Traffic Committee – Member-at-Large (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised
  - a) Letter of resignation
    - i) Melissa Mastrostefano
  - b) Letter of interest for reappointment
    - i) Vincent Moretti
  - c) Letter of interest for appointment
    - i) Valerie Southern
- 10) Jamestown Tree Preservation and Protection Committee (Four vacancies with One unexpired three-year term ending date of December 31, 2019 and Three three-year term ending dates of December 31, 2021); duly advertised
  - a) Letter of resignation (unexpired term)
    - i) Richard Lynn
  - b) Letters of resignation (full terms)
    - i) Peter Kallman
    - ii) Mark Girard
  - c) Letter of interest for reappointment
    - i) Elaine Peterson
- 11) Jamestown Zoning Board of Review – Member (One vacancy with a five-year term ending date of December 31, 2023); duly advertised
  - a) Term limit reached
    - i) Richard Boren
  - b) Letter of interest to be appointed to full Member
    - i) Lisa Hough – 2<sup>nd</sup> Alternate
- 12) Jamestown Zoning Board of Review – Alternate Member (Three vacancies with one-year term ending dates of December 31, 2019);

duly advertised

- a) Letter of interest to remain as Alternate Member
  - i) Judy Bell – 1<sup>st</sup> Alternate
- b) Letter of interest for appointment
  - i) Erik Brine

Vice President Meagher asked if this could be continued. We do not have information on present committee members and new applicants, and in the past we have conducted interviews, which is most helpful.

Discussion ensued of making an appointment under X. C) Expiring Terms 1) Beavertail State Park Advisory Committee.

**A motion was made by Councilor Piva with second by Vice President Meagher to have Linda Warner appointed to the Beavertail State Park Advisory Board. President, White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Under C) Expiring Terms 4) Housing Authority – Resident Commissioner. This position must be filled by a resident of a Housing Authority property.

**A motion was made by Councilor Piva with second by Vice President Meagher to reappoint Kathy Powers to the Jamestown Housing Authority. President, White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Under C) Expiring Terms 7) Jamestown Philomenian Library Board of Trustees.

**A motion was made by Councilor Piva with second by Vice President Meagher to reappoint Mary Lou Sanborn to the Library Board of Trustees. 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 Beye to move the rest of these to the December 17<sup>th</sup> meeting. President, White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

## XI. CONSENT AGENDA

Explanation of the Consent Agenda proceeded. Exceptions are removed by request of a Council Member. Councilor White asked about the Zoning abutter notifications on the agenda after the public hearing has taken place. He was informed the notifications are on the agenda for Council information.

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

The Consent Agenda approved consists for the following:

- A) Adoption of Town Council Minutes
  - 1) November 19, 2018 (special meeting)
- B) Minutes of Town Boards/Commissions/Committees
  - 1) Jamestown Harbor Commission (05/09/2018)
  - 2) Jamestown Harbor Commission (06/13/2018)
  - 3) Jamestown Harbor Commission (07/11/2018)
  - 4) Jamestown Harbor Commission (08/08/2018)
  - 5) Jamestown Harbor Commission (09/12/2018)
  - 6) Jamestown Library Board of Trustees (10/09/2018)
  - 7) Jamestown Library Building Renovation (10/02/2018)
  - 8) Jamestown Planning Commission (09/19/2018)
  - 9) Jamestown Planning Commission (10/03/2018)
  - 10) Jamestown Planning Commission (10/17/2018)
  - 11) Jamestown Zoning Board of Review (10/23/2018)
- C) CRMC Notices
  - 1) Semi-Monthly Meeting Agenda for November 27, 2018
  - 2) Official Finding and of Violation to Makenzie and Brittany Richards for mowing an emergent wetland for the property located at Arnold Avenue described as Plat 8 Lot 890
- D) Zoning Board of Review Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on November 27, 2018, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI, at 7:00 p.m. upon the following:
  - 1) Application of Angels Kitchen, whose property is located at 23 Narragansett Ave., and further identified as Assessor's Plat 9, Lot 568 for a special use permit from Article 6, Section 82-601, Special Use Permits authorized by this ordinance, Article 3, Table 3.1 Restaurant with Alcohol, to serve beer & wine. Said property is located in a CL zone
  - 2) Application of Donata & Neill Barber, whose property is located at 108 Howland Ave., and further identified as Assessor's Plat 9, Lot 516 for a variance & special use permit from Article 3, Section 82-302, Table 2 – setback requirements, Article 14, Section 82-1403-H-Detached AFDU, Article 6, Section 82-601 & 606 Special Use Permits, conditions for granting a variance. Request minimum relief per articles to allow for an existing approved AFDU that is .8 ft. from the rear lot line instead of the required 30 ft. Said property is located in a R20 zone and contains 16,500 sq. ft.
  - 3) Application of Jamestown Beer Holdings LLC (Okema Prop. LLL, owner) whose property is located at 34 Narragansett Ave., and

further identified as Assessor’s Plat 8, Lot 453 for a special use permit from Article 3, Section 82-301, Table 3-1 VIB Tavern/Bar, Article 6, Section 82-601 special use permit to operate a nano-brewery and taproom. Said property is located in a CD zone and contains 1,373 sq. ft.

4) Application of Paul Hamilton and Patricia Young whose property is located at 260 Beavertail Road, Jamestown, RI, and further identified as Tax Assessor’s Plat 12, Lots 42 and 212, for an appeal pursuant to the Zoning Ordinance, Article 82, Section 408 (“Appeal of a decision of the zoning enforcement officer”). Mr. Hamilton and Ms. Young appeal the Zoning Enforcement Officer’s decision not to take action on their formal, written request that he take action with respect to their neighboring property owner’s (Geoffrey Hamlin and Kristan Peters Hamlin, together, the “Hamlins”) tennis court structure (located at 0 Battery Lane, Tax Assessor’s Plat 11, Lot 38), specifically to:

1. Require complete removal of the tennis court structure and regrading of the area to preconstruction elevations as reflected in the existing plans;
2. Formally deny the November 6, 2017 Northeast Engineers & Consultants, Inc. drainage plan (entitled “Proposed Improvements in the Vicinity of Tennis Court”) submitted by the Hamlins, because, for one, it is an “after-the-fact” plan that is not appropriate under the soil erosion and sedimentation provisions of the Town Code; and
3. Require the Hamlins to submit an appropriate drainage plan, if still necessary for the work proposed on the whole of the Hamlins’ property.

Paul Hamilton and Patricia Young’s property is located in an RR-80 zone and contains approximately 45.195 acres.

E) Abatements/Addenda of Taxes

Total Abatements: \$69,626.87      Total Addenda: \$73,966.00

1) Motor Vehicle Abatements to 2018 Tax Roll

**Account/Abatement Amount**

- |    |             |           |
|----|-------------|-----------|
| a) | 07-1131-01M | \$ 35.50  |
| b) | 07-1131-02M | \$ 167.59 |

2) Real Estate/Tangible Property Abatements to 2018 Tax Roll

**Account/Abatement Amount**

- |    |            |             |
|----|------------|-------------|
| a) | 01-0696-97 | \$ 3,498.94 |
| b) | 02-0317-50 | \$17,087.06 |
| c) | 03-1105-80 | \$11,291.53 |
| d) | 03-1302-52 | \$ 6,711.49 |
| e) | 03-1496-00 | \$ 6,723.88 |
| f) | 04-0035-00 | \$ 106.20   |

	g)	08-0095-50	\$10,794.44
	h)	08-0862-00	\$ 3,394.96
	i)	16-0680-05	\$ 5.31
	j)	19-0009-10	\$ 7,697.83
	k)	20-0505-75	\$ 2,112.14
3)		Addenda to 2018 Tax Roll	
		<b><u>Account/Abatement Amount</u></b>	
	a)	03-0590-60	\$ 612.76
	b)	04-0015-52	\$ 1,566.34
	c)	04-0668-30	\$ 6,723.88
	d)	06-0302-70	\$ 1,750.18
	e)	07-0592-73	\$ 3,544.96
	f)	07-1034-00	\$17,087.06
	g)	10-0364-10	\$11,291.53
	h)	10-0410-10	\$ 2,112.14
	i)	12-0901-85	\$10,944.44
	j)	13-1734-00	\$ 274.45
	k)	13-1780-55	\$ 7,847.83
	l)	13-1965-50	\$ 3,498.94
	m)	23-0556-00	\$ 6,711.49

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

Vice President Meagher noted Ann Gagnon’s letter was addressed previously. The first three Communications are from the Conservation Commission: 1) deals with the Water Resources Protection Committee and should be agenda item at a future meeting; 2) regards the proposed parking area for the Conanicut Island Sanctuary Trail and it would be helpful to see a plan; 3) paper streets sounds like a big discussion and should be an item on a future agenda; 6) the Veterans Exemption letter submitted by Denis Webster should be on the second meeting in January; and 7) email from Ken Nelson requesting a stop sign should be forwarded to the Traffic Committee.

Dennis Webster speaks to the veterans exemption and requests the Town Administrator and Tax Assessor present recommendations for enabling legislation and forwarded to Representative Ruggiero as early as possible as recommended. Once submitted there is time to review the amount of the exemptions. It is important for Council members to request an advisory opinion from Ethics Commission right away.

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

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

- A) Communications
- 1) Memorandum of Jamestown Conservation Commission re: Water Resource Protection Board and proposing WRPB operate independently from the Conservation Commission
  - 2) Memorandum of Jamestown Conservation Commission re: proposed parking area for the Conanicut Island Sanctuary Trail, as developed by Trail Steward Chris Powell
  - 3) Memorandum of Jamestown Conservation re: Jamestown Paper Streets and Citizen's access to water
  - 4) Letter of Ann Gagnon requesting the Town move immediately to protect the remaining 34 lots in the Shores for groundwater protection and over development
  - 5) Letter of the Barrington Town Council to the Middletown Town Council re: Superior Court decision concerning Flavored Tobacco Control Ordinance
  - 6) Letter of Arnold-Zweir Post 22 American Legion and Veterans of Foreign Wars Post 9447 requesting the Town Council review the tax credit initiated by the previous Town Council
  - 7) Email of Kenneth Nelson to Police Chief Mello requesting installation of a stop sign at the east/west intersection of Lawn Avenue and Watson Avenue to reduce vehicle speeding

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

- A) Budget Work Sessions for FY 2019-2020
- B) Veterans Exemption Review
- C) Discussion on Future Improvements to the public East Ferry boat ramp
- D) Discussion regarding formation of a separate Water Resources Protection Committee
- E) Discussion regarding "Excess" classification of the Beavertail Lighthouse Property and future State and Local interest in the property
- F) Authorization to proceed to 100% design and bid document development on the Golf Course Clubhouse project.

Discussion involved the following:

- Veterans' Exemptions should be on an agenda as soon as possible.
- The Beavertail "excess" classification should be on a January agenda, with members of the Beavertail Museum Group invited. The process was stalled due to lead remediation, and once this is rectified, the process will be accelerated.
- Complaint of a resident regarding parking at Mackerel Cove should be kept in the fore front.
- Fort Getty fees will be on the next agenda prior to sending renewals to campers.
- The proposed Department of Seniors will be on an upcoming agenda.

**XIV. EXECUTIVE SESSION**

None.

**XV. ADJOURNMENT**

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

The Jamestown Town Council adjourned the regular meeting at 9:18 p.m.

Attest:

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Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Town Solicitor