## TOWN COUNCIL MEETING MINUTES Monday, May 2, 2022

A regular meeting of the Jamestown Town Council was held on May 2, 2022. Town Council Members present were as follows: Mary Meagher, Michael G. White, Erik Brine, and Randy White. Absent: Nancy A. Beye

Also, in attendance: Solicitor David Petrarca, Police Chief Edward Mello, Finance Director Christina Collins, and Town Clerk Roberta Fagan.

#### I. ROLL CALL

## II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council Vice President Meagher called the meeting of the Jamestown Town Council to order at 6:30 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

#### III. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

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

Clark Moody, 9 Conanicus Avenue, provided comments on the Victualer Liquor License, Holiday and Entertainment license that was being considered for Jamestown Marina Beverage Operations LLC, dba; One Ferry Wharf. Mr. Moody objects to the proposed hours of operation for victualing and hours of operation for outdoor entertainment. Noise travels over the water efficiently. Mr. Moody requested the Town Council to limit hours of outdoor operation and prohibit outdoor music after a determined reasonable hour.

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

A) None

#### V. PUBLIC HEARINGS, LICENSES, AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes, and appropriate signatures as well as, when applicable, proof of insurance. Review, Discuss and/or Take Action and/or Vote on the following items:

## A) Public Hearings

Proposed amendment to the Code of Ordinances regarding Chapter 6 - Amusements and Entertainment. These Amendments are proposed to update and modernize the existing Amusements and Entertainment Ordinance (duly advertised in the *Jamestown Press* on **April 21**<sup>st</sup>); Review,

Discussion, and/or Action and/or Vote:

a) Amended Amusements and Entertainment Ordinance

A motion was made by Councilor M. White with second by Councilor R. White to start the Public Hearing to review the amendment to the Code of Ordinances regarding Chapter 6 - Amusements and Entertainment. These Amendments are proposed to update and modernize the existing Amusements and Entertainment. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

#### Discussion ensued.

Vice President Meagher stated that the Town Council received comments from the ACLU of Rhode Island, with concerns that the proposed ordinance would infringe upon first amendment rights.

Chief Mello had a meeting with Town Administrator Hainsworth and Solicitor Ruggiero that morning regarding the ACLU's concerns. The proposed Ordinance would codify the permitting application process, where currently there is none. The permitting and review process allows the Town Council to plan and provide proper support and allows the ability to place conditions that are reasonable and would not infringe on an individual's first amendment rights.

Councilor R. White would like to take the time to consider the ACLU's concerns and amend the Ordinance to ensure that the language does not infringe upon an individual's first amendment rights.

John Andrews, 28 Maple Avenue, addressed the Town Council with concerns regarding the proposed Ordinance, and the challenge that it treats all events the same. Mr. Andrews suggested that the language be refined to consider the level of impact of an event (i.e. low impact vs high impact) as well as permit approval timing.

William Smith, Hull Cove Road, also shared concerns regarding the proposed Ordinance and suggested amending language and adding a brief statement to the ordinance that it is not intended to regulate and/or restrict first-amendment gatherings.

Christian Infantolino, Reservoir Circle, made recommendations for amendments and asked clarifying questions about the proposed ordinance. See attached comments provided by Christian Infantolino.

Chief Mello addressed several of the questions. The exact size and dimensions of an entertainment area (indoor and outdoor) should be readily available with GIS technology. Permitting has been very general up to this point; moving forward the ordinance will define specifics. The questions regarding limiting the number of people take into consideration variables for the health and safety of the public. Private events at commercial properties would be considered on a case-by-case basis.

Councilor M. White requested a "white paper" from Christian Infantolino with details of recommendations.

A motion was made by Councilor Brine with a second by Councilor R. White to continue the Open Public Meeting until the May 16, 2022 Town Council Meeting. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Councilor M. White with a second by Councilor Brine to convene as the Town Council Sitting as the **Alcoholic Beverage Licensing Board**. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

## B) Town Council Sitting as the Alcoholic Beverage Licensing Board.

1) Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following application has been received for a New Class BV – Victualer Liquor License:

### CLASS BV – VICTUALER

Jamestown Marina Beverage Operations LLC dba: One Ferry Wharf

3 East Ferry Wharf Jamestown, RI 02835

a) Request for the Town Council to Review, Discussion, and/or Action and/or Vote of approval to proceed to advertise for a Public Hearing on a date to be determined, by the Town Council.

#### Discussion ensued.

Atty. Infantolino, representing the applicant, requested a Special Public Hearing date.

A motion was made by Councilor Brine with second by Councilor M. White to approve the request to advertise for a Public Hearing on May 24, 2022, at 5:00 p.m. for the Class BV-Victualer liquor license for Jamestown Marina Beverage Operations LLC, dba: One Ferry Wharf. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

### The Town Council adjourns from sitting as the Alcoholic Beverage Licensing Board.

A motion was made by Councilor M. White with a second by Councilor R. White to adjourn the Town Council Sitting as the **Alcoholic Beverage Licensing Board**. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

## C) Licenses and Permits

Review, Discussion, and/or Action, and/or Vote to Approve the **New Application** that has been received by the Town Council for **Victualing & Holiday** License upon resolution of debts, taxes, State approval, and appropriate signatures as well as, when applicable, proof of insurance for the year May 2, 2022 - November 30, 2022:

a) Applicant: Jamestown Marina Beverage Operations LLC,

dba One Ferry Wharf

Location: 3 East Ferry Wharf

Hours: Sunday thru Thursday, 7:00 a.m. – 11:00 p.m.

Friday and Saturday, 7:00 a.m. -1:00 a.m.

#### Discussion ensued.

Atty. Infantolino, representing the applicant, described the renovations and the intended use of the space located at 1 and 3 Ferry Wharf. The layout would be reconfigured to accommodate the 68 total seats, which would include approximately 20+/- outdoor seating, interior ADA compliant bathroom access, and the plan to isolate the ice-cream service from the restaurant. A copy of the site plan was presented to the Town Council for consideration. The applicant plans to offer breakfast, lunch, and dinner daily.

Lengthy discussion regarding hours of operation, inside and outside food service, and potential impact to neighbors and boaters. Councilor M. White and Vice President both expressed concerns regarding the late hour of operation. Councilor Brine asked a clarifying question about the Town Council's power to restrict hours of operation.

A motion was made by Councilor R. White with second by Councilor M. White to approve the Victualing & Holiday license application for Jamestown Marina Beverage Operations LLC, dba: One Ferry Wharf with the hours of operation being Sunday thru Thursday, 7:00 a.m. – 11:00 p.m. and Friday and Saturday, 7:00 a.m. – 12:00 a.m. midnight. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

2) **Entertainment License Application** (NEW): All Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Take Action and/or Vote for the following:

a) Applicant: Jamestown Marina Beverage Operations LLC,

dba One Ferry Wharf

Location: 3 East Ferry Wharf, inside and outside on the deck Hours: Wednesday thru Sunday, 12 p.m. thru 12 a.m.

Type: Acoustic 3-piece (max) band

#### Discussion ensued.

Atty. Infantolino, representing the applicant, gave a brief overview of the type and location of entertainment. Additionally, the applicant would like permission to have interior and exterior speakers playing light background music. Councilor R. White asked for more details and definitions of "light background music". Vice President Meagher referred to other Entertainment licenses and restrictions.

Residents Doug Mainiero, 11 Walcott, and Mary DacQuino, 2 Walcott Avenue both expressed concerns regarding noise and requested hours by the applicant. Councilor R. White and Vice President Meagher agree that more appropriate entertainment hours in the wharf area would be to conclude no later than 10 p.m. Atty. Infantolino requested a definition of restrictions. Outside entertainment would be permitted between 12 p.m. -10 p.m. with no amplification and no speakers; Inside entertainment would be permitted from 12 pm. -11 p.m., speakers are permitted inside only, amplification would be strictly prohibited inside and/or outside, and if the interior windows are open the music/entertainment must be turned off.

A motion was made by Councilor M. White with second by Councilor R. White to approve the Entertainment license application for Jamestown Marina Beverage Operations LLC, dba: One Ferry Wharf, with defined restrictions as follows: Outside entertainment would be permitted between 12 p.m. - 10 p.m. with no amplification and no speakers; Inside entertainment would be permitted from 12 pm. - 11 p.m., speakers for streaming music are permitted inside only, amplification would be strictly prohibited inside and/or outside, and if the interior windows are open the music and entertainment must be turned off and stopped. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

One Day Event/Entertainment License: All One-Day Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Take Action and/or Vote for the following:

a) Applicant: Jamestown Ukrainian Relief Project

Event: Evening of Song

Date: Sunday, May 15, 2022, 7:00 p.m. – 8:30 p.m.

Location: St. Matthews Episcopal Church

A motion was made by Councilor M. White with second by Councilor R. White to approve the One Day Event/Entertainment license application for the Evening of Song, on Sunday, May 15, 2022, 7:00 p.m. – 8:30 p.m. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

b) Applicant: Jamestown Ukrainian Relief Project

Event: Let's Get Together Coffee House for Ukraine Relief

Date: Friday, May 20, 2022, 7:00 p.m. – 10:00 p.m.

Location: Central Baptist Church

A motion was made by Councilor R. White with second by Councilor M. White to approve the One Day Event/Entertainment license application for the Let's Get Together Coffee House for Ukraine Relief on Friday, May 20, 2022, from 7:00 p.m. – 10:00 p.m. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

c) Applicant: Quononoquott Garden Club

Event: OGC Plant Sale

Date: Saturday, May 21, 2022, 7:00 p.m. – 10:00 p.m.

Location: Ft. Getty Pavilion

- i) Letter to the Town Council from QGC Co-Chairs Nancy Sall and Martha Mulvey requesting a waiver of the Ft. Getty Pavilion fee
- ii) Memorandum from Parks & Recreation Director DeFalco in support of the request

Councilor R. White made a clarifying statement that the event time on the agenda differed from the application. Town Clerk Fagan made note of the scriber's error regarding the event hours and stated the correct hours of the event should be 7:00 a.m. to noon.

A motion was made by Councilor M. White with second by Councilor R. White to approve the One Day Event/Entertainment license application for QGC Plant Sale, Saturday, May 21, 2022, 7:00 a.m. – 12:00 p.m. noon at Ft. Getty Pavilion. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Councilor Brine with second by Councilor R. White to grant the request to waive the Ft. Getty Pavilion rental fee for the QGC Plant Sale. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

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

- A) Town Administrator's Report: Jamie A. Hainsworth
  - 1) Jamestown Library Renovation Project update and temporary operations
  - 2) Request for Anti-Idling signs
  - 3) Revaluation of Property
  - 4) Independence Day Celebration, Fireworks planned for July 3<sup>rd</sup>
  - 5) Covid 19/Testing update

Carol Nelson-Lee, Board of Canvassers, made the Council aware of the logistical challenges regarding polling locations for the Primary and General Election for Early Voting if the library were to utilize the Town Council Chambers.

Finance Director Collins explained the that library reconstruction bid had not gone out yet. Logistics and plans to move the library to the Town Council Chambers are still in the early stages and consideration will be given to Early Voting in the Town Council Chambers.

Request for Anti-Idling will be continued to the next meeting when President Beye and Town Administrator can share more information.

Revaluation of Property notices went out last week. Tax hearings will be taking place in May, and the deadline to schedule a hearing is May 16<sup>th</sup>. Values went up approximately 23-25%. Raw data was received on Monday and will be analyzed further. Vice President Meagher reminded all that an increase in revaluation does not necessarily mean an increase in property taxes.

Independence Day Celebration, Fireworks planned for July 3rd are on schedule.

Covid 19/Testing update – Mach 17<sup>th</sup> through April 25<sup>th</sup> 44 new cases; hard to track new cases because of home testing and a decrease of reported cases to the RI Department of Health.

#### VII. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Take Action and/or Vote: At the request of Vice President Meagher consideration of concern brought forth during the April 18<sup>th</sup> Town Council Open Forum by Charlotte Zarlengo regarding a report presented by Michael Junge, Jamestown Harbor Commission member, at the April 13th Harbor Commission Meeting, which focused on mooring allocation and density research.
  - 1) Jamestown Harbor Commission/Michael Junge report dated April 10, 2022

#### Discussion ensued.

Vice President Meagher asked Chief Mello to give a summary of the report. Chief Mello explained that the summary was to determine the number of moorings and locations. The discussion was not to add more moorings but to assess what the Town of Jamestown has. The existing moorings and mooring fields are defined by Ordinance, Harbor Management Plan, and the Comprehensive Plan. The maximum number of moorings at Heads Beach is fourteen

(14). The number of moorings that were codified in the Harbor Plan and Comprehensive Plan was based on historical data. Without the matrix of other factors such as parking, restrooms, trash receptacles, access, and/or kayak racks, the Harbor Commission could not make any recommendations to support the private mooring fields that the Town of Jamestown manages. Additional moorings would require CRMC approval, Town Council approval, and the Comprehensive Plan would need to be amended. The summary report was reviewed at the most recent Harbor Commission meeting, but no action was taken. There currently is no appetite to increase mooring density by the Harbor Commission. Councilor R. White, liaison to the Harbor Commission, unfortunately, was not at the April meeting and was somewhat disappointed in the mooring summary. The summary intended to survey the mooring fields to determine the feasibility of increasing or decreasing the number of moorings. Councilor R. White thought that the summary was inconclusive and does not address the mooring density concerns. Vice President Meagher commented that the Comprehensive Plan protects the community from increasing the mooring density until landside accommodations have been addressed.

Charlotte Zarlengo, Seaside Drive, thanked Chief Mello and the Town Council for their support. Ms. Zarlengo expressed continued concern about the number of moorings along Seaside Drive, numbering over 50 moorings, and the negative impacts on the neighborhood due to increased traffic.

Carol Nelson-Lee, a member of the Friends of the Rights of Way, reminded the Town Council of a presentation made several years prior, to increase the number of kayak racks around the island; and requested permission to make the presentation again. Ms. Nelson-Lee was advised to schedule to address the Town Council during Open Forum and/or to contact a Council member to bring forth the topic at a future meeting.

No motion or action was taken.

- B) Upcoming Meetings and Sessions dates and times; Review, Discussion, and/or Take Action and/or Vote:
  - 1) At the request of Councilor R. White set the Town Council Summer Meeting Schedule to one (1) meeting in July on July 5<sup>th</sup> and one (1) meeting in August on August 22<sup>nd</sup>, and/or on another agreed-upon date(s)

Discussion ensued.

A motion was made by Councilor Brine with second by Councilor R. White to set the Town Council Summer Meeting Schedule to one (1) meeting in July on July 5th and one (1) meeting in August on August 22<sup>nd</sup>. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

#### VIII. NEW BUSINESS

A) None

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

A) Ordinances; Review, Discussion, and/or Take Action and/or Vote to: Order to Advertise in the Jamestown Press; Notice of a Public Hearing for Proposed Amendments to the Code of Ordinances, Chapter 42, Parks and Recreation, Article II Regulations -In General; Sections 42-22; 42-51. These

Amendments are to the terms and conditions set forth in Exhibit A and may be made based on comments received during the public hearing on November 15, 2021.

1) Public Hearing Notice, Town of Jamestown and Exhibit A

A motion was made by Councilor R. White with second by Councilor M. White to Order to Advertise in the Jamestown Press on May 5th; Notice of a Public Hearing on May 16<sup>th</sup> at 6:30 p.m. for Proposed Amendments to the Code of Ordinances, Chapter 42, Parks and Recreation, Article II Regulations -In General; Sections 42-22; 42-51. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- B) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Take Action and/or Vote:
  - 1) Jamestown Affordable Housing Committee (Two [2] vacancies with a threeyear term ending date of May 31, 2025)
    - a) Letter of interest for reappointment
      - i) Fred F. Pease
      - ii) Joseph Cannon, Jr.
    - b) Letter of interest for appointment
      - i) Wayne D. Moore

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the reappointment of Fred F. Pease and Joseph Cannon, Jr. to the Jamestown Affordable Housing Committee. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 2) Jamestown Fire Department Compensation Committee (Two [2] Citizen-at-Large Representatives with a three-year term ending date of May 31, 2025)
  - a) Letter of interest for reappointment
    - i) Mary Ellen Coleman
  - b) Letter of interest for appointment
    - i) Wayne D. Moore

A motion was made by Councilor R. White with a second by Councilor Brine to the approve the reappointment of Mary Ellen Coleman and to approve the appointment of Wayne D. Moore to the Jamestown Fire Department Compensation Committee. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 3) Jamestown Tax Assessment Board of Review (One [1] vacancy with a three-year term ending May 31, 2025)
  - a) Letter of interest for reappointment
    - i) Stuart L. Rice

A motion was made by Councilor R. White with a second by Councilor M. White to approve the reappointment of Stuart L. Rice to the Jamestown Tax Assessment Board of Review. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Councilor M. White with second by Councilor Brine to accept the Consent Agenda. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, 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 the approval of each item as if it had been acted upon separately for review, discussion, and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion, and/or potential action and/or vote.

- A) Adoption of Town Council Minutes
  - 1) April 18, 2022 (Regular Meeting)
  - 2) April 25, 2022 (Special Meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Harbor Commission (October 13, 2021)
  - 2) Jamestown Harbor Commission (December 8, 2021)
  - 3) Jamestown Harbor Commission (February 9, 2022)
  - 4) Jamestown Harbor Commission (March 9, 2022)
  - 5) Jamestown Harbor Commission (April 13, 2022)
  - 6) Jamestown Tree Preservation and Protection Committee (February 17, 2022)
  - 7) Jamestown Tree Preservation and Protection Committee (attendance log)
  - 8) Tree Warden Report (February 17, 2022)
  - 9) Jamestown Zoning Board of Review (March 22, 2022)

## C) Tax Assessor's Abatements and Addenda of Taxes

	MOTOR VEHICLE ABATEMENTS TO 2021 TAX ROLL	
04-0397-19M	SOLDIER & SAILOR EXEMPTION	\$26.03
	REAL ESTATE ABATEMENT TO 2021 TAX ROLL	
016-0144-08	TAX ASSESS. BOARD OF REVIEW	\$1748.74
	TOTAL MOTOR AND REAL ESTATE ABATEMENTS TO 2021 TAX ROLL	\$1774.77

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

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

- A) Communications
  - 1) Letter to Dr. Kenneth Duva, Superintendent of Schools

From: Karen Montoya, Clerk to the Board of Canvassers

Date: April 18, 2022

Re: list of people from the school department attending the Jamestown Town Financial Meeting.

2) Letter to Town Clerk Roberta Fagan

From: Karen Montoya, Clerk to the Board of Canvassers

Date: March 21, 2022

Re: list of people from the Jamestown Administration attending the Jamestown Town Financial Meeting.

3) Copy of Letter from Rhode Island Department of Environmental Management

Date: April 13, 2022

Re: 2022 Recreation Grant round – Jamestown application

- B) Petitions, Proclamations, and Resolutions
  - 1) Town of Barrington, RI Ordinance 2022-10, Renewal of Declaration of Emergency
  - 2) Resolution of the Burrillville Town Council in Opposition to Rhode Island Gun Control Legislation
  - 3) Resolution of the Town of Charlestown, RI in support of House Bill H 8055 an Act Relating to Waters and Navigation Coastal Resources Management Council
  - 4) Resolution of the Town of Tiverton, in opposition to Senate Bill S-2244 and House Bill H-7198 Municipal Employees' Arbitration

The Town Council acknowledges communications received

#### XII. ADJOURNMENT

A motion was made by Councilor M. White with second by Councilor Brine to adjourn at 8:10 p.m. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

Attest:			
Roberta J	. Fagan.	Town	Clerk