



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, May 22, 2017
6:00 PM
Revised May 19, 2017

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

I. ROLL CALL

II. CALL TO ORDER

III. NEW BUSINESS

- A) House Bill 6172 "An Act Relating to Agriculture and Forestry – Right to Farm"; review, discussion and/or potential action and/or vote to support or oppose this legislation
- B) Process to invoke a Voter Initiative, Non-Binding Resolution, Ordinance, or All-day Referendum regarding recreational target shooting and firearms discharge in the Town of Jamestown; review, discussion, and/or potential action and/or vote

IV. EXECUTIVE SESSION

The Town Council may seek to go into Executive Session to discuss the following items:

- A) Pursuant to RIGL §42-46-5(a) Subsection (2) potential litigation (RITBA solar array project); review, discussion and/or potential action and/or vote in executive session and/or open session

V. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. Notice also may be posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, call 1-800-745-5555, via facsimile to 401-423-7230, or email cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

Re-Posted on the RI Secretary of State website on May 19, 2017

2017 -- H 6172

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LC002544
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

Introduced By: Representative Gregory J. Costantino

Date Introduced: April 28, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 2-23-4 of the General Laws in Chapter 2-23 entitled "Right to
2 Farm" is hereby amended to read as follows:

3 **2-23-4. "Agricultural operations" defined.**

4 (a) As used in this chapter, ~~"agricultural operations"~~ "primary agricultural operations"
5 includes any commercial enterprise that has as its primary purpose horticulture, viticulture,
6 viniculture, floriculture, forestry, stabling of horses, dairy farming, or aquaculture, or the raising
7 of livestock, ~~including for the production of fiber,~~ furbearing animals, poultry, or bees, and, other
8 than slaughtering of livestock, the processing and sale of products derived from such operations;
9 and all such other operations, uses, and activities as the director, in consultation with the chief of
10 division of agriculture, may determine to be agriculture, or an agricultural activity, use or
11 operation. ~~The mixed use of farms and farmlands for other forms of enterprise including, but not~~
12 ~~limited to, the display of antique vehicles and equipment, retail sales, tours, classes, petting,~~
13 ~~feeding and viewing of animals, hay rides, crop mazes, festivals and other special events are~~
14 ~~hereby recognized as a valuable and viable means of contributing to the preservation of~~
15 ~~agriculture.~~

16 (b) "Secondary agricultural operations" means the use of farms and farmlands for other
17 forms of enterprise including, but not limited to, the display of antique vehicles and equipment,
18 retail sales, tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes,
19 festivals, weddings, and other special events. Secondary agricultural operations are hereby

1 recognized as a valuable and viable means of contributing to the preservation of agriculture and
2 shall be supported under this chapter.

3 ~~(b)~~(c) Nothing herein shall be deemed to restrict, limit, or prohibit ~~nonagricultural~~
4 secondary agricultural operations from being undertaken on a farm or farmlands except as
5 otherwise restricted, regulated, limited, or prohibited by law; or regulation, ~~or ordinance~~ ;
6 provided, however, that any such law or regulation shall not interfere with any primary
7 agricultural operations ~~or to affect the rights of persons to engage in other lawful nonagricultural~~
8 ~~enterprises on farms; provided, however, that the protections and rights established by this~~
9 ~~chapter shall not apply to such nonagricultural activities, uses or operations.~~ A municipality may,
10 by ordinance, restrict, regulate, or limit, but not prohibit, secondary agricultural operations on
11 farms or farmland, provided that any restriction, regulation, or limitation on secondary
12 agricultural operations in any such ordinance shall not be unduly burdensome and shall be based
13 on a determination by the local police chief and fire chief or the local equivalent that such activity
14 is inimical to the public safety.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

- 1 This act would define secondary agricultural operations and would provide that
- 2 municipalities may limit and regulate secondary agricultural use but not prohibit such operations.
- 3 This act would take effect upon passage.

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From: Don Wineberg
Sent: Monday, May 8, 2017 10:19 AM
To: trockijamestowntc@gmail.com; mgbianco@cox.net; Mary Meagher (tiptoparch@msn.com) <tiptoparch@msn.com>; Gene Mihaly (eugene@mihaly.org) <eugene@mihaly.org>; dickinsonjamestowntc@gmail.com
Cc: Andrew Nota <anota@jamestownri.net>; Bill Skinner
Subject: H 6172 would take away Jamestown's land use rights

Hi Town Council Members. Over the weekend we learned that a revised version of the Bill that would strip towns of the right to zone and regulate uses of agricultural property was reintroduced in late April. There will be a hearing on the Bill this Wednesday at the Rise of the House. I've copied a link to the bill below.

We are mobilizing our individual networks throughout the State to oppose; have let Deb Ruggiero, Andy and Lisa know; and have already written to the League of Cities and Towns to make sure they are aware of the Bill.

You may remember that this same issue arose in 2015 in the context of whether Jamestown had the right to use our zoning ordinance to regulate or prohibit commercial activities (weddings, restaurants, concerts etc.) on farms and you were very supportive of our opposition to that year's bill. This bill is even worse since it would make use prohibitions illegal and only permit regulation of events if the police and fire chiefs certified a threat to public safety. We ask you to do whatever you can to oppose this bill. Once again, it is coming to our attention probably without the time for you to take a formal action. I'm happy to speak with any or all of you about what you might be able to do. Of course personal testimony at the hearing would be best, or absent that, a personal letter of opposition that we could submit. Is there anything we can do to help you? Cell is always best for me if you want to talk.

Thanks, Don

<http://webserver.rilin.state.ri.us/billtext17/housetext17/h6172.htm>

Don E. Wineberg
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401-301-1485 (m)



Town of Jamestown
Resolution of the Town Council

No. 2017-12

Town of Jamestown

**“A RESOLUTION OPPOSING H 6172 – AN ACT RELATING TO
AGRICULTURE AND FORESTRY – RIGHT TO FARM”**

WHEREAS, the Town Council of the Town of Jamestown (the “Town Council”) has reviewed and discussed the amendments proposed in House Bill 6172 to the “Right to Farm Act” – so-called; and

WHEREAS, the Town Council is concerned that the amendments proposed in the Bill will substantially and detrimentally alter the *status quo* balance between legitimate farming and agricultural activities and the quiet enjoyment of residential use of abutting and nearby properties to agricultural and farming operations; and

WHEREAS, the amendments proposed in H 6172 will essentially allow commercial operations unrelated to agriculture and farming on certain qualifying properties without regard to the nuisance-like or undesirable externalities imposed on abutting and nearby residencies; and

WHEREAS, the Town Council, after review and consideration of the amendments contained in H 6172, has concluded that the legislation will result in undermining local land use controls in effect in the community, will allow for the establishment of commercial activities typically associated with significant negative externalities without adequate and proper controls to mitigate their negative impacts – including the reduction of assessed values of real property in the activity area, and a substantial detrimental alteration of the *status quo* balance between legitimate farming and agricultural activities and the quiet enjoyment of residential use of abutting and nearby properties to agricultural and farming operations.

NOW, THEREFORE, BE IT RESOLVED, that we, the Town Council of the Town of Jamestown, Rhode Island, respectfully request that the General Assembly not pass the amendments contained in H 6172; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby instructed to submit a copy of this Resolution to the Town of Jamestown’s State Senator and State Representative in the Rhode Island General Assembly.

By Order of the Jamestown Town Council

Kristine S. Trocki, President

Michael G. White, Vice President

Blake A. Dickinson

Mary E. Meagher

Eugene B. Mihaly

IN WITNESS WHEREOF, I hereby attach my hand and the official seal
of the Town of Jamestown this 22nd day of May, 2017.

Cheryl A. Fernstrom, CMC, Town Clerk