# TOWN COUNCIL MEETING

**May 15, 2017**

# ROLL CALL

Town Council Members present:

Kristine S. Trocki, President

Michael G. White, Vice President

Blake A. Dickinson

Mary E. Meagher

Eugene B. Mihaly

Also in attendance:

Andrew E. Nota, Town Administrator

Christina D. Collins, Finance Director

Michael C. Gray, Public Works Director

Andrew J. Wade, Parks and Recreation Director

Clifford Kurz, Harbor Commission

Police Chief Edward A. Mello

Peter D. Ruggiero, Town Solicitor

Denise Jennings, Water Clerk

Cheryl A. Fernstrom, Town Clerk

# CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 7:16 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Jamestown VFW Commander Gordon Livingston led the Pledge of Allegiance.

# TOWN COUNCIL SITTING AS THE BOARD OF

# WATER AND SEWER COMMISSIONERS

The Board of Water and Sewer Commissioners Meeting convened at 7:18 p.m. and adjourned at 8:00 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

# ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

## Resolutions and Proclamations

### Proclamation No. 2017-10 “Graduates Week” in the Town of Jamestown

The Resolution was read by President Trocki.

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

Congratulations to our graduates and all those who made it possible.

# PUBLIC HEARINGS, LICENSES AND PERMITS

None.

# OPEN FORUM

## Scheduled to address.

## None.

## Non-Scheduled to address.

Frank Meyer of Southwest Avenue asked how much revenue the Town receives from the sales tax collected by the Division of Taxation for short term rentals. Finance Director Collins explained the short term rental income established in 2015. $24,000 in revenue from short term rentals is budgeted for FY 2018. The Town has not received what was originally projected by the State. Mr. Meyer was directed to contact Finance Director Collins for more information.

Don Wineberg of Beavertail Road addressed the Council regarding his Communication (No. 3) asking for a Town Council vote in opposition to House Bill 6172 “An Act Relating to Agriculture and Forestry – Right to Farm” as it would take away the right to regulate what is made and sold on farms and would permit commercial activities on farms regardless of local zoning. This bill was promulgated by developers who would purchase agricultural lands for commercial purposes. The League of Cities and Towns, Farm Bureau and other agencies, as well as Representative Deb Ruggiero, are opposed to its passage. As the General Assembly is near the end of the legislative session, Solicitor Ruggiero will prepare a Resolution and Council will convene a special meeting on Thursday at 5:30 p.m. to address this issue.

David Booth of Beavertail Road noted the consequences if this legislation passed, as it is an attack on municipal management of land use and would devastate local zoning.

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

## Library Rehabilitation Project Update: Trustee Chair Mary Lou Sanborn

Ms. Sanborn referenced the preliminary design presented in December 2016 and reported the Committee has been refining the design, prepared the project timeline outline for the coming year, and reviewed costs currently estimated at $5.1 to $5.5 million dollars. Further updates will follow.

# VIII. UNFINISHED BUSINESS

**A motion was made by Councilor Meagher with second by Councilor Dickinson to move Item C) Tax Exemptions for Veterans up in the agenda. President Trocki, Aye; Vice President White, Recuses; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Recuses. Motion passes by a majority vote in the affirmative.**

## C) Tax Exemptions for Veterans - additional adjustment to the tax exemptions for Veterans; review and discussion and/or potential action and/or vote

Vice President White and Councilor Mihaly recuse themselves from this agenda item as they are veterans, file the appropriate form, and leave the Council table.

President Trocki explained the recusal process. The proposed tax exemption would provide relief for our veterans and show respect for their service. Town Administrator Nota reviewed existing Veterans’ Exemptions for Rhode Island municipalities and stated many communities are shifting from an exemption to a direct tax credit at a set amount. Shifting to a direct credit instead of an exemption would increase the current total exemption from $17,000 in FY 2017 to approximately $62,000 total tax credit in FY 2018 as outlined below:

Exemption Category:

Regular Exemption/Credit From $5,000 Exemption to $150 Tax Credit

Unmarried Widow/Widower From $5,000 Exemption to $150 Tax Credit

Totally Disabled Service Connected From $2,000 Exemption to $300 Tax Credit

Gold Star Parents From $5,000 Exemption to $500 Tax Credit

Specially Adapted Housing From $10,000 Exemption to $500 Tax Credit

Prisoner of War From No Exemption to $500 Tax Credit

Tax Assessor Ken Gray was commended for compiling the information and wished the best as he prepares for his retirement. Council members comment this is a great place to start and a positive way to recognize our veterans.

Dan Ustick of West Reach Drive, a veteran, thanked the Council for their appreciation, respect, and recognizing the veterans and what they done for our country.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to approve the recommendation as put forth by the Tax Assessor and Town Administrator for revising our Veterans Exemptions as described. President Trocki, Aye; Vice President White, Recused; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Recused. Motion passes by a majority vote in the affirmative.**

Vice President White and Councilor Mihaly return to the Council table.

## RITBA Newport Pell Bridge Structural Rehabilitation Project Update: Executive Director Buddy Croft and Director of Engineering Eric Offenberg

Executive Director Croft reported on the partial bridge deck construction project on the 49 year-old bridge. As of yesterday, overweight and over-wide vehicles are prohibited from the bridge. Delays are expected beginning tomorrow due to lane closures. After Memorial Day there will be single lane traffic on each side of the bridge and possible bridge closures in the event of an accident. He thanked Newport and Jamestown first responders for their input and cooperation. There will be no lane closures in July and August during the tourist season, as well as Memorial Day and Labor Day.

Councilor Mihaly inquired on the project and Mr. Croft explained the concrete replacement, which will involve lane closure for the drying process. The bridge is safe, but work needs to be done, and 15 to 20 minute delays should be expected. Equipment is arriving on the Newport side of the bridge, barges will be working all summer, and extensive activity under the bridge will not affect boating.

## RITBA Solar Array Projects Update: Executive Director Buddy Croft and Director of Engineering Eric Offenberg; review and discussion and/or potential action and/or vote

## Mr. Croft noted suggestions from the public RITBA Open House in January, including an alternate location for the solar array on RITBA property adjacent to the Dutra Farm. Mr. Offenberg stated the site is not desirable due to numerous challenges. The project goal was to keep the solar array close to RITBA headquarters. National Grid is anxious to move forward, as grant funding will disappear at the end of the year. The Town has been good neighbors, they have been good neighbors to the Town, and RITBA respectfully requests Council support for the original project location.

## Kirt Mayland of Altis Power America of Greenwich, CT was in attendance to answer questions and explained the costs, processes, and time involved with the alternate location. The major drawback is the high inter-connect costs and substation upgrade. Lengthy explanation and discussion ensued. The costs associated with the alternate site would be in the $750,000 - $850,000 range, which is prohibitive, based on the power generation capabilities and return on investment, and would not result in electricity costs savings, the purpose of the project.

## Mr. Nota noted money set aside in the FY 2018 budget to evaluate other public facilities that could potentially be used as solar array sites. The Town would like to continue the dialogue and look at other alternatives and sites, including off-island locations, and keep RITBA on the list of potential partners for such a project. Lengthy discussion ensued.

## Solicitor Ruggiero commented he has rendered his legal opinion. The location proposed requires further review and discussion of the options in executive session with Town staff in attendance. The discussion would take a minimum of an hour, and the next meeting is June 19th, due to the FTM on June 5th.

Public Comment.

Dave Reardon of Westwind Drive, Conservation Commission Member, commented on the cost for a 1 MW project by the Town or partnering with RITBA. He is in favor of solar only if it works financially.

Mr. Nota stated some of our buildings can be before the meter and not enter the system, including Lawn School, which could be powered during the school year. The poor condition of the grid was noted.

Mr. Offenberg of RITBA noted the Grid has a significant investment of over six figures and would like an answer, and asked the Council where we are at in the project. President Trocki noted we need further discussion per our Solicitor. Discussion ensued.

A special meeting is rescheduled from Thursday, May 18th to Monday, May 22nd at 6:00 p.m. to review House Bill 6172 in open session and the Solar Array Project in executive session.

## Upcoming Meetings and Sessions – dates and times

This will be reviewed at the end of the meeting.

# IX. NEW BUSINESS

None.

# X. ORDINANCES AND APPOINTMENTS AND VACANCIES

## Appointments, Vacancies and Expiring Terms; review and discussion and/or potential action and/or vote

### Jamestown Tree Preservation and Protection Committee (One vacancy with a three-year term ending date of December 31, 2019); duly advertised; no applicants

President Trocki urges citizens to apply.

### Jamestown Affordable Housing Committee (Three vacancies with three-year term ending dates of May 31, 2020); duly advertised; no applicants

#### Letter of resignation

##### Judith Sutphen

A letter of thanks will be sent to Judith Sutphen for her services on the Affordable Housing Committee. Additional vacancies were noted.

### Coastal Resource Management Council (One vacancy with a two-year term ending date of May 31, 2019); duly advertised

#### Letter of interest for reappointment

##### Hali Beckman

#### Letter of interest for appointment

##### Ken Schadegg

**A motion was made by Councilor Mihaly with second by Councilor Meagher to reappoint Hali Beckman to CRMC. President Trocki, Aye; Vice White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

### Jamestown Fire Department Compensation Committee – Fire Department Representative (One vacancy with a three-year term ending date of May 31, 2020); duly advertised; no applicants

President Trocki urges citizens to apply.

### Jamestown Tax Assessment Board of Review Member (One vacancy with a three-year term ending date of May 31, 2020); duly advertised;

#### Letter of interest for reappointment

##### Karen Gabriele

#### Letter of interest

##### Ken Schadegg

**A motion was made by Councilor Meagher with second by Vice President White to reappoint Karen Gabriele to the Tax Assessment Board of Review. President Trocki, Aye; Vice White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Ken Schadegg will be notified of other vacancies and advertising will continue.

**XI. CONSENT AGENDA**

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.*

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

The Consent Agenda approved consists of the following:

## Adoption of Council Minutes

### May 1, 2017 (special joint meeting)

### May 1, 2017 (special joint executive session)

### May 1, 2017 (regular meeting)

## Minutes of Boards/Commissions/Committees

### Board of Canvassers (04/19/2017)

## CRMC Notices

### Public Notice of application by 726, LLC (File #2017-04-011) for Assent to construct and maintain a 189.5’ fixed pier with a 1200 lb. tender lift extending 91’ beyond mean low water over submerged aquatic vegetation (SAV) at East Shore Road, Plat 2 Lot 58

## Abutter Notifications

### Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing on May 23, 2017 at the Jamestown Town Hall, 94 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following: Application of John R. Connors, whose property is located Frigate St., and further identified as Assessor’s Plat 16, Lot 222 for a variance/special use permit from Article 3, Sections 308 & 314 to construct a single family dwelling and install a two bedroom OWTS on a sub district A lot (high groundwater table & impervious layer overlay district) and where the OWTS will be 51’ from a forested wetland edge instead of the required 150 ft. Said property is located in a R40 zone and contains 8,332 sq. ft. (This is a re-advertisement with corrected lot number.)

### Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing May 23, 2017 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following: Application of Mark & Donna Hemphill, whose property is located at 120 Garboard St., and further identified as Assessor’s Plat 15, Lots 173 & 174 for a special use permit pursuant to Article 3, Section 82-314, High Groundwater Table & Impervious Overlay District, Sub-District A, and granted under Article 6, Section 82-600 & 82-602 to construct a 624 sq. ft. garage, and a variance from Article 3, Section 82-314(C)(4), Percent of Maximum Impervious Cover for Sub-District A, pursuant to Article 6, Sections 82-600 & 82-605, where the existing impervious lot coverage is 20.9% and the proposed impervious lot coverage is 14.8% and the allowable impervious lot coverage is 10%. The applicant is proposing to merge lot 173 & 174 and construct a 624 sq. ft. garage on the lot currently described as lot 174. Said property is located in a R40 zone and each lot contains 7,200 sq. ft. or a total of 14,400 sq. ft.

## One Day Event/Entertainment License

### Applicant: Jamestown Historical Society

### Event: Biennial Battery Day

### Date: June 3, 2017

### Location: Conanicut Battery

### Applicant: Central Baptist Church

### Event: Annual June Festival

Date: June 17, 2017

Location: Church and half of Town Hall Parking Lot

## Finance Director’s Report

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

Communication 1) from the Conservation Commission - The Council notes appreciation for their recommendations and perspective.

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

The Communications, Petitions and Proclamations accepted consists of the following:

## Communications; review and discussion and/or potential action and/or vote

### Memorandum of Jamestown Conservation Commission with advisory opinion re: variance request for Plat 1 Lot 324 from Section 82-308 of the Zoning Ordinance freshwater wetland setback

### Letter of Katherine Maxwell re: proposed golf course clubhouse facility

### Email of Don Wineberg re: House Bill 6172 “An Act Relating to Agriculture and Forestry - Right to Farm” defining secondary agricultural operations, allowing municipalities to limit and/or regulate secondary agricultural uses but not prohibit them

## Resolutions and Proclamations from other Rhode Island Cities and Towns; review and discussion and/or potential action and/or vote

### Resolution of the Smithfield School Committee re: Gun Free Schools

### Resolution of the Westerly Town Council in Opposition to House Bill 5475 and Senate Bill 0481 “An Act Relating to Cities and Towns – Subdivision of Land”

### Resolution of the Glocester Town Council in Opposition to House Bill 5475 and Senate Bill 0481 “An Act Relating to Cities and Towns – Subdivision of Land”

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

## Financial Town Meeting, June 5

## Traffic Committee: Term Ending dates, June 19

## Low Speed Vehicles on Town roads, June 19

The FTM is June 5th, Traffic Committee term ending dates on June 19th, Low Speed Vehicles on town roads on June 19th, and the special meeting is May 22nd at 6:00 p.m.

Councilor Dickinson stated he has items to add. He asked for information on Sustainablejamestown.org. Town Administrator Nota stated this is the website for the Town’s consultant, Horsley Witten, for the Sustainable Jamestown program that can be accessed through the Town website.

Councilor Dickinson requested a Town Council Resolution on the next meeting agenda to address the Target Shooting Ordinance to place it before the whole town at the Special Election so that all citizens can weigh in whether they want it. He has been approached by residents who are upset with the process and feel such a decision should be done by the electorate as a whole. He is requesting this as a colleague; otherwise he will exercise the Charter mechanisms to do this.

Councilor Meagher noted as a Council member he can put anything on the agenda and asked if he wanted this on the next meeting agenda. Mr. Dickinson stated yes. Councilor Mihaly clarified this is a resolution requesting a referendum. Mr. Nota stated any election ballot question must be submitted to the Elections Division and authorized 50 days prior to the August 22, 2017 Special Election. Councilor Dickinson noted he is willing to force a special referendum. The Charter provides that any elector can initiate a referendum on any ordinance.

President Trocki requested clarification. Solicitor Ruggiero noted Councilor Dickinson’s request for an item on the next meeting agenda to place the Target Shooting Ordinance on a referendum. The Council will have to determine if this is binding, non-binding, or an opinion. President Trocki stated this can’t be discussed as it is not on this agenda. The question is whether the Council supports a referendum question on an ordinance proposed to the voters. Councilor Dickinson stated it doesn’t matter when it is on a ballot; he doesn’t have a deadline and is not in a hurry. Solicitor Ruggiero noted citizens could propose the question to the Council in the form of an ordinance. This all could be discussed at the next regular meeting.

Public Works Director Gray would like the Transfer Station sticker rate on the next agenda as discussed during the budget process.

**XIV. EXECUTIVE SESSION**

None.

**XIV. ADJOURNMENT**

**A motion was made by Councilor Meagher 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 9:33 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Finance Director

Town Solicitor