# TOWN COUNCIL MEETING

**October 2, 2017**

***As Amended***

# ROLL CALL

Town Council Members present:

Kristine S. Trocki, President

Michael G. White, Vice President

Blake A. Dickinson

 Mary E. Meagher

Town Council Members absent:

Eugene B. Mihaly

Also in attendance:

Andrew E. Nota, Town Administrator

Christina D. Collins, Finance Director

Lisa W. Bryer, Town Planner

Edward A. Mello, Police Chief

Andrew J. Wade, Parks and Recreation Director

James Rugh, Charter Review Committee Co-Chair

John A. Murphy, Town Moderator

Carol Nelson-Lee, Chair of the Board of Canvassers

Peter D. Ruggiero, Town Solicitor

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 7:04 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

# TOWN COUNCIL SITTING AS THE BOARD OF

# WATER AND SEWER COMMISSIONERS

None.

# ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

None.

#  PUBLIC HEARINGS, LICENSES AND PERMITS

None.

# OPEN FORUM

## Scheduled to address. None.

## Non-scheduled to address. None.

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

None.

# UNFINISHED BUSINESS

## Upcoming Meetings and Sessions – dates and times. None.

# NEW BUSINESS

## Review of Town, School and Combined Budgets and Warrant items exceeding $50,000 through paper ballot, electronic ballot, FTM or Referendum; review, discussion and/or potential action and/or vote

## Financial Town Meeting: Rules and Procedures; review, discussion and/or potential action and/or vote

President Trocki announced Item A) is on the agenda as recommended by the Charter Review Committee in their final report.

James Rugh of America Way, Charter Review Committee Co-Chair, explained the process the CRC followed to review the Charter line by line, identifying areas that needed change, with any recommendation requiring a unanimous vote. When they came to Article XI. Financial Provisions there were strong opinions, and the CRC could not come to a unanimous decision.

Mr. Rugh made it clear he is speaking as an individual and not as a CRC Member. It is his opinion the strength of the FTM is that a voter can come to it, hear testimony and debate, and become educated on the topic. He has attended FTM’s for over 40 years and after debate at several FTM’s changed his opinion and voted differently than his original intention. He believes an educated electorate makes the best choices, and an all-day referendum would not produce a better educated voter, as he believes if a voter cannot vote at the FTM they will skip it and vote at the referendum, without hearing valuable testimony.

John Pagano of Seaside Drive, member of the Charter Review Committee, stated he is not in agreement with Jim, and there were members who were in favor of an all-day referendum. He asked the Council to consider that the Island population has changed from a rural farming community to a more suburban community. It is important to give all registered voters an opportunity to vote their conscience, and an all-day referendum would provide more flexibility, privacy of the vote, greater accuracy of the vote, and more exposure to the budget. Spending 10 minutes to vote allows voters with children and other obligations to vote and leave. He feels the FTM is important as an explanation point, but supports an all-day referendum for voting.

John Murphy of Hamilton Avenue, Town Moderator, stated he has participated in 30 FTM’s. If there are issues people will turn out to debate the vote. He has experienced two-day meetings with discussions, and he agrees with Jim. The two towns most like Jamestown - Block Island and Little Compton - are among the best governed towns and have an FTM. There are provisions in the Charter for a hand, standing, or secret ballot, and if 20% of the voters present want a secret ballot, there will be one. An FTM is a more efficient way to govern than a referendum, and it would be less expensive. The FTM process begins with department chairs submitting a budget to the Town Administrator, who presents it to the Council, followed by open hearings that voters can participate in, followed by an open FTM where people can hear testimony and vote. With a referendum it is secret, and there is no open debate. He believes a referendum is more likely to be manipulated by a special interest group than an FTM.

Mr. Murphy stated he likes Councilor Meagher’s idea of revising the Rules and Procedures for the FTM and agrees there could be more clarity.

Carol Nelson Lee of Buoy Street, Chair of the Board of Canvassers, stated she is speaking this evening as an individual, not as a representative of the BOC. She noted improvements by the Canvassers that made the FTM process more efficient, including a better system for paper ballots, use of electronic voting equipment, use of wristbands to identify voters, and e-poll books to make check-in faster. As a result people feel more confident, welcome, and part of the social fabric. She agrees with Jim and John, that an open discussion is very valuable, and encourages the Council to keep the FTM as it is now.

Linda Jamison of Ocean Avenue stated she is in favor of an all-day referendum. Other towns hold FTM’s prior to their referendum so that there can be discussion and research, followed by an informed decision and vote. The FTM is often driven by emotions, and only 161 voters attended the last FTM out of almost 5,000 registered voters. Senator Reed is introducing legislation to have Election Days on Saturday as the current process is not inclusive. The premise is the same for the FTM, it is archaic, and an all-day referendum is more inclusive and would result in more participation. There would still be an FTM, but the vote would be by ballot at an all-day referendum.

Dante Tita of Columbia Lane stated he is originally from New York City and as a youngster witnessed ballot box stuffing. He is in favor of an all-day referendum, as an FTM can be intimidating, with neighbors pitted against one another. A prior FTM was filled with firefighters, making it difficult to vote against them, and there should be an equal playing field.

Fritz Attaway of Decatur Avenue stated he supports the democratic process and a secret ballot is an essential element to the democratic process. He realizes it is time consuming and may not change the results. For the last FTM he was at a meeting in Philadelphia, could not attend, and was disenfranchised. We need to provide a process that allows people who cannot attend the FTM the opportunity to voice their opinions.

President Trocki announced it is the time for discussion and questions from the Council.

Councilor Meagher noted she was Liaison to the CRC and Councilor Dickinson was a voting member, and she thanked everyone who participated. Unfortunately Chair Arlene Petit is unable to attend this evening. The CRC recommendation stated “While the FTM voting process is not described in the Charter, it is the Committee’s hope that the Town Council will give the budget approval process, whether it be at an FTM or referendum, a thorough review and support this resolution. The TCRC strongly recommends the implementation of a paper ballot or electronic ballot to approve the Town, School, and Combined budgets and any warrant item exceeding fifty thousand dollars, whether through a Financial Town Meeting or through an all-day Referendum.” The issue had to do with a paper ballot. The Moderator’s Rules outlined on the back of the FTM brochure could use re-writing for clarity, including if 20% of the voters present ask for a paper ballot they can have one. Tiverton was noted as having a referendum, but this is not a good example for Jamestown. Perhaps the number of public budget sessions should be a policy.

President Trocki noted the budget process that began in December, the 32 Council sessions between January and the FTM, and multiple opportunities for the public to address the budget, not just at the FTM, and she would like to see more participation. CRC members were thanked for their commitment and it was noted all other recommended Charter Amendments were endorsed by the Council, appeared on the 2016 ballot, and were adopted by the voters. The Council doesn’t run the FTM, the Moderator does. It is the citizens’ meeting, and we all want to have educated voters who feel comfortable speaking. We are all in favor of the town meeting, as it is a long-standing tradition, and we learn from one another. Discussion ensued. President Trocki noted her reluctance to vote this evening as Councilor Mihaly is absent due to illness, and asked the Solicitor for his remarks.

Solicitor Ruggiero stated every town is different, every FTM is different, and State Statute outlines what an FTM is. The Council has the flexibility to give the FTM guidance based on the Charter. When the meeting convenes the voters can approve or reject the budget. The Moderator presides over the meeting, calls the votes, determines the voting, and keeps it civil. It is not the Council’s meeting, but they explain the budget and answer questions. Any change requires a Charter amendment, with a revision process, General Assembly ratification, and approval by the voters. Solicitor Ruggiero commented on the approval process for the Town Budget, School Budget, and Combined Budget.

Councilor Meagher noted that this discussion was a recommendation of the Charter Commission, but that changing the FTM or an all-day referendum would not/did not get unanimous support from the Charter Commission. Councilor Dickinson stated in 2010 he collected 580 signatures on his petition for a permanent paper ballot in one weekend. He learned that voters want access, convenience, and privacy. He feels the Council should support a non-binding referendum to ask voters how they want to approve the budget. We have to have the FTM by law, but voters don’t want the divisiveness that comes with politics.

Vice President White commented on voting and the privacy issue for some voters. The Council held nine budget meetings over several months on various days and dates prior to the FTM. Voters stated no one told them about this or they didn’t like what was done at the FTM, but didn’t want to stand up and say it. The date is set annually and known a year in advance; if you know the date don’t schedule a business meeting for that date. He doesn’t want to separate the FTM from the budget vote, but perhaps change the day to a Saturday to be more inclusive. Discussion ensued.

Solicitor Ruggiero noted a Charter Review Committee must be reconstituted to review and make recommendations for a Charter revision; however, the Rules and Procedures is a Council rewrite. Moderator Murphy agreed, using State law as the framework. Councilor Meagher feels it is appropriate to have a summation of the budget process. Councilor Dickinson feels the voters should determine how they want to conduct business and has no problem bringing a referendum forward for inclusion on the 2018 election ballot. Moderator Murphy commented that 161 voters in attendance does reflect voter approval, as the budget is provided ahead of time in the *Jamestown Press* for public review. President Trocki supported Moderator Murphy’s assessment, members of the audience objected, and Councilor Dickinson asked again why the Council would not support a non-binding referendum to be put before the voters in November 2018. Councilor Meagher noted that there was no language for such a referendum before the Council.

Fritz Attaway of Decatur Avenue suggested from the audience that Council reluctance was to protect the oligarchy. Councilors Trocki and Meagher strongly expressed disagreement with the term oligarchy. Mr. Attaway noted he was joking. Councilor Meagher still objected to the use of that term in reference to the Town Council and the Town in general, reiterating that no proposal had been brought before the Council. Discussion continued. President Trocki thanked everyone for their comments.

## Amendment of the Jamestown Zoning Ordinance related to Marijuana Uses as recommended by the Jamestown Planning Commission and authorization for preparation of an Ordinance amendment and/or Zoning Use Table amendment by the Town Solicitor and Town Administrator; review, discussion and/or potential action and/or vote

Town Planner Lisa Bryer explained the Planning Commission’s five meetings covering this topic with input from Police Chief Mello, Town Solicitor Brochu and Planner Bryer and discussion of information from other states. Also reviewed was the presentation to the Town Council on March 20th by Joee Lindbeck of the Attorney General’s Office and Resolution No. 2017-13 “Establishing a Temporary Moratorium on Applications and Permitting for Marijuana Cultivation, Processing, Distribution and Sales” adopted on June 19, 2017 (expires on December 19, 2017). The Planning Commission recommended prohibiting the use in all Zoning Districts, as outlined on the proposed amendment to Table 3-1 of the Zoning Ordinance, and forwarded it to the Council for public hearing and action.

President Trocki noted this is on the agenda for an update and not for a vote to proceed to advertise. Solicitor Ruggiero stated if Council is comfortable an amendment can be written and presented at the next meeting for notice of advertisement (3 times) to proceed to public hearing.

**A motion was made by Councilor Meagher with second by Vice President White to endorse this amendment and prepare an advertisement for the next meeting agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Absent.**

# ORDINANCES AND APPOINTMENTS AND VACANCIES

None.

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

The Consent Agenda approved consists of the following:

## Adoption of Council Minutes

### September 18, 2017 (interview session)

### September 18, 2017 (special meeting)

### September 18, 2017 (special executive session)

### September 18, 2017 (regular meeting)

## Minutes of Boards/Commissions/Committees

### Jamestown Philomenian Library Board of Trustees (08/08/2017)

### Jamestown Traffic Committee (08/17/2017)

### Jamestown Zoning Board of Review (08/22/2017

## Abatements/Addenda of Taxes

Total Abatements: $2,426.67 Total Addenda: $3,804.73

### Motor Vehicle Abatements to 2017 Tax Roll

 **Account/Abatement Amount**

#### 02-0623-83M $ 272.05

#### 03-0480-05M $ 265.89

#### 04-0166-80M $ 48.57

#### 08-0559-15M $ 406.15

### Real Estate Abatements to 2017 Tax Roll

**Account/Abatement Amount**

#### 18-0604-82 $1,434.01

### Motor Vehicle Addenda to 2017

**Account/Abatement Amount**

#### 01-0035-50M $ 404.99

### Real Estate Addenda to 2017 Tax Roll

**Account/Abatement Amount**

#### 07-0665-00 $ 57.13

#### 19-1252-50 $1,754.59

#### 20-0544-20 $1,093.78

#### 22-0309-77 $ 494.24

## One Day Event/Entertainment License Application

### Applicant: Jamestown Parks and Recreation

Event: 11th Annual Skatefest

Date: October 20, 2017

Location: Jamestown Skate Park

## One Day Peddler License Application

### Applicant: Eddie’s BBQ

Event: Skatefest

Date: October 20, 2017

Location: Jamestown Skate Park

### Applicant: Haven Brothers Mobile

Event: Wheels ‘n Steel

Date: October 8, 2017

Location: Fort Getty

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

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

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

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

### Resolution of the Foster Town Council Opposing House Bill 6022 Relating to Animal Husbandry – Unlawful Confinement of a Covered Animal

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

## RI Office of Energy Resources/RI Infrastructure Bank Presentation (October 16)

## Golf Course Design Discussion (October 16)

## Fort Getty Discussion re: future planning (October 16)

## Wind Turbine Legislation Bond Authorization - repeal

Review of upcoming meetings proceeded. Town Administrator Nota and Finance Director Collins clarified Item D) as a housekeeping issue. As the authorization is still on the books and after seven years of no action, repeal would improve the Town’s bond rating. In accordance with Title 45 Chapter 12 of the Rhode Island General Laws, an ordinance is required, and this could be on the October 16 agenda along with an update on Coyotes.
 **XIV. EXECUTIVE SESSION**

1. Pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation (Susan J. Early v Town of Jamestown Zoning Board of Review, C.A. No. NC2017-0323); review, discussion and/or potential action and/or vote in executive session and/or open session
2. Pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation (John R. Connors v Town of Jamestown Zoning Board of Review, C.A. No. NC2017-0340); review, discussion and/or potential action and/or vote in executive session and/or open session
3. Pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation (Currie v Town of Jamestown, C,A. No. 103702-WC-01); review, discussion and/or potential action and/or vote in executive session and/or open session

**A motion was made by Councilor Dickinson with second by Councilor Meagher to enter into Executive Session at 8:07 p.m. pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation.**

**Pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation the following vote was taken: President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Absent.**

The Town Council reconvened the regular meeting at 8:39 p.m. President Trocki announced that no votes were taken in the Executive Session.

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

**XIV. ADJOURNMENT**

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

The Jamestown Town Council adjourned the regular meeting at 8:40 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

 Town Administrator

 Finance Director

 Town Solicitor