



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, November 18, 2013
8:00 PM

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, PLEDGE OF ALLEGIANCE

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND RESOLUTIONS

A) Resolutions

- 1) Resolution No. 2013-22 Newport Pell Bridge Safety

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

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.

- A) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning Ordinance, Sec. 82-318 HISTORICAL AREA ZONING, Sec. 82-318.100 through Sec. 82-318.308 (add new) and amendment of the Jamestown Zoning Map to depict the Shoreby Hill Historic Overlay District; duly advertised in the *Jamestown Press* (August 29, September 5 and September 12 editions) and properly noticed, pursuant to RIGL §45-23-53, continued from September 16, 2013

V. OPEN FORUM

Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue

- A) Scheduled to address
B) Non-scheduled to address

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

- A) Town Administrator's Report

VII. UNFINISHED BUSINESS

- A) Improvements at Fort Getty: Presentation by Arek Galle of GLA/Beta, Inc.
- B) Fort Getty 2013 season update
- C) Recreation Study update/Inventory of recreational and cultural programs
 - 1) Collins Center proposal and costs – discussion and possible action

VIII. NEW BUSINESS

- A) Council's Agenda Setting Policy
- B) Review, discussion and possible action re: Conservation Commission recommendations and objectives
- C) Open Meetings workshop: potential dates
- D) Agenda items for December 2, 2013

IX. EXECUTIVE SESSION

X. 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.

In addition to the two above-mentioned locations, notice also may be posted, from time to time, at the following location: Jamestown Police Station; and on the Internet at www.jamestownri.net/council/council.html

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed, or other accommodations to ensure equal participation, please call 1-800-745-5555 or contact the Town Clerk at 401-423-9800, by facsimile at 401-423-7230, or by email at cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.



Town of Jamestown

Resolution of the Town Council

No. 2013-22

Newport Pell Bridge Safety

WHEREAS, the health, safety, and welfare of the citizens of Jamestown require that the Newport Pell Bridge be safely equipped, operated, and maintained; and

WHEREAS, the safe passage over said bridge by the citizens of Jamestown and all users requires that Rhode Island law enforcement officials strictly enforce laws prohibiting speeding and distracted driving thereon; and

WHEREAS, said safe passage requires that a center median barrier be installed on said bridge to prevent the rising number of cross-over collisions, as established by studies undertaken by the Rhode Island Turnpike and Bridge Authority.

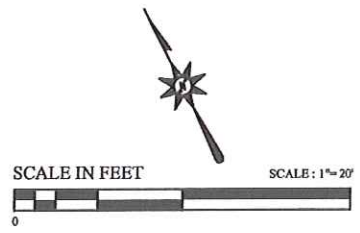
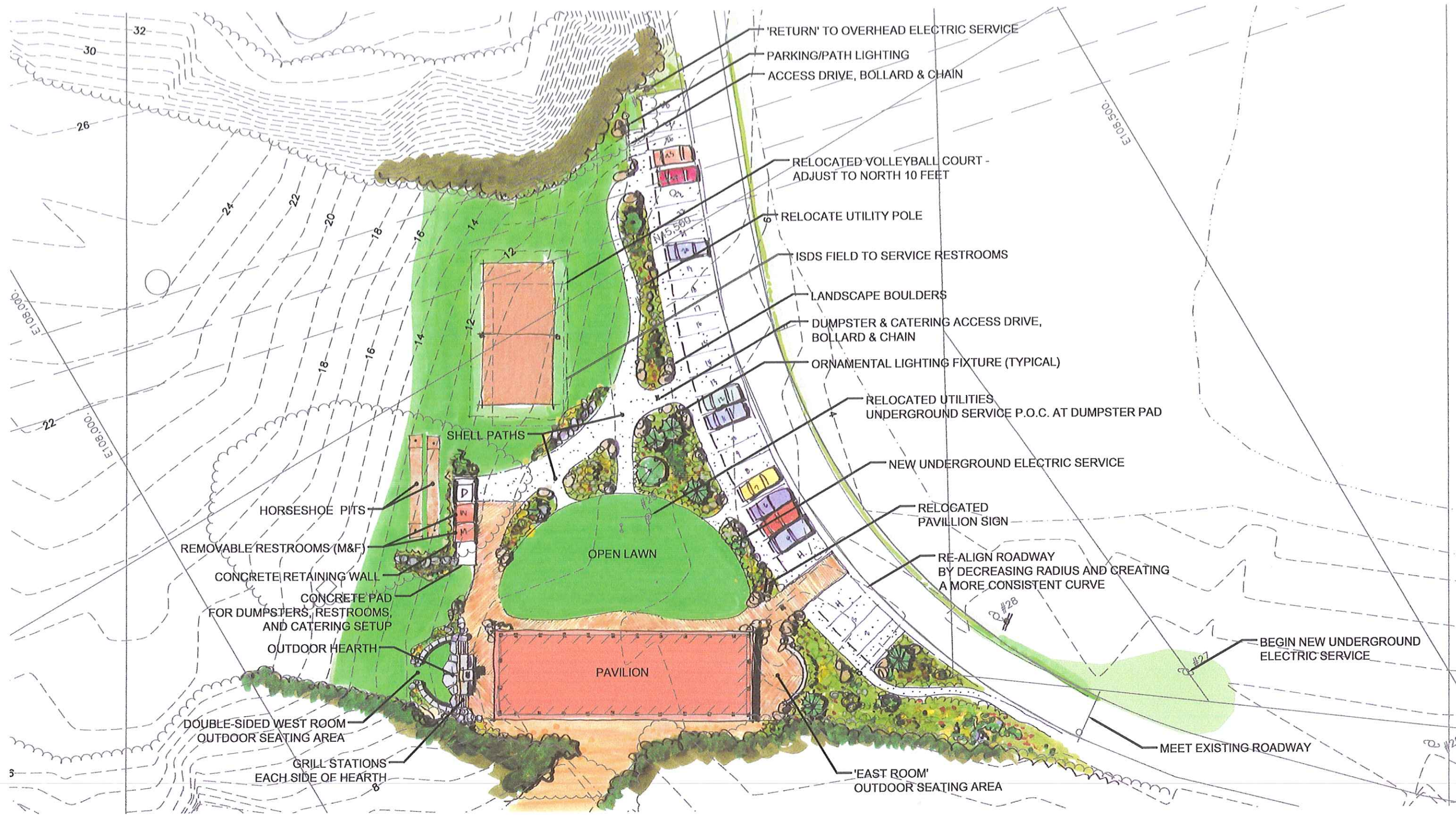
NOW, THEREFORE, BE IT RESOLVED, that we, the Town Council of the Town of Jamestown, hereby request that Rhode Island law enforcement officials strictly enforce laws prohibiting speeding and distracted driving on the Newport Pell Bridge, and that the Rhode Island Turnpike and Bridge Authority give priority to and install forthwith a center median barrier on said bridge.

By Order of the Jamestown Town Council

Kristine S. Trocki, President

IN WITNESS WHEREOF, I hereby attach my hand and the official seal
of the Town of Jamestown this 18th day of November, 2013.

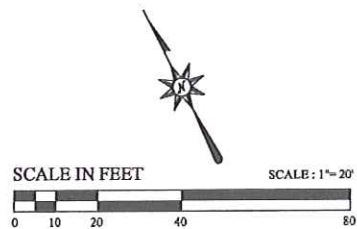
Cheryl A. Fernstrom, CMC, Town Clerk



Fort Getty Pavilion

Jamestown, RI 06.13 - REVISED 11.13 Sheet 3 of 8

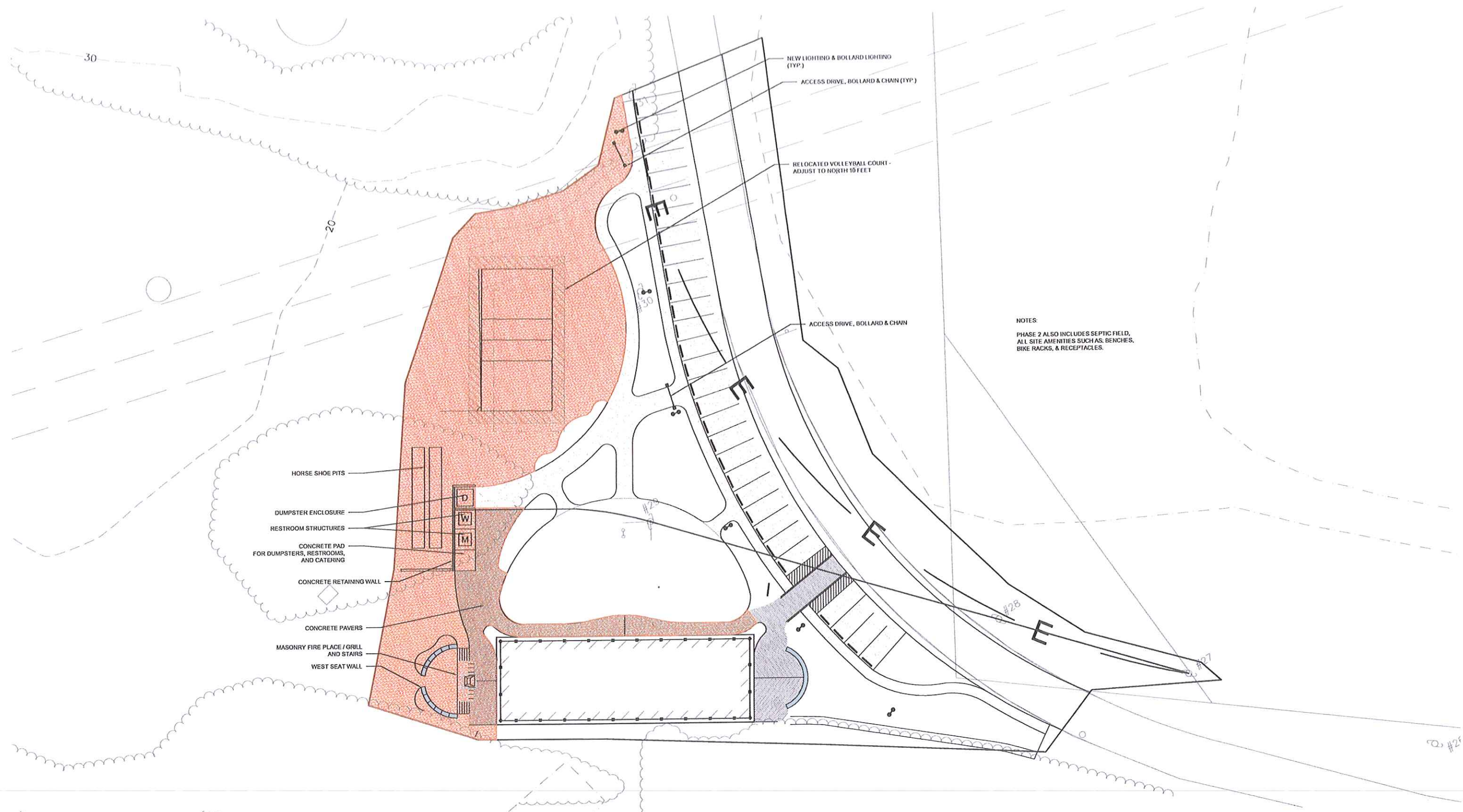
©\Planning Landscape\4200\4164 - Fort Getty, Jamestown\beta\GLA-Landscape-121112.dwg Rev 11.30.13 6:01pm



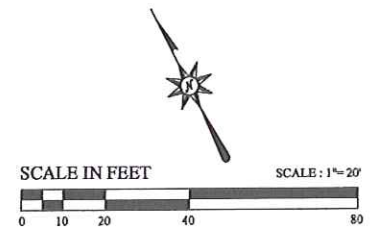
Fort Getty Pavilion - Phase I

Jamestown, RI

November ~ 2013



NOTES:
 PHASE 2 ALSO INCLUDES SEPTIC FIELD,
 ALL SITE AMENITIES SUCH AS: BENCHES,
 BIKE RACKS, & RECEPTACLES.



Fort Getty Pavilion - Phase 2

Jamestown, RI

November ~ 2013

©/Planning Landscape/AR00/4481 - Fort Getty, Jamestown/AR00/02A-PL/0201 2013-11.dwg Nov 13, 2013 4:31pm

FORT GETTY REVENUE FOR 2012

Seasonal RV	\$322,775.00
RV Reservations	\$60,279.00
Tent Reservations	\$22,295.00
Daily Parking	\$11,860.00
Daily Parking w/ Boat	\$2,575.00
Guest Parking	\$2,465.00
Seasonal Boat	\$15,865.00
Dump Station	\$200.00
Pavilion Rental	\$5,200.00
Ice	\$4,751.00
Waiting List	\$890.00
TOTAL REVENUE	\$449,155.00

FORT GETTY REVENUE FOR 2013

Seasonal RV	\$345,463.62
RV Reservations	\$14,281.00
Tent Reservations	\$31,518.00
Daily Parking	\$9,165.00
Daily Parking w/Boat	\$3,380.00
Guest Parking	\$1,935.00
Seasonal Boat	\$12,600.00
Dump Station	\$20.00
Pavilion Rental	\$8,000.00
Ice	\$4,129.00
Waiting List	\$630.00
Ft.Getty Non-Res Seasonal Pass (new)	\$1,900.00
TOTAL REVENUE	\$433,021.62

FORT GETTY EXPENSES FOR 2012

Gas	\$4,794.09
Electric	\$25,425.29
Water	\$9,249.66
Trash Removal	\$6,375.00
Jack's Electric	\$1,264.00
Hallman Septic	\$5,537.50
Ice	\$2,963.59
Repairs/Supplies	\$4,489.15
Clerk Payroll	\$20,317.44
**Maintenance Payroll	\$14,250.00
Gatehouse Payroll	\$34,550.71
Security/Maintenance	\$4,920.00
TOTAL EXPENSES	\$134,136.43

FORT GETTY EXPENSES FOR 2013

Gas	\$2,966.01
Electric	\$19,361.76
Water	\$7,767.24
Trash Removal	\$6,375.00
Jack's Electric	\$2,707.00
Hallman Septic	\$4,848.00
Ice	\$2,765.01
Repairs/Supplies	\$3,826.33
Clerk Payroll	\$0.00
**Maintenance Payroll	\$11,250.00
Gatehouse Payroll	\$31,162.63
Security/Maintenance	\$7,134.00
TOTAL EXPENSES =	\$100,160.98

NET= \$315,019.00**NET= \$332,861.00**

**Fifty man hours multiplied by \$15 (average hourly salary) an hour multiplied by 15 weeks.

2013 Fort Getty Expenses

	Jan 1st- April 30th	May	June	July	August	September	Total	
Gas	\$36.00	\$514.78	\$703.71	\$68.27	\$723.09	\$920.16	\$2,966.01	
Electrical	\$553.37	\$2,416.67	\$4,196.55	\$6,170.76	\$4,724.08	\$1,300.33	\$19,361.76	
Water							\$7,767.24	
Trash Removal	\$75.00	\$1,050.00	\$1,050.00	\$1,400.00	\$1,400.00	\$1,400.00	\$6,375.00	
Jack's Electric	\$325.00	\$190.00	\$977.00	\$915.00	\$125.00	\$175.00	\$2,707.00	
Hallman Septic			\$624.00	\$1,274.00	\$624.00	\$2,324.00	\$4,846.00	
Ice		\$226.73	\$352.93	\$1,011.29	\$1,011.29	\$162.77	\$2,765.01	
Repairs/Supplies	\$635.00	\$1,065.46	\$695.10	\$416.02	\$888.40	\$126.35	\$3,826.33	
Clerk Payroll	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
**Maintenance Payroll							\$11,250.00	
							Total:	61,864.35
<u>Payroll</u>								
Dickinson, Burt		\$492.00	\$984.00	\$984.00	\$1,476.00	\$410.00	\$4,346.00	
Ford, Andrew			\$502.25	\$984.00	\$1,558.00	\$574.00	\$3,618.25	
Goode, Robert		\$707.25	\$1,517.00	\$1,312.00	\$2,050.00	\$697.00	\$6,283.25	
McLoughlin, James		\$264.00				\$264.00	\$264.00	
Nordstrom, Nate		\$530.95	\$1,340.70	\$1,340.70	\$2,058.20	\$648.83	\$5,919.38	
Pimentel, Gregory		\$656.00	\$1,640.00	\$1,558.00	\$2,378.00	\$902.00	\$7,134.00	
Smith, Albert		\$502.25	\$1,312.00	\$1,312.00	\$2,050.00	\$707.25	\$5,883.50	
Whitford, Jan		\$451.00	\$1,312.00	\$984.00	\$1,394.00	\$707.25	\$4,848.25	
							Total:	38,296.63
							Totals:	<u>100,160.98</u>

**Fifty man hours multiplied by \$15 (average hourly salary) an hour multiplied by 15 weeks.

FORT GETTY REVENUE FOR 2013

Seasonal RV	= \$	345,463.62
RV Reservations @ \$40/night (5 sites)	= \$	14,281.00
Tent Reservations @ \$25/night	= \$	31,518.00
Daily Parking @ \$20/day	= \$	9,165.00
Boat Parking @ \$30/day	= \$	3,380.00
Guest Parking @ \$5/day	= \$	1,935.00
Seasonal Boat @ \$450	= \$	12,600.00
Dump Station @ \$20.00	= \$	20.00
Pavilion Rental @ \$300	= \$	8,000.00
Waiting List @ \$10	= \$	630.00
Ice	= \$	4,129.00
Ft.Getty Non-Resident Seasonal Pass @ \$100	= \$	1,900.00 (NEW)
TOTAL REVENUE	= \$	433,021.62

ADDITIONAL REVENUE 2013

Mackerel Cove Daily Parking (@ \$15/day)	= \$	14,470.00
Resident Stickers (@ \$15)	= \$	27,255.75
Total Additional Revenue	= \$	41,725.75

TOTAL REVENUE 2013

Total Additional Revenue	= \$	41,725.75
Total Ft.Getty Revenue	= \$	433,021.62
Total 2013 Revenue	= \$	474,747.37

2012 Fort GettyExpenses

	May	June	July	August	September	October	Total
Gas - 008-02255-0	\$ 107.19	\$ 1,307.98	\$ 149.14	\$ 1,252.13	\$ 1,181.99	\$ 795.66	\$ 4,794.09
Electrical	\$ 2,516.46	\$ 5,592.99	\$ 6,277.28	\$ 6,589.82	\$ 3,178.66	\$ 1,270.08	\$ 25,425.29
Water							\$ 9,249.66
Trash Removal		\$ 2,100.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 75.00	\$ 6,375.00
Jack's Electric	\$ 856.00	\$ 395.00	\$ 380.00	\$ 355.00	\$ 134.00		\$ 1,264.00
Hallman Septic		\$ 2,169.00	\$ 624.00	\$ 1,049.00	\$ 1,695.50		\$ 5,537.50
Ice		\$ 672.64	\$ 1,235.41	\$ 728.19	\$ 327.35		\$ 2,963.59
Repairs/Supplies	\$ 2,282.88	\$ 443.83	\$ 482.48	\$ 929.96	\$ 230.00	\$ 120.00	\$ 4,489.15
Clerk Payroll							\$ 20,317.44
**Maintenance Payroll							\$ 14,250.00
							\$ 94,665.72
Payroll							
Enos, Alec	\$ 492.00	\$ 1,148.00	\$ 1,886.00	\$ 1,312.00	\$ 82.00		\$ 4,920.00
Goode, Robert	\$ 492.00	\$ 1,312.00	\$ 1,960.31	\$ 1,342.75	\$ 1,035.25	\$ 41.00	\$ 6,183.31
Mayette, Michael	\$ 184.50	\$ 984.00					\$ 1,168.50
McLoughlin, James	\$ 704.00	\$ 1,320.00	\$ 2,200.00	\$ 1,408.00	\$ 1,408.00	\$ 33.00	\$ 7,073.00
Nordstrom, Nate	\$ 492.00	\$ 1,394.00	\$ 2,003.89	\$ 1,337.63	\$ 1,460.63		\$ 6,688.15
Pimentel, Gregory			\$ 984.00	\$ 984.00	\$ 984.00	\$ 30.75	\$ 2,982.75
Smith, Albert	\$ 461.25	\$ 984.00	\$ 1,640.00	\$ 1,066.00	\$ 1,230.00	\$ 112.75	\$ 5,494.00
Whitford, Jan	\$ 297.25	\$ 984.00	\$ 1,476.00	\$ 984.00	\$ 1,107.00	\$ 112.75	\$ 4,961.00
							\$ 39,470.71
						Total:	\$ <u>134,136.43</u>

**Fifty man hours multiplied by \$15 (average hourly salary) an hour multiplied by 19 weeks.

FORT GETTY REVENUE FOR 2012

Seasonal Campers	= \$	322,775.00
RV Reservations @ \$40/night	= \$	60,279.00
Tent Reservations @ \$25/night	= \$	22,295.00
Daily Parking @ \$20/day	= \$	11,860.00
Daily Parking w/ Boat @ \$30/day	= \$	2,575.00
Guest Parking @ \$5/day	= \$	2,465.00
Seasonal Boat @ \$450	= \$	15,865.00
Dump Station @ \$20.00	= \$	200.00
Pavilion Rental @ \$300	= \$	5200.00
Waiting List @ \$10	= \$	890.00
TOTAL REVENUE	= \$	444,404.00

ADDITIONAL REVENUE

Mackerel Cove Beach Permits	= \$	12,605.00
Beach Stickers	= \$	22,296.00
Ice	= \$	4751.00
TOTAL	= \$	484,056.00

MEMO

To: Town Council

From: Kevin Paicos, Town Administrator

Subject: Agenda Policy

Cc: CFO Tina Collins, Town Clerk Cheryl Fernstrom, Town Solicitor Peter Ruggiero

Recently, I reviewed the Jamestown Town Council's Rules and Procedures book. I wanted to be sure that I thoroughly understood how the Council conducts its meetings, sets the agenda, etc.

Rule 4 of that book contains the agenda development procedure the Council has approved.

Like all policies of its nature, there is evident concern for blending the need for access to the agenda by Council members, with the Council's expectation that Staff is aware of pending agenda topics and has time to conduct the work needed by the Council.

I have seen many policies of this type over the years and it appears that this policy is well thought-out and designed.

I am advised that the policy has been in existence for about a year now in its present form.

I asked Kristine to schedule a Council review of the policy to see if it remains responsive to how you would like the weekly agenda established.

My thought is that perhaps, after a year of use of the policy that the Council might wish to affirm the policy or possibly amend it.

Accordingly, the policy is scheduled for discussion on Monday night as part of your agenda.

I have attached a copy of the policy for your review.

Thank-you.



JAMESTOWN CONSERVATION COMMISSION

To: Town Council
Date: November 17, 2013
Subject: Tick Task Force and Pesticides for Tick Control

As the Tick Task Force and the town move forward with the launch of important tick control educational initiatives, the Conservation Commission recommends caution with regard to the promotion of pesticide/aracicide tick control.

The Conservation Commission has particular concerns about risks to the environment associated with the use of broad spectrum neurotoxins such as synthetic pyrethroids—typically permethrin and bifenthrin. Specifically, the Conservation Commission recommends that if the application of potentially harmful toxic substances is included on the list of tick control options in town educational materials, the town should also be clear in educating about the risks.

See attached excerpt from the Tick Bite Protection & Disease Prevention Resource Web Page, which currently recommends this tick control method without referencing any associated risks.

In promoting a comprehensive list of legal options in managing ticks, we strongly encourage a balanced approach that will not lead residents to assume that broad spectrum pesticides are a risk-free solution. We support including a recommendation that pyrethroids should be applied by a qualified professional—and should never be applied near a water source. And we strongly encourage inclusion of information about the risks these substances pose to the environment:

- They are **highly toxic to fish and other aquatic organisms**, both freshwater and estuarine.
- They are **highly toxic to bees and other beneficial insects**.

It is worth noting that this year two Jamestown beekeepers have for the first time experienced the colony collapse that has gained media attention nationally (and is believed to be caused by pesticides). Bees are known to forage in a 5-mile radius, so one resident's decision to apply broad spectrum neurotoxins can unwittingly harm non-target organisms, including pollinators across the island.

Also, while these pyrethroids are proven to dramatically reduce tick populations, a reduction in the transmission of disease is not well proven—and would be important information for residents weighing the pros and cons of “rapid knockdown products.”

Attached please find a brief overview of the more common synthetic pyrethroids and some of their risks. The Conservation Commission encourages the Tick Task Force and the Town Council to ensure that tick control educational materials make residents aware of the ways these toxic chemicals pose harm to our island ecosystem. Thank you for your consideration.

Excerpt from

Jamestown, RI | Tick Bite Protection & Disease Prevention Resource Page



Tick control options

Tick control options

Schools, camps, golf courses, and other public open spaces should strongly consider implementing the most effective integrated tick control methods, especially if they are noticing or getting reports of ticks latching on. Options include rapid knockdown products that can be applied to the highest tick encounter areas, like frequently-used trails and campsite perimeters. Currently, these are usually products in a class known as synthetic pyrethroids which can be sprayed using high pressure or applied as granules. A few minimal risk natural products show some promise, at least against nymphal deer ticks in small field trials.

[A new host-targeted approach \(called 4-Poster\)](#) kills ticks attached to deer and can be effective at reducing both **deer ticks** and **Lone Star ticks**. It can be expensive though and is fairly labor intensive to maintain. This method also has use restrictions in many states.

Pyrethroid Overview

Permethrin: Permethrin receives an EPA toxicity class rating of II or III (I = most toxic, IV = least toxic), and carries either the word WARNING or CAUTION on its label, depending on the formulation. While it is not extremely toxic to humans, there are numerous reports of transient skin, eye and respiratory irritation. Like all pyrethroids, permethrin is a central nervous system poison. Workers and researchers report tingling in face and hands, and some report allergic reactions. Based on studies demonstrating carcinogenicity, EPA ranks permethrin as a class C, or possible human carcinogen (U.S. EPA, 1997). Other studies have shown effects on the immune system, enlarged livers and at high doses, decreased female fertility and endocrine disruption.

Permethrin is extremely toxic to aquatic life, bees and other wildlife. It should not be applied in crops or weeds where foraging may occur (ETN, Permethrin, 1996).

Bifenthrin: Bifenthrin is an off-white to pale tan waxy solid, characterized by its slightly sweet smell. As a Restricted Use Pesticide, bifenthrin may only be purchased or applied by certified applicators or persons under the direct supervision of a certified applicator. EPA has registered bifenthrin for use on greenhouse ornamentals and cotton. Studies show bifenthrin to be relatively insoluble in water. Its half-life in soil can range anywhere from 7 days to 8 months depending on the soil type and the amount of air in the soil (ETN, Bifenthrin, 1995). Bifenthrin is one of a few synthetic pyrethroids that are relatively stable in direct sunlight. EPA has classified products containing bienthrin as toxicity class II (I = most toxic, IV = least toxic), and the word WARNING must appear on all product labels.

Bifenthrin is moderately toxic to mammals when ingested (oral rat LD₅₀ = 54 to 70 mg/kg), and like all pyrethroids affects the central nervous system. Symptoms of poisoning include incoordination, tremor, salivation, vomiting, diarrhea, and irritability to sound and touch (ETN Bifenthrin, 1995). Although bifenthrin does not cause inflammation or irritation on human skin, it can cause a tingling sensation, lasting about 12 hours. A study on laboratory mice shows that bifenthrin causes gene mutation in white blood cells (ETN, Bifenthrin, 1995). EPA classifies bifenthrin as a Class C (possible human) carcinogen (EPA, 1997). **Of concern in the environment, bifenthrin is very highly toxic to fish, crustaceans, other aquatic animals and bees, and is moderately toxic to birds. Scientists are particularly concerned about possible bioaccumulation in birds.**

References:

Extension Toxicology Network (ETN). 1996. Permethrin." *Pesticide Information Profiles*.

<http://ace.orst.edu/cgi-bin/mfs/01/pips/permethr.htm>

Extension Toxicology Network (ETN). 1995. Bifenthrin." *Pesticide Information Profiles*.

<http://ace.orst.edu/cgi-bin/mfs/01/pips/bifenthr.htm>

U.S. EPA. 1997. Office of Pesticide Programs list of chemicals evaluated for carcinogenic potential. Memo from W.L. Burnman, HED, to HED branch chiefs. Washington, DC. February 19.

Conservation Commission Workshop

November 12, 2013

Hull Cove Access Trail Improvements

Summary of Input

Question as to whether the raised boardwalk will be wheelchair accessible/ADA compliant.
Confirmation that the grant (state) funding source requires wheelchair accessibility and design assumes wheelchair accessibility.

Question as to there is any intent to further develop the site beyond the addition of a boardwalk: expansion of parking, boardwalk access to the beach, vendors at the beach, etc. Confirmation that is not the intent either of Conservation Commission or CRMC in providing permits.

Question about extent of wheelchair accessibility. Confirmation that the raised boardwalk will not extend all the way to the beach, so only the raised boardwalk will be wheelchair accessible.

Concern about current levels of littering, possibility that improvements to the access trail will lead to increased use and increased littering.

Reiteration of concern from Hull Cove neighbors as previously expressed in a 4/15/2013 letter to CC:

- Agreement that trail should be improved/maintained
- Concern that access improvements will increase use of the trail
- Concern that increased use will have legal, financial, and environmental ramifications
- Recommendation that the town plan for long-term maintenance and replacement (and income sources to support)
- Boardwalk (especially as it ages) and beach areas pose risk of visitor injury and liability for the town
- Question of how the town plans to address the lack of bathroom facilities, and problems with trash, which are already perceived as a problem by neighbors
- Concern over parking: lot is oddly shaped; located on a dangerous curve; visitors frequently park illegally both at the lot and on private Hull Cove Farm Rd.
- Question of a lack of handicap parking, how the town plans to handle address it, what the costs would be.
- Question of other regulatory requirements (federal, county, state, town) and related impact to project plans, and costs (e.g. emergency vehicle access)
- Concern that elevated boardwalk is incongruous with a small, lightly used access path. Question of options for alternatives to CRMC-required elevated boardwalk. Suggestion

to consider alternatives such as a slightly elevated log-bordered permeable fill walkway, with water culverts and provisions for animal passage; or a path constructed of flat rocks.

Question of whether the boardwalk's helical piles could potentially leach metals into the soil.

Question of the extent that the proposed boardwalk construction would address any remediation required by the CRMC after an unknown person clear-cut the trail. Question as to plans for restoration of vegetation as a complement to the construction.

Concern that the elevated boardwalk may pose a new privacy issue for abutters whose yards face the trail. Request that restoration plans incorporate privacy-screening native plants.

Recommendation to consider CRMC's Habitat Restoration Trust Fund grant funding as a potential source for restoration using indigenous plants.

Question as to whether the town's plat 12 right of way traverses private property. Suggestion to ensure the town's legal right of way is clearly documented.

Multiple expressions of concerns about parking:

- Limited parking is likely to limit the numbers of visitors
- Illegal parking is an ongoing complaint of neighbors
- Request for attentive planning for signage and parking enforcement

Concern that litter, parking and other inconveniences to neighbors will also place abutters at risk of reduced property values. Request to incorporate thorough and comprehensive planning for mitigation and enforcement.

Concern that foraging/shellfishing, which is potentially already overharvesting, could expand further.

Observation that early parking by fishermen frequently minimizes access by more casual visitors.

Suggestion to add a bike rack.

Subsequent e-mail expressing concern that Hull Cove trail is not appropriate for a handicap accessible boardwalk if there will not be wheelchair-accessible beach access or views of Hull Cove. Recommendation that handicap-accessible design should include an open boardwalk, open deck areas for easy turnaround, and scattered benches—but recommendation that the town

consider an alternate location, such as along North Road at Great Creek and Round Marsh (extensive recommendations suggested).

Request that the town carefully assess the liability risks associated with an elevated boardwalk.

Suggestion that the town should push back more aggressively against CRMC requirements for a 3' raised boardwalk. [Subsequent e-mail suggesting that push-back should be framed in the context of possible legal liability to the town and recommendation to consider demanding that the state take on liability that CRMC regulations might potentially cause the town to incur; or the town should consider moving forward with a scaled down design in violation of CRMC permitting requirements].

Rule 4
Developing the Agenda

- 4.1 In anticipation of the first meeting of the month, the Clerk of the Town Council shall prepare and/or cause to be prepared a docket or agenda on which there will be a definite statement or summary of all ordinances, resolutions, orders, reports, communications and other business to be considered at each meeting of the Town Council.

As described above, on the third Monday of a month, the Town Council shall meet to propose items for the agenda of the next regular meeting, held on the first Monday of the following month.

Seven days prior to the regular meeting, typically a Monday, the Clerk shall deliver to each Councilor by electronic mail a short preliminary list of the items determined by previous meetings as Unfinished Business and those determined in the session held two weeks previous as New Business. The Clerk may also include items for the agenda brought by boards and commissions or staff, but it is recommended that these items, not discussed by the Council previously, should be included on the agenda for discussion only. The Town Council shall have 36 hours to review all of these items, note any discussion or potential action they may wish to propose for items of New and Unfinished Business, and include or suggest any support material they believe pertinent.

Town Councilors' notations on agenda listings for Unfinished or New Business are intended to provide clarity to the discussion and the material provided

Councilors and citizens to review proposals or questions. For example they might take this form:

- A) Agenda Item : Building Repairs
Councilor Smith: proposed RFP for repairs (criteria for RFP attached)
Councilor Jones: questions about source of funds etc.

The intent here is not to limit the discussion to these items but to note that these are among the considerations to be discussed.

Upon the receipt of all comments, the Clerk will then provide a copy of said material to the Town Administrator, the Town Solicitor and the Council by the end of the following day, typically Wednesday. She will also include the list of items to be included in the Town Administrator's report. The Administrator, Solicitor and the Town Council will have an opportunity to provide further comment. No items will be added to agenda after this step. A draft of the final, full agenda will be available to Town Councilors, Administrator and Solicitor by the end of the next day, typically Thursday. The Solicitor and Administrator should review the final agenda with the Clerk before it is posted at the end of the day on Friday in accordance with the requirements of the Open Meetings Law, as amended.

The intent of this procedure is to make explicit the business before the Council and to provide both the Council and the public the information necessary to carefully research and thoughtfully review said business. The Town Council may forego this procedure by vote of its members. The Town Council may vote to have a member or up to two members of the Council develop the agenda in conjunction with the Clerk, Administrator and Solicitor. In any instance a draft of the full agenda should be available for Council review no less than 72 hours prior to the meeting.

- 4.2 No ordinance, resolution, order, report, communication, and other business shall be considered as having been introduced unless notice of said shall have been filed with the Clerk as herein provided, and said ordinance, resolution, order, report, communication or other business appears on the prepared docket. It is required that the Clerk shall cause a copy of the docket to be delivered to the Police Station no later than 6 p.m. on the business day previous (typically Friday) to each regular meeting of the Town Council.