



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, May 5, 2014
7:00 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, PRESENTATIONS AND RESOLUTIONS AND PROCLAMATIONS

A) Proclamation

- 1) No. 2014-05: "Jamestown Teacher Appreciation Week" May 5-9, 2014

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) Public Hearings:

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways Article II. Harbor Management Ordinance Sec. 78-21 through Sec. 78-22 through Sec. 78-27; duly advertised in the *Jamestown Press* March 27, 2014 edition; continued from April 7, 2014
- 2) Proposed Amendment of the Jamestown Comprehensive Harbor Management Plan Chapter I Introduction, Chapter II Jamestown (Conanicut Island) Description, and Chapter III Issues and Implementation, for CRMC compliance; duly advertised in the *Jamestown Press* March 27, 2014 edition; continued from April 7, 2014
- 3) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Sec. 70-87 Prohibited or restricted parking on specified streets; duly advertised in the *Jamestown Press* April 24, 2014 edition

B) Licenses and Permits

- 1) Applicant: Jamestown PTO
Event: Drink & Dabble (to benefit Jamestown PTO)
Date: June 6, 2014
Location: Fort Getty Pavilion
- 2) Applicant: Central Baptist Church
Event: Central Baptist Church June Festival
Date: June 21, 2014
Location: Town Parking Lot, Church and sidewalk
- 3) Applicant: Save The Bay
Event: 38th Annual Save The Bay Swim
Date: July 19, 2014
Location: RI Turnpike & Bridge Authority Land & Potters Cove
- 4) Applicant: Conanicut Island Art Association
Event: CIAA Summer Craft Show
Date: July 19, 2014
Location: Jamestown Recreation Center
- 5) Applicant: Jamestown Historical Society
Event: Windmill Day
Date: July 19, 2014
Location: Wind Mill, North Road
- 6) Applicant: Conanicut Island Art Association
Event: CIAA Annual Art Exhibit
Date: July 23 – July 27, 2014
Location: Jamestown Recreation Center
- 7) Applicant: Jon Mistowski
Event: Ocean State Parrot Head Club 13th Annual Golf Tournament
Date: September 7, 2014
Location: Jamestown Golf Course
- 8) Applicant: Jamestown Rotary Club
Event: Jamestown Rotary Club May Community Picnic
Date: May 24, 2014
Location: Fort Getty Pavilion
- 9) Applicant: Ilesh Patel
Event: Indian Community Gathering
Date: July 13, 2014
Location: Fort Getty Pavilion
- 10) Applicant: Michael Casey
Event: RI Family Pig Roast
Date: June 15, 2014
Location: Fort Getty Pavilion
- 11) Applicant: Jamestown Chamber of Commerce
Event: Chamber of Commerce Annual Fundraiser
Date: August 16, 2014
Location: Fort Getty Pavilion

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
- B) Conservation Commission Annual Report
- C) Public Works Project Updates

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

- A) FTM Warrant for Affordable Housing
- B) FTM Warrant: approval
- C) Performing Arts Facility Committee

IX. ORDINANCES AND APPOINTMENTS

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 approval of each item as if it had been acted upon separately.

- A) Adoption of Council Minutes
 - 1) April 7, 2014 (regular meeting)
 - 2) April 7, 2014 (executive session)
 - 3) April 7, 2014 (interview session)
 - 4) April 10, 2014 (budget work session)
 - 5) April 21, 2014 (regular meeting)
 - 6) April 21, 2014 (interview session)
 - 7) April 29, 2014 (special meeting)
 - 8) April 29, 2014 (executive session)
 - 9) April 29, 2014 (work session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (02/19/2014)
 - 2) Jamestown Harbor Commission (03/12/2014)
 - 3) Jamestown Philomenian Library Board of Trustees (03/11/2014)
 - 4) Jamestown Planning Commission (03/05/2014)
 - 5) Jamestown Planning Commission (03/19/2014)
- C) Resolutions and Proclamations from other Rhode Island cities and towns
 - 1) Burrillville Town Council Resolutions
 - a) Supporting Senate Bill 2032 and House Bill 7270 Acts Relating to Court and Civil Procedures

- b) Supporting House Bill 7247 Acts Relating to Highways-Municipal Road and Bridge Revolving Fund
- c) Supporting Senate Bill 2085 and House Bill 7628 Acts Relating to Towns and Cities-Low and Moderate Income Housing
- d) Supporting Senate Bill 2104 and House Bill 7126 Acts Relating to Towns and Cities-General Powers-Background Checks
- e) Supporting Senate Bill 2018 and House Bill 7430 Acts Relating to Taxation-Levy and Assessment of Local Taxes
- f) Supporting House Bill 7747 An Act Relating to Education-Education, Equity and Property Tax Relief Act
- g) Resolution Opposing Senate Bill 2593 An Act Relating to Parks & Recreation-Public Use of Private Lands-Liability Limitations
- 2) North Kingstown School Committee Resolution Opposing House Bill 7465 and Senate Bill 2411 Contract Continuation
- 3) North Kingstown Town Council Resolution Supporting Elimination of the Straight Party Vote Option on Election Ballots
- 4) Smithfield School Committee Resolution Opposing mandated Contract Continuation
- D) Abatements/Addenda of Taxes

XI. COMMUNICATIONS AND PETITIONS

- A) Communications
 - 1) Letter of Attorney General Peter Kilmartin, State Police Colonel Steven O'Donnell, RIDOT Director Michael Lewis, RITBA Director Buddy Croft and AT&T Vice President Patricia Jacobs requesting Jamestown join the "It Can Wait" campaign and pledge not to text while driving
 - 2) Letter of the Rotary Club of Jamestown inviting Council Members to the Rotary Club's Community Picnic Saturday, May 24th, noon to 3:00 pm, Fort Getty Pavilion
 - 3) Letter of Thomas F. Ginnerty re: Request for Helm Street Stop Sign
 - 4) Jamestown Historical Society invitation to the new Town Hall Front Stairwell Exhibit on Monday, May 19, 5:30-7:30 p.m.
 - 5) Letter of CRMC providing interim approval for the Jamestown Comprehensive Harbor Management Plan as adopted December 5, 2011 and the Harbor Management Ordinance as adopted December 12, 2011
 - 6) Invitation of Arts & Cultural Alliance of Newport County Board of Directors to their 22nd Annual Meeting in celebration of the City of Newport's 375th Birthday, Monday, May 12, 2014, 6:00 – 8:00 p.m., Newport Art Museum

- 7) Letter of Robert Oberg to Governor Chafee regarding bridge safety, need for a median barrier on the Newport Pell Bridge, and RI Turnpike and Bridge Authority leadership

XII. 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) Collective Bargaining (IBPO Contract); discussion and/or potential action and/or vote in executive session and/or open session

XIII. 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, via facsimile to 401-423-7230, or email cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

Town of Jamestown



**PROCLAMATION OF THE TOWN COUNCIL
No. 2014-05
JAMESTOWN TEACHER APPRECIATION WEEK
MAY 5 – 9, 2014**

- WHEREAS,** The Town of Jamestown supports our teachers in their mission to educate the children of our community; and
- WHEREAS,** Jamestown teachers are essential members of our School Community Partnership; and
- WHEREAS,** Jamestown teachers are committed to providing a rigorous and relevant curriculum that prepares our students to be lifelong learners, problem solvers and decision makers; and
- WHEREAS,** Jamestown teachers strive daily to provide a healthy, stable learning environment for our children; and
- WHEREAS,** Jamestown teachers should be accorded high public esteem reflecting the value our community places on public education.

NOW, THEREFORE, We, the Town Council of the Town of Jamestown, Rhode Island, hereby proclaim May 5 through 9 **TEACHER APPRECIATION WEEK** in Jamestown and urge all citizens to pay tribute to our teachers.

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 5th day of May 2014.

Cheryl A. Fernstrom, CMC, Town Clerk

TOWN OF JAMESTOWN
TAX ASSESSOR
93 Narragansett Avenue
Jamestown, RI 02835

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR MAY 5, 2014 MEETING

ABATEMENTS TO 2013 TAX ROLL

#01-0509-50 Antoniello, Joyce & Boyle, Kenneth	Plat 8, Lot 452 - Property transfer 4-25-14 To Account #01-0197-20	\$2,911.75
#02-0653-00 Biddle, Tania G.	Plat 8, Lot 170-3G - Property transfer 3-28-14 To Account #13-1944-10	\$4,210.89
#13-0065-00 Macgregor-Brown, Jean A. & Brown, Stephen L.	Plat 9, Lot 187 - Property transfer 3-28-14 To Account #10-0262-51	\$3,727.93
#18-0075-00 Remed Group, Inc.	Plat 8, Lot 170-1D - Property transfer 3-14-14 To Account #20-0315-14	\$5,207.51

ADDENDA TO 2013 TAX ROLL

#01-0197-20 Allogenic Holdings, LLC	Plat 8, Lot 452 - Property transfer 4-25-14 From Account #01-0509-50	\$2,911.75
#02-0096-12 Balloch Family Trust	Plat 10, Lot 13 - New Construction Prorated 127 Days - New Value \$2,297,800	\$831.77
#04-1055-00 Dyer, William Jr. & Genevieve, Trustees	Plat 1, Lot 137 - New Construction Prorated 117 Days - New Value \$995,300	\$166.51
#05-0361-00 Evangelista, Stephen A.	Plat 4, Lot 9 - New Construction Prorated 152 Days - New Value \$2,982,100	\$614.36
#07-0268-00 George, Eric M.	Plat 3, Lot 153 - New Construction Prorated 102 Days - New Value \$693,300	\$1,162.21
#07-0421-50 Girard, Mark E & Jeanne L, Trustees	Plat 16, Lot 26 - New Construction Prorated 125 Days - New Value \$691,000	\$1,216.31
#08-0064-90 Hammett Court Apartments, LLC	Plat 9, Lot 183-1 - New Construction Prorated 48 Days - New Value \$671,000	\$541.98
#10-0262-51 Johnson, Robert	Plat 9, Lot 187 - Property transfer 3-28-14 From Account #13-0065-00	\$3,771.68
#10-0364-10 Jordan, Jeffrey J. & Brenna B.	Plat 7, Lot 69 - New Construction Prorated 222 Days - New Value \$665,200	\$556.14
#13-1944-10 Moody, Elizabeth S. & S. Clarke	Plat 8, Lot 170-3G - Property transfer 3-28-14 From Account #02-0653-00	\$4,210.89
#19-0835-90 Silvia, Felice P.	Plat 7, Lot 9 - New Construction Prorated 138 Days - New Value \$1,557,000	\$2,311.79

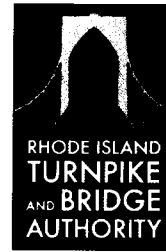
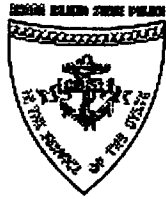
#19-1267-02 Sorlien, Christopher Clarke & Cormier, Marie-Helene	Plat 9, Lot 857 - New Construction Prorated 273 Days - New Value \$554,500	\$793.20
#20-0315-14 Thomas, Anthony J. Jr. & Virginia	Plat 8, Lot 170-1D - Property transfer 3-14-14 From Account #18-0075-00	\$5,207.51
#21-0052-40 Urbina, Jeffrey A & Hill, Gaye Lynn	Plat 9, Lot 788 - New Construction Prorated 244 Days - New Value \$928,200	\$1,216.66
#22-0037-50 Vario, Kenneth R. & Linda J.	Plat 14, Lot 14 - New Construction Prorated 127 Days - New Value \$1,066,000	\$1,278.88
#23-0548-00 West Ferry, LLC	Plat 9, Lot 22 - New Construction Prorated 57 Days - New Value \$1,093,800	\$968.67

TOTAL ABATEMENTS	\$16,058.08
TOTAL ADDENDA	\$27,760.31

RESPECTFULLY SUBMITTED,

Kenneth S. Gray

KENNETH S. GRAY,
TAX ASSESSOR



April 3, 2014

The Honorable Kristine S. Trocki
President, Jamestown Town Council
Jamestown Town Hall
92 Narragansett Avenue
Jamestown, RI 02835

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 10 AM 10:07

Dear President Trocki,

We write you today to ask for your help in educating Jamestown residents about the dangers of texting while driving.

The facts clearly show that texting while driving is a serious safety issue:

- Every year, more than 100,000 crashes involve drivers who are texting, often causing injuries and deaths.
- According to the Virginia Tech Transportation Institute, those who send text messages while driving are 23 times more likely to be in a crash.
- 97 percent of teens say texting while driving is dangerous, but 43 percent admit to doing so.

Recognizing the severity of the issue, we have partnered together to bring AT&T's "It Can Wait" program to high school students across the state encouraging young drivers to take the personal pledge not to text while they drive. Since launching the initiative in 2012, we have made over 30 school visits where nearly 15,000 young drivers have pledged to not text and drive.

The issue of texting and driving is not limited to teen drivers. In a recent survey, 77 percent of teens have seen their parents text and drive. That is why we are approaching municipalities across Rhode Island to join the "It Can Wait" campaign and pledge to not text while driving.

Jamestown can join these efforts this April – National Distracted Driving Awareness Month – by passing a resolution declaring the town to become the first Rhode Island municipality to pledge not to text and drive, and by also encouraging residents to take the personal pledge never to text and drive.

Thank you in advance for your consideration in presenting this proposal to the Jamestown Town Council. If you have any questions or need additional information, please contact Amy Kempe, public information officer for the Office of Attorney General, at 401-274-4400 ext. 2234.

Sincerely,



Peter F. Kilmartin
Attorney General



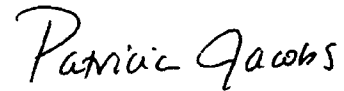
Steven G. O'Donnell
Colonel
Rhode Island State Police



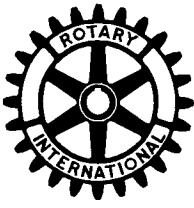
Michel Lewis
Director
RI Dept. of Transportation



Buddy Croft
Director
RI Turnpike & Bridge
Authority



Patricia Jacobs
Vice President
AT&T



THE ROTARY CLUB OF JAMESTOWN, RI

PO Box 652, Jamestown, RI 02835

April 24, 2014

Jamestown Town Council Members
c/o Town Hall
Narragansett Avenue
Jamestown, RI 02835

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 24 PM 2:24

Dear Members of the Jamestown Town Council,

You may have noticed the recent item in the Jamestown Press (bottom of page 3, of the April 3, 2014 edition), regarding the Jamestown Rotary Club's Community Picnic that has been scheduled for Saturday, May 24 from noon until 3:00PM at the Fort Getty Pavilion. Jamestown Rotary is organizing and sponsoring this event, and we will be extending an invitation to all Jamestown residents to come and enjoy food prepared by Rotarians. This event will also be a great opportunity to enjoy the company of fellow Jamestowners, and to learn about the many community organizations that help to make this beautiful island such a wonderful place to live.

We are inviting all of the Town Council members to participate, by attending this event and bringing your friends and neighbors. We also invite you to bring a poster and/or a table at which attendees can learn more about your work, and perhaps to speak with each of you. Our Rotary Club was chartered in Jamestown in 1941, and we have long recognized the importance of volunteerism in Jamestown. We hope that your members will be able to gather with us on May 24, and we ask that you advise us in the very near future of your decision, so that we can better coordinate this inaugural event.

We look forward to hearing from you. Please send your correspondence to either **Rotary Club of Jamestown, P.O. Box 652, Jamestown, RI 02835** or e-mail Club members Win Reed (win@stearnsfarmsinc.com) or Larry Bartley (ljbjr@cox.net).

Yours in Rotary,

A handwritten signature in cursive script that reads "Larry".

Larry Bartley

Treasurer

Rotary Club of Jamestown

THE FOUR-WAY TEST "Of the things we think, say or do"

1st Is it the TRUTH? 2nd Is it FAIR to all concerned? 3rd Will it build GOODWILL and BETTER FRIENDSHIPS? 4th Will it be BENEFICIAL to all concerned?

LAW OFFICES
THOMAS F. GINNERTY
222 BROADWAY
PROVIDENCE, RHODE ISLAND 02903

ALSO ADMITTED IN
FLORIDA
NEW YORK
CALIFORNIA

(401) 751-2800
TELECOPIER
(401) 560-0282

April 16, 2014

Jamestown Town Hall

Attn: Town Administrator, Andrew Nota

93 Narragansett Avenue

P.O. Box 377

Jamestown, RI 02835

Re: Helm Street Stop Sign

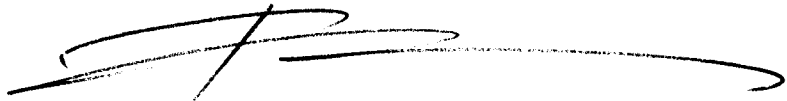
Dear Mr. Nota:

I have resided at 41 Bow Street for almost twenty five years. I am writing on behalf of myself and the other petitioners who are seeking the placement of a stop sign on Helm Street at the intersection of Bow Street. I have attached a copy of the petition and the cover letter that was presented to the town. The residents of the area feel strongly that there is far too much speeding in the area and that a stop sign will help control traffic problems that has existed for years.

The Jamestown Shores area that is South of Route 138 has no sidewalks and no parks. Residents, including children, walk, ride bicycle and play in the streets. Many people own dogs that they walk in the streets in the morning and evening. Fast moving traffic creates a safety and quality of life problem. This area has change dramatically over the past thirty years. There have been many new houses built, on Bow Street alone about half of the existing houses were constructed in the past twenty years. Aggravating the problem is the fact that Helm Street is narrow when two vehicles are passing, pedestrians are often forced to walk on private property when vehicles are passing. Many of the streets in the area were unpaved until the past few years.

I appeared before the Local Traffic Commission on February 26, 2014 when the commission unanimously passed a motion to place a stop sign on Helm Street at Bow Street. I believe that the traffic study clearly supports that decision. Most importantly, the residents of the area strongly support the measure. Every person to whom I spoke believes that speeding is a problem in the area and all support the placement of the requested stop sign. I appreciate in advance your attention to this matter.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Thomas F. Ginnerty.

Thomas F. Ginnerty

cc. Cheryl Fernstrom

January 16, 2014

41 Bow Street
Jamestown, RI 02835

Jamestown Town Council
Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

Dear Council Members:

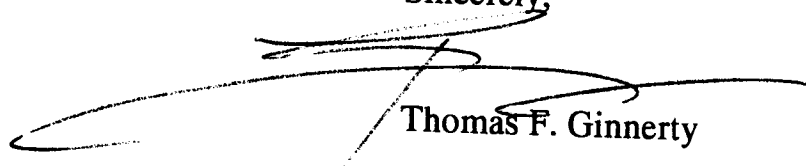
I am writing as the representative of the residents of the Helm Street/Bow Street area who have signed the attached petition. We are seeking that a stop sign be placed on Helm Street at the corner of Bow Street. There is a persistent and dangerous speeding problem on Helm Street that we believe a stop sign at Bow Street will rectify. There are no stop signs on Helm Street between the service road at RT 138 and Mast Street, vehicles travel very fast in both directions.

I have lived in the area for about twenty five years and my family has owned property in Jamestown much longer. The South Shores area has grown substantially in the past few years and many streets that were formerly dirt are now paved, there conditions have contributed to the speeding problem.

Every person to whom I spoke is very concerned about this issue, not a single person stated that speeding was not an annoying and dangerous problem. There are no sidewalks or parks in this area so residents jog, walk, walk pets and often gather to talk in the streets. Children routinely wait for school buses and play in the streets. I have often observed vehicles speeding past children as they wait for the morning bus on Helm Street. The speeding problem has had a negative impact on the quality of life in the area.

Please take this opportunity to improve a neighborhood.

Sincerely,



Thomas F. Ginnerty

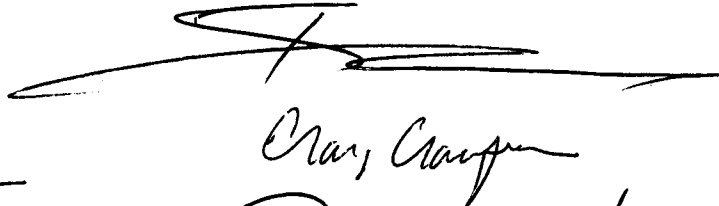
TRAFFIC PETITION

This petition is intended to support efforts to control speeding in the Helm Street area. People routinely drive at high rates of speed in this residential area, particularly on Helm Street. The area has no sidewalks, parks or walking trails so residents are forced to walk in the streets. We are seeking the placement of stop signs on Helm Street at the corner of Bow Street. We are also seeking Police enforcement of speed limits in this area.

Name and address

Signature

41 Bow Street
T. G. Bennett
C. Crawford



42 Helm St
Long Olenick

Mary Crawford
Tony Olenick
William Libera

29 Bow St

35 Bow St



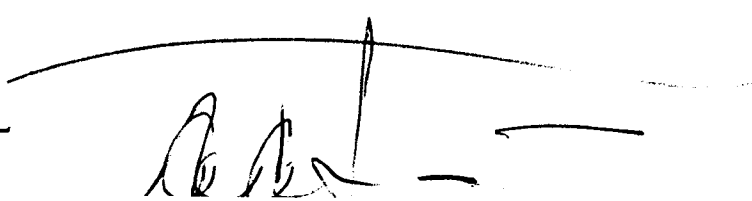
Cheryl Giroux
14 Beach Ave.

Cheryl Giroux

Lucini Quilini
76 Bow Street

Lucini Quilini

Richard Ethier
44 Helm St
35 STERN



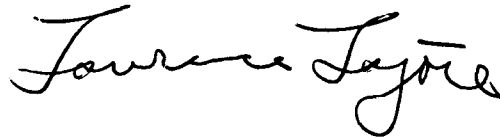
TRAFFIC PETITION

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Name and address

Signature

LAURENCE LAJOIE
58 Bow St.



Mr + Mrs Ted Hackman
47 Bow St.





Jamestown Historical Society

April 22, 2014

Andrew Nota
Town Administrator
93 Narragansett Ave
Jamestown, RI 02835

President
Linnea Petersen

Vice President
Dianne Rugh

Secretary
Heidi Keller Moon

Treasurer
Tricia Evangelista

Directors to 2014
Judy Bell
Matt Clarke
Harry Wright
Jane Bentley

Directors to 2015
Delia Klingbeil
Betsy Moody
Dan Wright

Directors to 2016
Polly Hutcheson
Terry Lanza
Larry McDonald
Arlene Petit

Museum
92 Narragansett Avenue

Vault
93 Narragansett Avenue

Jamestown Windmill
North Road

Jamestown Quaker
Meetinghouse
North Road

The Battery
Battery Lane off
Beavertail Road

Dear Mr. Nota:

The Jamestown Historical Society recently mounted an exhibit about the history of the Jamestown Town Hall in the front stairwell of the Town Hall. We will officially unveil the exhibit on May 19 with a reception before the Town Council meeting.

Refreshments will be served in the anteroom to the Jamestown Historical Society vault in the lower level of Town Hall from 5:30 to 7:30 p.m. The vault will also be open for those who would like a tour of the facility, and members of the JHS Board and Collections Committee will be available to answer questions about our activities.

I would like to invite you, the members of the Town Council, the Town Hall staff, and the people of Jamestown to join us for this exciting occasion.

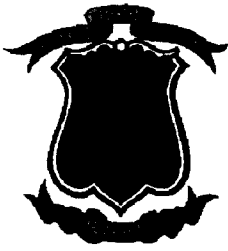
Sincerely,

Linnea C. Petersen
President
Jamestown Historical Society

Cc: Kristine S. Trocki, President, Jamestown Town Council
Cheryl Fernstrom, Jamestown Town Clerk
Dianne Rugh, Vice President, Jamestown Historical Society and
Chairman, Collections Committee

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 25 PM 3:47

Post Office Box 156, Jamestown, RI 02835 401-423-0784
Email info@jamestownhistoricalsociety.org
www.jamestownhistoricalsociety.org



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900

(401) 783-3370
 Fax (401) 783-3767

RECEIVED
 TOWN OF JAMESTOWN, R.I.
 14 MAY - 1 AM 10: 12

April 23, 2014

Jamestown Town Council
 Jamestown Town Hall
 93 Narragansett Avenue
 Jamestown, RI 02835

Dear Honorable Jamestown Town Council:

I am writing to provide an interim approval for the *Jamestown Comprehensive Harbor Management Plan as adopted by the Jamestown Town Council on December 5, 2011, and the Harbor Management Ordinance, as adopted on December 12, 2011 (HMP)*.

As authorized under Section 300.15 of the Rhode Island Coastal Resources Management Program (RICRMP), this interim approval shall be in effect from the date shown on this signed letter through June 30, 2014. In the meantime the Town of Jamestown shall amend the following sections of the HMP for consistency with the RICRMP:

- Section 78-24 (d) (e) (f) (Head's Beach, Park Dock, and Cranston Cove Mooring Areas, respectively)
- Section 78-26 (c) [Class 1: Riparian- (b)]
- Section 78-26 (c) [Class 2: Rights-of-way (a) and (b)]
- Section 78-26 (h) [Occupancy, transfer]

Please do not hesitate to contact Kevin Cute of my staff should you have any questions on this matter.

Sincerely,

Jeffrey M. Willis, Deputy Director
 Coastal Resources Management Council

/lat

cc: Grover J. Fugate, CRMC Executive Director
 Kevin R. Cute, CRMC Marine Resources Specialist
 Mike DeAngeli, Chair, Jamestown Harbor Commission
 Chief Edward A. Mello, Executive Director, Jamestown Harbor Office
 Andy Nota, Jamestown Town Administrator

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 MAY - 1 AM 11:27

The Board of Directors
of
the Arts & Cultural Alliance of Newport County

cordially invite you to attend their
22nd Annual Meeting

in celebration of The City of Newport's 375th Birthday

on Monday May 12th, 2014

from 6:00 pm until 8:00 pm

at

The Newport Art Museum

76 Bellevue Avenue, Newport, R.I.

(Reservations Required - www.newportarts.org)

for information

contact: Peter Sterling Turner 401-307-1215

or

info@newportarts.org

150 Panto Road
Warwick, RI 02886
obergbob@gmail.com
401.580.4156
April 28, 2014

The Honorable Lincoln D. Chafee
Governor of Rhode Island
Office of the Governor
82 Smith Street
Providence, RI 02903-1196

Dear Governor Chafee:

I am writing to call your attention to a pressing public safety concern that relates to the Rhode Island Bridge and Turnpike Authority (Authority), whose Board is appointed by your office. In particular, I am concerned about the alarming frequency of crossover accidents on the Claiborne Pell Bridge (Bridge).

It has been well documented in consulting reports commissioned by the Authority itself that the most devastating accidents on the Bridge, those causing death and traumatic injuries, are crossover accidents. A permanent barrier is the only solution that will prevent these accidents in the future. The effectiveness of this solution has been proven on bridges that are similar to the Pell Bridge. Despite this fact, and an abundance of evidence about the need for a barrier, the Authority continues to stonewall on the issue.

I have a pressing interest in this matter. My son William was the victim of a violent crossover accident on Christmas Eve 2013. He was driving in the far right hand lane when a truck crossed three lanes to hit him head on. Will's car was so badly damaged that first responders initially walked right past it, thinking no one could have survived the crash. Then someone saw a slight movement. They put a blanket over his head and worked on him with the Jaws of Life for 35 minutes, ripping the roof off and peeling the door panels off his body like layers of an onion. He was taken by helicopter to Rhode Island Hospital, where he was told that he had serious bone fractures and dislocations throughout his body and that he had no pulse in his left foot and might lose his leg. The doctors also said it would take two years to recover and that he will have pain for the rest of his life.

Will is a 25-year old boat builder, gondolier and kayak guide, a kind, passionate young man who travels the world doing the things he loves, all of which require dexterity, balance, strength, and endurance. I worry how he will make a living for the next 40 years. I worry about the pain, now and as his body ages. But I am astounded by his hard work in recovery and by his positive attitude. I am looking for someone who will bring similar qualities to resolving the serious safety issues that caused his accident.

The issue of a barrier first surfaced on the Authority's planning documents in 2005, a year in which there were 8 crossover accidents on the Bridge. A Parsons Brinkerhoff (PB) report shows that there were 47 crossover accidents on the Bridge between 1994 and 2006. Despite the severity of the problem, the Authority has shown a complete lack of urgency in resolving it. PB produced a draft

report addressing the issue in 2006 and the Authority has been 'studying' it ever since. A final draft of the PB report was not completed until December 2013, seven years later.¹ Meanwhile, according to a CDM Smith report² issued in March 2014, there have been 17 additional crossover accidents since the Authority publicly acknowledged this issue. In the face of all of this evidence, the Authority still has not made a decision to install a barrier and indicates that even more study is needed.

There are clear warrants for a barrier according to the Authority's consultants reports. AASHTO Roadside Design Guide indicates that similar bridges warrant a barrier when daily traffic is over 20,000 vehicles. The daily traffic on the Bridge is 28,150 vehicles. The guide also warrants a barrier when the median is less than 75 feet. There is no median on the Bridge. Also, there are nearly 4 times the number of annual crossover accidents per mile on the Bridge (1.89) and 2 1/2 times as many annual deaths per mile (.30) than would warrant a barrier in California, which has suffered some of the same issues on its bridges, most notably the Golden Gate Bridge.

Authority Chairman David Darlington's January 23, 2014 editorial in the *Providence Journal* went to great pains to argue that nine years is not a long a time to consider the barrier issue. This defies all reasonable analysis. Nine years is an incredibly long time to think about something while all along irreparable harm is being done to families the Authority has been entrusted to protect. The Newport Bridge was built in just three years in the '60s. Surely much more could have been accomplished in nearly a decade.

Unfortunately, if a permanent barrier is not put in place, the question is not *if* but *when* there will be another crossover accident with fatalities and/or devastating injuries. *Over the past 20 years there has been an average of one crossover accident every 122 days. It has been 125 days since my son's accident.* I pray that we beat the odds and do not have any more serious accidents before a barrier is in place, but if I were a gambler this would be a losing hand.

In the face of these odds, and the devastating impact that unsafe conditions have had on my family and on many other families, and in the face of clear warrants for action, the Authority's inactivity amounts to a reckless disregard for the safety of the citizens it is charged to protect. I am not alone in this perception. Within the last six months the town councils of Jamestown and Newport have urgently petitioned the Authority to put up a barrier and Senate President Teresa Paiva Weed and Representative Deborah Ruggiero have introduced HR 7760, which calls for immediate action to address safety concerns. During this same time period, 1,164 people have signed a petition to put a barrier in place³ and citizens have been very vocal about this issue at Authority Board meetings.

That fact is that neither our citizens nor the town councils nor the Legislature have the ultimate power to resolve the issue. The power resides with you, and with the Authority whose Board members you appoint. On behalf of my son, and on behalf of all of the families whose loved ones have been killed or suffered devastating injuries because of crossover accidents on the Bridge, I am appealing to you to make getting a barrier on the Bridge a priority during the remainder of your term. It is my fervent hope that our family will be the last to suffer from the Authority's delay tactics.

Your power of appointment is particularly relevant at this time. David Darlington has been at the helm of the Authority for 12 years now; 37 crossover accidents have occurred under his painfully

¹ "The Newport/Pell Bridge Median Barrier Conceptual Design Report," Parsons Brinkerhoff, December 2013.

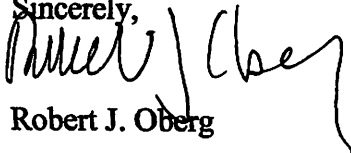
² "Claiborne Pell Bridge Traffic and Safety Study," CDM Smith, March 2014.

³ <http://www.thepetitionsite.com/595/959/101/install-a-median-barrier-on-the-newport-pell-bridge-now/>

slow watch. His term officially expired on April 1, 2014. Surely there is someone else who could provide the leadership that is needed to end this public safety nightmare.

I respect the value you place on human life that was reflected in your stand against turning over a prisoner who would face the federal death penalty. Please consider that the Authority's egregious negligence has, in effect, resulted in a death penalty for three citizens during your tenure as Governor -- Kenneth Prior and Kathleen Meunier, in October 2011, and Elijah Swift, who died of complications after his car hit my son on Christmas Eve. I implore you to use your power to advocate on their behalf, and on behalf of over 28,000 people who are exposed to this unnecessary risk every day. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Oberg", written over a printed name.

Robert J. Oberg

CC: Senate President Teresa Paiva Weed

Rep. Deborah Ruggiero

Harry Winthrop, Mayor of Newport

✓ Andrew E. Nota, Town Administrator, Jamestown, RI



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date _____

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)
Drink & Dabble to benefit the Jamestown PTD

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 MAR 26 PM 2:18

Name of Event: (if applicable) Drink & Dabble to benefit the Jamestown PTD
Date of Event: June 6, 2014 Hours of Event: 4-10 4-5 setup 6-9 - event
Location of Event: Pavillion Number of people attending: up to 150

Name of Applicant/ Business: Jamestown PTD
Mailing Address: Melrose School Business Phone #: _____
76 Melrose Ave, Jamestown

Contact Person: Ruade Contino Phone Number: 860 912 5720

List the type of entertainment being requested, if applicable (Band, DJ, etc.) painting

Who will the event benefit? Jamestown PTD

Type of Operation: (Private, State Sponsored, Non-Profit): non prof. +

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? none

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No
it will be BYOB or if you want it can be BYOB or if you want

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: _____

Please attend the Town Council meeting on the _____ day of _____, 20____ for Council review.

For Office Use Only

License Fee: \$ 5.00 Ins. Policy: Ft. Getty Rental Permit:

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: <i>[Signature]</i>	3/28/14	
Chief of Police Fire Chief <i>[Signature]</i>	4.1.14	
Fire Marshal CHIEF OF POLICE <i>[Signature]</i>	4-14-14	
Fire Marshal: <i>[Signature]</i>	4.1.14	
Zoning Official: <i>[Signature]</i>	3/31/14	
Director of Parks & Recreation: <i>[Signature]</i>	3/28/14	
Director of Public Works: <i>[Signature]</i>	3/28/14	
Water & Sewer Clerk <i>[Signature]</i>	3/31/14	
Tax Collector <i>[Signature]</i>	3/31/14	

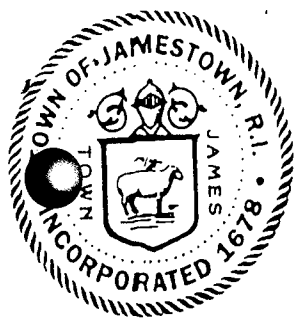
This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.

(sent 4/1/14)



Town of Jamestown One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date _____

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 1 AM 11:35

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

One Fair silent Auction, Food sales
Flea Market

Name of Event: (if applicable) Central Baptist Church June Festival
 Date of Event: June 21, 2014 Hours of Event: 9am to 10pm
 Location of Event: own 1/2 of parking lot @ CBC Number of people attending: 300 - open to public
 Name of Applicant/ Business: Central Baptist Church - 99 Narragansett Ave
 Mailing Address: PO Box 295 Business Phone #: 401-423-1651
Jamestown RI 02835
 Contact Person: Ardene LaBua Phone Number: 401-423-1002

List the type of entertainment being requested, if applicable (Band, DJ, etc.) N/A

Who will the event benefit? CBC General Fund

Type of Operation: (Private, State Sponsored, Non-Profit): non-profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 23-71533056 Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? Assorted Flea Market & Food - Plants

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

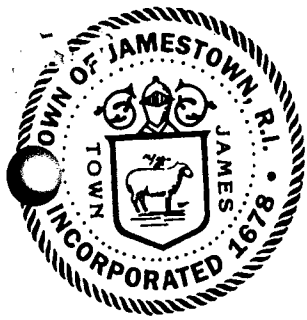
Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate

correspondence.

Signature of Applicant: Ardene LaBua Deacon - Committee Member

Please attend the Town Council meeting on the _____ day of _____, 20____ for Council review.



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date _____

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain) _____

TAMER-7-2011-1

Name of Event: (if applicable) 38th Annual Save The Bay Swim
 Date of Event: Saturday, July 19 Hours of Event: 7am - 11am
 Location of Event: Bridge Authority Lawn Number of people attending: 1500
 Name of Applicant/ Business: Save The Bay
 Mailing Address: 100 Save The Bay Dr Business Phone #: 401-272-3540 x140

Contact Person: Leanne Danielson Phone Number: 401-272-3540 x140

List the type of entertainment being requested, if applicable (Band, DJ, etc.) Band, Food vendors

Who will the event benefit? Save The Bay

Type of Operation: (Private, State Sponsored, Non-Profit): NON-PROFIT

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: 05-0343046

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? NONE - All In-kind

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: Leanne Danielson

Please attend the Town Council meeting on the _____ day of _____, 20____ for Council review.

For Office Use Only

License Fee: \$ 5.00 Ins. Policy: ✓ Ft. Getty Rental Permit: N/A

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: <i>CD Cali</i>	3.14.14	
Chief of Police: <i>Ell</i>	4-14-14	POLICE DISTRICTS RSCA'S
Fire Chief: <i>JR</i>	3.10.14	
Zoning Official: <i>Jm</i>	3-13-14	
Director of Parks & Recreation: <i>Wendy</i>	3/7/14	
Director of Public Works: <i>Val</i>	3-10-14	
Water & Sewer Clerk: <i>Dense</i>	3/18/14	
Tax Collector: <i>Dean</i>	3/17/14	

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20_____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.

SAVE THE BAY®

NARRAGANSETT BAY

14 MAR - 5 11:10 AM
TOWN OF JAMESTOWN

March 3, 2014

~~Mr. Michael Schnack~~
President, Jamestown Town Council
93 Narragansett Avenue
Jamestown, RI 02835

Dear Mr. Schnack:

Save The Bay would once again like to request the use of Potter Cove/Taylor Point as the landing site for our 38th Annual Save The Bay Swim event on Saturday July 19, 2014 (no fog date). Due to the tides and currents that have been researched, we would like to begin our Swim at 7:00 am next year. We greatly appreciate your help.

The Swim will begin in Newport at approximately 7:00 am and finishing swimmers will arrive in Jamestown at Potter Cove between 7:45 am to 9:30 am. Our volunteers will begin to arrive at Potter Cove for set up at approximately 5:00 am. We anticipate approximately 700 participants (500 swimmers and 200 kayakers, rowers and spotters), 150 volunteers, and approximately 800 spectators. Enclosed please find Save The Bay's "One Day Event/Entertainment Application" and \$5 application fee. We would like to have our merchandise available for sale at the event.

As you know, each year Save The Bay holds its annual Swim starting at the Newport Naval College and ending at Potter Cove in Jamestown. Swimmers collect sponsorships to participate in the 1.7-mile swim. It is a wonderful event that raises money and awareness of the benefits of a clean and healthy Narragansett Bay. Save The Bay's efforts to protect and restore Narragansett Bay would not be possible without our Swim.

The usual waiver for the Town of Jamestown will be signed and submitted by every participant. I have enclosed a copy of the text of the release that has been used in the past, as it will appear on our registration materials, for your review, along with verification that Save The Bay is a non-profit organization. Included is a copy of our general liability. We are of course more than happy to once again sign a hold harmless agreement.

Thank you again for your continued support of Save The Bay, we are most grateful for all of the help of the Town of Jamestown with this event. We would greatly appreciate this request to be heard at the convenience of the Town Council. We would like to post a confirmed date to potential participants as soon as possible. I look forward to receiving confirmation of your approval. If you have any questions, please feel free to call me at 401-272-3540, ext. 140.

Sincerely,



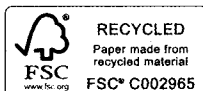
Leanne Danielsen
Events Manager

THE BAY CENTER
100 Save The Bay Drive
Providence, RI 02905
phone: 401-272-3540
fax: 401-273-7153

EXPLORATION CENTER
Easton's Beach
P.O. Box 851
Newport, RI 02840
phone: 401-324-6020
fax: 401-324-6022

SOUTH COUNTY
COAST OFFICE
Riverside Building
12 Broad Street
Westerly, RI 02891
phone/fax: 401-315-2709

savebay@savebay.org
WWW.SAVEBAY.ORG





TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR - 8 PM 1:26

Name of Event: (if applicable) Summer Craft Show
 Date of Event: July 19, 2014 Hours of Event: 9 AM - 4 PM
 Location of Event: Jamestown Community Center Number of people attending: 200
 Name of Applicant/ Business: Conanicut Island Art Association
 Mailing Address: PO Box 229 Business Phone #: _____
Jamestown, RI 02835

Contact Person: Kim Pinkas Phone Number: 464-0852
Elaine Porter 423-2347

List the type of entertainment being requested, if applicable (Band, DJ, etc.) CRAFT SHOW

Who will the event benefit? local crafters

Type of Operation: (Private, State Sponsored, Non-Profit): Non-profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): 1348

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 29993 Non-Profit ID #: 22-2505460

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list

Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? hand-made crafts

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: Michelle Key Blackman

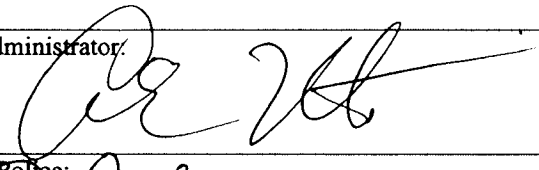
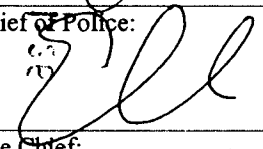
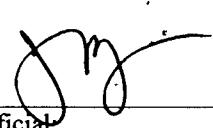

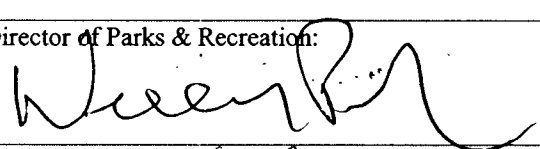
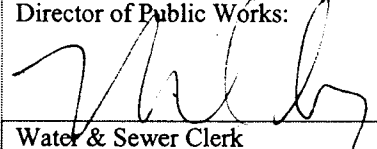
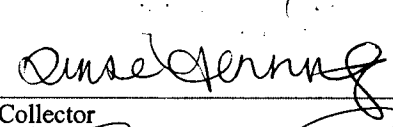
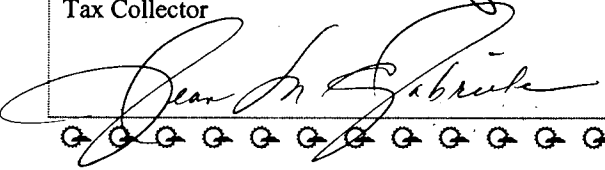
Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

Vendor
not to follow
& pymt

For Office Use Only

License Fee: \$ 5 Ins. Policy: Ft. Getty Rental Permit: N/A

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: 	4/16/14	
Chief of Police: 	4-14-14	
Fire Chief: 	4.10.14	
Zoning Official: 	4-14-14	
Director of Parks & Recreation: 	4-11-14	
Director of Public Works: 	4-9-14	
Water & Sewer Clerk: 	4/23/14	
Tax Collector: 	4/25/14	

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____

Office will enter date _____

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 10 AM 10:02

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)
Windmill Day

Name of Event: (if applicable) Windmill Day

Date of Event: July 19, 2014 Hours of Event: 10-2 pm

Location of Event: Windmill, North Road Number of people attending: 50-75

Name of Applicant/ Business: Jamestown Historical Society

Mailing Address: P.O. Box 156 Business Phone #: 423-0784

Jamestown, RI 02835

Contact Person: Jane Bentley Phone Number: 423-0813

List the type of entertainment being requested, if applicable (Band, DJ, etc.) South County Rounders -

Who will the event benefit? JH Society

Type of Operation: (Private, State Sponsored, Non-Profit): non-profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 3080595920 Non-Profit ID #: 05-607148

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? bottled water, membership, books

Will food be sold at the location? *If yes, you must contact the R.I. Department of Health* Yes No

Will alcohol be provided and/or served at this event? *If yes, Alcohol Liability Insurance must be provided* Yes No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property.

Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: Jane Bentley

Please attend the Town Council meeting on the 5 day of may, 20 14 for Council review.

For Office Use Only

License Fee: \$

5

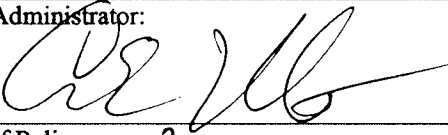
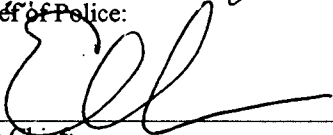
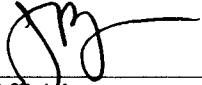

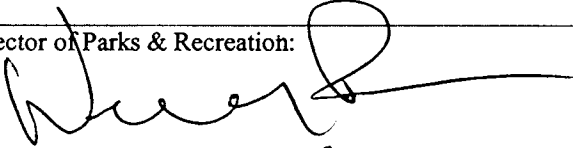
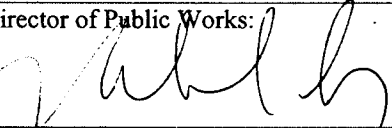


Ins. Policy:

✓

Ft. Getty Rental Permit:

N/A

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: 	4/15/14	
Chief of Police: 	4-14-14	
Fire Chief: 	4.10.14	
Zoning Official: 	4-14-14	
Director of Parks & Recreation: 	4-11-14	
Director of Public Works: 	4-16-14	
Water & Sewer Clerk: 	4/14/14	
Tax Collector: 	4/14/14	



This application has been GRANTED/DENIED by the Jamestown Town Council at a meeting held on the _____ day of _____, 20_____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain) _____

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR - 8 PM 1:26

Name of Event: (if applicable) Annual Art Exhibit

Date of Event: July 23 Opening 6-8:30 PM Hours of Event: _____

Location of Event: July 24-27 10 AM - 4 PM
JAMESTOWN COMMUNITY CENTER Number of people attending: 300

Name of Applicant/ Business: Connecticut Island Art Association (CIAA)

Mailing Address: PO Box 229 Business Phone #: _____
JAMESTOWN, RI 02835

Contact Person: Ernie Savastano Phone Number: 481-2634

List the type of entertainment being requested, if applicable (Band, DJ, etc.) ART EXHIBIT

Who will the event benefit? LOCAL ARTISTS

Type of Operation: (Private, State Sponsored, Non-Profit): NON-PROFIT

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): 1348

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 29993 Non-Profit ID #: 22-2505460

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? Art Works

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: Tricilla Joly Blackman

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

B5p1ckby

License Fee: \$ 25.00

Ins. Policy: ✓

Ft. Getty Rental Permit: 2014

For Office Use Only

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator:	4/15/14	
Chief of Police:	4-14-14	
Fire Chief:	4.10.14	
Zoning Official:	4-14-14	
Director of Parks & Recreation:	4-11-14	
Director of Public Works:	4-9-14	
Water & Sewer Clerk:	4/23/14	
Tax Collector:	4/29/14	

This application has been GRANTED/DENIED by the Jamestown Town Council at a meeting held on the _____ day of _____, 20____ for the event scheduled for: (date) _____ (time) _____ with a location of _____

Issued: _____ Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

Name of Event: (if applicable) JAMESTOWN GOLF COURSE

Date of Event: ~~9-22-14~~ 9-7-14 Hours of Event: 12 NOON - 4PM

Location of Event: 845 CONANICUS AVE JAMESTOWN RI 02835 Number of people attending: 100

Name of Applicant/ Business: JOHN MISTOWSKI

Mailing Address: 845 CONANICUS AVE Business Phone #: 401-423-9930

JAMESTOWN RI 02835

Contact Person: JOHN MISTOWSKI Phone Number: _____

List the type of entertainment being requested, if applicable (Band, DJ, etc.) 1 PERSON - (GUITARIST) WITH AMPLIFIED SOUND

Who will the event benefit? OCEAN STATE PARROT HEAD CLUB (OSPHC) 13TH ANNUAL GOLF TOURNAMENT

Type of Operation: (Private, State Sponsored, Non-Profit) NON PROFIT - 501-C-3 - CORP (SEE ATTACHED SHEET)

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): N/A

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? _____

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.


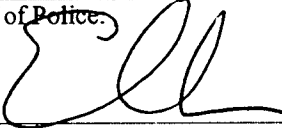
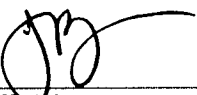
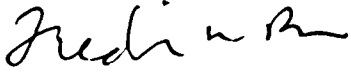
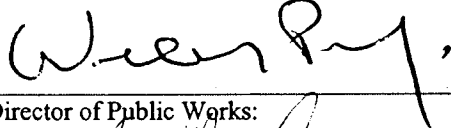
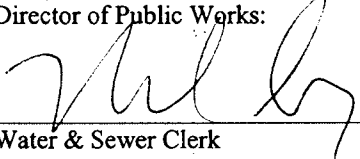
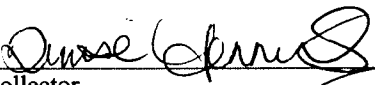
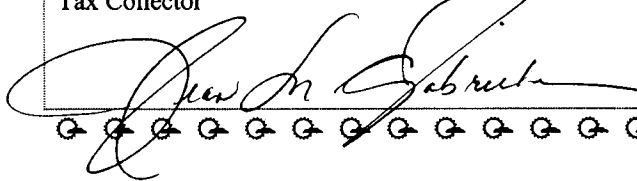
Signature of Applicant: [Signature]

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

For Office Use Only

License Fee: \$ 5pd Ins. Policy: _____ Ft. Getty Rental Permit: N/A

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: 	4/15/14	
Chief of Police: 	4-14-14	
Fire Chief: 	4.8.14	
Zoning Official: 	4-14-14	
Director of Parks & Recreation: 	4.8.12	
Director of Public Works: 	4-9-14	
Water & Sewer Clerk 	4/23/14	
Tax Collector 	4/25/14	

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 21 AM 8:25

Name of Event: (if applicable) JAMESTOWN ROTARY CLUB MAY COMMUNITY PICNIC
 Date of Event: MAY 24, 2014 Hours of Event: 12:00P - 10:00P
 Location of Event: REMBERT PAVILION / FT. GO 7D Number of people attending: 200-300
 Name of Applicant/ Business: JAMESTOWN ROTARY CLUB
 Mailing Address: 20 LINCOLN ST Business Phone #: 401-536-1880
JAMESTOWN, RI
 Contact Person: RUSTY SALLEE Phone Number: 401-536-1880

List the type of entertainment being requested, if applicable (Band, DJ, etc.) N/A

Who will the event benefit? ENTIRE COMMUNITY, ESP. COMMUNITY NON-PROFIT ORGANIZATIONS

Type of Operation: (Private, State Sponsored, Non-Profit): NON-PROFIT

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): N/A

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 05-602826 Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(**\$5.00 each Vendor/Peddler in addition to Application Fee**)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? NONE

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

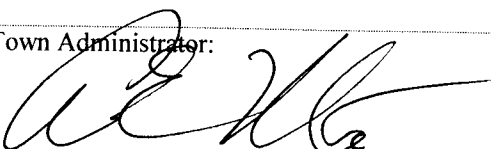


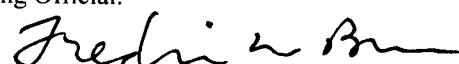
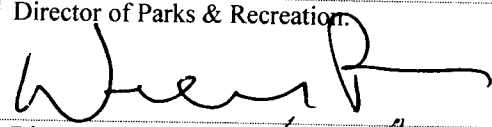
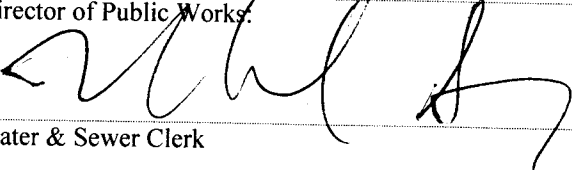
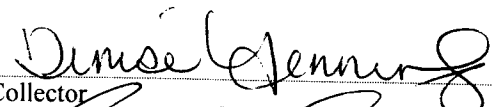
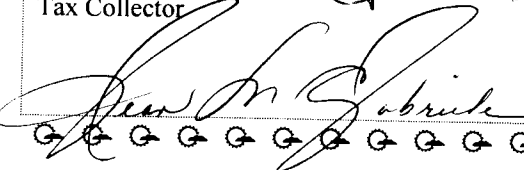
Signature of Applicant: *Rusty Sallee*

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

For Office Use Only

License Fee: \$ _____ Ins. Policy: ✓ Ft. Getty Rental Permit: ✓

For Approval: Please sign, date & provide approximate cost to Town.

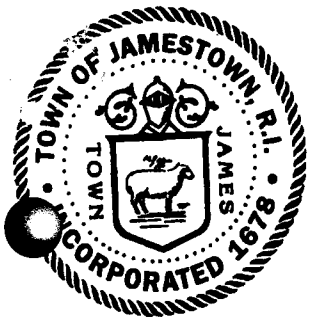
Department	Date	Approximate Cost or Comments
Town Administrator: 	5/12/14	
Chief of Police: 	4-28-14	
Fire Chief: 	4.21.14	
Zoning Official: 	4-30-14	
Director of Parks & Recreation: 	4-22-14	
Director of Public Works: 	4-29-14	
Water & Sewer Clerk: 	4/23/14	
Tax Collector: 	4/25/14	

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20_____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



Town of Jamestown One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)
_____ community _____

Name of Event: (if applicable) Indian Community Gathering - Private -

Date of Event: 7-13-14 Hours of Event: 12 TO 10pm

Location of Event: Park area Number of people attending: 200 approx

Name of Applicant/ Business: IRISH PARK

Mailing Address: 30 South St Business Phone #: _____

Jamestown RI 02830

Contact Person: IRISH PARK Phone Number: 401-423-0100

List the type of entertainment being requested, if applicable (Band, DJ, etc.) _____

Who will the event benefit? _____

Type of Operation: (Private, State Sponsored, Non-Profit): NON PROFIT

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? _____

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes/ No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No _____

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: [Signature]

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

For Office Use Only

License Fee: \$ 502 Ins. Policy: _____ Ft. Getty Rental Permit: ✓

For Approval: Please sign, date & provide approximate cost to Town.

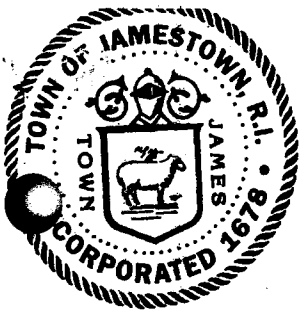
Department	Date	Approximate Cost or Comments
Town Administrator: <i>[Signature]</i>	5/1/14	
Chief of Police: <i>[Signature]</i>	4-28-14	Private party
Fire Chief: <i>[Signature]</i>	4-22-14	
Zoning Official: <i>[Signature]</i>	4-30-14	
Director of Parks & Recreation: <i>[Signature]</i>	4-29-14	
Director of Public Works: <i>[Signature]</i>	4-29-14	
Water & Sewer Clerk: <i>[Signature]</i>	4/23/14	
Tax Collector: <i>[Signature]</i>	4/25/14	

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20_____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.



10

TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)
FUND RAISER

Rhode Island

Name of Event: (if applicable) A FAMILY PIG ROAST
 Date of Event: 6/15/2014 Hours of Event: NOON TO 7 PM
 Location of Event: FORT GETTY PAVILION Number of people attending: 50
 Name of Applicant/ Business: MICHAEL CASPY
 Mailing Address: 756 NORTH MAIN RD Business Phone #: 401-965-8829
JAMESTOWN RI 02835
 Contact Person: MICHAEL CASPY Phone Number: _____

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 23 AM 11:56

List the type of entertainment being requested, if applicable (Band, DJ, etc.) NONE

Who will the event benefit? MOTHER OF LIFE CENTER

Type of Operation: (Private, State Sponsored, Non-Profit): PRIVATE - RESIDENT SPONSORING BENEFIT

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50 NONE
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? FOOD

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

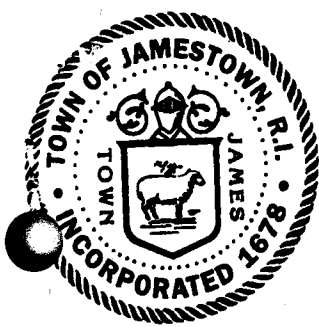
POSSIBLE PEOPLE MAY BRING IN COOLERS

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: Michael Caspy

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.



Town of Jamestown One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date _____

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 22 PM 1:16

Name of Event: (if applicable) Jamestown Chamber Annual Fund raise

Date of Event: 8/16/14 Hours of Event: 12PM to 10 PM

Location of Event: Rumbigas Pavilion Number of people attending: 200

Name of Applicant/ Business: Jamestown Chamber

Mailing Address: PO Box 35 Business Phone #: 401-741-2350
Jamestown RI 02835

Contact Person: John McCauley, Exec. Director Phone Number: 401-741-2350

List the type of entertainment being requested, if applicable (Band, DJ, etc.) band

Who will the event benefit: Conanicut Island Art Assoc. + Town Chamber

Type of Operation: (Private, State Sponsored, Non-Profit): non-profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): N/A

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: 45-2621136 Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50
(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? N/A

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No
If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No *104 attached*

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: John McCauley, Exec. Dir.

Please attend the Town Council meeting on the 5 day of May, 2014 for Council review.

Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 7126}

House Bill No. 7126**BY** Keable, Casey, Guthrie, Johnston, Kazarian**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS - BACKGROUND CHECKS (would require municipal recreation departments to obtain written authorization to perform a background check on a volunteer or employee and would also authorize any fire district or fire department located in the Town of Burrillville to request written au)

{LC3436/1}

01/16/2014 Introduced, referred to House Judiciary

01/24/2014 Scheduled for hearing and/or consideration (01/28/2014)

01/28/2014 Committee recommended measure be held for further study

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:50 AM

2014 -- H 7126

LC003436

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS - BACKGROUND CHECKS

Introduced By: Representatives Keable, Casey, Guthrie, Johnston, and Kazarian

Date Introduced: January 16, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-3.3 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 45-2-3.3. Background checks. -- ~~Notwithstanding any law to the contrary, any~~
4 ~~municipal recreation department may request a background check from their local police~~
5 ~~department for any employee or volunteer serving their community. Notwithstanding any~~
6 ~~provision of the general or public laws to the contrary, any person seeking to work or volunteer~~
7 ~~for a municipal recreation department, or any municipal recreation department having the written~~
8 ~~authorization of a person seeking to work or volunteer for the municipal recreation department,~~
9 ~~may request a Rhode Island criminal history background check from their local police department~~
10 ~~for that person. The Rhode Island criminal history background check shall be a certified true copy~~
11 ~~of the criminal record report and shall bear indicia of authenticity including being printed on local~~
12 ~~police department letterhead with a raised seal and bearing the signature of a duly appointed local~~
13 ~~police officer.~~

14 Further, notwithstanding any provision of the general or public laws to the contrary, any
15 person seeking to work or volunteer for a fire department or fire district located in the town of
16 Burrillville, or any fire department or fire district having the written authorization of a person
17 seeking to work or volunteer for the fire department or fire district located in the town of
18 Burrillville, may request a Rhode Island criminal history background check from the Burrillville
19 Police Department for that person. The Rhode Island criminal history background check shall be

- 1 a certified true copy of the criminal record report and shall bear indicia of authenticity including
- 2 being printed on Burrillville Police Department letterhead with a raised seal and bearing the
- 3 signature of a duly appointed Burrillville Police Officer.

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

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LC003436
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO TOWNS AND CITIES - GENERAL POWERS - BACKGROUND CHECKS

1 This act would require municipal recreation departments to obtain written authorization
2 to perform a background check on a volunteer or employee.

3 This act would also authorize any fire district or fire department located in the Town of
4 Burrillville to request written authorization to perform a background check from their local police
5 department for any employee or volunteer serving their community as a firefighter or employee
6 of the fire district.

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LC003436
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Legislative Status Report[Back](#)

Condition: {Session Year: 2014} {Bills: 7247}

House Bill No. 7247**BY** McLaughlin, Hull, Bennett**ENTITLED**, AN ACT RELATING TO HIGHWAYS - MUNICIPAL ROAD AND BRIDGE REVOLVING FUND (would raise the maximum amount of financial assistance available from the road and bridge revolving fund from \$20,000,000 to \$50,000,000 and would also provide that any financial assistance be paid over a period of 10 years)

{LC3258/1}

01/30/2014 Introduced, referred to House Finance

04/24/2014 Scheduled for hearing and/or consideration (05/01/2014)

Total Bills: 1

Legislative Data Systems Room 1 5/1/2014

State House, Providence, Rhode Island 9:24 AM

2014 -- H 7247

LC003258

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HIGHWAYS - MUNICIPAL ROAD AND BRIDGE REVOLVING FUND

Introduced By: Representatives McLaughlin, Hull, and Bennett

Date Introduced: January 30, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-18-7 of the General Laws in Chapter 24-18 entitled "Municipal
2 Road and Bridge Revolving Fund" is hereby amended to read as follows:

3 **24-18-7. Procedure for project approval.** -- (a) By September 1, 2013, the department
4 shall promulgate rules and regulations establishing the project evaluation criteria and the process
5 through which a city or town may submit an infrastructure plan. By December 31, 2013, the
6 agency shall promulgate rules and regulations to effectuate the provisions of this chapter which
7 may include, without limitation, forms for financial assistance applications, loan agreements, and
8 other instruments. All rules and regulations promulgated pursuant to this chapter shall be
9 promulgated in accordance with the provisions of chapter 42-35.

10 (b) Beginning with the calendar year 2013 and for each calendar year thereafter, cities
11 and towns shall have from September 15th through October 15th to submit an infrastructure plan
12 to the department. In the event that October 15th is a Saturday, Sunday, or a general holiday as
13 enumerated in section 25-1-1, the deadline shall be extended through the next day that is not a
14 Saturday, Sunday, or a general holiday as enumerated in section 25-1-1.

15 (c) By the end of each calendar year, the department shall evaluate all submitted
16 infrastructure plans and, in accordance with the project evaluation criteria, identify all eligible
17 projects, and after a public hearing, the department shall finalize and provide the agency and
18 statewide planning with a project priority list for the forthcoming calendar year.

19 (d) By the end of each calendar year, the agency shall determine the maximum amount

1 of financial assistance available for the forthcoming calendar year, provided that it shall not
2 exceed an amount of ~~twenty million dollars (\$20,000,000)~~ fifty million dollars (\$50,000,00); and
3 provided further that the agency shall not obligate more than fifty percent (50%) of available
4 funding in any calendar year to any one city or town unless there are no other eligible projects on
5 the project priority list.

6 (e) Upon issuance of the project priority list, the agency shall award financial assistance
7 to cities and towns for approved projects provided, however, that the agency does not exceed its
8 maximum annual amount of financial assistance. The agency may decline to award financial
9 assistance to an approved project which the agency determines will have a substantial adverse
10 effect on the interests of holders of bonds or other indebtedness of the agency or the interests of
11 other participants in the financial assistance program, or for good and sufficient cause affecting
12 the finances of the agency. All financial assistance shall be made pursuant to a loan agreement
13 between the agency and the city or town, acting by and through the officer or officers, board,
14 committee, or other body authorized by law, or otherwise its chief executive officer, according to
15 terms and conditions as determined by the agency, and each loan shall be evidenced and secured
16 by the issue to the agency of city or town obligations in fully marketable form in principal
17 amount, bearing interest at the rate or rates specified in the applicable loan agreement, shall be
18 payable over a period of ten (10) years, and shall otherwise bear such terms and conditions as
19 authorized by this chapter and/or the loan agreement.

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

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LC003258
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HIGHWAYS - MUNICIPAL ROAD AND BRIDGE REVOLVING FUND

1 This act would raise the maximum amount of financial assistance available from the road
2 and bridge revolving fund from twenty million dollars (\$20,000,000) to fifty million dollars
3 (\$50,000,000) and would also provide that any financial assistance be paid over a period of ten
4 (10) years.

5 This act would take effect upon passage.

LC003258

Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 7270}

House Bill No. 7270**BY** Morgan, Chippendale, Giarrusso, Costa**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY (would cause pre-judgment interest in a civil action to accrue only upon the filing of a civil action)

{LC3546/1}

01/30/2014 Introduced, referred to House Judiciary

02/21/2014 Scheduled for hearing and/or consideration (02/25/2014)

02/25/2014 Committee recommended measure be held for further study

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:43 AM

2014 -- H 7270

LC003546

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

Introduced By: Representatives Morgan, Chippendale, Giarrusso, and Costa

Date Introduced: January 30, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-21-10 of the General Laws in Chapter 9-21 entitled "Judgments,
2 Orders, and Decrees" is hereby amended to read as follows:

3 **9-21-10. Interest in civil actions.** -- (a) In any civil action in which a verdict is rendered
4 or a decision made for pecuniary damages, there shall be added by the clerk of the court to the
5 amount of damages interest at the rate of twelve percent (12%) per annum thereon from the date
6 ~~of the cause of action accrued~~ the filing of the civil action, which shall be included in the
7 judgment entered therein. Post-judgment interest shall be calculated at the rate of twelve percent
8 (12%) per annum and accrue on both the principal amount of the judgment and the prejudgment
9 interest entered therein. This section shall not apply until entry of judgment or to any contractual
10 obligation where interest is already provided.

11 (b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for
12 personal injury or wrongful death filed against a licensed physician, hospital, clinic, health
13 maintenance organization, professional service corporation providing health care services, dentist,
14 or dental hygienist based on professional negligence. In all such medical malpractice actions in
15 which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the
16 clerk of the court to the amount of damages interest at the rate of twelve percent (12%) per annum
17 thereon from the date of ~~written notice of the claim by the claimant or his or her representative to~~
18 ~~the malpractice liability insurer, or to the medical or dental health care provider or the filing of~~
19 ~~the civil action, whichever first occurs.~~

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

LC003546

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

- 1 This act would cause pre-judgment interest in a civil action to accrue only upon the filing
2 of a civil action.
3 This act would take effect upon passage.

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LC003546
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Legislative Status Report

Back

Condition: {Session Year: 2014} {Bills: 7430}

House Bill No. 7430

BY Malik

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (would increase the maximum tax from eight percent (8%) to ten percent (10%) of gross scheduled rental income to be eligible for low-income housing)

{LC3917/1}

02/12/2014 Introduced, referred to House Finance

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:56 AM

2014 -- H 7430

LC003917

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Representative Jan Malik

Date Introduced: February 12, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-13.11 of the General Laws in Chapter 44-5 entitled "Levy and
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-13.11. Qualifying low-income housing -- Assessment and taxation.** -- Any
4 residential property that has been issued an occupancy permit on or after January 1, 1995, after
5 substantial rehabilitation as defined by the U.S. Department of Housing and Urban Development
6 and is encumbered by a covenant recorded in the land records in favor of a governmental unit or
7 Rhode Island housing and mortgage finance corporation restricting either or both the rents that
8 may be charged to tenants of the property or the incomes of the occupants of the property, is
9 subject to a tax that equals ~~eight percent (8%)~~ ten percent (10%) of the property's previous years'
10 gross scheduled rental income or a lesser percentage as determined by each municipality.

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

LC003917

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would increase the maximum tax from eight percent (8%) to ten percent (10%)
- 2 of gross scheduled rental income to be eligible for low-income housing.
- 3 This act would take effect upon passage.

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LC003917
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2014 -- H 7465

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LC004020
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION -- CONTINUANCE
OF CONTRACTUAL PROVISIONS

Introduced By: Representatives Carnevale, O'Brien, DeSimone, Palumbo, and Guthrie

Date Introduced: February 12, 2014

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-9.3 of the General Laws entitled "Certified School Teachers'
2 Arbitration" is hereby amended by adding thereto the following section:

3 **28-9.3-17. Continuance of contractual provisions.** -- [All contractual provisions](#)
4 [contained in a collective bargaining agreement entered into pursuant to the provisions of this](#)
5 [chapter shall continue until such time as a successor agreement has been reached between the](#)
6 [parties.](#)

7 SECTION 2. Chapter 28-9.4 of the General Laws entitled "Municipal Employees'
8 Arbitration" is hereby amended by adding thereto the following section:

9 **28-9.4-20. Continuance of contractual provisions.** -- [All contractual provisions](#)
10 [contained in a collective bargaining agreement entered into pursuant to the provisions of this](#)
11 [chapter shall continue until such time as a successor agreement has been reached between the](#)
12 [parties.](#)

13 SECTION 3. This act shall take effect upon passage.

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LC004020
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION -- CONTINUANCE
OF CONTRACTUAL PROVISIONS

1 This act would require that the contractual provisions contained in a collective bargaining
2 agreement with certified school teachers and municipal employees would continue until a
3 successor agreement has been reached between the parties.

4 This act would take effect upon passage.

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LC004020
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 7628}

House Bill No. 7628**BY** Keable, Edwards, Valencia, Kennedy**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE

INCOME HOUSING (This act would allow mobile and manufactured homes which are a part of a mobile and manufactured home park to be counted as low and moderate income housing for purposes of compliance with the requirements of the city or town's comprehensive land use plan.)

{LC4765/1}

02/26/2014 Introduced, referred to House Municipal Government

03/14/2014 Scheduled for hearing and/or consideration (03/20/2014)

03/20/2014 Committee recommended measure be held for further study

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:48 AM

2014 -- H 7628

LC004765

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

Introduced By: Representatives Keable, Edwards, Valencia, and Kennedy

Date Introduced: February 26, 2014

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby amended to read as follows:

3 **45-53-3. Definitions.** -- The following words, wherever used in this chapter, unless a
4 different meaning clearly appears from the context, have the following meanings:

5 (1) "Affordable housing plan" means a component of a housing element, as defined in
6 subdivision 45-22.2-4(1), to meet housing needs in a city or town that is prepared in accordance
7 with guidelines adopted by the state planning council, and/or to meet the provisions of subsection
8 45-53-4(b)(1) and (c).

9 (2) "Approved affordable housing plan" means an affordable housing plan that has been
10 approved by the director of administration as meeting the guidelines for the local comprehensive
11 plan as promulgated by the state planning council; provided, however, that state review and
12 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
13 having completed, adopted, or amended its comprehensive plan as provided for in sections 45-
14 22.2-8, 45-22.2-9, or 45-22.2-12.

15 (3) "Comprehensive plan" means a comprehensive plan adopted and approved by a city
16 or town pursuant to chapters 22.2 and 22.3 of this title.

17 (4) "Consistent with local needs" means reasonable in view of the state need for low and
18 moderate income housing, considered with the number of low income persons in the city or town
19 affected and the need to protect the health and safety of the occupants of the proposed housing or

1 of the residence of the city or town, to promote better site and building design in relation to the
2 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
3 requirements, and regulations are applied as equally as possible to both subsidized and
4 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are
5 consistent with local needs when imposed by a city or town council after comprehensive hearing
6 in a city or town where:

7 (i) Low or moderate income housing exists which is: (A) in the case of an urban city or
8 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
9 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the
10 year-round housing units, is in excess of fifteen percent (15%) of the total occupied year-round
11 rental units; or (B) in the case of all other cities or towns, is in excess of ten percent (10%) of the
12 year-round housing units reported in the census. For purposes of calculating the percentage of the
13 year-round housing units which constitute low or moderate income housing, including, but not
14 limited to, calculations to meet the requirements of chapter 45-22.2 ("Rhode Island
15 Comprehensive Planning and Land Use Act"), mobile and manufactured homes within a mobile
16 and manufactured home park which meet the definitions set forth in chapter 31-44 ("Mobile and
17 Manufactured Homes") may be counted as low or moderate income housing units by the city or
18 town.

19 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
20 regulations to implement a comprehensive plan which has been adopted and approved pursuant to
21 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides
22 for low and moderate income housing in excess of either ten percent (10%) of the year-round
23 housing units or fifteen percent (15%) of the occupied year-round rental housing units as
24 provided in subdivision (2)(i).

25 (5) "Infeasible" means any condition brought about by any single factor or combination
26 of factors, as a result of limitations imposed on the development by conditions attached to the
27 approval of the comprehensive permit, to the extent that it makes it impossible for a public
28 agency, nonprofit organization, or limited equity housing cooperative to proceed in building or
29 operating low or moderate income housing without financial loss, within the limitations set by the
30 subsidizing agency of government, on the size or character of the development, on the amount or
31 nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially
32 changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or
33 limited equity housing cooperative.

34 (6) "Letter of eligibility" means a letter issued by the Rhode Island housing and

1 mortgage finance corporation in accordance with subsection 42-55-5.3(a).

2 (7) "Local board" means any town or city official, zoning board of review, planning
3 board or commission, board of appeal or zoning enforcement officer, local conservation
4 commission, historic district commission, or other municipal board having supervision of the
5 construction of buildings or the power of enforcing land use regulations, such as subdivision, or
6 zoning laws.

7 (8) "Local review board" means the planning board as defined by subdivision 45-22.2-
8 4(26), or if designated by ordinance as the board to act on comprehensive permits for the town,
9 the zoning board of review established pursuant to section 45-24-56.

10 (9) "Low or moderate income housing" means any housing whether built or operated by
11 any public agency or any nonprofit organization or by any limited equity housing cooperative or
12 any private developer, that is subsidized by a federal, state, or municipal government subsidy
13 under any program to assist the construction or rehabilitation of housing affordable to low or
14 moderate income households, as defined in the applicable federal or state statute, or local
15 ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-
16 nine (99) years or such other period that is either agreed to by the applicant and town or
17 prescribed by the federal, state, or municipal government subsidy program but that is not less than
18 thirty (30) years from initial occupancy.

19 (10) "Meeting housing needs" means adoption of the implementation program of an
20 approved affordable housing plan and the absence of unreasonable denial of applications that are
21 made pursuant to an approved affordable housing plan in order to accomplish the purposes and
22 expectations of the approved affordable housing plan.

23 (11) "Municipal government subsidy" means assistance that is made available through a
24 city or town program sufficient to make housing affordable, as affordable housing is defined in
25 section 42-128-8.1(d)(1); such assistance may include, but is not limited to, direct financial
26 support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or
27 internal subsidies, and any combination of forms of assistance.

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

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LC004765
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

1 This act would allow mobile and manufactured homes which are a part of a mobile and
2 manufactured home park to be counted as low and moderate income housing for purposes of
3 compliance with the requirements of the city or town's comprehensive land use plan.

4 This act would take effect upon passage.

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LC004765
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2104}

Senate Bill No. 2104**BY** Fogarty**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS -
BACKGROUND CHECKS (would require municipal recreation departments to obtain written
authorization to perform a background check on a volunteer or employee)

{LC3429/1}

01/21/2014 Introduced, referred to Senate Judiciary

02/21/2014 Scheduled for hearing and/or consideration (02/25/2014)

02/25/2014 Committee recommended measure be held for further study

04/11/2014 Scheduled for consideration (04/15/2014)

04/15/2014 Committee recommends passage

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	11:15 AM

2014 -- S 2104

LC003429

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS - BACKGROUND CHECKS

Introduced By: Senator P Fogarty

Date Introduced: January 21, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-3.3 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 45-2-3.3. Background checks. -- Notwithstanding any law to the contrary, any
4 municipal recreation department may request a background check from their local police
5 department for any employee or volunteer serving their community. Notwithstanding any
6 provision of the general or public laws to the contrary, any person seeking to work or volunteer
7 for a municipal recreation department, or any municipal recreation department having the written
8 authorization of a person seeking to work or volunteer for the municipal recreation department,
9 may request a Rhode Island criminal history background check from their local police department
10 for that person. The Rhode Island criminal history background check shall be a certified true copy
11 of the criminal record report and shall bear indicia of authenticity including being printed on local
12 police department letterhead with a raised seal and bearing the signature of a duly appointed local
13 police officer.

14 Further, notwithstanding any provision of the general or public laws to the contrary, any
15 person seeking to work or volunteer for a fire department or fire district located in the town of
16 Burrillville, or any fire department or fire district having the written authorization of a person
17 seeking to work or volunteer for the fire department or fire district located in the town of
18 Burrillville, may request a Rhode Island criminal history background check from the Burrillville
19 Police Department for that person. The Rhode Island criminal history background check shall be

- 1 a certified true copy of the criminal record report and shall bear indicia of authenticity including
- 2 being printed on Burrillville Police Department letterhead with a raised seal and bearing the
- 3 signature of a duly appointed Burrillville Police Officer.

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

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LC003429
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO TOWNS AND CITIES - GENERAL POWERS - BACKGROUND CHECKS

1 This act would require municipal recreation departments to obtain written authorization
2 to perform a background check on a volunteer or employee.

3 This act would also authorize any fire district or fire department located in the Town of
4 Burrillville to request written authorization to perform a background check from their local police
5 department for any employee or volunteer serving their community as a firefighter or employee
6 of the fire district.

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LC003429
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2411}

Senate Bill No. 2411**BY** McCaffrey, Lombardi**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
ARBITRATION -- CONTINUANCE OF CONTRACTUAL PROVISIONS (This act would
require that the contractual provisions contained in a collective bargaining agreement with
certified school teachers and municipal employees would continue until a successor agreement has
been reached between the parties.)

{LC4011/1}

02/27/2014 Introduced, referred to Senate Labor

Total Bills: 1

Legislative Data Systems Room 1 5/1/2014

State House, Providence, Rhode Island 9:33 AM

2014 -- S 2411

LC004011

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION -- CONTINUANCE
OF CONTRACTUAL PROVISIONS

Introduced By: Senators McCaffrey, and Lombardi

Date Introduced: February 27, 2014

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-9.3 of the General Laws entitled "Certified School Teachers'
2 Arbitration" is hereby amended by adding thereto the following section:

3 28-9.3-17. Continuance of contractual provisions. -- All contractual provisions
4 contained in a collective bargaining agreement entered into pursuant to the provisions of this
5 chapter shall continue until such time as a successor agreement has been reached between the
6 parties.

7 SECTION 2. Chapter 28-9.4 of the General Laws entitled "Municipal Employees'
8 Arbitration" is hereby amended by adding thereto the following section:

9 28-9.4-20. Continuance of contractual provisions. -- All contractual provisions
10 contained in a collective bargaining agreement entered into pursuant to the provisions of this
11 chapter shall continue until such time as a successor agreement has been reached between the
12 parties.

13 SECTION 3. This act shall take effect upon passage.

LC004011

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION -- CONTINUANCE
OF CONTRACTUAL PROVISIONS

1 This act would require that the contractual provisions contained in a collective bargaining
2 agreement with certified school teachers and municipal employees would continue until a
3 successor agreement has been reached between the parties.

4 This act would take effect upon passage.

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LC004011
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2593}

Senate Bill No. 2593**BY McCaffrey****ENTITLED, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS - PUBLIC USE OF PRIVATE LANDS - LIABILITY LIMITATIONS (This act would change the definition of "owner" to exclude the state and municipalities for the purposes of liability limitations relating to public use of private lands.)**

{LC4189/1}

03/04/2014 Introduced, referred to Senate Judiciary

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:32 AM

2014 -- S 2593

LC004189

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO PARKS AND RECREATIONAL AREAS - PUBLIC USE OF PRIVATE
LANDS - LIABILITY LIMITATIONS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 32-6-2 of the General Laws in Chapter 32-6 entitled "Public Use of
2 Private Lands-Liability Limitations" is hereby amended to read as follows:

3 **32-6-2. Definitions.** -- As used in this chapter:

4 (1) "Charge" means the admission price or fee asked in return for invitation or
5 permission to enter or go upon the land;

6 (2) "Land" means land, roads, water, watercourses, private ways and buildings,
7 structures, and machinery or equipment when attached to the realty;

8 (3) "Owner" means the private owner possessor of a fee interest, or tenant, lessee,
9 occupant, or person in control of the premises including the state and municipalities;

10 (4) "Recreational purposes" includes, but is not limited to, any of the following, or any
11 combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking,
12 horseback riding, bicycling, pleasure driving, nature study, water skiing, water sports, viewing or
13 enjoying historical, archaeological, scenic, or scientific sites, and all other recreational purposes
14 contemplated by this chapter; and

15 (5) "User" means any person using land for recreational purposes.

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

LC004189

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PARKS AND RECREATIONAL AREAS - PUBLIC USE OF PRIVATE
LANDS - LIABILITY LIMITATIONS

- 1 This act would change the definition of "owner" to exclude the state and municipalities
- 2 for the purposes of liability limitations relating to public use of private lands.
- 3 This act would take effect upon passage.

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LC004189
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2018}

Senate Bill No. 2018**BY** Picard, Goodwin**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (would increase the maximum tax from 8% to 10% of gross scheduled rental income to be eligible for low-income housing)

{LC3126/1}

01/09/2014 Introduced, referred to Senate Finance

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:26 AM

2014 -- S 2018

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LC003126
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Senators Picard, and Goodwin

Date Introduced: January 09, 2014

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-13.11 of the General Laws in Chapter 44-5 entitled "Levy and
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-13.11. Qualifying low-income housing -- Assessment and taxation.** -- Any
4 residential property that has been issued an occupancy permit on or after January 1, 1995, after
5 substantial rehabilitation as defined by the U.S. Department of Housing and Urban Development
6 and is encumbered by a covenant recorded in the land records in favor of a governmental unit or
7 Rhode Island housing and mortgage finance corporation restricting either or both the rents that
8 may be charged to tenants of the property or the incomes of the occupants of the property, is
9 subject to a tax that equals ~~eight percent (8%)~~ ten percent (10%) of the property's previous years'
10 gross scheduled rental income or a lesser percentage as determined by each municipality.

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

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LC003126
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would increase the maximum tax from eight percent (8%) to ten percent (10%)
- 2 of gross scheduled rental income to be eligible for low-income housing.
- 3 This act would take effect upon passage.

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LC003126
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2078}

Senate Bill No. 2078**BY** Fogarty, Nesselbush, Cote**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would increase from three (3) to six (6) years the interval of time within which a city or town must conduct an update of its last real property revaluation)

{LC3416/1}

01/21/2014 Introduced, referred to Senate Finance

04/25/2014 Scheduled for hearing and/or consideration (04/29/2014)

04/29/2014 Committee heard

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	11:13 AM

2014 -- S 2078

LC003416

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Senators P Fogarty, Nesselbush, and Cote

Date Introduced: January 21, 2014

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-5-11.5 and 44-5-11.6 of the General Laws in Chapter 44-5
2 entitled "Levy and Assessment of Local Taxes" are hereby amended to read as follows:

3 **44-5-11.5. Legislative findings -- Revaluation cycle.** -- It is found and declared that:

4 (1) Rhode Island property taxes continue to play a significant role in the financing of
5 local educational and municipal services. The general assembly recognizes that the way the
6 property tax is assessed, levied and collected can be improved to provide more reliable and up-to-
7 date property values in each of the cities and towns.

8 (2) The state's ten (10) year property revaluation cycle is the longest revaluation cycle in
9 the country. Infrequent revaluations translate into disparities in property tax burden between types
10 and classes of property within and among cities and towns. In addition, because each city and
11 town represents multiple systems and procedures for administering the property tax, there is an
12 inconsistent administration of property tax law and regulations.

13 (3) It is the intent of the general assembly to ensure that all taxpayers in Rhode Island are
14 treated equitably. The more frequent the revaluation, the greater the equity within and among
15 jurisdictions. Ensuring that taxpayers are treated fairly begins with modernizing the
16 administration of the property tax that ensures:

17 (i) Up-to-date property values are maintained through more frequent property
18 revaluations;

19 (ii) Cities and towns meet defined standards related to performing updates of property

- 1 values;
- 2 (iii) The state shares in the cost of performing updates of property values in the cities and
- 3 towns;
- 4 (iv) A meaningful and effective method of ensuring that cities and towns comply with
- 5 the nine (9) year revaluation cycle and the updates of property values are developed;
- 6 (v) Procedures for administering the property tax are standardized -- such as general
- 7 reporting and classification systems;
- 8 (vi) Assessors and contracted property revaluation companies meet appropriate
- 9 qualifications and standards; and
- 10 (vii) Intergovernmental cooperation in the administration of the property tax is
- 11 maximized.

12 (4) With these findings in mind, it is the intent of the general assembly to institute a

13 revaluation cycle where every city or town conducts a revaluation within nine (9) years of the

14 date of the prior revaluation and shall conduct an update of real property every ~~three (3)~~ six (6)

15 years from the date of the last revaluation.

16 **44-5-11.6. Assessment of valuations – Apportionment of levies.** -- (a) Notwithstanding

17 the provisions of section 44-5-11 [repealed] beginning on December 31, 2000, the assessors in the

18 several towns and cities shall conduct an update as defined in this section or shall assess all

19 valuations and apportion the levy of all taxes legally ordered under the rules and regulations, not

20 repugnant to law, as the town meetings and city councils, respectively, shall from time to time

21 prescribe; provided, that the update or valuation is performed in accordance with the following

22 schedules:

23 (1) (i) For a transition period, for cities and towns who conducted or implemented a

24 revaluation as of 1993 or in years later:

	Update	Revaluation
26 Lincoln	2000	2003
27 South Kingstown	2000	2003
28 Smithfield	2000	2003
29 West Warwick	2000	2003
30 Johnston	2000	2003
31 Burrillville	2000	2003
32 North Smithfield	2000	2003
33 Central Falls	2000	2003
34 North Kingstown	2000	2003

1	Jamestown	2000	2003
2	North Providence	2001	2004
3	Cumberland	2001	2004
4	Bristol	2004	2001
5	Charlestown	2001	2004
6	East Greenwich	2002	2005
7	Cranston	2002	2005
8	Barrington	2002	2005
9	Warwick	2003	2006
10	Warren	2003	2006
11	East Providence	2003	2006

12 (ii) Provided that the reevaluation period for the town of New Shoreham shall be
13 extended to 2003 and the update for the town of Hopkinton may be extended to 2007 with no
14 additional reimbursements by the state relating to the delay.

15 (iii) The implementation date for this schedule is December 31st, of the stated year.

16 (iv) Those cities and towns not listed in this schedule, shall continue the revaluation
17 schedule pursuant to section 44-5-11 [repealed].

18 (2) (i) For the post transition period and in years thereafter:

19		Update #1	Update #2	Revaluation
20	Woonsocket	2002	2005	2008
21	Pawtucket	2002	2005	2008
22	Portsmouth	2001	2004	2007
23	Coventry	2001	2004	2007
24	Providence	2003	2006	2009
25	Foster	2002	2005	2008
26	Middletown	2002	2005	2008
27	Little Compton	2003	2006	2009
28	Scituate	2003	2006	2009
29	Westerly	2003	2006	2009
30	West Greenwich	2004	2007	2010
31	Glocester	2004	2007	2010
32	Richmond	2004	2007	2010
33	Bristol	2004	2007	2010
34	Tiverton	2005	2008	2011

1	Newport	2005	2008	2011
2	New Shoreham	2006	2009	2012
3	Narragansett	2005	2008	2011
4	Exeter	2005	2008	2011
5	Hopkinton	2007	2010	2013
6	Lincoln	2006	2009	2012
7	South Kingstown	2006	2009	2012
8	Smithfield	2006	2009	2012
9	West Warwick	2006	2009	2012
10	Johnston	2006	2009	2012
11	Burrillville	2006	2009	2012
12	North Smithfield	2006	2009	2012
13	Central Falls	2006	2009	2012
14	North Kingstown	2006	2009	2012
15	Jamestown	2006	2009	2012
16	North Providence	2007	2010	2013
17	Cumberland	2007	2010	2013
18	Charlestown	2007	2010	2013
19	East Greenwich	2008	2011	2014
20	Cranston	2008	2011	2014
21	Barrington	2008	2010	2014
22	Warwick	2009	2012	2015
23	Warren	2009	2012	2015
24	East Providence	2009	2012	2015

25 (ii) The implementation date for the schedule is December 31st of the stated year. Upon
26 the completion of the update and revaluation according to this schedule, each city and town shall
27 conduct a revaluation within nine (9) years of the date of the prior revaluation and shall conduct
28 an update of real property every ~~three (3)~~ six (6) years from the last revaluation.

29 (b) No later than February 1, 1998, the director of the department of revenue shall
30 promulgate rules and regulations consistent with the provisions of this section to define the
31 requirements for the updates which shall include, but not be limited to:

- 32 (1) An analysis of sales;
- 33 (2) A rebuilding of land value tables;
- 34 (3) A rebuilding of cost tables of all improvement items; and

1 (4) A rebuilding of depreciation schedules. Upon completion of an update, each city or
2 town shall provide for a hearing and/or appeal process for any aggrieved person to address any
3 issue, which arose during the update.

4 (c) The costs incurred by the towns and cities for the first update shall be borne by the
5 state in an amount not to exceed twenty dollars (\$20.00) per parcel. The costs incurred by the
6 towns and cities for the second update shall be borne eighty percent (80%) by the state (in an
7 amount not to exceed sixteen dollars (\$16.00) per parcel) and twenty percent (20%) by the town
8 or city and in the third update and thereafter, the state shall pay sixty percent (60%) of the update
9 (not to exceed twelve dollars (\$12.00) per parcel) and the town or city shall pay forty percent
10 (40%); provided, that for the second update and in all updates thereafter, that the costs incurred
11 by any city or town which is determined to be a distressed community pursuant to section 45-13-
12 12 shall be borne eighty percent (80%) by the state and twenty percent (20%) by the city or town
13 for all updates required by this section.

14 (d) The office of municipal affairs, after consultation with the league of cities and towns
15 and the Rhode Island assessors' association, shall recommend adjustments to the costs formula
16 described in subsection (c) of this section based upon existing market conditions.

17 (e) Any property, which is either exempt from the local property tax pursuant to section
18 44-3-3 or which pays a city or town an amount in lieu of taxes, is not required to have its values
19 updated pursuant to this section, and the property is not eligible for the reimbursement provisions
20 of subsection (c) of this section. However, those properties which are exempt from taxation and
21 are eligible for state appropriations in lieu of property tax under the provisions of section 45-13-
22 5.1 are eligible for state reimbursement pursuant to subsection (c) of this section, provided, that
23 these properties were revalued as part of that city or town's most recent property revaluation.

24 (f) No city or town is required to conduct an update pursuant to this section unless the
25 state has appropriated sufficient funds to cover the state's costs as identified in subsection (c) of
26 this section.

27 (g) Any city or town that fails to conduct an update or revaluation as required by this
28 section, or requests and receives an extension of the dates specified in this section, shall receive
29 the same amount of state aid under sections 45-13-1, 45-13-5.1, and 45-13-12 in the budget year
30 for which the new values were to apply as the city or town received in-state aid in the previous
31 budget year; provided, however, if the new year's entitlement is lower than the prior year's
32 entitlement, the lower amount applies, except for the town of New Shoreham for the fiscal year
33 2003.

34 (h) Any bill or resolution to extend the dates for a city or town to conduct an update or

- 1 revaluation must be approved by a two-thirds (~~2/3~~) (2/3) majority of both houses of the general
- 2 assembly.
- 3 SECTION 2. This act shall take effect upon passage.

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LC003416
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would increase from three (3) to six (6) years the interval of time within which a
- 2 city or town must conduct an update of its last real property revaluation.

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LC003416
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Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2085}

Senate Bill No. 2085**BY** Fogarty, Kettle, Cool Rumsey, Ottiano, DiPalma**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING (would allow mobile and manufactured homes which are a part of a mobile and manufactured home park to be counted as low/moderate income housing for purposes of compliance with requirements of the city or town's comprehensive land use plan)

{LC3421/1}

01/21/2014 Introduced, referred to Senate Housing and Municipal Government

04/25/2014 Scheduled for hearing and/or consideration (05/01/2014)

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	11:12 AM

2014 -- S 2085

LC003421

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

Introduced By: Senators P Fogarty, Kettle, Cool Rumsey, Ottiano, and DiPalma

Date Introduced: January 21, 2014

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and
2 Moderate Income Housing" is hereby amended to read as follows:

3 **45-53-3. Definitions.** — The following words, wherever used in this chapter, unless a
4 different meaning clearly appears from the context, have the following meanings:

5 (1) "Affordable housing plan" means a component of a housing element, as defined in
6 subdivision 45-22.2-4(1), to meet housing needs in a city or town that is prepared in accordance
7 with guidelines adopted by the state planning council, and/or to meet the provisions of subsection
8 45-53-4(b)(1) and (c).

9 (2) "Approved affordable housing plan" means an affordable housing plan that has been
10 approved by the director of administration as meeting the guidelines for the local comprehensive
11 plan as promulgated by the state planning council; provided, however, that state review and
12 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
13 having completed, adopted, or amended its comprehensive plan as provided for in sections 45-
14 22.2-8, 45-22.2-9, or 45-22.2-12.

15 (3) "Comprehensive plan" means a comprehensive plan adopted and approved by a city
16 or town pursuant to chapters 22.2 and 22.3 of this title.

17 (4) "Consistent with local needs" means reasonable in view of the state need for low and
18 moderate income housing, considered with the number of low income persons in the city or town
19 affected and the need to protect the health and safety of the occupants of the proposed housing or

1 of the residence of the city or town, to promote better site and building design in relation to the
2 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
3 requirements, and regulations are applied as equally as possible to both subsidized and
4 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are
5 consistent with local needs when imposed by a city or town council after comprehensive hearing
6 in a city or town where:

7 (i) Low or moderate income housing exists which is: (A) in the case of an urban city or
8 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
9 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the
10 year-round housing units, is in excess of fifteen percent (15%) of the total occupied year-round
11 rental units; or (B) in the case of all other cities or towns, is in excess of ten percent (10%) of the
12 year-round housing units reported in the census. For purposes of calculating the percentage of the
13 year-round housing units which constitute low or moderate income housing, including, but not
14 limited to, calculations to meet the requirements of chapter 45-22.2 ("Rhode Island
15 Comprehensive Planning and Land Use Act"), mobile and manufactured homes within a mobile
16 and manufactured home park which meet the definitions set forth in chapter 31-44 ("Mobile and
17 Manufactured Homes") may be counted as low or moderate income housing units by the city or
18 town.

19 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
20 regulations to implement a comprehensive plan which has been adopted and approved pursuant to
21 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides
22 for low and moderate income housing in excess of either ten percent (10%) of the year-round
23 housing units or fifteen percent (15%) of the occupied year-round rental housing units as
24 provided in subdivision (2)(i).

25 (5) "Infeasible" means any condition brought about by any single factor or combination
26 of factors, as a result of limitations imposed on the development by conditions attached to the
27 approval of the comprehensive permit, to the extent that it makes it impossible for a public
28 agency, nonprofit organization, or limited equity housing cooperative to proceed in building or
29 operating low or moderate income housing without financial loss, within the limitations set by the
30 subsidizing agency of government, on the size or character of the development, on the amount or
31 nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially
32 changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or
33 limited equity housing cooperative.

34 (6) "Letter of eligibility" means a letter issued by the Rhode Island housing and

1 mortgage finance corporation in accordance with subsection 42-55-5.3(a).

2 (7) "Local board" means any town or city official, zoning board of review, planning
3 board or commission, board of appeal or zoning enforcement officer, local conservation
4 commission, historic district commission, or other municipal board having supervision of the
5 construction of buildings or the power of enforcing land use regulations, such as subdivision, or
6 zoning laws.

7 (8) "Local review board" means the planning board as defined by subdivision 45-22.2-
8 4(26), or if designated by ordinance as the board to act on comprehensive permits for the town,
9 the zoning board of review established pursuant to section 45-24-56.

10 (9) "Low or moderate income housing" means any housing whether built or operated by
11 any public agency or any nonprofit organization or by any limited equity housing cooperative or
12 any private developer, that is subsidized by a federal, state, or municipal government subsidy
13 under any program to assist the construction or rehabilitation of housing affordable to low or
14 moderate income households, as defined in the applicable federal or state statute, or local
15 ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-
16 nine (99) years or such other period that is either agreed to by the applicant and town or
17 prescribed by the federal, state, or municipal government subsidy program but that is not less than
18 thirty (30) years from initial occupancy.

19 (10) "Meeting housing needs" means adoption of the implementation program of an
20 approved affordable housing plan and the absence of unreasonable denial of applications that are
21 made pursuant to an approved affordable housing plan in order to accomplish the purposes and
22 expectations of the approved affordable housing plan.

23 (11) "Municipal government subsidy" means assistance that is made available through a
24 city or town program sufficient to make housing affordable, as affordable housing is defined in
25 section 42-128-8.1(d)(1); such assistance may include, but is not limited to, direct financial
26 support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or
27 internal subsidies, and any combination of forms of assistance.

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

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LC003421
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

- 1 This act would allow mobile and manufactured homes which are a part of a mobile and
- 2 manufactured home park to be counted as low and moderate income housing for purposes of
- 3 compliance with the requirements of the city or town's comprehensive land use plan.
- 4 This act would take effect upon passage.

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LC003421
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**PUBLIC HEARING
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **April 7, 2014 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue** on the following proposed amendments to the Code of Ordinances regarding the Harbor Management Ordinance. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendments are under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendments are available for review and/or purchase at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and for review at Jamestownri.net, go to Clerkbases link on the Town's homepage.

The Town Council of the Town of Jamestown hereby ordains:

Section 1. The Jamestown Code of Ordinances is hereby amended by changing the text of the existing Harbor Management Ordinance, as follows:

NOTE: words set as ~~strikethrough~~ are to be deleted from the Harbor Management Ordinance; words set in underline are to be added to the ordinance.

The Jamestown Harbor Management Ordinance is amended as set forth in the attached Exhibit A, or as may be amended during the course of the public hearing held pursuant to the proposed amendments.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Jamestown's Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

ALL NOTE: This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call the Town Clerk at 401-423-7200 or by facsimile at 401-423-7230 not less than 3 business days prior to the meeting.

1 **Sec. 78-21. Goals.**

2 Whereas, the harbor and nonharbor tidal waters described herein within the corporate
3 boundaries of the Town of Jamestown are under the ownership and jurisdiction of the
4 state and are held in trust for all the citizens of the state; and whereas the state grants
5 the Town of Jamestown limited and specific uses of these waters; therefore the town
6 establishes the following goals for this article:

7
8 (1) To regulate uses and activities within the waters of the town, as described
9 herein; to protect the coastal environment; to minimize user conflicts; to maximize the
10 efficient use of both the water space and town-owned waterfront consistent with the
11 other goals expressed herein; and to maintain and improve public access to and from
12 the waters of the town for the benefit of all user groups, including residents and
13 nonresidents with or without boats, who seek to use town waters for passive and active
14 recreation.

15
16 (2) To distribute equitably the burdens and benefits of harbor management and
17 development among commercial mooring operators, private mooring owners, other
18 groups or individuals with special interests in the water and the waterfront, and the
19 town.

20
21 (3) To remain consistent with the authorities granted the town under G.L. 1956, §
22 46-4-6.9 and with the goals, policies, and regulations of the Jamestown Comprehensive
23 Community Plan, the Jamestown Comprehensive Harbor Management Plan, the Rhode
24 Island Coastal Resources Management Program, the Rhode Island Department of
25 Environmental Management, and the United States Army Corps of Engineers.

26
27 **Sec. 78-22. Definitions.**

28 The following words, terms, and phrases, when used in this article, shall have the
29 meanings ascribed to them in this section, except where the context clearly indicates a
30 different meaning:

31 *Abandoned Vessel:* A vessel that is inoperable and is left unattended for more
32 than seventy-two (72) hours, or a vessel that has remained illegally in the waters of
33 Jamestown for a period of more than three (3) days.

34 *Anchoring:* To secure a vessel temporarily to the bottom of a waterbody by
35 dropping an anchor or anchors or other ground tackle from a vessel.

1 *Beach(es)*: Area(s) of the shoreline designated by the harbor commission as
2 suitable for land storage of vessels capable of being removed from the water by
3 manpower alone.

4 *Beach permit*: A license authorized by the Town of Jamestown granting the
5 permittee the privilege of storing a specified vessel at a designated beach for a
6 specified season of April 15 until October 15 of each year.

7 *Channel*: Any water areas that are federally maintained and reserved for
8 unobstructed movement of vessels.

9 *Coastal waters*: All waters bordering the town from the shore to a distance of 500
10 feet seaward not included in the designation "harbor waters."

11 *Commercial mooring*: Any mooring that a marina, shipyard, yacht club, or other
12 organization has permission to lease or rent to others.

13 *Commercial vessel*: A vessel licensed and used primarily for any type of
14 commercial venture, including but not limited to, fishing, towage, salvage, and the
15 carriage of passengers for hire.

16 *Conservation zones*: Those harbor areas specially designated by the town for the
17 protection of water quality, wildlife, and plant habitat values. (Note: These zones may
18 differ from the type 1 "Conservation Areas" of the Rhode Island Coastal Resources
19 Management Council.)

20 *Developed riparian property*: Riparian property improved by the addition of a
21 permanent structure that has been approved by the building inspector of the town.

22 *Executive director*: The member of the town administration nominated by the
23 town administrator and appointed by the town council to supervise the harbor staff and
24 to administer the provisions of this article and any additional regulations subsequently
25 required for the implementation of the article.

26 *Fairway*: Any locally designated and/or maintained water areas, usually in
27 harbors or in mooring zones, reserved for the unobstructed movement of vessels.

28 *Guest mooring*: A private mooring of a riparian property owner reserved solely for
29 the use of guests.

30 *Harbor commission*: The local advisory and regulatory body authorized by the
31 town council to manage the coastal waters and harbor areas of the town.

1 *Harbormaster:* The individual, hired on approval of the town council by the town
2 administrator, who is primarily concerned with enforcement and activity on the waters of
3 the town. The harbormaster reports to the executive director.

4 *Harbor waters:* The waters in the three harbors of the town: East Harbor, West
5 (Dutch) Harbor, and South (Mackerel Cove) Harbor. The boundaries of these harbors
6 are defined in section 78-24 of this article.

7 *Headway speed:* the slowest speed at which a vessel can operate and maintain
8 steerage.

9 *Moor:* To secure a vessel to the bottom of a waterbody semi-permanently or
10 seasonally.

11 *Mooring:* All hardware or tackle used to moor a vessel. For the purposes of this
12 article, a mooring is considered either commercial or private.

13 *Mooring area:* A bounded area outside the harbor waters in which moorings may
14 be placed. Per CRMC regulation, more than four moorings (the maximum which
15 riparians may have) is considered a mooring area, and must be properly recognized in
16 the harbor ordinance.

17 ~~*Mooring inspector, qualified:* Any person or business approved as an inspector of~~
18 ~~moorings by the harbor commission upon recommendation of the harbormaster.~~

19 *Mooring permit:* A license authorized by the Town of Jamestown granting the
20 permittee the privilege of using an assigned mooring space in the waters of the town for
21 a specified season.

22 *Mooring space:* The specific space assigned by the harbormaster to the holder of
23 a valid mooring permit for the placement of a mooring.

24 *Mooring zones:* Those harbor areas designated by the town for the placement of
25 moorings, or for transient anchorage if space is available.

26 *Motorized Vessel:* Every description of a watercraft used, or capable of being
27 used, as a means of transportation on the water and which is propelled by or capable of
28 being propelled by a motor.

29 *Nonresident:* Any individual, business, corporation, or association that does not
30 meet the definition of "resident."

1 *Notice:* Notice in so far as the holder of a mooring permit is concerned shall be
2 defined as a registered and regular first class mail sent to the address of record on the
3 mooring permit from the harbor clerk.

4 *Occupation:* "Occupation" of a mooring or outhaul for a "day" as used in
5 subsection 78-26(m)(4) or (5), or 78-26(p)(1) hereof requires that the vessel be secured
6 thereto overnight.

7 *Outhaul:* A non-single-point anchoring device, for the purpose of securing a boat
8 in tidal waters and retrieving it from shore.

9 *Outhaul permit:* A license authorized by the Town of Jamestown granting the
10 permittee the privilege of storing a specified vessel on a specific outhaul for a specified
11 season.

12 *Personal watercraft:* A vessel which uses an inboard motor powering a water jet
13 pump as its primary source of motive power and which is designed to be operated by a
14 person sitting, standing, or kneeling on the vessel, rather than the conventional method
15 of sitting or standing inside the vessel.

16 *Private aid to navigation:* A buoy placed to mark a location in the water, other
17 than government marks. The location of such private aids in Jamestown waters must be
18 approved by the harbormaster. No fees will be charged for such private aids. The
19 parties placing such private aids are responsible for their proper maintenance and for
20 informing appropriate governmental authorities of their placement.

21 *Private mooring:* Any mooring that is not a commercial mooring.

22 *Qualified mooring inspector:* Any person or business approved as an inspector of
23 moorings by the harbor commission upon recommendation of the harbormaster.

24 *Rafting:* Two or more vessels, excluding dinghies or other tenders, attached to
25 each other while moored or at anchor.

26 *Recreational vessel:* Any vessel designed for self-propelled navigation on the
27 water and used primarily for pleasure.

28 *Resident:* Any real property taxpayer, full-time inhabitant, and/or registered voter
29 of the Town of Jamestown; any recognized nonprofit organization of the town.

30 *Right-of-way:* A legal right to use a path or corridor from a public or private
31 thoroughfare or facility that leads to the waters of Narragansett Bay.

1 *Riparian property*: A freehold estate of record in land within the town having
2 shorefront directly adjacent to waters bordering the town.

3 *Season*: May 1 to October 1 of each year.

4 *Transient anchorage zones*: Those harbor areas designated by the town
5 exclusively for the short-term use of commercial and recreational vessels.

6 *Vessel*: Every description of watercraft used, or capable of being used, as a
7 means of transportation on water, with the exception of seaplanes, houseboats, and
8 floating businesses.

9 *Vessel in need of a mooring*: A vessel that will employ the permitted mooring as
10 the primary securing location of the vessel when not in use. A vessel that displaces less
11 than 150 pounds when empty is presumed not in need of a mooring. A person desiring
12 to apply for a mooring for a vessel that does not meet the foregoing criterion may apply
13 to the harbormaster for permission to do so.

14 *Waters of the town*: The harbor and coastal waters under town jurisdiction
15 described in sections [78-23](#) and [78-24](#) of this article.

16
17 **Sec. 78-23. Areas under jurisdiction.**

18 The Town of Jamestown hereby assumes management authority for the purposes of
19 this article consistent with the powers, duties, and authorities granted under G.L. 1956,
20 46-4-6.9 over the following waters:

21 (a) *Harbor waters*. The waters of the three harbors—East Harbor, West (Dutch) Harbor,
22 and South (Mackerel Cove) Harbor. The boundaries of these harbors are defined in
23 [section 78-24](#) of this article.

24
25 (b) *Coastal waters*. All waters bordering the town from the shore to a distance of 500
26 feet seaward not included in the designation "harbor waters" and excluding the "mooring
27 areas" listed below, the boundaries of which are defined in [section 78-24](#) below.

28
29 (c) *Mooring areas*. The waters within three areas defined in [section 78-24](#) below and
30 referred to as Head's Beach, Park Dock, and Cranston Cove.

1 **Sec. 78-24. Harbor and mooring area boundaries.**

2 (See appendix A for a map of the harbor boundaries described below and for a table
3 giving Rhode Island State Plane Coordinates and lat/longs for each boundary point.)
4

5 (a) *East Harbor.* The northern boundary shall be a line extending 1,000 feet seaward
6 from the eastern extension of Weeden Lane. The eastern boundary shall be a line
7 extending 1,000 feet seaward of the shoreline. The southern boundary shall be a line
8 extending from the southern point of the Fort Wetherill Boat Basin to government
9 marker G "9" (Fort Wetherill Gong) thence to government marker G "11" (Bull Point
10 Bell). East Harbor waters are classified as follows:
11

12 (1) *Mooring zone.* All harbor waters from the Newport Bridge to a line extending
13 from: Bull Point to government marker G "11" as bounded and marked by existing
14 moorings of record;
15

16 (2) *Transient anchorage zone.* All harbor waters from the northern boundary to
17 the Newport Bridge in the band of water 500 to 1,000 feet from shore; and all harbor
18 waters south of a line extending from Bull Point to government marker G "11";
19

20 (3) *Conservation zone.* All harbor waters from the northern boundary to the
21 Newport Bridge in the band of water from the shore to 500 feet seaward.
22

23 (b) *West (Dutch) Harbor.* The northern boundary shall be a line extending 1,000 feet
24 seaward from the western extension of Orchard (Weeden) Lane. The western boundary
25 shall be a line extending from the westernmost end of the northern boundary to the pier
26 at Fort Getty. West (Dutch Island) Harbor Waters are classified as follows:
27

28 (1) *Mooring zone.* All harbor waters from a point on shore due east of the Dutch
29 Island pier ruins to the Fort Getty pier thence to a point at the southern terminus of
30 Maple Avenue;
31

32 (2) *Transient anchorage zone.* All harbor waters from Dutch Island pier ruins to a
33 point due east on shore thence to the Fort Getty pier;
34

35 (3) *North conservation zone.* All waters shoreward of a line extending from the
36 western extension of Orchard (Weeden) Lane to point R on the map provided as
37 appendix A-1 of the article, thence to point Q on that map;

1
2 (4) *South (Sheffield Cove) conservation zone*. All harbor waters south of a line
3 from the pier at Fort Getty to a point at the southern terminus of Maple Avenue.
4

5 (c) *Head's Beach mooring area*. The waters within the quadrangle defined by the
6 following points:

- 7 (1) 41⁰ 32. 276N 71⁰ 23. 233W
- 8 (2) 41⁰ 32. 293N 71⁰ 23. 391W
- 9 (3) 41⁰ 32. 457N 71⁰ 23. 333W
- 10 (4) 41⁰ 32. 449N 71⁰ 23. 216W

11
12 (d) *Park Dock mooring area*. The waters within the quadrangle defined by the following
13 points:

- 14 (1) 41⁰ 33. 805N 71⁰ 21. 671W
- 15 (2) 41⁰ 33. 799N 71⁰ 21. 602W
- 16 (3) 41⁰ 33. 962N 71⁰ 21. 648W
- 17 (4) 41⁰ 33. 962N 71⁰ 21. 725W

18
19 (e) *Cranston Cove mooring area*. The waters within the quadrangle defined by the
20 following points:

- 21 (1) 41⁰ 32. 228N 71⁰ 21. 811W
- 22 (2) 41⁰ 32. 222N 71⁰ 21. 743W
- 23 (3) 41⁰ 32. 516N 71⁰ 21. 686W
- 24 (4) 41⁰ 32. 472N 71⁰ 21. 835W

25
26 (f) *Setbacks*. No moorings shall be placed less than 100 feet from the mean low water
27 mark on shore, nor within 50 feet or three times the control depth of water, whichever is
28 greater, from all federal navigation channels, navigation fairways, shellfish management
29 areas, or shoreside structures.
30

31 **Sec. 78-25. Rights-of-way to the water.**

32 (a) No person shall block, barricade, or in any way impede the public use of or access
33 to designated public rights-of-way to the water as defined by the Rhode Island Coastal
34 Resources Management Council ("RICRMC") or the town of Jamestown.
35

36 (b) No person shall park or store a vessel, vehicle, or structure on a designated public
37 right-of-way to the water as defined by the RICRMC or the Town of Jamestown. Vessels

1 may be stored on the ground at designated beaches or in racks on town property
2 constructed with permission of the harbor commission. The harbor clerk shall issue
3 permits for doing so at fees to be set by the harbor commission and shall maintain
4 waiting lists for these privileges if appropriate.
5

6 (c) Any person in violation of this section of the ordinance after due notice shall be
7 subject to a fine in accordance with section 78-27 of this article ("regulated activities").
8 After due notice town personnel may clear a right-of-way at the violator's expense.
9

10 **Sec. 78-26. Mooring and outhaul regulations.**

11 (a) *Permitting.* No mooring or outhaul shall be located or maintained in the harbor or
12 coastal waters of Jamestown until a permit has been issued for the use of such mooring
13 or outhaul by the harbormaster. No mooring or outhaul shall be permitted until the
14 harbormaster has determined that it conforms to the specifications set forth in this
15 article and in any other conditions established by the state or town. The harbormaster is
16 responsible for the precise location of every mooring or outhaul, with due regard to
17 space available, to the maximizing of available space, and to the safety of the vessel.
18 Individuals holding a permit may renew it annually upon payment of the appropriate fee
19 subject to compliance with all of the conditions of this section. A mooring or outhaul
20 permit may, upon notice, be revoked at any time for failure to comply with conditions
21 established by this article or by any applicable state or town regulations.
22

23 (b) *Mooring density and allocation.*

24
25 (1) Harbor waters. The limit of moorings in the east harbor and west harbor
26 mooring zones shall be based on available space and the provision of adequate
27 landside facilities. No additional commercial mooring permits shall be assigned in
28 either the east or west harbor mooring zones until private mooring permits constitute
29 60 percent of the zone's total number of permits. The precise location of each
30 mooring, commercial or private, within the mooring zones shall be made by the
31 harbormaster, who shall, with the harbor commission, establish appropriate
32 fairways within the zones.
33

34 (2) Coastal waters. No mooring shall be permitted more than 500 feet from the
35 shore in coastal waters. No commercial moorings are permitted in coastal waters.
36 The precise location of each private mooring shall be made by the harbormaster.
37

1 (3) Mooring areas. Private moorings may be established in mooring areas. No
2 commercial moorings are permitted in mooring areas. The density and placement of
3 such moorings shall be established by the harbormaster.
4

5 (4) No moorings shall be established in conservation zones.
6

7 (c) *Priority for private mooring permits.* The harbor commission shall maintain a
8 chronological list of all applicants requesting a private mooring permit. The list shall be
9 updated at least twice a year and shall be available to the public at all times for
10 inspection. Within the space available, requests shall be treated in accordance with the
11 following priority guidelines:
12

13 *Class 1: Riparian.*

14 a. Owners of riparian property, including individual owners and the owners
15 or directors of profit or nonprofit associations, partnerships, corporations or such other
16 legal entities owning riparian property, are entitled to apply, with priority over other
17 mooring permit classes, for up to two moorings per property parcel directly adjacent to
18 the shorefront property parcel. They may apply for additional class 1 moorings, up to
19 four in total, without priority over other mooring permit classes. In both cases
20 applications are subject, as determined by the harbormaster, to the availability of space
21 and to state and local regulations. Contiguous lots under the same ownership shall be
22 considered as one property parcel. An individual owner may designate only immediate
23 family members (the owner or the owner's spouse, children, or parents) or the current
24 lessee of the owner's riparian property as holders of the permitted moorings. An
25 association, partnership, or corporation may designate any of its members in good
26 standing as holders of its permitted moorings. With the approval of the harbormaster,
27 mooring privileges in this category may be granted to owners whose riparian property is
28 adjacent to a town conservation zone.

29 Guest moorings: Only owners of riparian property may have guest moorings. Only one
30 of the two moorings permitted class 1a permit holders may be a guest mooring, except
31 that nonfamily associations, partnerships, or corporations owning developed riparian
32 property may designate as guest moorings one or both of their permitted moorings.
33 Guest moorings may not be rented or leased. The harbormaster may on application
34 permit a single vessel to occupy a guest mooring on a seasonal basis. Applications for
35 private guest moorings must specify the length of the largest vessel able to occupy the
36 mooring under normal conditions.
37

38 b. On coastal waters, property owners holding a freehold estate of record
39 with a deeded right of access to riparian property owned by a nonprofit association,

1 partnership, or corporation of which they are members in good standing are entitled to
2 apply for a single mooring permit per property directly adjacent to that riparian property.
3 The privilege of a mooring permit in this category is subject to the reasonable availability
4 of mooring space as determined by the harbormaster. Moorings shall be limited to the
5 area created by a parallel extension of the boundaries of the riparian water frontage into
6 the coastal waters. This category of riparian mooring is not permitted in harbor waters,
7 is dependent on available parking, may not be placed in a town conservation zone, and
8 may not be a guest mooring. ~~If the This area is delineated as a mooring area and
9 where public access is available members of the general public shall be entitled to apply
10 for a mooring permit there. -~~

11
12 ~~This area is delineated as a mooring area and is available to members of the general
13 public.~~

14
15 If more than four moorings are so permitted, the area must be delimited as a mooring
16 area, ~~and, where public access is available,~~ members of the general public shall be
17 entitled to apply for mooring permits therein.

18
19 *Class 2: Rights-of-way.*

20
21 ~~Existing Class 2a and 2b areas should be considered grandfathered and no similar
22 parallel extensions of ROW boundaries onto coastal waters should be established to
23 create mooring sites for non-riparian property owners in either of these classes.~~

24
25 a. Nonriparian property owners holding a freehold estate of record with a
26 deeded private right-of-way or easement to coastal waters granted in an original
27 property subdivision are entitled to apply, per property, for a single mooring permit
28 directly adjacent to that right-of-way or easement. The privilege of a mooring permit in
29 this category is subject to the reasonable availability of space as determined by the
30 harbormaster. Moorings shall be limited to the area created by a parallel extension of
31 the boundaries of the right-of-way into the coastal waters. This category of mooring is
32 not permitted in harbor waters, is dependent on available parking, may not be placed in
33 a town conservation zone, and may not be a guest mooring. ~~If the area is delineated as
34 a mooring area and where public access is available members of the general public
35 shall be entitled to apply for a mooring permit there. -~~

36
37 ~~This area is delineated as a mooring area and is available to members of the general
38 public.~~

1 b. Nonriparian property owners holding a freehold estate of record within
2 1,000 feet of a public right-of-way to coastal waters are entitled to apply, per property,
3 for a single mooring permit per property directly adjacent to that right-of-way. The
4 privilege of a mooring permit in this category is subject to the reasonable availability of
5 space as determined by the harbormaster. Moorings shall be limited to the area created
6 by a parallel extension of the boundaries of the right-of-way into the coastal waters. This
7 category of mooring is not permitted in harbor waters, is dependent on available
8 parking, may not be placed in a town conservation zone, and may not be a guest
9 mooring. Where there are four or more such moorings adjacent to a given right-of-way
10 no new moorings shall be permitted. ~~If the area is delineated as a mooring area and
11 where public access is available members of the general public shall be entitled to apply
12 for a mooring permit there.~~

13
14 ~~This area is delineated as a mooring area and is available to members of the general
15 public.~~

16
17
18 *Class 3: General.* All other applications for moorings, resident and nonresident,
19 will be considered in the order in which they are received. Notwithstanding, when a ratio
20 of no greater than 3:1 of resident holders of private mooring permits to non-resident
21 holders of mooring permits (riparian and commercial permits excluded) is attained, the
22 Jamestown Harbor Commission shall establish guidelines to maintain the ration at that
23 level. ~~the ratio of nonresident holders of private mooring permits to resident holders of~~
24 ~~mooring permits (riparian and commercial permits excluded) reaches 1:3 harbor~~
25 ~~commission shall establish guidelines to maintain the ratio at that level.~~

26 All new class 3 private moorings must be located within a mooring area or harbor
27 waters as specified herein. Moorings outside such mooring areas that were permitted
28 prior to the adoption of this amendment of this article by the town council on June 17,
29 2004, shall be renewed as long as the application therefor is made in the name of the
30 then owner, a spouse, sibling, or children.

31
32 (d) *Mooring area siting standards.* All designated mooring areas sited within the coastal
33 waters and harbor areas of the town shall be setback as follows:

34
35 (1) From riparian moorings and shoreline rights-of-way, a distance sufficient to
36 allow ingress and egress and to prevent interference with the exercise of private and
37 public rights.
38

1 (2) Fifty feet from all residential or commercial docks, piers, floats and public
2 launching ramps.

3
4 (3) Public mooring areas shall be setback from federal navigation projects at
5 least three times the U.S. Army corps of Engineers authorized project depth from
6 federal navigational projects.

7
8 (4) All moorings shall be prohibited in federal navigation projects.

9
10 (5) All new and significantly expanded mooring areas shall be sited to ensure that
11 tides and currents aid in flushing the mooring area.

12
13 (6) All new and significantly expanded mooring areas shall be sited to avoid
14 adverse effects on water quality.

15
16 (7) Mooring areas shall be sited so as to not substantially interfere with
17 designated shellfish management areas, traditional fishing grounds, public recreational
18 areas and conservation areas.

19
20 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
21 shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

22
23 (9) Moorings areas shall be adequately serviced and pump out stations shall be
24 accessible and operationally maintained.

25
26 (10) The Army Corps of Engineers (ACOE) "open to all" policy supersedes any
27 Town or State regulation, policy, ordinance, or statute.

28
29 (11) All moorings and boats shall be located within the mooring areas, except for
30 riparian moorings, and moorings permitted through a Right-of-Way (ROW), where no
31 more than four (4) moorings are permitted via each ROW.

32
33 (e) *Private mooring application procedures.*

34
35 (1) *New mooring or outhaul applications.* Every applicant, riparian and
36 nonriparian, for a new private mooring or outhaul permit shall submit a mooring permit
37 waiting list application form. This form shall contain the name, mailing address, resident
38 status, and relevant telephone numbers of the applicant and the desired location of, and
39 point of access to, the proposed mooring or outhaul. The harbormaster or executive

1 director shall notify the applicant and the harbor clerk in writing within five days whether,
2 given the availability of space, the applicant may apply on the same schedule and on
3 the same application form as renewal applicants or must be placed on a waiting list. To
4 be placed and kept on the waiting list, applicants must, on an annual basis, fill out and
5 return a brief waiting-list renewal application sent to the applicant by the harbor clerk
6 and pay any waiting list fees requested. If the renewal application and fee are not
7 received by a date set in the renewal application, a second notice will be sent; if there is
8 no response within 30 days, the applicant will be deleted from the waiting list.

9
10 (2) *Renewal permit applications.* Mooring or outhaul permits must be renewed
11 annually. Every applicant for a private mooring or outhaul permit must show ownership
12 of a vessel in need of a mooring, except for the guest moorings of owners of riparian
13 property as granted in subsection 78-26(c), above. The harbor clerk shall mail renewal
14 permit applications in March to existing individual permit holders with a return deadline
15 of May 15. The completed application forms shall contain at least the following
16 information: i) the name, summer and winter mailing address, [and] resident status, and
17 relevant telephone numbers of the applicant; ii) the type of vessel and whether it is
18 recreational or commercial; iii) the length, beam, draft, displacement, type of sanitation
19 system, and name of the vessel; iv) a copy of the vessel's registration or documentation
20 certificate in the name of the applicant or a person to whom the permit may be
21 transferred under [subsection] 78-26(h)(2); v) the size, type, proof of inspection, and
22 precise location of the existing mooring; vi) the point of access to the mooring or
23 outhaul; vii) if applicable, the storage location of the dinghy; and viii) the date the vessel
24 is expected to be on the mooring or outhaul. With the approval of the harbor
25 commission and upon public notice to all applicants the harbor clerk may from time to
26 time amend the mooring permit application.

27
28 a. *Leased vessels.* An applicant may apply for a mooring based upon a lease of
29 a vessel providing the applicant the exclusive use of the vessel for at least the period of
30 the season. Such applicants may not permit the actual owner or another third party to
31 use the leased vessel on a regular basis. The harbormaster is directed to regularly
32 monitor usage of any such leased vessel to ensure compliance with this section.

33
34 (3) *General.* A private mooring or outhaul permit may not be held by more than
35 one individual or by more than one association, partnership, or corporation, or any other
36 legal entity at a time. All applications must be accompanied by the appropriate fee and
37 shall be received at the harbor office. No private mooring or outhaul permit shall be
38 granted for any vessel that has another private mooring or outhaul in the harbor waters,
39 mooring zones or coastal waters of Jamestown. Nonresident yacht clubs or other

1 organizations applying for private moorings to be used by more than one vessel during
2 a season must list the names of all vessels eligible to use the mooring and shall be
3 charged an appropriately higher fee.

4
5 (f) *Commercial mooring application procedures.*

6
7 (1) *New permit applications.* New applications for commercial mooring permits in
8 harbor waters must be approved by the Rhode Island Coastal Resources Management
9 Council, the Army Corps of Engineers, and the harbor commission. They must conform
10 to the percentage limitations for harbor waters stated in subsection 78-26(b), above.

11
12 (2) *Renewal permit applications.* Commercial mooring operators who have
13 approved permits from the Rhode Island Coastal Resources Management Council and
14 the Army Corps of Engineers will be considered to have made renewal applications for
15 the purposes of this article. For vessels on moorings to be leased seasonally
16 commercial mooring operators must provide the harbor office by July 15 with the
17 registration number, name and length of each vessel and the name of each owner. For
18 moorings leased seasonally after July 15 they must provide the information as soon as
19 reasonably practicable. Commercial operators shall provide inspection reports tri-
20 annually of their existing moorings, providing the same information required in
21 subsection 78-26(l)(3) below of inspection reports of private moorings. The inspection
22 reports provided by commercial operators may be provided in spreadsheet format.
23 Commercial mooring operators shall reach a mutually satisfactory arrangement with the
24 harbor commission for the deadlines for payment of the appropriate fees.

25
26 (3) *General.* Commercial moorings are prohibited in coastal waters. In harbor
27 waters commercial mooring operators must fulfill the requirements of Section 300.4.E.I
28 (a) and (b) of the Rhode Island Coastal Resources Management Program as they relate
29 to the provision of sanitary facilities and parking. They must also fulfill any additional
30 requirements of the harbor commission and this article, or any amendments thereof.

31
32 (g) *Relocation of existing permitted mooring.*

33
34 (1) All requests for relocation of existing permitted moorings must be submitted in
35 a written request to the harbormaster. Information for such a request must meet the
36 requirements for a mooring permit application, as well as show proof of a valid mooring
37 permit issued for the previous or current year. The reasons for a mooring relocation
38 must be clearly stated in the request. To be placed and kept on the relocation list,

1 applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay
2 any waiting-list fees requested.

3
4 (2) Action on the relocation request will be taken by the harbormaster based
5 upon policies—written and fully available to the public—established by the harbor
6 commission, the availability of space, the requirements of this article, and the type and
7 size characteristics of the vessel. The harbor commission shall maintain a chronological
8 list of all applicants requesting a mooring relocation. The list shall be updated at least
9 twice a year and shall be available to the public at all times.

10
11 (3) Any request received by the harbormaster that is not complete shall be
12 returned to the applicant and no action will be taken on the matter until a completed
13 form is returned.

14
15 (h) *Occupancy; transfer.*

16
17 (1) Private mooring and outhaul permits **on town property**: occupancy. Private
18 permit holders may not allow any vessel other than that described in the application to
19 use the mooring or outhaul permitted for more than seven consecutive days; provided,
20 however, that i) the harbormaster may permit the temporary use of a mooring or outhaul
21 by another vessel upon the written request of the mooring permit holder and ii) the
22 harbor commission, if it deems the action appropriate, may waive the restriction more
23 generally and for a longer period. Private permit holders are prohibited from charging a
24 fee for the temporary use of their moorings or outhaul. The harbormaster shall have the
25 authority to move or cause to be moved any vessel violating the provisions of these
26 regulations, at the expense and risk of the vessel owner. The vessel and/or owner of the
27 vessel granted the temporary use of a mooring may only request the temporary use of a
28 mooring for one season. In subsequent years, the vessel and/or vessel owner may not
29 be the recipient of another temporary use exemption, except by order of the harbor
30 commission.

31
32 (2) Mooring, outhaul permits **on town property** and wait list position transfer:
33 transfer: No private mooring **holder permit**, outhaul space assignment or wait list
34 position, shall be sold, assigned or transferred (unless it falls under Section 78-26(m),
35 below) except on a one time only basis **to an immediate family member. The immediate**
36 **family member to whom the permit was transferred may, under no circumstances,**
37 **subsequently transfer the permit.** ~~Private mooring and outhaul permits: transfer. No~~
38 ~~private mooring or outhaul space assignment shall be sold, assigned, or transferred by~~
39 ~~a mooring or outhaul permit holder, except that on written notice to the harbor~~

1 ~~commission a permit holder or a person on the waiting list may transfer a mooring or~~
2 ~~outhaul permit (unless it falls under subsection 78-26(n), below) or a place on the~~
3 ~~waiting list to a spouse, sibling, or child on a one-time only basis. Any assigned mooring~~
4 ~~or outhaul space given up by a permit holder reverts to the harbor commission for~~
5 ~~assignment, by the harbormaster, to the next person on the relocation or waiting list~~
6 ~~whose vessel fits the mooring or outhaul space, the appropriate mooring or outhaul~~
7 ~~class involved, and the relevant shoreside requirements. **In exceptional cases permit**~~
8 ~~**holders may apply to the harbor commission for relief from this provision.**~~
9

10 (3) Commercial mooring and outhaul permits **on town property** may be leased or
11 transferred to other businesses subject to review and approval by the harbor
12 commission. The standard for review shall be the ability of the proposed transferee to
13 comply with all the provisions of [subsection] 78-26(f) as a commercial operator.
14

15 (i) *Fees.* The harbor commission shall annually recommend to the town council a
16 proposed schedule of fees as part of the annual operating and capital budget; and the
17 town council shall establish such rates not later than March 15 each year. The
18 commission may charge fees for all mooring permits; for dock, storage rack, outhaul,
19 and beach permits on town-owned property; for outhauls on riparian property, and for
20 waiting and relocation list applicants. Higher fees may be charged for nonresident and
21 commercial moorings and for other special situations. The commission may assess late
22 penalty fees provided these are indicated on, or enclosed with, the appropriate
23 application forms. For billing purposes the harbor clerk may establish informal
24 classification codes for moorings grouped by different levels of fee.
25

26 (j) *Marking.* The holder of a mooring permit shall mark the mooring buoy with the current
27 mooring number thereto in letters no less than three inches high. After 14 days' notice of
28 delinquency the harbormaster may fine the owner \$5.00 a day for any mooring not
29 properly marked.
30

31 (k) *Mooring specifications.*
32

33 (1) *Responsibility for moorings.* Although the town sets the following minimum
34 standards for moorings and mooring inspections for all moorings in the waters of the
35 town, owners of moorings shall be solely responsible for the safety and reliability of their
36 moorings. Heavier tackle and more frequent inspections than the required minimum are
37 strongly recommended in all cases. This is especially so where moorings are in
38 exposed locations or are holding vessels of greater than average displacement.
39

1 (2) *Anchors.* Mushroom anchors (in mud or soft sandy bottoms) or concrete or
2 granite blocks shall be used for moorings in the waters of the town, unless otherwise
3 authorized by the harbormaster or mandated by state or federal agencies. Authorization
4 must be in writing; and the harbor office will maintain records of any mooring anchor
5 deviations authorized in accordance with this provision.

6
7 The approximate shape of block anchors shall be square, both top and bottom,
8 with tapered sides (trapezoidal). The block shall not be allowed to become a hazard.
9 The link shall be of material not less than one inch in diameter and shall be securely
10 imbedded in the block. All shackles shall be one size heavier than the chain. All
11 shackles shall be load-rated, properly seized, and shall be forged (not cast).

12
13 (3) *Length and type of chain.* Total minimum length of chain (both bottom and
14 top) shall be determined as follows: Depth of water at mean high tide, plus five feet for
15 storm surge, times two. Normally, a minimum of 50 percent of the total length of chain
16 shall be heavy chain, with the remainder being light chain, as indicated in the table
17 below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A
18 higher percentage of heavy chain is recommended in exposed areas of relatively
19 shallow depth. Use of greater scope is strongly recommended, especially in exposed
20 areas and where there is sufficient space for vessels to swing without endangering each
21 other. Excessive scope, as determined by the harbormaster, will not be allowed. A lower
22 percentage of heavy chain may be appropriate for moorings of greater scope.

23
24 (4) *Mooring float/buoy.* The mooring float carrying the weight of the mooring
25 chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50
26 percent of it is visible above the surface of the water.

27
28 (5) *Pennants.* Pennant length shall be determined as follows: take the distance
29 from the chock to the waterline, multiply this distance by two and add the distance from
30 the bow chock to the bow cleat. The result is the minimum pennant length.

31
32 (6) *Chafeguards.* All pennant lines running through a chock or any other object
33 where chafing may occur shall have adequate chafeguards.

34
35 (7) Minimum tackle specifications for the waters of the town.

36

Boat Length	Mushroom anchor	Block anchor	Bottom Chain	Top	Pennant
-------------	-----------------	--------------	--------------	-----	---------

(feet)	(pounds)	(pounds)	(inches)	Chain or Rode (inches)		(inches)
Up to 16	150	500	½	3/8	5/8	½
<u>16</u> to 18	200	800	½	3/8	5/8	½
<u>19</u> to 21	250	1,500	5/8	3/8	5/8	½ × 2
<u>22</u> to 24	300	1,500	5/8	3/8	5/8	½ × 2
25 to 29	400	2,000	5/8	½	5/8	½ × 2
<u>30</u> to 34	500	2,000	5/8	½	¾	5/8 × 2
35 to 39	600	3,000 or 2 × 1,500	¾	½	¾	¾ × 2
40 to 49	800	4,000 or 2 × 2,000	¾	½	7/8	¾ × 2
<u>50</u> to 59	1,000	4,000 or 2 × 2,000	1	½	1	1¼ × 2

1
2 The above sizes are minimums. Use of at least one size larger for all components is
3 strongly recommended for greater safety. On written application, the harbormaster may
4 permit or require variances from these mooring tackle specifications in individual cases
5 and, more generally, in specific areas, if the stated specifications seem clearly
6 inappropriate for the area in which a mooring will be located.

7
8 (8) *Elastomeric mooring tackle.* The harbormaster is directed to encourage the
9 use of mooring tackle including elastomeric members in lieu of chain where appropriate

1 in view of the lesser scope required for such systems, with appropriate attention to be
2 paid to the requirement of corresponding anchors to be employed.

3
4 (l) *Mooring inspections.*

5
6 (1) *New moorings.* All new moorings in the waters of the town shall be inspected
7 and approved by the harbormaster or the harbormaster's designee prior to setting the
8 mooring.

9
10 (2) *Maintenance of existing moorings.* All permit holders shall be required to
11 maintain their moorings in safe condition. Any chain, shackle, swivel, or other tackle that
12 has become warped or has become worn by one-third its original diameter shall be
13 replaced. Failure to maintain a safe mooring shall be cause for revocation of the
14 mooring permit and shall be deemed a violation of this article. The harbormaster or the
15 harbormaster's designee may inspect any moorings at any time to determine
16 compliance with this section of the ordinance. Any mooring washed ashore or having
17 moved so as to endanger another vessel shall be inspected by the harbormaster or the
18 harbormaster's designee before it is reset.

19
20 (3) *Schedule of inspections.* All moorings shall be inspected by a qualified
21 mooring inspector on behalf of the applicant at least once every three years and the
22 results of such inspection certified by the inspector and reported to the harbor office by
23 15 June of the year of inspection. The inspection process is to be carried out using the
24 "Guidelines for Establishing a Verified Mooring Location" procedure approved by the
25 Jamestown Harbor Commission on February 8, 2005. This inspection shall determine
26 compliance with the minimum mooring and tackle standards of this article. Inspections
27 may be made either by raising the mooring or by underwater inspection. The harbor
28 clerk shall establish a schedule for each mooring and indicate it clearly on the mooring
29 application. The harbor clerk shall provide a form on which information pertaining to the
30 inspection shall be provided, and such form shall be submitted by the applicant together
31 with the application and fee. The information to be reported shall include the following:
32 water depth, size and type of mooring buoy, adequacy of length, diameter and number
33 of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length
34 and size of bottom and top chains or top rode, number and size of shackles, the location
35 of the anchor, and the general condition of the mooring. The location of the anchor is to
36 be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report
37 shall be signed and dated by the inspector. Commercial operators may submit multiple
38 inspection reports in spreadsheet form, but they must include all information specified
39 above.

1
2 (4) *Compliance.* Any mooring or component of a mooring reported not in
3 compliance with this section of the ordinance shall be replaced by the owner within 30
4 days of such notice. Within 45 days after the noncompliance is reported a second
5 mooring inspection must be completed to determine if the violation has been corrected.
6 The results of this second mooring inspection shall be reported to the harbormaster.
7 Failure to correct the violation within that period shall cause the mooring to be deemed
8 unsafe and, as a violation of this article, shall be cause for revocation of the mooring
9 permit and removal of the mooring from the waters of the town at the risk and expense
10 of the mooring owner. When the harbormaster deems it necessary, for the safety of a
11 vessel or of vessels nearby, to remove a vessel immediately from a noncomplying
12 mooring, and the owner is unable or unwilling to do so, the harbormaster or the
13 harbormaster's designee may remove the vessel at the owner's risk.
14

15 (5) *Costs.* All costs of any mooring inspection, of any relocation of vessels as a
16 result of noncompliance, or of any repairs or replacements required under the
17 provisions of this article shall be the responsibility of the mooring owner.
18

19 (m) *Forfeiture of mooring space.* Any holder of a mooring or outhaul permit for a
20 mooring located in the coastal or harbor waters, or in a mooring area of the town shall
21 be subject to forfeiture of that permit or the right to renew the permit by reason of any
22 the following:
23

24 (1) Failure to comply with any of the requirements of this article.
25

26 (2) Failure to respond to the harbormaster's and/or harbor commission's notice
27 that i) the mooring does not comply with the mooring specifications herein set forth, or ii)
28 that the mooring has been displaced or moved from its permitted location.
29

30 (3) Failure to resurface, repair, or replace mooring tackle within 60 days after
31 being advised to do so by the harbormaster.
32

33 (4) Occupying a mooring or outhaul with the vessel permitted for that mooring for
34 a total of fewer than 20 days during the course of a calendar year. If the vessel occupies
35 the mooring or outhaul exclusively outside the period of the season it shall be the
36 responsibility of the mooring or outhaul holder to establish to the satisfaction of the
37 harbormaster or harbor commission that the mooring or outhaul has been occupied for
38 at least 20 days.
39

1 (5) Any holder of a mooring or outhaul permit for a mooring located in the coastal
2 or harbor waters of the town shall be fined \$100.00 per month for: a) failure to renew an
3 existing valid mooring or outhaul permit by June 15 of any year; b) failure to commission
4 a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a least 20
5 days during the year. If the holder takes no action to comply with these requirements,
6 the permit will be deemed forfeited on October 1 and will not be subsequently renewed.

7
8 On written request the harbormaster may grant exceptions to clauses (3), (4), and (5),
9 above.

10
11 No mooring or outhaul will be deemed forfeited until notice of the violation has been first
12 mailed to the holder of the permit by registered mail, return receipt requested and
13 regular first class mail. If an appeal is not made within 30 days of the receipt of the
14 notice, the harbormaster will issue an order requiring that the mooring or outhaul be
15 removed at the owner's expense. If the owner fails to remove the mooring or outhaul
16 within 30 days upon order of the harbormaster, the owner will be billed for the cost of
17 the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel
18 will be removed and stored at the owner's expense.

19
20 *(n) Implementation of changes in mooring space assignments.*

21
22 (1) All private mooring permits and applications permitted prior to initial adoption
23 of the Harbor Management Ordinance by the town council on June 17, 2004, shall be
24 reclassified according to the criteria established in subsection 78-26(c) (above).

25
26 (2) All regulations concerning mooring permits and applications shall be applied
27 on the basis of the above reclassification.

28
29 (3) All mooring permits disallowed under this article shall be deemed permitted
30 nonconforming moorings. Rights to such moorings and use in accordance with the
31 ordinance and town rules and regulations may continue by the present owner only
32 unless the mooring is surrendered or revoked.

33
34 *(o) Implementation of changes in mooring tackle requirements.*

35
36 (1) All new moorings shall meet the minimum standards.

37
38 (2) All moorings in place shall meet the new minimum standards on the regular
39 schedule of mooring inspections required by the harbor commission.

1
2 (p) *Outhauls.*
3

4 (1) *On town property.* Outhauls may be established on town property where
5 recommended as appropriate by the harbor commission and approved by the town
6 council. Outhauls in existence as of the adoption of this article shall be deemed
7 conforming. Permits for the use of outhauls shall be issued by the harbor office in
8 accordance with a waiting list. If an outhaul is not occupied for a minimum of 20 days
9 during the course of the year the permit shall be deemed forfeited and will not be
10 renewed. No outhaul will be deemed forfeited until notice of the violation has been first
11 mailed to the holder of the permit by registered mail, return receipt requested and
12 regular first class mail. If an appeal is not made within 30 days of the receipt of the
13 notice, any vessel secured thereto will be removed and stored at the owner's expense.
14

15 (2) *On private property.* Up to two outhauls may be installed per riparian property.
16 Outhauls on private property may not exist in conjunction with a residential boating
17 facility on the same property. CRMC reserves the right to revoke any outhaul permit
18 that is not issued according to RICRMP. Outhauls may be grandfathered in their
19 current location upon annual harbormaster documentation that such outhauls have
20 been in continuous use at such location since 2004, and, the contiguous property
21 owner(s) agree in writing to such, however, such "grandfathering" is extinguished
22 whenever a recreational boating facility is approved at the location.
23

24 (3) *In general.* The harbormaster shall have the power to direct that outhauls
25 deemed inadequate or unsafe be repaired or replaced. Placement of anchors for
26 outhauls is subject to approval by the harbormaster. The outhaul cabling system for all
27 riparian outhauls shall be removed between November 15 and April 15.
28

29 (q) *Miscellaneous.* Water-borne structures and anchors not specifically addressed
30 herein, such as but not limited to anchors for breast lines, are subject to approval of the
31 harbormaster.
32

33 **Sec. 78-27. Regulated activities.**

34 (a) *General.* The purpose of this section is to regulate the speed, management, and
35 control of vessels and the use of all anchorages, moorings, and town-owned waterfront
36 facilities within the jurisdiction of the Town of Jamestown as stated in section 78-23 and
37 as authorized by G.L. 1956, 46-4-6.9.
38

39 (b) *Management and control of vessels.*

1
2 (1) *Vessel operation.* Every person operating a vessel within the waters of the
3 town shall navigate in a careful and prudent manner, so as not to endanger the life,
4 limb, or property of another and not to interfere with or damage other vessels or
5 property.

6
7 (2) *Failure to stop.* It shall be a violation of this article for any person to refuse to
8 move, slow to headway speed, or stop when directed by the harbormaster or any other
9 duly authorized enforcement officer.

10
11 (3) *Prohibited areas.* No person shall operate or cause to be operated a vessel
12 within any area marked prohibited on the harbor map, except as otherwise provided for
13 in the article.

14
15 (c) *Vessel speed and operation.*

16
17 (1) Operators of vessels within the coastal and harbor waters of the Town of
18 Jamestown shall comply with all state and local laws and regulations on vessel speeds
19 and wakes that establish a maximum speed for vessels of five miles per hour, no wake
20 (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

21
22 (2) Vessel operation, mooring, or anchorage within 200 feet of the shore where
23 marked on the harbor map or by buoys is prohibited, except when a vessel is directly
24 approaching or leaving the shore, a town-approved launching ramp, or beach storage
25 area for dinghies when the sole purpose is to begin or end such activity.

26
27 (3) In all designated channels, fairways, and mooring zones of harbor waters,
28 paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and
29 similar activities are limited to a five miles per hour maximum speed. In coastal waters
30 and in the transient and conservation zones of harbor waters, the named activities are
31 prohibited within 200 feet of the shore and within 100 feet of any vessels moored or
32 anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2,
33 shall be subject to penalties under this article.

34
35 (4) Seaplanes and other airborne watercraft are prohibited from surface
36 operation within mooring zones or within 200 feet of the shore; they are prohibited from
37 taking off or landing in the waters under town jurisdiction as stated in section 78-24 of
38 this article.

1 (5) No vessel shall be moored or anchored so as to interfere with the free and
2 unobstructed use of channels, fairways, or berthing spaces within the areas under town
3 jurisdiction as defined in section 78-24 of this article.

4
5 (6) Where significant shallow water habitat is identified, boating activities shall
6 be restricted as necessary to decrease turbidity and physical destruction of such
7 habitat.

8
9 (d) *Prohibited discharges.*

10
11 (1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic,
12 chemicals, petroleum products or by-products, paint, varnish, dead animals, or any
13 other debris or litter into the waters of the town is prohibited under this article. The town
14 adopts G.L. 1956, 46-12-39 as part of its ordinance. Any person who violates this
15 provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

16
17 (2) *Discharge of sewage.* No person shall cause or permit to pass or to be
18 discharged into the waters of the town any untreated sewage or other waste matter or
19 contaminant of any kind. The town shall monitor and report annually to the department
20 of environmental management on the effectiveness of its pumpout operations.

21
22 (e) *Other activities.*

23
24 (1) *Swimming, diving and fishing.* Swimming, diving, or fishing off town-owned
25 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and
26 posted by the town council. Water skiing is prohibited in harbor waters and in mooring
27 areas. Swimming and diving are prohibited in mooring areas and mooring zones more
28 than 150 feet from shore from sunset to sunrise or in periods of impaired visibility,
29 except in the immediate vicinity of a moored or anchored vessel, when accompanied by
30 an escort vessel, as part of a sanctioned swimming event, or as necessary to perform
31 service or maintenance to a vessel or mooring.

32
33 (2) *Property damage.* It shall be unlawful to destroy, damage, disturb or interfere
34 with, willfully or carelessly, any public or private property in the waters or waterfront
35 areas of Jamestown.

36
37 (3) *Litter.* Littering is prohibited on town property. Any person who violates this
38 law shall be subject to penalties under this article as provided for by local and state law.

1 (f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a
2 vessel or structure has been abandoned in the waters of the town, the harbormaster
3 may take custody and control of such vessel and remove it, store it, or otherwise
4 dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of
5 such disposal shall be publicly given. The harbormaster shall assume all of the duties
6 and powers of the commissioner of wrecks and shipwrecked goods as delineated in the
7 G.L. 1956, 46-10-1 to [46-10-]13.

8
9 (g) *Anchoring.* Vessels shall not anchor or raft in a location that interferes with a moored
10 vessel. The harbormaster may direct a vessel to move or relocate.

11
12 (1) Overnight anchoring is permitted in all town waters, except conservation
13 zones, on a space available basis. The crew may go ashore, but shall not leave the
14 area. They shall be available to tend to the vessel in the event of heavy weather. It shall
15 be the anchored vessel's responsibility to remain clear of all moored vessels. No vessel
16 shall be anchored more than three days without the permission of the harbormaster. No
17 anchoring of any kind is permitted in Conservation Zones.

18
19 (2) Rafting. Vessels are permitted to raft on a mooring or at anchor provided that
20 the rafted vessels do not endanger any other moored or anchored vessels and that they
21 do not intrude into any channel or thoroughfare. Each rafted vessel must be manned at
22 all times. Rafting is not permitted when Coast Guard small craft advisories or other
23 severe weather warnings are in effect; rafted vessels must separate when these
24 conditions are announced or at the request of the harbormaster.

25
26 (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources
27 Management Program, Section 300.5, houseboats or floating businesses, as defined
28 therein, are prohibited from mooring or anchoring unless within the boundaries of a
29 marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities.
30 Applicants for floating businesses shall fulfill the additional Category "B" requirements of
31 Section 300.5. Applicants for either houseboats or floating businesses shall meet all the
32 pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under
33 standards for residential docks, piers, and floats.

34
35 (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling
36 legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a
37 person who violates any law as stated therein shall be subject to penalties and fines as
38 set forth in the attached appendix B, unless otherwise established by the General Laws
39 of the State of Rhode Island. Each day a violation continues shall be deemed a

1 separate offense subject to an additional penalty. The district court of the State of
2 Rhode Island, or such other courts as are designated in the summons, shall have
3 jurisdiction for the enforcement of regulated activities.

4
5 (j) *Informal procedure for the payment of boating fines.*

6
7 (1) *Payment without personal appearance.* The harbormaster or any other duly
8 authorized enforcement officer who charges any person with an offense under this
9 article, in addition to issuing a summons for the offense, may provide the offender with a
10 form that shall allow the offender to dispose of the charge without the necessity of
11 appearing before the district court; provided that any offender who has been guilty of a
12 third or subsequent violation within 12 months of the first offense must appear before
13 the court on the date specified on the summons, and may not dispose of the third or
14 subsequent offense administratively.

15
16 (2) *Method of payment.* An offender electing to dispose of the charge without
17 personally appearing before the district, or other, court shall execute the form indicated
18 and return it to the Jamestown police station not later than 14 days from the date of the
19 summons either by mailing or delivering the form and summons accompanied by a
20 check or money order in the amount indicated by the schedule of fines on the form. The
21 fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30) 24
22 days.

23
24 (3) *Failure to answer.* An individual who fails to answer within thirty (30) 24 days
25 shall have waived the right to dispose of the summons without personal appearance
26 and must appear before the district court on the date specified on the summons.

27
28 (k) *Enforcement.* The primary responsibility for enforcement of regulated activities,
29 including ~~detention, arrest, and the~~ issuance of summonses for violations is delegated
30 to the harbormaster and the Jamestown Police Department. Police officers and the
31 harbormaster of the Town of Jamestown shall have the power and authority to enforce
32 the rules and regulations of this article and of the General Laws of the State of Rhode
33 Island.

34
35 **Sec. 78-28. Harbor commission.**

36
37 (a) *Authority, powers, and duties.* The harbor commission shall be the local advisory
38 and regulatory body authorized by the town council to manage the coastal waters and
39 harbor areas of the town through the implementation of the comprehensive harbor

1 management plan and subsequent ordinances. The harbor commission shall enforce
2 the provisions and ordinances of the harbor management plan as well as adopt
3 additional policies, rules, and regulations for the implementation of the harbor
4 management plan and such ordinances, subject to the approval of the town council and
5 the Rhode Island Coastal Resources Management Council.

6
7 The harbor commission shall adopt rules of procedure and operation for its meetings
8 and, among its powers and duties, is authorized to:

9
10 (1) Recommend to the town council the adoption of rules, regulations, fees,
11 penalties and other amendments to the comprehensive harbor management plan and
12 its subsequent ordinances that may be necessary to fulfill the goals and objectives of
13 that plan and meet the requirements of its ordinances.

14 (2) Recommend additional authorities and duties for the harbor staff, herein
15 detailed, with the approval of the executive director and the town council.

16
17 (3) Assist in the preparation of the annual budgets in accordance with the
18 provisions of the town and this article to expend monies in the harbor funds.

19
20 (4) Sit as a board of appeals to hear any person aggrieved by any decision, act,
21 or failure to act of the executive director or harbor staff in the enforcement and
22 implementation of this article, with the exception of section 78-27 of this article
23 ("regulated activities").

24
25 (5) Review and revise as necessary the comprehensive harbor management
26 plan and its subsequent ordinances for the town council and the Rhode Island Coastal
27 Resources Management Council approval. The comprehensive harbor management
28 plan shall be reviewed and revised at least once every five years.

29
30 (6) Monitor the condition of town-owned waterfront facilities generally and
31 develop with the town engineer an annual and five year capital maintenance,
32 replacement and improvement plan. The plans will include maintenance, repair, and
33 improvement of town-owned waterfront structures, such as docks, bulkheads, and boat
34 ramps. No budget will be approved without the capital improvement plan.

35
36 (b) *Composition.* The harbor commission shall consist of seven qualified electors and
37 residents of the town, appointed by the town council, chosen from a list of interested
38 parties maintained by the town administrator, after duly advertising the availability of

1 these positions. To achieve diversity, preference shall be given to representatives of
2 each of the following groups:

- 3
- 4 (1) The nonriparian recreational boating community;
- 5 (2) The nonriparian recreational boating community;
- 6 (3) Riparian property residents (harbor waters);
- 7 (4) Riparian property residents (coastal waters);
- 8 (5) The commercial fishing industry;
- 9 (6) The commercial mooring operators;
- 10 (7) A nonboating resident.

11
12 The commission shall have, among its members, representatives of both East
13 and West Harbors.

14
15 *Ex-officio member:* The executive director shall be an ex-officio, nonvoting
16 member of the commission, and shall not count as part of the quorum.

17 *Liaisons:* The town council, the conservation commission, and the planning
18 commission shall each appoint one liaison to the harbor commission. Liaisons may sit
19 with the commission, and may participate in all discussions, but may not vote and do
20 not count as part of the quorum.

21 (c) *Terms.* Commission members shall be appointed for overlapping three-year terms
22 so that approximately one-third of the membership terms will expire each year. In the
23 event of a vacancy during a term, the town council shall appoint a new member from the
24 same category of member, if feasible, to fill the remainder of the term.

25
26 (d) *Organization.* A chair and vice-chair of the commission shall be chosen annually
27 from the membership by vote of the commission. The chair shall be responsible for
28 calling and conducting all meetings of the commission. In the absence of the chair, the
29 vice-chair shall assume those responsibilities. A quorum shall be defined as four voting
30 members.

31
32 (e) *Finances; budget.* The executive director and the commission, in collaboration with
33 the town administrator, shall be responsible for the preparation of the annual harbor
34 operating and capital facilities budgets to be submitted to the town council for approval.
35 All revenues from harbor operations, including but not limited to mooring and outhaul
36 fees and harbor management fines and penalties, shall be held in a harbor enterprise
37 fund maintained by the town finance department. The harbor enterprise fund shall be
38 maintained exclusively for the management and development of harbor programs and

1 maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from
2 the harbor management account, including additional staff support, must be authorized
3 by the executive director with agreement of the commission and must be approved by
4 the town administrator and the town council. Annual lease revenue from taxpayer-
5 owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund
6 maintenance, repair, or improvements to harbor and waterfront capital facilities.

7 At the end of the fiscal year, unexpended harbor operating and capital budget
8 appropriations shall be placed in a harbor and waterfront capital reserve account.

9 The executive director and the commission, in collaboration with the town administrator,
10 shall be responsible for the preparation of the annual harbor/waterfront capital facilities
11 budget to be submitted to the town council for approval.

12
13 (f) *Compensation.* Commission members shall serve without pay, but may be
14 compensated for expenses incurred in the performance of their duties.

15
16 **Sec. 78-29. Administration.**

17 (a) *Executive director.* An executive director may be appointed by the town council to
18 supervise the harbor staff and to administer the provisions of this article and any
19 additional regulations subsequently required for the implementation of the article.

20
21 (b) *Harbor administrative staff.* The harbor administrative staff shall consist of a
22 harbormaster, a harbor clerk, and additional personnel as needed who are hired on
23 approval of the town council by the town administrator.

24
25 The responsibilities of the harbor staff under the supervision of the executive director
26 include the following:

27
28 (1) Administering and enforcing the provisions of the harbor management plan
29 and its ordinances;

30
31 (2) Processing applications for the issuance of mooring permits and assigning
32 placements of moorings in accordance with this article;

33
34 (3) Keeping proper records of all mooring application information, including the
35 locations of moorings, mooring owners and vessel usage of moorings, types of vessels
36 using moorings, etc;

1 (4) Preparing, keeping current, and making available a waiting list for mooring
2 permits in accordance with the provisions of this article when the demand for available
3 mooring permits is greater than the number of available mooring locations in any given
4 year, and maintaining a waiting list with respect to outhauls on town property;

5
6 (5) Keeping current and making available waiting lists for dinghy dock space and
7 outhauls on town property operated by commercial operators;

8
9 (6) Inspecting moorings and outhauls in accordance with the provisions of
10 section 78-26 of this article;

11
12 (7) Monitoring moorings and outhauls in accordance with the provisions of
13 subsections 78-26(h), (m), and (p) of this article.

14
15 (8) Carrying out all other powers and duties authorized to the harbormaster under
16 various state and federal marine laws, including but not limited to marine sanitation
17 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast
18 Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-
19 22, and future laws yet to be enacted.

20
21 (9) Any other duties specified by the harbor commission or executive director.

22
23 (c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to
24 the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch.
25 14, as amended, and all regulations promulgated by the Rhode Island Ethics
26 Commission.

27
28 **Sec. 78-30. Appeals.**

29 In matters other than violations of section 78-27, the harbor commission shall sit
30 as the board of appeals to hear any person aggrieved by a decision of the executive
31 director or the harbormaster. The aggrieved party shall file a written appeal with the
32 harbor clerk within 30 days following the notice of the decision. Upon receipt of the
33 appeal, the harbor clerk shall schedule a hearing at the next regularly scheduled
34 commission meeting, with written notice given to the appellant of not less than 14 days.

35 The harbor commission may hear an appeal filed out of time provided the
36 appellant demonstrates:

1 1) The matter from which the appeal is taken occurred within the past 180 days;
2 and

3
4 2) For just reasons, failure to timely file the appeal was due to mistake,
5 inadvertence, excusable neglect; or

6
7 3) Would result in a substantial injustice to the appellant rights as provided for
8 under this article.

9 Any party aggrieved by a decision of the harbor commission may make a final
10 appeal to the town council. Notice of appeal shall be made in writing and filed with the
11 town clerk within 20 days of the mailing date of the decision. The town clerk shall obtain
12 the record of the commission's proceedings and schedule a hearing with notice to the
13 appellant.

14 **Sec. 78-31. Liability.**

15 Persons using the waters of the town shall assume all risk of personal injury and
16 damage or loss to their property. The town assumes no risk on account of accident, fire,
17 theft, vandalism or acts of God.

18 **Sec. 78-32. Severability.**

19 If any provisions of this chapter are held invalid or inoperative, the remainder
20 shall continue in full force and effect as though such invalid or inoperative provisions
21 had not been made.

22 **Sec. 78-33. Effective date.**

23 This chapter shall take effect upon its passage by the town council with respect
24 to provisions that do not require approval of the coastal resource management
25 commission.



JAMESTOWN CONSERVATION COMMISSION

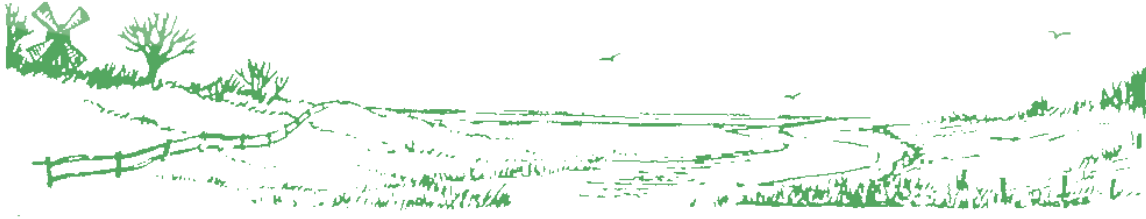
To: Jamestown Town Council
From: Maureen Coleman, Chair
Date: March 31, 2014
Subject: Conservation Commission Annual Report

Maureen Coleman

The Jamestown Conservation Commission's charge states that the Conservation Commission will submit a report to the Town Council on an annual basis. Accordingly, enclosed please find a report of activities for calendar year 2013.

Should you have any questions, or if additional detail would be helpful, please do not hesitate to contact us.

Thank you.



JAMESTOWN CONSERVATION COMMISSION

JAMESTOWN TOWN HALL
93 NARRAGANSETT AVE.
JAMESTOWN, RI 02835



P.O. Box 377
JAMESTOWN, RI 02835

Annual Report to Town Council March 31, 2014

The Jamestown Conservation Commission is pleased to present a report of activities for calendar year 2013. Activities included:

Commission and Task Force Liaisons

Commissioners served as liaisons and represented Conservation Commission priorities to: Planning Commission, Harbor Commission, Tree Commission, Bike Path Committee, Tick Task Force

Cleanups

- Organized an annual town-wide Earth Day coastal cleanup in April
- Conducted two cleanups of North Road by Conservation Commissioners as part of the Adopt a Highway program.

Conservation Land/Jamestown Shores Tax Lots

- Notified abutters of conservation properties and adoption of management plan.
- Launched implementation of management plan, including developing and ordering signage to increase awareness and encourage property stewardship.

Conservation Properties/Public Access

- Managed maintenance and stewardship of Conanicut Island Sanctuary trail, South Pond trail, and Kit Wright trail.
- After vandalism of town right of way, secured grant for Hull Cove right of way boardwalk and hosted public workshop on planned upgrades.
- Reprinted and continued distribution of Trail Guides for public access to island conservation properties.

Restoration

- Advanced project deliverables for major invasive vegetation restoration project at Round Marsh, including multiple site visits, regulatory and funding agency permits and approvals, and finalizing restoration methodologies; restoration work scheduled for Spring 2014.
- Researched and developed dune restoration plan for Mackerel Cove; planting scheduled for 2014.
- Thanks to town staff, restored saltwater flow to improve degraded marsh function at Racquet Road.

Public Education

- Received the results of Conservation Commission-hosted RI Natural History Survey Bioblitz program, which employed hundreds of scientists, naturalists and volunteers to inventory the island's biodiversity—resulting in the largest diversity ever recorded at a BioBlitz site.
- Selected as an Atlantic Coastal Fish Habitat Restoration Project sponsor and demonstration site for conservation moorings; funding and concept approved in October; installation scheduled for summer 2014.
- Launched plastic bag litter prevention awareness initiative and secured voluntary participation among town businesses.

Conservation Values Protection

Ongoing input and advice to CRMC; DEM; and town section 308, Comprehensive Plan and zoning to ensure planning and implementation that protects the island's natural resources.

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Approved As Written
Affordable Housing Committee Minutes

February 19, 2014

**Jamestown Town Hall
Conference Room
93 Narragansett Ave
6:00 p.m.**

The meeting was called to order at 6:00 p.m. and the following members were present:
Derek Hansen, Judith Sutphen, Heather Lopes, Valerie Molloy, Debra Murphy, Jerry Scott, Lisa Bryer.

Not present: Barbara Szeptowski arrived at 6:45 p.m.

Also present: Cinthia Reppe – Planning Assistant

I. Approval of Minutes from January 22, 2014

A motion was made by Jerry Scott and seconded by Heather Lopes to approve the minutes with the following changes:

Page 3, Those that want to live here

Page 2, Education - Derek is leary ~~weary~~ of this committee spending time on this if it will not happen.

Page 2, Identifying locations - She is going to speak to her about ideas for this ~~committee~~ communication plan.

All in favor.

II. Tasks and Action Plan – Discussion - Continued

- Survey
- Education
- Identifying Locations
- Funding

Heather Lopes had another conversation with Mike Glier regarding Facebook and he said no we cannot have an interactive interface. The Equity Project could do a social media page. We could direct people to another website that is social media interactive.

Derek Hansen wants to know if meeting once a month is working. All but Judith Sutphen feel it is ok. In the summer we can meet more frequently said Heather Lopes. Lisa Bryer said she thinks Roger Williams will contact her closer to the Summer Session. Jerry Scott said we should have a good foundation for them to get started. Lisa wants them to get a fresh eye on it and not give them too much direction. Jerry Scott agrees with Judith who proposed meeting every 3 weeks. As of now we will keep the meeting at once a month and revisit it at a later date.

A discussion ensued regarding an interactive website. Lisa Bryer says it is still really valuable to just have the website. We can have our own page and list the articles and post to that. Mike Glier's time frame could be a problem Heather said. Derek is wondering if possibly we can start designing a website. Heather said we have not had the article in the Jamestown Press yet. We need to jumpstart Tim for the article.

Valerie Molloy said her term limit is up and she wants to talk about it. She said it appears she has been doing this for 9 years. She feels there has been so many inactive periods so she thinks she has been robbed of time. There was a period of time where there was not a quorum. Her term ends May 31st. Heather will look to see when the town charter went into effect. She would have to be off for a year before she could reapply. Valerie mentioned that someone said to her that the term limits started when the charter changed. Heather Lopes will look into this for Valerie.

Communication Plan

Judith Sutphen met with Catherine Brophy and they came up with a communication plan. She read from the plan. Catherine cautioned that this is a small island and we only have the Jamestown Press. Central component depends on the Jamestown Press. We need to be cognizant of who has the best relationship with the press. Jerry Scott suggests we get more organized before we put things in the press.

Derek Hansen said another key message or point from the Community Survey, a large majority 98% of the people want to maintain the islands character. This is so key to educating the public about this being one of the things that maintains the rural character. Keeping things affordable so we do not turn into Nantucket or Newport. Derek added it as a topic to our action plan.

Valerie Molloy suggested we bring Tim from the Press with us on the tour of Sandy Woods. Judith talked to Sandy Woods today, max income for a 1 bedroom is \$41,000 per year. It is a year waiting period. Derek said we should organize Sandy Woods now for April. Lisa will call Steve Ostiguy at Church Community Housing. We want a steady stream of articles at least once a month.

III. Executive Session – Acquisition of real property pursuant to RIGL 42-46-5(a)(5)(real estate) – nothing at this time

Affordable Housing Committee Minutes

February 19, 2014

Page 3

The meeting in April will be the 9th at 6 p.m. Touring Sandy Woods will take place during the day. Lisa Bryer will contact Tim at the Press and Rick Lecos of the Housing Authority, and Steve Ostiguy.

A motion to adjourn at 7:10 p.m. was made by Jerry Scott and seconded by Heather Lopes. So unanimously voted.

Attest:

Cynthia L Reppe
Cynthia L Reppe

EXECUTIVE SESSION MINUTES

April 29, 2014

III. EXECUTIVE SESSION. Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (property acquisition).

Call to Order. The Executive Session for the special meeting of the Jamestown Town Council was called to order at 5:43 p.m. in the Rosamond A. Tefft Council Chambers of the Jamestown Town Hall at 93 Narragansett Avenue, Jamestown.

Roll Call.

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Wyatt A. Brochu, Town Solicitor
Sam Shuford, Church Community Housing
Steve Ostiguy, Church Community Housing
Cheryl A. Fernstrom, Town Clerk

Real Estate. Property Acquisition. Discussion involved an affordable housing opportunity that just became available. This requires a \$72,000 investment by the Town from the Affordable Housing Trust Fund. If approved, this will come back before the Council at the May 19th meeting as part of the CDBG priority list authorization. Mr. Shuford explained his agency's function and how the program works. The property would remain as affordable, and if it is sold, can only be sold to someone who meets the criteria established for affordable housing. Church Community maintains ownership of the land, and the purchaser maintains ownership of the home.

The property in question, located on Beach Avenue, requires major renovation. The result would be a two bedroom affordable unit. Pictures were shown. Church Community requests the Town consider funding the project so that it can be advertised as part of the Community Development Block Grant, which requires two advertisements, and a public hearing on May 19th. The ad requires listing of the property in question. Discussion continued.

A motion was made by Mary Meagher with second by Eugene Mihaly to include the property in the CDBG application for funding for FY 2014-2105. President Trocki,

Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Once the Purchase and Sale Agreement is signed there will be disclosure of the property.

A motion was made by Mary Meagher with second by Eugene Mihaly to authorize signing of the Purchase and Sale Agreement for the property. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Adjournment.

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

The Executive Session was adjourned at 5:58 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor

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14 APR 11 PM 1:18



JAMESTOWN HARBOR OFFICE
TOWN HALL
93 NARRAGANSETT AVENUE
JAMESTOWN, RHODE ISLAND 02835

Phone 401.423.7262
Fax 401.423.7229

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the March 12, 2014 Meeting of the Jamestown Harbor Commission
Approved: 4/9/2014

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, March 12, 2014 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

1. CALL TO ORDER AND ROLL CALL

Chairman deAngeli called the meeting to order at 7:00 PM with roll call:

Present:

- Michael deAngeli, Chairman
- David Cain, Vice-Chairman
- Ed McGuirl, Commissioner
- Bruce Dickinson, Commissioner
- Patrick Bolger, Commissioner
- William Harsch, Commissioner

Also in attendance:

- Chief Edward Mello, Executive Director
- George Souza, Conservation Commission Liaison
- Kim Devlin, Harbor Clerk & Recording Secretary

2. APPROVAL OF MEETING MINUTES
A. February 12, 2014

Vice-Chairman Cain moved to approve the minutes of the February 12, 2014 Jamestown Harbor Commission meeting, as amended. Commissioner Bolger seconded. So voted (5 ayes, 0 nays, 1 abstention (Harsch)).

3. CONSENT AGENDA

No Consent Agenda.

4. EXECUTIVE SESSION

No Executive Session.

5. OPEN FORUM

A. Scheduled Requests to Address

No Scheduled requests to address.

B. Non-scheduled Requests to Address

No Non-scheduled requests to address.

6. EXECUTIVE DIRECTOR MELLO'S REPORT

Executive Director Chief Mello reported on Monday, March 17, the Town Council will be presented with the 2014/2015 harbor budget, rates and asset management plan. The Harbor Management Ordinance and Comprehensive Harbor Management Plan revisions will be heard on April 7.

Executive Director Chief Mello also reported Town Engineer, Mike Gray, is working to schedule the East Ferry ramp repairs as soon as possible.

**7. MARINE DEVELOPMENT FUND BUDGET
A. 2013/2014 MDF YTD Budget**

The Marine Development Fund was presented to the Jamestown Harbor Commission.

8. HARBOR CLERK REPORT

Harbor Clerk Devlin reported the wait list is closed and permit renewals will be sent next week; target date March 20.

9. LIAISON REPORTS

A. Planning Commission Liaison

Planning Commission Liaison seat is vacant.

B. Town Council Liaison

Town Council Liaison seat is vacant.

C. Conservation Commission Liaison

Conservation Commission Liaison George Souza had nothing to report.

10. ONGOING BUSINESS

A. Budget

Commissioner Dickinson had nothing to report.

B. Facilities

Commissioner McGuirl had nothing to report.

C. Mooring Implementation

Commissioner Cain had nothing to report on Mooring Implementation.

D. Harbor Management Ordinance / Comprehensive Harbor Management Plan

Chairman deAngeli had nothing to report.

11. OLD BUSINESS

There was no Old Business to discuss.

12. NEW BUSINESS

There was no New Business to discuss.

13. CORRESPONDENCE

A. CRMC March Calendar

Chairman deAngeli moved to accept correspondence item 13(A), Vice-Chairman Cain seconded. So voted (6 ayes, 0 nays).

14. OPEN FORUM – CONTINUED

Commissioner Bolger mentioned he has reviewed the report prepared by consultants on the Ft. Getty pier and requested the Jamestown Harbor Commission invite Mike Gray and/or the consultants to a meeting to present their findings.

Executive Director Chief Mello stated he will contact Mike Gray to schedule the presentation.

15. ADJOURNMENT

Commissioner Bolger moved to adjourn at 7:15 PM, Chairman deAngeli seconded. So voted; (6 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk

JAMESTOWN PHILOMENIAN LIBRARY
Minutes of the Regular Meeting of the Board of Trustees
Tuesday, March 11, 2014

The meeting was called to order at 5:05 p.m. by President Kitty Wineberg. The meeting was held in the Sidney Wright Museum Room of the library.

In Attendance: Kitty Wineberg, Delia Klingbeil, Laura Yentsch, Craig Watson, Karen Montoya, Donna Fogarty, and Paul Housberg.

Absent: Trustee (To Be Appointed by the Town Council)

- I. **Roll Call of Members:** The meeting opened with a call to order at 5:05 p.m. by President Kitty Wineberg.
- II. **Disposition of Minutes:**
 - a. The minutes of February 11th were reviewed. There were no corrections noted; the minutes were unanimously accepted.
- III. **Financial Reports:**
 - a. **Trustee:** Karen distributed two financial statements. The first statement, "JPL Trustees Accounts," listed transfers, balances, and expenses. Payments were made in October and February to Newport Architecture for the redesign project work. On the second statement, RI Foundation funds were listed from 2010 to 2013; statement balances in the endowment and capital expenditure funds were explained to the Trustees.
 - b. **Library:** Donna listed monthly accounts. Expenditures were on oil, Meridian IT Systems, and payroll. Media materials are bought from the 355 account; funds for this account are generated from the book sales. The state grant-in-aid is operating budget and is calculated from a percentage of town support. Grant-in-aid money is used to maintain OSL membership, Sunday hours, part-time staff, periodicals, and *The New York Times* subscription. Donna mentioned that Sunday hours will end in at the beginning of May and will resume in September.
- IV. **President's Report:** Kitty attended the first budget workshop. She noticed that the budget proposal that was submitted by Donna, and approved by the Trustees, is not what appeared in the budget workshop. She will clarify this information at a future meeting.
- V. **Progress and service report of the library director on the Budget Workshop.** Donna distributed budget materials. Donna mentioned that the proposed director salary raise was denied. 2.5 Cola and longevity increases were approved. A 1.5 merit raise for the director and a promotion for a librarian were denied. Delia proposed submitting a proposal to appeal this decision. Kitty will work on this appeal.

Donna also reported:

 - a. One hundred people were present for the film, *12 Years a Slave*.
 - b. Rugs will be cleaned.
 - c. Celtic Harp featuring Mary King will be held on March 16th.
 - d. The Great Art Heist talk will be on March 27th.
 - e. Peter Mandel will speak on how to write a children's book and get it published.
 - f. Rosemary Mahoney will speak on her book, *For the Benefit of Those Who See*.
 - g. On-going computer assistance continues every Tuesday.

- h. Book sale will be held on April 4, 5, and 6th. The Friends group will collect the money for the sale.

VI. Communications – none received.

VII. Old Business:

- a. **Capital Improvement Budget –** Capital Improvement money from this year must be repurposed to pay for the elevator project. It was supposed to be used for the front door, carpeting, and air conditioning units. Due to the space redesign project the trustees are asking that that this money be used to pay for the elevator project. The request in the 2014-2015 budget for the \$75,000 for the dumbwaiter elevator was denied.
- b. **Redesign Architecture Update-** Craig wanted to inform the trustees about the redesign phase. On Thursday, March 13th, Donna and Craig will speak to Mohammed Farzan, on April 2nd to the Friends group, and on April 3rd to the Public, the Wright family, and the Narragansett Indians. Craig has extended the deadline to the architects to April 15th; he is requesting a detailed breakdown (by elements and time) for the project. This will complete Newport Architecture's contract for the beginning phase. The next steps include:
 - i. Setting up a fundraiser, that is, a consultant and committee.
 - ii. deciding when to do the project, including library construction
 - iii. managing the library during the project
 - iv. construction bids
 - v. outside design proposal (landscaping) by a contracted landscaping architect via Newport Architecture
 - vi. Decide how much of the redesign project will come out of Trustee funds.
 - vii. Will the Space Redesign Committee continue or be reorganized or rollover to the fundraising committee? (The standing committee is now finished with its work.)
 - viii. The Trustees must decide when to go forward with this project.
- c. Craig moved that we allocate \$3,800 to Newport Architecture to hire a landscaping architect to move forward with the landscaping project. It was unanimously approved.
- d. Craig made a motion that we move \$10,000 from the Capital Expenditure Fund in the RI Foundation to our checking account in Washington Trust. This was unanimously approved by the Trustees.

VIII. New Business:

Gift to Departing Trustee—The Trustees discussed a gift to Heidi Keller Moon for the 9 years of service to the library. Heidi will choose a book to donate in her honor with a credit for \$100.00 to purchase a book for the library in her honor. The trustees made a motion to buy a book in her honor. It was unanimously approved.

The meeting was adjourned at 6:40 p.m. The next regular meeting of the Trustees will be held on April 8th at 5 p.m.

Respectfully submitted by
Secretary Laura Yentsch

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Approved As Written
PLANNING COMMISSION MINUTES
March 5, 2014
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:30 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Bernie Pfeiffer

Not present - Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor

I. Approval of Minutes February 19, 2013

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes as amended:

Page 2 - Town Planner Lisa Bryer told the Planning Commission that ~~aside from new Commissioner Pfeiffer~~ Housing is the only section of the Comprehensive Community Plan the Planning Commission has not reviewed since the state made suggestions and changes.

Page 3 - Commissioner Enright noted that we should set up a fund like Warren did.

So unanimously voted.

II. Correspondence – nothing at this time

III. Citizen's Non Agenda Item – nothing at this time

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

V. Old Business

1. Comprehensive Plan – 2014 Update – This item was discussed after Historic Preservation.
 - a. Final Review of Housing Element

The Planning Commission discussed the housing element text and action table and made minor revisions to both.

A motion was made by Chair Swistak to accept the Comprehensive Plan Housing Element and Action Plan as amended for inclusion into the final draft Comprehensive Plan. Second by Commissioner Pendlebury. All in favor.

- b. Forward document to the Town Council with recommendation for Public Hearing
- A motion was made by Chair Swistak to forward the Draft update of the Comprehensive Community Plan to the Town Council for review and Public Hearing. Second by Commissioner Cochran. All in favor.

2. Historic Preservation – Continued Discussion

Town Planner Lisa Bryer her Memo with the Planning Commission and a discussion ensued regarding Historic Districts and Buildings of Value. They would essentially be implemented in a similar fashion, just different terminology.

Where do we regulate? Commissioner Pfeiffer said what do the current owners have to say about the buildings they live in? The Commission agreed that the properties/landscapes/structures have to be identified first. Enright also feels the building itself may not be a contributing structure but we have to define building of value and she would rather use the term a contributing structure. Put an age limit on it.

Are we in agreement that we want to protect buildings from Beavertail to 138 Cedar to Conanicut Park and across Eldred Ave.? Pfeiffer said there are some Buildings of Value along East Shore Rd., Carr Lane, and Windmill Hill too. It was noted by the Chair that there can be structures outside of districts too.

Commissioner Pendlebury said people are reacting to the preservation of the character. What we need to protect is the character. There are some structures in the Dumplings that certainly contribute to the character of the town.

Commissioner Swistak asked “what is the significance of setting boundaries and creating districts?”

Farm views are another issue, the farm views are protected. There are management plans that protect the farms the Planner noted.

Kate Smith Spanker St. – she commends the Planning Commission for this. She lives in the Shores and even there, some houses are being torn down. She thinks it is a shame. The houses being torn down are being re-built and everything looks the same. She thinks biting off too much at first is not the best idea. Even a non-contributing structure it is still part of the fabric of the neighborhood, part of the character.

Betty Hubbard – agrees with Kate. You have already had some good ideas here. She spends a lot of time in Stowe Vermont a lot and there are over 100 houses there that are part of a formed district. Start with a small district Kate says and let the community get involved and used to the idea.

Sav Rebecchi – Sail St. – owned a business in Cranston for 10 years and lived there, he thinks that this is not Cranston. He lives in the shores and much of it is over 50 years old and he does not want to be regulated and does not want his neighbors regulated either. How much do you want to bite off and chew he asked the commission?

Commissioner Swistak said we are not treating everyone the same. Unless you declare the whole island a historic district. Commissioner Pendlebury thinks the buildings need to be identified. A number of the structures within these huge districts and not contributing factors. Pendlebury thinks most important is preserving the character of the Island. We either box this in or answer the question where do we regulate or not regulate at all.

Where do you want to be able to apply recommendations? All over or boundaries?

Swistak – all over the island – structures on a case by case basis

Jacquard – all over the island – structures on a case by case basis

Pfieffer – limited district - designate individual properties and that the current owner has say in

Cochran – structures all over the island, regulated tear downs

Enright – all over the island – specific structures

Pendlebury – enable preservation of the buildings and agrees in part with rosemary, smaller and could be located in several parts of the town, contextual common sense.

Jacquard asked Solicitor Brochu a question regarding legality of historic districts vs. buildings of value? Brochu believes that a state enabled historic district is stronger than the language related to buildings of value.

The Chair asked the Commission “How far do we take regulation?” Their responses were discussed.

- Demolition, review whatever structure can be re-built?
- Color of the house is off the table as well as the inside of house is too.
- Enright windows are a big issue. Pendlebury agrees.
- Streetscape
- Jacquard stick to the visual aspect trying to maintain the character
- Windows are important
- Cochran evaluate what the vistas are
- Visual integrity on all 4 sides on significant historic structures.
- Enclosures, such as fences
- Accessory Structures – It matters that they are compatible with the historic house or it could ruin the integrity of the property
- Specimen Trees?
- The Village is important, both commercial and residential character.

They discussed the next meeting and want to talk about the Pattern Book and how it fits with what we are discussing. Also discuss demolition, incentives.

VI. New Business – nothing at this time

A motion was made by Smith and seconded by Cochran to adjourn the meeting at 9:55. All in favor. The Planner remembered they need to approve the Comp Plan maps. A motion was made to reconvene the meeting by Swistak and seconded by Pendlebury. All in favor. It was noted for the record that no members of the public were present and so no one left after adjournment.

A motion was made by Swistak to approve the Maps as printed, seconded by Cochran. All in favor.

A motion was made by Enright and seconded by Pfeiffer to adjourn the meeting at 10:00. All in favor.

Attest:

Cynthia L Reppe
Cynthia L Reppe

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Approved As Written
PLANNING COMMISSION MINUTES
March 19, 2014
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:36 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Michael Jacquard	Bernie Pfeiffer

Not present: Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
Betty Hubbard
Sav Rebecchi
Barbara Herrmann
Walter Wadsworth

I. Approval of Minutes March 5, 2014

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

II. Correspondence

1. FYI – Memo to Town Council – Re: Comprehensive Community Plan Update. Received

III. Citizen's Non Agenda Item – nothing at this time

IV. Reports

1. Town Planner's Report – The town council scheduled the public hearing for the Comprehensive Community Plan for May 21st. Accessory Family Dwelling Units is scheduled for April 21st.
2. Chairpersons report
3. Town Committees
4. Sub Committees

V. Old Business

1. Historic Preservation – Continued Discussion

- **Demolition Delay Ordinance**

Commissioner Swistak said the first thing on the agenda, the Demolition Delay Ordinance was put in the packet on Friday and today there were discussions on the draft with the Solicitor. Wyatt Brochu thinks it needs more scrubbing before we review it. Brochu would like the planning commission to identify their objectives more clearly. What happens during delay he questioned? Traditionally when you look at a demo ordinance you look at safety issues etc. A delay to achieve health safety and welfare. This is what he means by a regulatory process. What regulation is the commission looking to develop where would it apply? This would be beneficial. Commissioner Pendlebury noted that the first section in the ordinance, Intent and Purpose, identifies the purpose of the delay and how it promotes the public welfare. The Planning Chair asked for public input prior to addressing the solicitors concerns.

Walter Wadsworth -17 Conanicus Ave. – the big sister of the 3 sisters I took this project on over a year ago. They have tried to be sensitive – to do the best refurbishment of the property and maintain the integrity of the property. They are concerned of what will happen to the other 2 sisters buildings. They spent a lot of time talking to people on what could and should be done. They encourage the planning commission to establish historical standards in Jamestown. Anything that maintains the historical significance is an impression or the brand of the Town so to speak.

Commissioner Swistak asked “when you bought the big sister did you immediately think it needed to be changed or expanded?” Mr. Wadsworth responded that it originally had 8 bedrooms and a small living room. They originally were going to add on a master bedroom on the first floor. After he started analyzing the structure they realized some things needed to be fixed to maintain the architectural integrity. That is what brought them to the home originally. Swistak wants to know was it worth it to go through the expense to replace the porch as it was and he said yes. Yes it was a burden but the value of the structure and its history outweighs that expense. Swistak asked if they considered tearing it down and starting over. He said they would never ever consider that. They knew they had to work with what they had.

Sav Rebecchi – one of the things from the workshop was education. One of his concerns with regulating his neighbor’s property is the character of Jamestown, the community of Jamestown, as a compromise solution is focusing on the educational side. Identify homes of value with the character and have those trigger a purchase or building permit. Put a historic review committee together for this with staff and communicate to the owner why it is valuable and why they may want to keep it in place. Softer approach he thinks is more valuable. He has seen 2 instances in the last year. They originally had a design and there was something the neighbors were worried about. These things have given him confidence that a historic review process could work. You can add an opportunity to voluntarily list it on a special list that they want to keep it protected by the town and let them put it on a list. Will you consider this approach?

- **Amendments to Article 11**

Commissioner Swistak asked Town Planner Lisa Bryer to address the commission and summarize her Memo.

The character of the village district which also includes residential neighborhoods have a character that is unique to the Island; smaller lots and houses, narrower setbacks and lower heights. We have Design guidelines and a pattern book that was developed after the Charrette for downtown

Jamestown, this is a great resource and we should utilize it. We have talked about the solicitor's office not being comfortable with the term Building of Value. So we should remove this terminology from Article 11 and figure out another way to regulate historic buildings. In your packet is a list of historic structures that started from the purple book. Commissioners Cochran and Enright have worked on it and there is also a list of what has been demolished in the last 10 years.

There was an article in a Planning magazine that I just got today on how to regulate using form based codes for historic districts. She made a copy for all the planning commission members.

Commissioner Swistak said it makes sense to utilize the existing Village overlay district, maybe we can get into what extent we want to regulate. How much regulation do we put in place for the village district and how far do we go to preserve a piece of property.

A discussion ensued with Ms. Bryer leading the discussion and reviewing the Pattern book and Design guidelines. This was designed for Jamestown by Donald Powers Architects, now Union Studios, and it is based on existing patterns and styles of development. As it states in the beginning, if you want to encourage the existing pattern of traditional development, this is how to do it.

Commissioner Cochran asked when do we apply these guidelines? If there is an existing historical structure then it applies but what if it is a new structure. Swistak noted that we already have a review process in place with TRC. Bryer stated that the most frustrating thing for applicants is if they do not have a guide to go by or understand what is expected of them. Anytime you can give better guidance for applicants then they know what we are looking for and know what is expected of them.

Duncan stated that we have had a number of issues that have come to us and in each case the applicants have chosen to disregard what the planning commission suggested. Maybe most do not understand what the pattern book means or they choose to disregard it. Pendlebury does not think we can just take the pattern book and apply it to the whole village special development district. Give the DPR review process a better set of tools to go beyond the encouragement stage and give them something for it. There needs to be incentives.

Commissioner Enright has looked at the current zoning regulations in terms of Article 11. We may want to consider changing the shoulds to shalls and that would be a stronger statement of what we are looking for. It got watered down during the adopting process.

Wyatt Brochu said this is a helpful discussion. This points to what a measured approach of the regulation is, what is appropriate now and short term goals and then long term. There is caution about the "shall's". They are not always absolutes. Even upon denials applicants are taking them to a Superior court and the applicants are winning. This has happened in Jamestown and we have lost. Shall's are flexible too. He gave an example of a recent case that the town lost. Brochu said looking at Village district and starting with what we already have is a good place to start.

Commissioner Cochran asked how often does this happen with Superior court cases? Not too often in Jamestown. Solicitor Brochu gave some background on the court cases.

Commissioner Pendlebury asked Brochu "If we have a better "Intent and Purpose" paragraph starting out, will that help the court have to pay attention to it." Brochu says it would help. Do we want to regulate what we currently have or do we want more teeth in it with a Historic District?

Commissioner Pendlebury said "we are charged with cleaning up Article 11 and the discussion has been to come up with a preservation mandate either through historic districts or designations." Most overlay districts are brought by the neighborhoods. He can see it and would love to delve into it and have it happen and have better regulation. Historic is one thing and commercial is another and he is not sure they are the same.

Commissioner Swistak asked does the Pattern book help us? All agreed yes but we have to be careful on how it is applied.

Does the pattern book take us to a level of regulation that is acceptable? It doesn't tell you how to maintain a historic building. Enright says it shows you how to build a new one. She thinks it does not apply to historic at all. Enright thinks we have to take out the word undersized in section 1106. It was suggested to look at Narragansett's Historic ordinance.

Pendlebury asked "1105 has not been enforced because it is ambiguous according to Brochu? But to make it un-ambiguous a lot of things have to happen which brings us back to where we are now." He wants clarification from Solicitor Brochu. Where are we wasting our time in this conversation are we spinning out of control here? Brochu wants to comment on drafts that Mr. Brown is going to be ruling on. Historic review is different than architectural control.

Abby Campbell King - significant is a better word than building of value.

Barbara Hermann – preservation is not about never doing anything. It is about how to manage change. Standards are very clear so they are legally defensible.

Betty Hubbard – she mentioned Narragansett because it is more user friendly than others.

Sav Rebecchi - he called the national park service and they said the listing on the National Register, it was not their intent and they frowned upon the town using their classification in local regulation.

Commissioner Swistak said any building of value/significant structure that is within the special village district, Fred Brown would say you must go to planning and go through the DPR process and we can apply the standards. Of the 180 historic structures 50 percent are within the village district. This is the most efficient way Solicitor Brochu said. He feels it is a good step for them to consider. Down the road we can or cannot create more regulation.

VI. New Business – nothing at this time

A motion to adjourn at 9:50 p.m. was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Planning Commission Minutes
March 19, 2014
Page 5

Attest:

Cynthia L Reppe
Cynthia L Reppe

This meeting was digitally recorded

TOWN COUNCIL SPECIAL MEETING
April 29, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Wyatt A. Brochu, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER

Town Council President Trocki called the special meeting of the Jamestown Town Council to order at 5:42 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

III. NEW BUSINESS/EXECUTIVE SESSION

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

- A) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (property acquisition); discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Eugene Mihaly with second by Mary Meagher to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate.

Pursuant to RIGL §42-46-5(a) Subsection (5) the following vote was taken by the Jamestown Town Council to enter into Executive Session: President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The Jamestown Town Council reconvened the special meeting at 5:58 p.m.

A motion was made by Mary Meagher with second by Eugene Mihaly to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

President Trocki announced that votes were taken in Executive Session pertaining to the acquisition of real estate. Per RIGL §42-46-5(a) Subsection (5) the terms of the acquisition and vote taken are not subject to disclosure.

IV. ADJOURNMENT

A motion was made by Mary Meagher with second by Thomas Tighe to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The special meeting was adjourned at 5:59 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL BUDGET WORK SESSION
April 10, 2014

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Eugene N. Mihaly
Blake A. Dickinson

Town Council Members Absent:

Thomas P. Tighe

Also in Attendance:

Andrew E. Nota, Town Administrator
Fred Brown, Building/Zoning Official
James Bryer, Fire Chief
Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Donna Fogarty, Library Director
Kenneth Gray, Tax Assessor
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
William Piva, Parks and Recreation Director
Howard Tighe, Deputy Fire Chief
David R. Petrarca, Jr., Assistant Town Solicitor
Cheryl Fernstrom, Town Clerk

Call to Order. Town Council President Trocki called the work session of the Jamestown Town Council to order at 5:03 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue.

Budget Review. President Trocki stated today's session is for final review of the Town's operating budget, capital budget, and school budget for FY 2015 (July 1, 2014 to June 30, 2015). Town Administrator Nota and Finance Director Collins provided updated budgets for operating, capital, and school department budgets.

Jamestown Chamber of Commerce. President Trocki recused on the issue as she is on the Chamber Board of Directors, filed the appropriate form, left the dais, and designated Vice President Meagher as the presiding officer for the discussion. Executive Director John McCauley addressed the Council requesting \$8,000, in quarterly installments of \$2,000, from the \$78,000 (approximate) annual "meal tax" allocation the town receives from the State of RI. The funds would be used to assist in developing business locally, including an off-island advertising campaign to bring visitors to Jamestown's commercial district

not only for the tourist season but during the winter months as well. Discussion ensued of the Chamber, its mission, annual budget, and the proposed project and theme to promote Jamestown as an alternative to Newport and South County (“Jamestown a Bridge Away, a World Apart”).

Councilor Mihaly noted he is a Chamber member, and as a person concerned about promoting Jamestown, feels the \$8,000 would be well spent, a good investment, Jamestown should be promoted, and he supports the proposal.

Vice President Meagher expressed concern for procedure and development of a methodology for granting such requests from similar agencies and non-profit organizations, perhaps creating a larger fund with an application process. Mr. McCauley stated this request is for economic development rather than promoting a community organization. The goal is to promote economic development for Jamestown businesses and ultimately more jobs. Finance Director Collins and Town Administrator Nota referenced the types of non-profit agencies that receive funding from the Town. The “Sustainable Jamestown Plan” under development by the Town Planner was discussed. Councilor Dickinson commented economic development could be incorporated into the Town Council goals; money spent should be consistent with the goals the Council developed. This request comes late in the budget process and should be part of a larger discussion.

Discussion ensued of available funding in this year’s budget from the Emergencies and Incidentals account; perhaps \$4,000 from this fiscal year and \$4,000 from next year. This request is similar to that made by the Arts Center for their roof replacement. This request, if successful, may be partially self financing. Lengthy discussion ensued. Mr. McCauley was informed the Council will consider his request, which may be partially funded from this current budget and next year’s budget. Mr. McCauley thanked the Council.

President Trocki resumes the position of presiding officer for the meeting.

Operating Budget. Review of the revised Operating Budget by Town Administrator Nota and Finance Director Collins continued. Recent budget revisions by the School Department have an overall impact on the Operating Budget.

Page 2. Personnel. Blue Cross was budgeted for a 10% increase; recent information from Blue Cross/Blue Shield indicates rate increases of 0% to 1.5%. The overall reduction for Personnel amounts to \$78,788.00.

Page 4. Public Safety. Police Protection. Maintenance of Police Cars is reduced by \$3,000.

Page 5. Emergency Medical Services. This reflects an increase of \$87,600 for per diem workers (\$20 per hour) required to implement ALS services for Jamestown for six

months, beginning in January. The original proposal was for \$175,000 for the entire fiscal year. Fire Chief Bryer and Deputy Chief Tighe answer questions and explain the ALS function and use of the proposed intercept vehicle to transport ALS equipment to the ambulance, rather than providing the equipment on each ambulance, for optimum public safety and efficiency while maintaining costs. Lengthy discussion ensued. Due to time constraints to implement ALS for this coming fiscal year, \$87,600 was budgeted for six months funding, balancing priorities, and giving the time needed to secure licensing, do hiring, obtain certifications, achieve integration, vet out capital needs, and resolve issues, with January 1, 2015 as an appropriate start date. Deputy Chief Tighe explained the process, equipment storage, and how the ALS equipment will be transported by the intercept vehicle, so that it won't be tied up by non-ALS calls. For an ambulance to be certified for ALS, it must permanently have the ALS equipment on it. Ambulances would remain as BLS, with the intercept vehicle classified as ALS transporting the ALS equipment when needed, keeping it always available. Once an ambulance is certified ALS, all personnel on it must be ALS certified. The equipment and personnel certify the ambulance as ALS. The need for ALS transport is unknown until there is contact with the patient who called for service. Many issues need to be resolved, including licensing, training, certification, and hiring personnel, which will be revealed once we are into the project. Lengthy discussion ensued. Council members feel comfortable with the six-month phase-in.

Town Administrator Nota stated based on the data reviewed, this is the most flexible and conservative approach and a good transition. Five or six of the current EMS staff are ALS certified in other communities; per diem ALS workers can be mentors to our own members; our personnel with certified per diem ALS personnel is the best implementation plan. Councilor Dickinson commented ALS seems like a real asset and asked if there is enough demand to justify the cost. Deputy Chief Tighe noted using the last three years data, there is one transport per day, with 80% deemed ALS by protocol. He feels ALS is necessary and will benefit the whole community. Per Chief Bryer, RIDOH is trending towards ALS capabilities for all EMS departments, and we are trying to get ahead of the game. Per diems are private contractors, covered under JFD's insurance. The operating budget requested is \$87,600.

Capital Budget for ALS. The capital request is \$46,000 - \$15,000 for equipment consisting of defibrillators and ALS medication kits, and \$31,000 for replacement of the Ford Explorer with an intercept vehicle, or \$46,000 in total. Chief Bryer stated the JFD Donation Fund will match the \$15,000 for the equipment. President Trocki noted the Council's appreciation for that. Councilor Dickinson would like to see a Fleet Replacement Plan developed, and JFD is in agreement to develop that, as it is better to plan rather than react for such needs.

Operating Budget, continued. Page 7. Public Buildings. Telephones and Alarms is reduced by \$5,000 to \$15,000, as the VOIP is pushed off to next year; Landscape

maintenance is reduced by \$2,000 to \$10,000, for a total reduction of \$7,000 for that account.

Page 9. Parks and Recreation. Telephone is reduced by \$750 to \$2,500, and Water is reduced by \$500 to \$13,000, for a total account reduction of \$1,250.

The Operating Budget for the School Department was reduced \$301,000 from the original budget.

Capital Improvements Budget. Town Clerk's Office. An additional reduction of \$10,000 from the original \$15,000 is proposed; the \$5,000 for Microfilming Probate Records and \$5,000 for Clerks Records Management are put off for an additional year, as there is funding available from prior years.

Tax Assessor. The annual set aside for Revaluation is reduced from \$25,000 to \$20,000.

Planning. Planning and Development documents - the \$25,000 used for update of the comprehensive plan, subdivision regulations, etc. is eliminated, as there is ample funding to forego this expense for the next fiscal year.

Technology. Fiber installation is reduced by \$13,000 to \$13,000. The Town can do the work in house to save the \$13,000.

Police Protection/EMA. \$25,000 was added for an EMA vehicle for the Administrator. A Ford Escape is planned, to maintain consistency in the fleet.

Fire Department. \$100,000 was added for the design, architectural, and engineering process, which is 10% of the \$1,000,000 estimated project cost for the Fire Station expansion project. The Fire Station renovation will be designed for replacement of equipment, so that future replacements can be standard equipment rather than custom equipment at an inflated cost. JFD is prepared to move forward with RFP at the beginning of the new fiscal year. Discussion continued.

Public Works. This has been a difficult winter followed by a wet spring, resulting in road deterioration. Road Paving is usually budgeted at \$325,000; this allocation usually paves 1½ miles of road. Town staff performed an assessment of town roads, resulting in a recommendation of \$400,000 for Road Paving for next year. Discussion of road conditions continued. Some overlaying and patching is proposed at \$75,000, which buys 1,000 tons asphalt for a mile of overlay to improve conditions until a full depth construction can be done. Town Administrator Nota stated the Town likes to avoid bonding. The paving allocation should be well received by residents. Public Works Director Gray noted the tough winter.

Town Hall doors are proposed for \$17,000, reduced by \$17,000, to address winterization and ADA issues. The next step is to evaluate a design acceptable for implementation in the front of the building. The Town Hall generator switch was installed, in case it is needed, with elimination of the \$40,000 generator allocation.

Engineering. Discussion of the Capital spending ensued, which is needed for GIS, maps, software, which includes Main Street Maps, ESRI licensing, GIS training, and hardware replacement. The new generation of GPS software is \$12,000, and this is placed in the Capital Budget so that the funding can be rolled over.

Bay View Drive – embankment stabilization. The Council notes the serious erosion on the earthen bank, which lost 6 to 8 feet of shoreline. Public Works Director Gray commented on proposed riprap. The Town can perform the work, with purchasing stone, filter fabric, and restoration of the grass area. With the Hazard Mitigation Plan we may be able to apply for grants. North Bay View Drive is closed off and vehicles can't drive through by the North light. This is a future project, and it is too soon to evaluate; many issues contributed to the problem and we don't want to guess at an amount. This will not be ignored, and emergency action can be taken if needed.

Fort Getty Pavilion Site Improvements. Town Administrator Nota stated a \$200,000 line item is proposed based on GLA's scope of work for site preparation, infrastructure, stabilization, underground utilities, etc. The entire project is estimated at \$285,000. We can move forward with a majority of the project outlined by GLA. Councilor Dickinson is in favor of this, and Town Administrator Nota will look for grant opportunities.

Recreation Department. Existing reserve funds will be utilized for tennis court rehabilitation in the amount of \$40,000.

The Total Capital Improvement budget proposed is \$1,207,000, a \$245,000 increase over the original proposed budget.

School Department Budget. Vice President Meagher and Councilor Dickinson attended the School Committee meeting. They thanked the School Committee the \$301,567 budget reduction. Zero based budgeting was referenced.

Councilor Mihaly referenced the School Department contingency fund of \$272,000. School Committee Chair Cathy Kaiser noted this is for unknowns, such as salaries under negotiation, and it is not a rainy day fund for items that will end up in the budget, these are funds that will be spent. Councilor Mihaly stated he is uncomfortable with the magnitude of these reserves. If the contingency fund is to be spent, the extent of funds that aren't used is essentially increasing the size of the reserve. The current reserve is \$1,300,000; \$1,500,000 was removed for OPEB. Ms. Kaiser reviewed the school department's strategy to fund OPEB, and stated \$1,300,000 is just over 10% of the budget. After the budget is approved, the school department will review decreasing the

reserve and increasing the amount committed to OPEB. Discussion ensued of supplanting operating funds with reserve funds, which is not fiscally prudent. Discussion ensued of State and Federal contributions, with Jamestown receiving one of the lowest. Reserves are excess operating funds, and if they are always used to offset the budget, eventually there will be no reserves. The School Department averages a \$200,000-\$300,000 surplus annually. Ms. Kaiser explained they must be prepared for special education students who arrive, legal expenses, and other unexpected expenses.

Discussion ensued of surplus funds and whether the school department can justify the growth. Ms. Kaiser stated neither she nor the school department feel the need to justify it. If the roof goes, the reserves will be used to replace it. The School Committee does not want to supplant the operating budget with reserves/surplus. Town Administrator Nota stated today school districts have gotten away from supplanting operating expenses with surplus funds. Ms. Kaiser noted all contingency money is operating funds, and it is anticipated it will be spent, but it may not be.

President Trocki asked if there are any other comments.

Town Administrator Nota seeks Council direction regarding a suggested increase in the Transfer Station fee from \$100 to \$125. If the Council is in favor, justifying figures will be on the next agenda. Council members reference the sidewalk in front of the Library, which is part of the Safe Routes to School project. There were concerns by the Native Americans (the Narragansett's want more restrictive policies regarding private excavation), which in turn held up RIDOT and Federal funding. The sidewalks may be part of the Library redesign project; as the sidewalk is on a State road, their approval is required. Lengthy discussion ensued. The sidewalk design plan could be completed so that when the funding or permission becomes available, it ready to go. Town Administrator Nota commented he will obtain a project update and speak with other RIDOT administrators to see where this is at. Discussion ensued of putting more money into our roads as this winter has taken its toll. Discussion ensued of a town-wide fleet plan for standardization and cost controls.

The bottom line is a \$253,296 increase in the overall budget, which would be a 5 or 6 cent increase on the tax rate. Other funding sources and fee increases were referenced. The transfer station sticker fee increase could result in an additional \$25,000 in revenues. The \$40,000 expense for Police Department gas and tires was reviewed. Discussion continued.

Finance Director Collins would like to know of any major changes proposed for the budget, which is slated for Council approval on April 21st. She is working with the Tax Assessor to determine additional growth and gauge a preliminary tax rate figure. Council members comment the items they would like to add are additional funds for town roads, Bay View Drive, North Bay View Drive, and embankment stabilization.

Sav Rebecchi of Sail Street. Mr. Rebecchi asked for the amount of unreserved funds. He was informed it is \$3,585,628 as of December 31, 2013. Mr. Rebecchi referenced the recommended reserve of 16% of the total operating budget for maintaining a favorable bond rating, and 17% or an island community. Finance Director Collins noted that due to lower taxes, Jamestown gets a better bond rating. Discussion ensued of surplus funds. Last year \$212,000 was taken out of the rainy day fund due to the East Ferry seawall repair; the Town usually takes \$150,000 out of surplus annually toward its capital. A comparison of Town and School surplus ensued. Mr. Rebecchi commented on his tenure on the School Committee and the challenges faced, particularly negotiations, and he trusts how the School Committee spends taxpayer dollars. Discussion continued.

Mr. Rebecchi commented on the Comprehensive Plan and its components that were previously based on surveys sent to all households. Residents took it seriously, with a 30% return. The benefit of information gained through surveys is important and worth the \$4 cost per household. The Fort Getty charrette was a failure, and he suggests Council consider the cost of operating a survey for inclusion in the budget or take it from the rainy day fund for a suggested giant survey to cover numerous areas and topics (cultural activities, Lyme disease, historic preservation).

Councilor Dickinson referenced access to government through the new Town website, which will implement such survey services and others to the public. The level of spending suggested would not be necessary when the website is used for interaction. This is the Town Council's goal. He also has a high regard for the School Committee and his fellow Council members dealing with budgets. His challenge to the budget is what is a fair growth is in a reserve fund, in light of decreasing student enrollment.

Discussion of reserve funds continued. Mr. Rebecchi stated websites are not what they are cracked up to be; he objects to School Committee agendas not being posted in the *Jamestown Press*; he does not feel the paperless agenda will be successful; he feels a current survey would be valuable and worthwhile. Councilor Meagher is not sure what impeded the charrette process. The surplus issue arose as the Town surplus has been going down, while the School surplus is going up, with both entities using surplus to pay for capital. School Committee Chair Kaiser stated the school population is not substantially smaller. The high school population is 150 down from 190. Mr. Rebecchi was thanked for his comments.

Budget adoption is slated for the April 21st agenda, and potential changes need to be identified. The Chamber donation could come from the emergencies and incidentals fund. Charitable donations, Town roads, the Library plan, and embankment stabilization need to be addressed. Discussion ensued of moving \$50,000 from the Fort Getty Pavilion to Town roads and stabilization. Town Administrator Nota stated this discussion can be vetted on April 21st. Public Works Director Gray feels we can draw from other projects when the emergency arrives. Fort Getty could be dropped to \$170,000, putting the

\$30,000 towards roads, for a total of \$430,000, which allocates \$75,000 more for roads than originally planned.

Discussion ensued of placing a Resolution on the next agenda to increase the annual Transfer Station sticker fee by \$25. This will have a positive revenue impact. Council members affirm they are comfortable with the funding allocation for ALS. Discussion ensued of a standardized vehicle fleet plan (especially for SUV's). A copy of the fleet vehicle list will be forwarded to Council members prior to next agenda for review.

Finance Director Collins asked for direction regarding the Chamber request. Council suggested \$4,000 from the emergencies and incidentals account this year. Discussion ensued of having a line item for voter approval to fund such requests or grants. Finance Director Collins noted there should be a process for requests for funding for non-profit organizations. She suggested \$4,000 for the Chamber from this year's budget and \$4,000 in next fiscal year's budget as a line item. Discussion ensued of a charitable pool for funding to non-profits who contribute to the Town and/or a small economic development allocation. With such a line item, requests would be part of a procedure early on in the budget cycle. Discussion ensued of a \$4,000 line item for economic development in the upcoming budget with a discussion at a later time of a fund for non-profits. This requires further discussion with our Solicitor before moving forward. Lowering the Pavilion to \$170,000 and a line item for economic development for an agency like the Chamber were suggested.

Finance Director Collins will move forward with the suggested revisions.

Adjournment. There being no further business to discuss, the budget work session was adjourned at 7:33 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor

EXECUTIVE SESSION MINUTES

April 7, 2014

XII. EXECUTIVE SESSION. Pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining (IBPO Contract), and Subsection (1) Personnel (Review and possible ratification of Severance Agreement for Town Administrator).

Call to Order. The Executive Session for the regular meeting of the Jamestown Town Council was called to order at 9:32 p.m. in the Rosamond A. Tefft Council Chambers of the Jamestown Town Hall at 93 Narragansett Avenue, Jamestown.

Roll Call.

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Edward A. Mello, Police Chief
Peter D. Ruggiero, Town Solicitor
David R. Petrarca, Jr., Assistant Town Solicitor
Cheryl A. Fernstrom, Town Clerk

Collective Bargaining. IBPO Contract. Discussion involved past negotiations, actuary reports, and contracts. Town Administrator Nota referenced the draft contract and the efforts of staff members involved in the preparation. Pension, health coverage, accrued benefits, staffing requirements, other benefits and improvements to ambiguous language in the draft document were noted. This will be continued to the April 21st executive session for further review, with staff available for questions and information as needed. The document is a good starting point for negotiations scheduled to begin soon.

Personnel. Severance Agreement for Town Administrator. Solicitor Ruggiero and Town Administrator Nota referenced the recent correspondence regarding Mr. Paicos and his demands above the obligations outlined in his employment contract. As stated in open session, there will be no response to the demand notice.

Adjournment.

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

The Executive Session was adjourned at 9:48 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL INTERVIEW SESSION
April 7, 2014

CALL TO ORDER

A special session of the Jamestown Town Council began at 5:00 p.m. in the Jamestown Town Hall Conference Room at 93 Narragansett Avenue, Jamestown.

ROLL CALL

The following members were present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also present:

Cheryl A. Fernstrom, Town Clerk

INTERVIEWS

The following candidates appeared before the Town Council for an interview:

Bruce DiGennaro	Conservation Commission
Peter Carson	Library Board of Trustees
Liz Brian	Library Board of Trustees
Melissa Mastrostefano	Traffic Committee
Bill Dawson	Traffic Committee
	Tax Assessment Board of Review

The following candidates scheduled for this evening's session did not interview:

Peter Fay	Harbor Commission	Rescinded his application this morning
Joseph McGrady, Jr.	Harbor Commission	Called away on business this afternoon
Hugh Murphy	Traffic Committee	Did not appear for his scheduled interview

ADJOURNMENT

There being no further interviews scheduled, the Council adjourns the special session at 6:20 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council Members (5)
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL INTERVIEW SESSION
April 21, 2014

CALL TO ORDER

A special session of the Jamestown Town Council began at 7:15 p.m. in the Jamestown Town Hall Conference Room at 93 Narragansett Avenue, Jamestown.

ROLL CALL

The following members were present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also present:

Cheryl A. Fernstrom, Town Clerk

INTERVIEWS

The following candidates appeared before the Town Council for an interview:

Joseph Patrick McGrady, Jr. Harbor Commission

ADJOURNMENT

There being no further interviews scheduled, the Council adjourns the special session at 7:28 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council Members (5)
Town Administrator
Finance Director
Town Solicitor

TOWN COUNCIL MEETING
April 7, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
Peter D. Ruggiero, Town Solicitor
David R. Petrarca, Jr., Assistant Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Trocki called the meeting of the Jamestown Town Council to order at 7:05 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

President Trocki welcomed Town Administrator Andrew Nota to his first official Town Council meeting.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS,
PRESENTATIONS AND RESOLUTIONS**

- A) Resolutions and Proclamations
- 1) Proclamation No. 2014-03: Arbor Day in Jamestown. The Proclamation was read by President Trocki.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve Proclamation No. 2014-03 Arbor Day in Jamestown. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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 motion was made by Eugene Mihaly with second by Blake Dickinson to convene as the Alcoholic Beverage Licensing Board and open the Public Hearing at 7:08 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A) 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 by the Town Council for a **NEW LICENSE** under said Act, for the period December 1, 2013 to November 30, 2014 (duly advertised in the *Jamestown Press* March 13th and March 20th editions)

CLASS B – VICTUALER - LIMITED

Lucky Ridge Co., LLC
Db: Spinnaker's Café
3 Ferry Wharf
Jamestown, RI 02835

- a) Police Chief Mello's recommended restrictions
- b) Request a motion to approve the liquor license application for a **NEW CLASS B – VICTUALER - LIMITED**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2013 to November 30, 2014.
- c) Request a motion to raise the **CLASS B – VICTUALER – LIMITED** Cap to ONE (1) [Present Cap ZERO (0)] and set the **CLASS B – VICTUALER – LIMITED** Cap at ONE (1)
- d) Request a motion to raise the total number of **LIQUOR LICENSES** in the Town of Jamestown to **THIRTEEN** (13) from **TWELVE** (12)
- e) Request a motion to set the Class B – Victualer – Limited annual fee (Per RIGL §3-7-7 \$200 to \$1,500)

Attorney John Murphy was in attendance representing Lucky Ridge Co., LLC dba: Spinnaker's Café in their application for a Class BV Limited liquor license to serve beer and wine. Spinnaker's has been before the Planning Commission, Zoning Board of Review, Water and Sewer Board of Commissioners, and now before the Council for granting of the liquor license. Spinnaker's has been in business for 10 years, is a good corporate citizen, employs up to 25 citizens during the summer season, and serves the needs of the local and tourist population. Patrons have requested beer and wine, and Spinnaker's has operated as a BYOB to accommodate them, which will cease if the

license is granted. Police Chief Mello's restrictions, as well as the Planning Commission and Zoning Board restrictions, were referenced, and are acceptable to his client. Wine and beer will be served on the patio from single-serve containers to plastic cups, with no service to the tables in front of the restaurant on the street. Restaurant staff will be taking TIPS training in preparation for the sale of beer and wine, and a sign will be posted "no alcohol beyond this point" as directed.

Police Chief Mello noted Attorney Murphy covered the concerns. No alcohol will be served to the front side of the restaurant or through the take out window, there will be proper signage in the dock area delineating "no alcohol beyond this point" and the square footage will be noted.

Council Comments. Councilor Dickinson commented on the favorable vote by the Zoning Board and Planning Commission for granting the special use. President Trocki commented liquor license controls in place are preferable to a BYOB. Chief Mello concurs, as there would be better controls.

Town Administrator Nota noted the restrictions and that the process has included vetting before Planning, Zoning, and the Building and Zoning Official. Council members stated Spinnaker's has done an excellent job with the restaurant facility and has improved their menu over time. There are no BV Limited licenses at this time, and the Council would have to determine if the license cap should be raised to allow this business to serve beer and wine. President Trocki stated as a member of the Chamber she would like to see this seasonal business grow.

Attorney Murphy stated the operator (Michael Ridge) wants to offer his customers more than water and coffee to accompany their sandwiches and soup, and this gives that opportunity. There will be no service through the take-out window; ice cream sales will continue as before. The restaurant opens at 8:00 a.m. and closes at 10:00 p.m. Solicitor Ruggiero stated the Council can set limitations for service times. Attorney Murphy stated there have been BV Limited licenses previously in Jamestown, and Spinnaker's has had a BYOB practice for five years.

Mr. Ridge of Spinnaker's noted 25% to 30% of his customers bring in a single serve beer or wine. His business is quick turn over and doesn't encourage lingering customers, as it is not set up for that type of service. Mr. Murphy gave examples of other similar operations that offer liquor service (not in Jamestown). President Trocki commented the Council has the responsibility to regulate licenses in a small town and must make difficult decisions on who they say yes to and who they tell no. Attorney Murphy noted this is a modest expansion, offering hospitality to its customers.

Vice President Meagher stated this issue is precedent setting by raising the cap, as there have been no BV Limited licenses for 20 years (prior BV Limited licenses were referenced). Discussion ensued of the criteria for granting or denying the license application and any future BV Limited applications. Attorney Murphy stated his client

had a lot of hurdles to get here, and followers will have to do the same. Vice President Meagher commented on the potential to increase the cap even more if other applicants fulfill the criteria.

Councilor Mihaly noted each applicant has to be seen by itself. Presently Spinnaker's is a BYOB, and what is being proposed is controlled. Given its location so close to where people land and the view, to deny beer or wine service makes no sense. He is not worried with precedent, and the Council should grant licenses for each individual case. To deny a license because a future Council may have a dilemma is not a good reason.

President Trocki commented the application process is open to all, on a case by case basis. The Council can revoke a license at any time after a show cause hearing. There are checks and balances, but the Council does not take lightly others' concerns and comments. The Council sets the criteria and the issue is raising the cap. Councilor Dickinson commented he visited the establishment as an ice cream shop customer and never saw the BYOB aspect. Attorney Murphy stated that was because it was well handled. Councilor Mihaly commented the BYOB concept makes it difficult to control inebriated patrons, which is better handled through the licensing procedure. President Trocki noted the granting of the license will increase the value of that business. Vice President Meagher commented this may now be looked at as less of an ice cream shop than a lunch place and will add more traffic to an already congested area with parking issues. The Town does not own the sidewalks there; this sets a precedent.

Public Comments. None.

A motion was made by Blake Dickinson with second by Eugene Mihaly to raise the total number of liquor licenses in the Town of Jamestown to 13 from 12. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Eugene Mihaly with second by Thomas Tighe to approve the Class B Victualer – Limited Liquor License application subject to all conditions, incorporating Chief Mello's restrictions, with review and report back to the Council by the Police Chief in six months, and to set the hours of operation for liquor sales as no earlier than 11:00 a.m. and no later than 10:00 p.m., while food is being served. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Eugene Mihaly with second by Thomas Tighe to raise the liquor license cap for BV Limited licenses to one (1). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Discussion ensued of the licensing fee. Per RIGL §3-7-7 the Town can charge \$200 to \$1,500 for this license; historically Jamestown always charged the minimum. The Council will address liquor license fees in the future.

A motion was made by Mary Meagher with second by Thomas Tighe to charge the minimum fee of \$200 for the Class B Victualer Limited liquor license. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Mr. Ridge plans to open for the season on Saturday.

A motion was made by Thomas Tighe with second by Blake Dickinson to close the public hearing and adjourn as the Alcoholic Beverage Licensing Board at 7:43 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Public Hearings

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways Article II. Harbor Management Ordinance Sec. 78-21 through Sec. 78-22 through Sec. 78-27; duly advertised in the *Jamestown Press* March 27th edition.
- 2) Proposed Amendment of the Jamestown Comprehensive Harbor Management Plan Chapter I Introduction, Chapter II Jamestown (Conanicut Island) Description, and Chapter III Issues and Implementation, for CRMC compliance; duly advertised in the *Jamestown Press* March 27th edition

Chief Mello stated the Town has not had a CRMC approved Harbor Management Plan for a number of years. The proposed ordinance and plan amendments advertised were vetted through the Harbor Commission. Two weeks ago CRMC notified him of new language changes, which were reviewed with CRMC on Friday. This new language must be included in the Ordinance and Plan in order to achieve full five-year approval. The Harbor Commission has not seen the new language changes, but they will be addressed on Wednesday, April 9th, at the Harbor Commission Meeting. Chief Mello explained the CRMC language revisions are in addition to revisions proposed and advertised for public hearing. The CRMC language changes are as follows:

Sec. 78-26 Mooring and outhaul regulations

Page 11. Under Class 1 Riparian CRMC suggested deleting the proposed language “If this area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Under Class 2 Rights-of-way CRMC suggested adding the language “Existing Class 2a
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and 2b areas should be considered grandfathered and no similar parallel extensions of ROW boundaries onto coastal waters should be established to create mooring sites for non-riparian property owners in either of these classes.” CRMC suggested deleting the proposed language “If the area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” In its place CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Page 12. Under b. Nonriparian property owners . . . CRMC suggested removing the proposed language “If the area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Page 16. Under (h) Occupancy; transfer. (1) after “Private mooring and outhaul permits” CRMC suggested adding the language “on town property”. After (2) “Mooring, outhaul permits” CRMC suggested adding the language “on town property” and after “No private mooring” remove the word “holder” and add the word “permit”. After “. . . except on a one time only basis” CRMC suggested adding the language “to an immediate family member. The immediate family member to whom the permit was transferred may, under no circumstances, subsequently transfer the permit.” After “. . . the relevant shoreside requirements.” CRMC suggested deleting the language “In exceptional cases permit holders may apply to the harbor commission for relief from this provision.” (3) after “Commercial mooring and outhaul permits” CRMC suggested adding the language “on town property”.

Page 23. Under (2) On private property after the language “. . . reserves the right to revoke any outhaul permit that is not issued according to RICRMP.” CRMC suggested adding the language “Outhauls may be grandfathered in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such “grandfathering” is extinguished whenever a recreational boating facility is approved at the location.”

Chief Mello noted the Harbor Commission is meeting on Wednesday, and the additional language revisions are part of their agenda for review and comment. Council members are agreeable to continuing the public hearing. Discussion ensued of the Asset Management Plan and whether it should be part of the Harbor Ordinance or referenced in it under Authorities, powers, and duties. Vice President Meagher referenced Sec. 78-28 Harbor Commission (Page 28) (b) Composition the language “to achieve diversity preference shall be given to representatives of each of the following groups” and suggested “may” should replace the word “shall” to give more flexibility in appointing Commission members. Discussion continued. Under (e) Finances; budget (Page 29) reads “Annual lease revenue from taxpayer-owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund maintenance, repair, or improvements to harbor and

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waterfront capital facilities.” This has been an issue, and it is good the Harbor Asset Management Plan was developed to define what harbor monies fund. Other enterprise accounts and the related processes were referenced, discussed, and explained. The Council ultimately has control over where funding is allocated and used. Lengthy discussion ensued. Per Solicitor Ruggiero, now is the time to clean up the ordinance language. Vice President Meagher will give her suggestions to Chief Mello to review with the Harbor Commission.

The Public Hearings for the Harbor Ordinance and Harbor Management Plan are continued to May 5, 2014.

Public Comments. Julio DiGiando asked if there will be public comment on May 5. He was informed public comment would be part of the public hearing continuations and it would be best make his comments at that time.

Sav Rebecchi commented on the two seats for non-riparian boaters stating he thought the intent was to have one for the east coast and one for the west coast.

- 3) Adoption of FY 2015 Harbor Budget (July 1, 2014 to June 30, 2015) approved by the Harbor Commission February 12, 2014.

Chief Mello referenced the budget prepared by Finance Director Collins with an approved \$218,480 Operating Budget and approved \$86,500 Capital Budget. Vice President Meagher referenced the \$14,177.50 Fort Getty Pier Assessment on the capital budget, its current status, and suggested reallocating that funding to the Old Ferry Landing, as it more visible and accessed more frequently. Public Works Director Gray noted the conceptual plan with design alternatives developed, which he can present to Council at a future meeting. Mr. Gray suggested installing a fence across the Old Ferry Landing for safety reasons prior to the summer season. The fence could be done this fiscal year with maintenance money. \$20,000 was budgeted to study the Old Ferry Landing. Town Administrator Nota referenced the much needed repairs at East Ferry, not just the Old Ferry Landing, and indicated that was three years away based on the scope of the project. Discussion continued.

A motion was made by Mary Meagher with second by Eugene Mihaly to adopt the FY 2015 Harbor Budget with one amendment, the \$14,177.50 for the Fort Getty Pier Assessment will be transferred to the Old Ferry Landing. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 4) Adoption of Harbor Asset Management Plan approved by the Harbor Commission February 12, 2014

Chief Mello asked that it be referred to as the Harbor Asset Management Inventory. Chief Mello thanked the Harbor Commission and Chair Mike deAngeli for their efforts.

Vice President Meagher noted the Old Ferry Landing should be added to the last page of the Harbor Asset Management Inventory under East Ferry.

A motion was made by Blake Dickinson with second by Mary Meagher to include the Old Ferry Landing under East Ferry in the Harbor Asset Management Inventory. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Blake Dickinson with second by Mary Meagher to adopt the Harbor Asset Inventory Plan, subject to the one change. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) Licenses and Permits

- 1) Marine Vessel Beverage License – **Class G** – Renewal
 - a) Conanicut Marine Services
dba: MV The Jamestown
Location: East Ferry Wharf
 - b) Conanicut Marine Services, Inc.
dba: MV The Katherine
Location: East Ferry Wharf

A motion was made by Eugene Mihaly with second by Mary Meagher to grant the Class G license renewals for Conanicut Marine Services for the MV Jamestown and MV Katherine. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Holiday License renewal applications
 - a) Conanicut Marine Services, Inc. dba: The Conanicut Store
Location: 20 Narragansett Avenue
 - b) Zeek's Bait & Tackle, Inc. dba: Zeek's Bait & Tackle
Location: 194 North Road

A motion was made by Mary Meagher with second by Thomas Tighe to approve the Holiday License renewal applications for Conanicut Marine and Zeek's Bait & Tackle. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 1) One Day Event/Entertainment license applications
 - a) Removed from the voting block
 - b) Applicant: Arnold Zweir Post 22 American Legion
Event: Memorial Day Parade
Date: May 26, 2014
Location: Lawn School to Veterans Memorial Square

- c) Applicant: Sue Romano
Event: Huston/O'Brien Wedding
Date: June 7, 2014
Location: Fort Getty Pavilion
- d) Applicant: Katrina Westall
Event: Westall/Nordstrom Wedding
Date: June 13, 2014
Location: Fort Getty Pavilion
- e) Applicant: Kimberly Holmes
Event: Holmes/DeMello Wedding
Date: June 28, 2014
Location: Fort Getty Pavilion
- f) Applicant: Beverly Vilardovsky/Ann Zartler
Event: North Kingstown High School '88 & '89
Class Reunion
Date: July 27, 2014
Location: Fort Getty Pavilion

A motion was made by Eugene Mihaly with second by Mary Meagher to grant the One Day Event/Entertainment License applications for b) through f). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- a) Applicant: Conanicut Marine/Latitude Yacht Brokerage
Event: Rhode Island Boat Show
Date: May 3-4, 2014
Location: Veterans' Square, East Ferry Wharf

Vice President Meagher referenced past criticism for displaying the boats on Memorial Square, as a certain honor and respect should be paid to that area. Perhaps the boats could be moved closer to the beach to the north rather than in the Square. Councilor Mihaly agreed. Marilyn from Conanicut Marine in attendance stated they try to keep the boat show all in one area. Councilor Dickinson will work with them to revise the location while creating respect for that area. Town Administrator Nota suggested approving the license subject to resolution of the location by town staff.

A motion was made by Eugene Mihaly with second by Thomas Tighe to approve the One Day Event/Entertainment license for the Boat Show subject to an acceptable plan worked out with Conanicut Marine by Town Administrator Nota. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) One Day Peddler License Application
 - a) Applicant: Quononoquott Garden Club
Event: Annual Plant Sale

Date: May 17, 2014 (rain date May 18, 2014)
Location: Veterans' Square, East Ferry

Discussion of the Veterans Square location applies here as well. Town Administrator Nota will work with them as well for an appropriate location for the plant sale this year.

A motion was made by Blake Dickinson with second by Mary Meagher to grant the One Day Peddler License application for the Quononoquott Garden Club annual plant sale. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 5) Private Investigator License Renewal Application
 - a) Ronald F. Lewis
Address: 139 Seaside Drive, Jamestown

A motion was made by Blake Dickinson with second by Mary Meagher to grant the Private Detective License renewal application for Ronald F. Lewis. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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

- 1) Fritz Attaway, Taxpayers' Association of Jamestown.

Fritz Attaway of Decatur Avenue is in attendance on behalf of the TAJ requesting the Town Council retain outside expert counsel to help with negotiations for the Police Union contract. Spending a little money will save a lot of money in the long run. This is not unprecedented, as the School Committee retained outside counsel in the past for union negotiations, and this is the right thing to do. A previous negotiation in 2007 created an increase in the Town's pension obligations by reducing the number of years of service required for retirement from 25 years of service to 20 years for police officers. This resulted in the necessity to pay the retiree and the officer hired to replace the retiree. Discussion continued. Retirement after 20 years does not make financial sense and was not a fiscally responsible action. The Town has a capable Solicitor, but he is not a professional union negotiator, and the Town needs someone who does this full time, with specialized expertise, who can say no. The Police Union will have a professional negotiator on their side, and the Town needs to have a level playing field to negotiate a contract that is in the best interest of the taxpayer.

President Trocki stated the Council cannot engage in a dialogue as this is Open Forum; to do so this item would have to be placed on a future agenda. She disagreed that our Solicitor is not highly trained in this area. Town Administrator Nota commented Mr. Attaway had some valid points; however, it is difficult to pick one issue out of a

particular contract negotiations, as there were other trade-offs at that time. He feels confident with the Town's negotiating team. In working with experts in the field, he has found they lack the relationships needed and the background knowledge required for the task. Mr. Nota offered to vet the issues with the TAJ in detail at a later date. He feels confident it is a manageable process with the negotiating team he has in place that includes Solicitor Ruggiero, Police Chief Mello, Finance Director Collins and Councilor Dickinson. Mr. Attaway agreed with having local input, but feels an outsider is better for the reasons stated previously.

Solicitor Ruggiero stated he takes offense to the statements made, as his qualifications are on the line. As an attorney, Mr. Attaway must know that none of us are qualified in any particular field except the law. He does a lot of labor work, all of the union negotiations for the City of Warwick; he knows the Union negotiators, Union leaders and members, and has a good working relationship with all of them. He works very hard and is proud of what he does, and Mr. Attaway should do a better job of checking his background. Vice President Meagher referenced a prior negotiator hired by a previous Council. After looking at what Solicitor Ruggiero has done, she is very happy with what we have. Discussion continued.

Solicitor Ruggiero noted lawyers do not make decisions, the Council does. Perhaps his comments should be directed to the 2007 Council. President Trocki feels it would be helpful to review this further with Town Administrator Nota to understand what was done at that time. This is not the proper forum for this discussion, and she has full confidence in Chief Mello, Finance Director Collins, Town Administrator Nota, and Solicitor Ruggiero, who are also joined by Councilor Dickinson negotiating on our behalf so that the Council can make a decision based on all the information available. Mr. Attaway would still rather see a professional negotiator for the Town.

B) Non-scheduled to address

Jerry Scott of Walcott Avenue commented it is inconsistent for the School to use a negotiator and not the Town. He was previously informed negotiations for the 2007 contract resulted in saving money, but the salary for the police officers replaced after 20 years was not taken into consideration.

Cathy Kaiser of Knowles Court, School Committee Chair, commented on the School Committee's engagement of a professional negotiator and stated there are good points on both sides. The Council is in a different position than the School Committee. We have to work very hard that negotiating a contract doesn't become a morale problem, and not using someone part of the community does have a down side.

Councilor Mihaly commented our Solicitor represents five municipalities and a large portion of his law practice is negotiating labor contracts. Solicitor Ruggiero noted the many aspects of labor law he has performed for over twelve years. Discussion continued. Town Administrator Nota will follow up with the TAJ.

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

A) Town Administrator's Report: Andrew E. Nota.

Website Redesign. Town Administrator Nota gave an update, stating the project is progressing and is on the third revision for the homepage graphics. The contractor estimates we will have a model example within the week, and we are looking at a final version for staff testing at the beginning of June. The project is about three weeks behind schedule due to modifications and arrival of the new Town Administrator. Barring more changes and an acceptable 3rd revision, it is estimated the website will be ready for the public mid to late July. It is more important to get it done right rather than rushing it through; the end product is more important. The visual calendar desired was referenced and discussed. We are getting closer, with a report in the next few weeks. IT Director Mike Glier has done a great job on the project.

Paperless Agenda vs. Printed Packets. Some Councilors have the new hardware (displayed by Councilor Dickinson). Staff is presently working with Council on training, and the Clerk's office will transition from printing the large paper packets to the paperless agenda. Mike Glier will work with the Council and staff to provide necessary training.

Collins Center Study Report. The early draft was going to be heard this evening, but was delayed as the Town Administrator is still digesting the data. Review of the overall assessment with focus groups in attendance would be overwhelming and it deserves a separate work session. Potential work session dates are April 22nd, 24th, 29th, and 30th. The Council chooses April 29th at 6:00 p.m. The Collins Center, Recreation Department staff, and interested groups/organizations will be informed and invited to the work session. Additional work sessions are anticipated, with input from the performing arts groups. These sessions will assist the Golf Course people with planning process for a facility to meet the community's needs.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. ORDINANCES AND APPOINTMENTS

A) Ordinances

- 1) Update of the Jamestown Comprehensive Community Plan; review, discussion, and possible vote to proceed to advertise (3 times) in the *Jamestown Press* for public hearing on May 21, 2014 at 7:00 p.m. Town Planner Bryer had no additional comments and will answer any questions.

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to
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advertise in the Jamestown Press for the Jamestown Comprehensive Community Plan public hearing on May 21, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Sec. 70-87 Prohibited or restricted parking on specified streets; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on May 5, 2014 at 7:00 p.m.

A motion was made by Thomas Tighe with second by Mary Meagher to proceed to advertise in the Jamestown Press for amendment of the Code of Ordinances on May 5, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Appointments/Resignations/Vacancies

- 1) Affordable Housing Committee – Two (2) vacancies for three-year terms ending May 31, 2017
 - a) Requests for Reappointment
 - i) Judith Sutphen
 - ii) Jerome Scott

A motion was made by Mary Meagher with second by Eugene Mihaly to reappoint Judith Sutphen and Jerome Scott to the Affordable Housing Committee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Conservation Commission - One (1) vacancy for an unexpired three-year term ending December 31, 2014
 - a) Application for Appointment – Interview Complete
 - i) Bruce DiGennaro

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint Bruce DiGennaro to the Conservation Commission for the unexpired term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 3) Harbor Commission - One (1) vacancy for an unexpired three-year term ending December 31, 2015 (commercial mooring operator)
 - a) Applications for Appointment – Interviews Complete
 - i) Peter Fay
 - ii) Joseph Patrick McGrady, Jr.

Peter Fay rescinded his application, and Joseph McGrady was unable to attend the interview and requested another interview date. A new interview date will be scheduled
Town Council Meeting 04.07.2014

and no appointment will be made this evening.

- 4) Library Board of Trustees - One (1) vacancy for a three-year term ending December 31, 2016
 - a) Applications for Appointment – Interviews Complete
 - i) Peter Carson
 - ii) Liz Brian
 - b) Letter of Recommendation
 - ii) Library Board of Trustees Vice President Craig Watson for Peter Carson

President Trocki stated two terrific candidates were interviewed, but there is only one appointment.

A motion was made by Eugene Mihaly with second by Blake Dickinson to appoint Peter Carson to the Library Board of Trustees. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Council thanked Ms. Brian for interviewing and will keep her application on file for the next opening.

- 5) Police Pension Committee - One (1) vacancy for a three-year term ending May 31, 2017
 - a) Request for Reappointment
 - i) Anthony Antine

A motion was made by Mary Meagher with second by Eugene Mihaly to reappoint Anthony Antine to the Police Pension Committee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 6) Tax Assessment Board of Review - One (1) vacancy for a three-year term ending May 31, 2017 and One (1) vacancy for a one-year term ending May 31, 2015
 - a) Request for Reappointment
 - i) Richard Allphin (member, three-year term)
 - b) Application for Appointment - Interview Complete
 - ii) William Dawson (alternate, one-year term)

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint Richard Allphin to the Tax Assessment Board Member three-year term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint William Dawson to the Alternate Member position one-year term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 7) Town Buildings and Facilities Committee
 - a) Letter of Resignation
 - i) Michael Testa

A motion was made by Mary Meagher with second by Blake Dickinson to accept the letter of resignation from Michael Testa and send him a letter of thanks for his services. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 8) Traffic Committee – One (1) Citizen-at-Large vacancy with an unspecified term ending date
 - a) Requests for Appointment – Interviews Complete
 - i) William Dawson
 - ii) Hugh Murphy
 - iii) Melissa Mastrostefano

A motion was made by Mary Meagher with second by Thomas Tighe to appoint Melissa Mastrostefano to the Traffic Committee as the Citizen-at-Large member. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, 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 approval of each item as if it had been acted upon separately.

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

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
 - 1) March 10, 2014 (budget work session)
 - 2) March 13, 2014 (budget work session)
 - 3) March 17, 2014 (regular meeting)
 - 4) March 17, 2014 (executive session)
 - 5) March 20, 2014 (budget work session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (01/22/2014)
 - 2) Jamestown Harbor Commission (02/12/2014)

- 3) Jamestown Philomenian Library Board of Trustees (02/11/2014)
 - 4) Jamestown Planning Commission (12/18/2013)
 - 5) Jamestown Planning Commission (02/11/2014)
 - 6) Jamestown Planning Commission (02/19/2014)
 - 7) Jamestown Tree Preservation & Protection Committee (02/18/2014)
 - 8) Jamestown Zoning Board of Review (02/25/2014)
- C) CRMC Notices
- 1) Continuation of Meeting Notice for Antonio Pinheiro, CRMC File No. 2013-04-107 (rescheduled meeting notice to follow)
 - 2) April 2014 Calendar
- D) Resolutions and Proclamations from other Rhode Island cities and towns
- 1) Resolutions of the Burrillville Town Council
 - a) Supporting Senate Bill 2135 and House Bills 7095 and 7580 for One Year Delay in Implementation and Formation of a Task Force to Study the Common Core Mandates and Standards and Protecting Personal Family Information
 - b) Opposing House Bills 7464 and 7465 Relating to Labor and Labor Relations
 - c) Opposing Senate Bill 2411 Relating to Labor and Labor Relations
 - d) Supporting House Bill 7291 Amending RIGL §16-7-44 School Housing Project Costs
 - e) Supporting House Bills 7501 and 7502 Relating to Courts and Civil Procedure – Interest on Judgments
 - 2) Resolutions of the South Kingstown School Committee
 - a) Requesting the General Assembly pass legislation Authorizing School Committees to utilize bus monitors at their discretion
 - b) Opposing legislation that would mandate expired teacher contracts continue at the existing terms and conditions
 - c) Requesting the RI Department of Education continue to provide monetary assistance to communities for the education of Group Home students
 - d) Requesting the General Assembly pass legislation moving teacher layoff notification from March 1st to June 1st
 - e) Supporting the repeal of Straight Party Vote option on election ballots
 - 4) Resolution of the Foster Town Council Opposing Bills S 2677 and H7631 Relating to Levy and Assessment of Taxes
 - 5) Resolution of the Portsmouth Town Council Supporting Senate Bill 2091 Repeal of Master Lever Voting
- E) Abatements/Addenda of Taxes

XI. COMMUNICATIONS AND PETITIONS

The following Communications were removed by request: 1), 2) and 3).

A motion was made by Thomas Tighe with second by Mary Meagher to accept Communications 4), 5), 6), and 7). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

1) Jamestown Conservation Commission - Support for House Bill 7178, Plastic Waste Reduction Act. Councilor Dickinson commented on the efforts of the subcommittee to encourage citizens to get involved with what is seen as an epidemic of tick borne diseases on the Island and how do we get folks to participate in solving the problem. He objects to this communication encouraging Council support for House Bill 7178 to ban plastic shopping bags. The TTF is trying to encourage behavior through education and prevention, and this should fall into the same category, and as a body we should not support it. Councilor Meagher stated perhaps we should encourage more education with citizens and the business community to learn more about its impact before imposing any restrictions. This will appear as an item on the April 21st agenda.

3) Letter of Andrew Yates requesting Town Council adoption of a Resolution supporting Senate Bill 2034 and House Bill 7593 to place a Constitutional amendment before the voters to include the RI General Assembly under the jurisdiction of the RI Ethics Commission. Councilor Mihaly would like the Council to pass the Resolution proposed by Andy Yates, as it is very important. President Trocki noted the Council passed this Resolution last year as well. Discussion ensued of whether this can be acted upon this evening. This will appear as an item on the April 21st agenda.

2) Letter of Attorney Michael E. Levinson re: Presentment of Claim to the Town of Jamestown for Breach of Contract, Tortious Interference, and other resulting damages to Kevin Paicos. President Trocki stated this is a significant letter and asked the Town Administrator to address it. Town Administrator Nota stated the matter is being handled by the Town the same as any other matter of potential litigation. Mr. Paicos' resignation was received and accepted effective February 18, 2014. Mr. Paicos' attorney has been in contact with the Town Council and Town Solicitor regarding his employment agreement and separation, as the Town and Mr. Paicos are unable to come to a full agreement. The Town, through legal counsel, staff, and Council, based on the statutory requirements outlined in the employment agreement and Town Charter, made compensation to Mr. Paicos of \$24,945, which included salary, leave, benefits, and pro-rated reimbursement for expenses, as agreed upon. This communication requests an additional payment that is above and beyond what was paid and greater than what the Town felt was their obligation based on the agreement and Town Charter. It is a demand notice for \$50,000 to be paid within forty (40) days of receipt of this communication, with the threat of filing a law suit in Superior Court against the Town if it is not paid. Based on this demand notice it is strongly recommended there be no further comment or communication made by Council and there is no reason for Council to act. Discussion continued.

A motion was made by Mary Meagher with second by Blake Dickinson to accept Communications 1), 2) and 3). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Communications accepted consist of the following:

- A) Communications
 - 4) Letter of Jamestown Golf Club President Chip Young and Vice President Mike Montoya re: proposed renovations of the Jamestown Golf Course and opposition to a multi-purpose facility addition
 - 5) Letter of Melrose School 1st Grade Teacher Leanne Turenne inviting Town Council Members to participate in “Reading Week” April 7 - 11
 - 6) Letter of Lifespan Hospitals re: Rhode Island HeartSafe Community Program
 - 7) Letter of Armenian National Committee of RI re: Designation of April 24, 2014 as “Rhode Island Remembrance of the Armenian Genocide of 1915-1923”

XII. 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) Collective Bargaining (IBPO Contract); discussion and/or potential action and/or vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Review and possible ratification of Severance Agreement for Town Administrator); discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Mary Meagher with second by Blake Dickinson to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining, and Subsection (1) Personnel.

Pursuant to RIGL §42-46-5(a) Subsection (2), and Subsection (1) the following vote was taken by the Jamestown Town Council to enter into Executive Session: President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The Jamestown Town Council reconvened the regular meeting at 9:48 p.m. President Trocki announced that no votes were taken in the Executive Session.

A motion was made by Mary Meagher with second by Kristine Trocki to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

XII. ADJOURNMENT

A motion was made by Thomas Tighe with second by Blake Dickinson to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The regular meeting was adjourned at 9:49 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL WORK SESSION
April 29, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
William Piva, Parks and Recreation Director
Wyatt A. Brochu, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER

Town Council President Trocki called the Jamestown Town Council Work Session to order at 6:08 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue.

III. COLLINS CENTER RECREATION STUDY REPORT: Cultural Arts and Recreation Activities Space Needs Assessment

Monica Lamboy of the Edwin J. Collins Center for Public Management gave a PowerPoint presentation summarizing the space needs survey for community organizations in Jamestown. She acknowledged the tremendous help from the community organizations. The transmittal letter, spreadsheet summary and presentation documents were referenced and the methodology for the reports were explained. The Jamestown Space Needs Study Findings included:

Methodology:

- ▶ Survey of identified community organizations
 - ▶ General information
 - ▶ Mission
 - ▶ Age of participants/customers
 - ▶ Town / school buildings used
 - ▶ Beaches, fields, parks used
 - ▶ Indoor space needs
 - ▶ Athletic activities

- ▶ Performing arts
- ▶ Creative arts
- ▶ Other activities
- ▶ Outdoor space needs
 - ▶ Team sports
 - ▶ Other activities

Methodology #2

- ▶ Questions included:
 - ▶ Mission
 - ▶ Age of participants/customers
 - ▶ Town / school buildings used
 - ▶ Beaches, fields, parks used
 - ▶ # of activities (e.g., practices, games, performances, etc.)
 - ▶ Schedule of activities
 - ▶ # of participants (e.g., players, performers, crew, audience)
 - ▶ Space needs
 - ▶ Stage
 - ▶ Lighting
 - ▶ Sound system
 - ▶ Storage
 - ▶ Other
 - ▶ Needs being met today? Change in future?

Respondents:

Cal Ripken Baseball Association	Jamestown Art Center
Chamber of Commerce	Jamestown Boy Scouts
Community Band	Jamestown Cub Scouts
Community Chorus	Lion's Club
Community Piano	Prevention Coalition
Community Theater	Quononoquott Garden Club
Conanicut Island Art Association	Rotary Club
Conanicut Island Sailing Foundation	Soccer Association
Friends of Jamestown Library	Striper Club
Friends of Jamestown Youth	Women's Club
Historical Society	

Findings – Performing Arts

- ▶ Common needs
 - ▶ Performance area - approx. 27 ft wide x 25 ft deep, with 15 ft arch, wing and fly space
 - ▶ Lighting
 - ▶ Amplification

- ▶ Off stage area for changing and warm up
- ▶ Kitchen/Food area
- ▶ Small temperature-controlled practice room for piano - approx. 9 ft x 12 ft
- ▶ ≤ 135 performers and crew
- ▶ ≤ 210 to 300 audience members
- ▶ ≈ 107 days of use incl. rehearsals and performances

Findings – Special Events (Indoor)

- ▶ Includes creative arts and other community groups
 - ▶ Summer Crafts Fair and Members’ Art Exhibit
 - ▶ Holiday Craft Show
 - ▶ Chamber Business Expo
 - ▶ Rotary Club Recognition Dinner
- ▶ Common needs
 - ▶ Large open area with movable tables
 - ▶ Kitchen facility (non-cooking)
- ▶ ≤ 200 participants, including vendors and attendees
- ▶ ≈ 14 days of use per year

Findings – Team Sports (Indoor)

- ▶ Soccer Association
 - ▶ Approx. 80 games / practices between Jan and Apr each year
 - ▶ U.S. indoor soccer rules:
 - ▶ 140 and 210 feet in length
 - ▶ 60 and 90 feet in width
 - ▶ standard dimensions are 180 feet by 75 feet
 - ▶ Perimeter wall between 4 and 12 feet high (standard height is 8 feet).

- ▶ Did not survey Town recreation programs:

Adult Ballet	Mellow Vinyassa
Adult Competitive Volleyball	Over 35 Basketball
Adult Fitness Boot Camp	Pilates
Adult Recreational Volleyball	Tai Chi
Beginners Yoga	Yoga
Gentle Yoga	

Findings – Athletic Activities (Outdoor)

- ▶ Baseball and Soccer common needs
 - ▶ Field maintenance
 - ▶ Storage

- ▶ Field maintenance recommendations in prior study of Recreation Department
- ▶ Conanicut Island Sailing Foundation (CISF) needs:
 - ▶ Indoor classroom (during inclement weather)
 - ▶ Storage (summer and off-season)
 - ▶ 6 weeks of summer camp (approx. 200 children and youth)
 - ▶ Future goal of year-round programming – requires indoor space

Findings – Other (outdoor)

- ▶ Multitude of outdoor special events – no concerns expressed
- ▶ Possible future activities:
 - ▶ Regatta for 20 to 200 boats (CISF)
 - ▶ Outdoor art exhibits/activities, e.g. sculpture, film, Dance (Jamestown Arts Center)

Findings - Meeting, Classes, Workshops

- ▶ Findings All groups expressed need for meeting space
- ▶ Common needs
 - ▶ Movable seating and tables
 - ▶ Lectern
 - ▶ Audio equipment, on occasion
- ▶ Board meetings – 10 to 20 participants
- ▶ Talks / presentations – up to 100 participants
- ▶ Cub scouts – up to 60 participants (need space where can have activities)
- ▶ ≈ 220 meetings or activities year

Findings – Storage

- ▶ Nearly all groups expressed need for storage
- ▶ Common needs
 - ▶ Approx. 10 sf to 500 sf per group on average
 - ▶ Athletic activities required more space, optimally near Playing fields playing fields (CISF–1,000 sf including boats and boats boats and equipment)
- ▶ Variety in frequency of # of times need to access per month
- ▶ Items include: uniforms, bats, balls, goal nets, field painting Equipment, tents, camping equipment, maintenance equipment music stands, lighting system, sound system, costumes, historic artificats
- ▶ Historical society needs temperature/moisture controlled environment

Conclusions

- ▶ Universal need for meeting space and storage
- ▶ Common needs among performing arts groups and potentially indoor special events
- ▶ Model exists at Jamestown Arts Center
 - ▶ Non-profit owned and operated
 - ▶ Diversity of revenue sources
 - ▶ Flexible space

Questions/Comments.

President Trocki thanked Monica for her presentation and stated as this is a work session there will be no votes taken. The Council received the document a day ago, so this is new and Council is still digesting the information.

Town Administrator Nota thanked Monica and the Collins Center. This was very important information to be used to assist us in making decisions. It supplies information on town provided and private organization provided services. The organizations here this evening are looking at upgrades and improvements to current facilities and the roles of the Town and the organizations in the process. Mr. Nota would like to see a focus on a feasibility study to identify needs and how to address them. This opens a dialogue and exchange of ideas so that we can work together and move forward.

Christine Ariel of Steamboat Street commented that many people didn't know this session was scheduled. She knew the report would be covered, but that was all she knew, and she hasn't had chance to review it. Flexible space doesn't work for performing arts, as it needs a permanent stage.

President Trocki noted the Council is looking how to proceed and partner with the groups in town to accommodate the needs that exist. Ms. Ariel commented she is not prepared to speak at this time.

Mary Wright of Highland Drive thanked the Council for the study. Many organizations need to use the same space, and she feels the sooner a Committee can be formed, the better.

Town Administrator Nota stated the Committee will be on the next agenda, and it would be important to have a representative from each group for diversity. The Committee and town staff will be assessing present conditions to determine what is necessity, and what is desired. After the structure is in place process to compile information and move forward with an assessment of options. All facilities – public and private – will be reviewed.

B.J. Whitehouse of Steamboat Street commented the Jamestown Community Chorus has its Spring Concert this weekend and all are invited. Mr. Whitehouse referenced the risers needed and storage issues. Piano recitals are held at St. Matthew's Church. It would be most helpful to have a central location for performing arts and for storing and maintaining the equipment. Mr. Whitehouse stated he would serve on a Committee and will do fundraising to support the performing arts organizations. He applauds the efforts by the Council and the information provided in the Collins Center report; it is a lot to digest, and is a very good place to start.

Jerry Scott of Walcott Avenue recommended Town Administrator Nota visit the Jamestown Arts Center, as they are an amazing organization.

Vice President Meagher commented the Collins Center report is well organized and a major step. Though the organizations are private, they are community oriented, a unique feature of Jamestown. The report goes along with the Collins Center recommendations regarding recreation and current facilities, including the golf course. How do we handle usage and storage facilities that the 2nd floor offered? The performing arts issue has been raised, and we need to determine how and where to provide for the groups that used the golf course building, plus additional needs of the community organizations.

President Trocki asked how we stand with the architect. Town Administrator Nota announced he has been in contact with Burgin Lambert Architects, and there will be a staff meeting with them on Thursday. The goal is to review options and dates and times for work sessions to discuss the golf course project and what needs to be done to replace the facility, including storage and support. We should be able to report back the second or third week in May. We have a compressed time table, and a plan with cost estimates is needed so approval for a ballot question and bonding authorization can be ready for November, with bidding out the project for next summer or fall. The possibility of a secondary facility option still exists. We need to move this initiative forward.

Pat Bolger of Fore Royal Court asked if just the golf course building is being replaced. Town Administrator Nota stated yes. It is unknown if there will be a 2nd story for multipurpose activities at this time. We want to gain back the space that was lost first.

Vice President Meagher commented on options and our first obligation to the lessee, replacing what was there, and creating a forum for discussion of additional needs for the community. President Trocki stated the referendum needs to be on the ballot in November, so that the golf course can be replaced. We are trying to look at the Island as a whole to address the other community needs and what and where things can go; the possibilities are endless. This will be on the next agenda.

Councilor Mihaly commented on the great job done by the Collins Center on the main report and this one, with an amazing result that stimulates a discussion of ideas. The

dialogue has been good to get people to think about needs and how to proceed and pay for it. He looks forward to the process.

Councilor Dickinson stated he is very pleased with the report. The town is a partner in facilitating arts and activities, and there is sensitivity for getting the golf course moving. He feels if we want to be inclusive, and we embrace this with the golf course, it will slow down the process. Parking issues there need to be addressed. He was impressed with BJ's comments.

President Trocki thanked everyone for coming and for their comments. This will be on the Monday, May 5th agenda at 7:00 p.m. to establish a committee and framework to move forward, perhaps with a series of workshops. Vice President Meagher noted everyone wants to take the information and digest it before the next meeting. We are fortunate that our Town Administrator has a lot of experience in recreation and community services.

Christine Ariel appreciates what the Council is trying to do and asked what the function of the Committee would be. President Trocki stated there will be further discussion at the May 5th Council Meeting and this will continue as a rolling item. A committee will be formed to help us decide how to bring information and all the community groups together for the larger picture.

Mary Wright stated she has another meeting on May 5th and asked if she should change it. Ms. Wright was advised to send a representative or forward her comments in writing. Vice President Meagher stated this will be an ongoing discussion. Councilor Mihaly stated a community dialogue is needed, and we want to create a mechanism that captures what happens in this vibrant community that interests so many people.

Janet Grant of Pardon Tucker Place stated she is sorry she arrived late and asked if the Council could provide a summary of this evening's discussion. President Trocki noted the Collins Center Report encompasses 21 organizations and groups and their space needs, which is available here tonight, or on the Town website. Sav Rebecchi has filmed tonight's work session, so it can be viewed on *The Jamestown Record*. The Council is trying to facilitate a discussion on how to proceed to address the needs of the organizations, and this will be discussed next Monday at the regular meeting at 7:00 p.m.

Town Administrator Nota commented when the Committee structure evolves, input from the various organizations and groups will be needed. Once the Committee is put together, the discussion begins and all citizens are invited to participate, not just the Committee members.

IV. ADJOURNMENT

There being no further business to discuss, the work session was adjourned at 7:07 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL MEETING
April 21, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
James Bryer, Fire Chief
Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Donna Fogarty, Library Director
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
William Piva, Parks and Recreation Director
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Trocki called the meeting of the Jamestown Town Council to order at 7:37 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and Councilor Dickinson led the Pledge of Allegiance.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS
AND RESOLUTIONS**

- A) Resolutions
- 1) No. 2014-02: "A Referendum Relating to the Code of Ethics" for a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission.

This Resolution was passed by Council last year. Councilor Mihaly would like to see Council pass this Resolution again, and recent events demonstrate why the Ethics Commission should have such jurisdiction. Council members concur, if there were one body in the State that should be under the jurisdiction of the Ethics Commission, it is the General Assembly.

A motion was made by Mary Meagher with second by Eugene Mihaly to adopt Resolution No. 2014-02 A Referendum Relating to the Code of Ethics. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

President Trocki read the Resolution. Andy Yates was thanked for bringing this resolution forward.

- 2) No. 2014-04: “A Resolution to Increase the Annual Fee for the Transfer Station Residential Vehicle Permit”.

President Trocki read the Resolution. This fee increase was proposed to cover the \$100,000 cost of the new trash compactor by raising the annual permit fee \$25.00. Town Administrator Nota explained the Transfer Station operating costs and revenues, which run at a small deficit annually and the necessity for the fee increase so that the Transfer Station will break even. The secondary trash compactor is nearing the end of its life as well and will require replacement in a few years.

Sav Rebecchi of Sail Street asked where Transfer Station revenues for white goods are recorded. Finance Director Collins noted this is recorded in Public Works revenue, approximately \$10,000 last year. The last permit fee increase was 2004. Discussion continued.

Steven Lewis of Deck Street asked if the \$25.00 was enough to cover the cost of the compactor. Mr. Lewis was informed it would.

A motion was made by Mary Meagher with second by Eugene Mihaly to support the Resolution and raise the Transfer Station Residential Vehicle Permit to \$125.00. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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 motion was made by Mary Meagher with second by Eugene Mihaly convene as the Alcoholic Beverage Licensing Board and open the public hearing at 7:51 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- A) Council Sitting a Alcoholic Beverage Licensing Board
 - 1) **Request for a motion** that the application listed below will be in order for hearing at a meeting of the Town Council sitting as the Alcoholic Beverage Licensing Board on Monday, May 19, 2014 at 7:30 p.m. and advertised in the

Jamestown Press, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, for an **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014:

CLASS B – TAVERN

Plantation Catering, Inc.

Db: Plantation At The Bay Voyage
150 Conanicus Avenue
Jamestown, RI 02835

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to advertise. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to adjourn as the Alcoholic Beverage Licensing Board at 7:53 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Public Hearings:

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning Ordinance, Article 14 Accessory Family Dwelling Units, Section 82-1403 General requirements and standards, Subsections E. and H.; duly advertised in the *Jamestown Press* April 3rd, April 10th, and April 17th editions

A motion was made by Mary Meagher with second by Blake Dickinson to open the public hearing for the proposed amendment to the Zoning Ordinance. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Town Council comments. Town Planner Lisa Bryer, Solicitor Peter Ruggiero, and Building/Zoning Official Fred Brown were thanked for their hard work in developing this improvement to the original ordinance. Vice President Meagher proposed one modification to the amendment on Page 2 E., which should read: “. . . shall not occupy more than 33% of the floor area net” eliminating the language: “~~gross livable floor area (add definition) of the entire structure~~” as “area net” is outlined in our Zoning Ordinance and recommended by Solicitor Ruggiero.

Town Planner Lisa Bryer noted the Accessory Family Dwelling Unit ordinance was adopted October 6, 2013. The ordinance requires a special use permit for detached structures, and the amendment will allow it as long as the primary structure meets the required setbacks. Currently AFDU’s are not permitted on undersized lots. The amendment will allow them on undersized lots without a significant impact for the

following: 1) for new structures where no variances are required; 2) where no exterior changes are proposed to the structure; and 3) for a structure on a private septic system if the number of bedrooms proposed are already permitted. The ordinance was developed to promote intergenerational living so that people who require assistance have a place to live that is legal and accommodates a need. There were two AFDU applications to date, but they did not qualify, prompting review of the current ordinance. The amendment will assist those applications for reconsideration. Council members comment this is an honorable step that accommodates a need in our community.

Public comments. Steve Lewis of Deck Street commented on increased water use with the addition of kitchens and bathrooms for the units, overwhelming septic systems in more densely populated areas, and what happens when the need is no longer there, and the units now become rental apartments? Town Council members explained the use is for an intergenerational family need only, and require an annual affidavit. If the family member is no longer at the residence, the use is no longer permitted. Non-filing of the annual affidavit would prompt action by the Building/Zoning Official so that illegal apartments would not result; penalties and fines are levied for non-compliance. RIDEM determines water use by bedroom, and that is the definition followed by this ordinance.

Sav Rebechi of Sail Street stated he is a proponent of the ordinance, Lisa Bryer and the Planning Commission have done a wonderful job, the amendment mostly affects village properties, and he totally supports this ordinance and the amendment.

Unknown woman expressed concern for the impact on our water and septic, and hopes the fines are high for those who do not follow the provisions of the ordinance. She wishes this alternative was available when she was taking care of her mother.

A motion was made by Mary Meagher with second by Eugene Mihaly to close the public hearing and adopt the amendment to the Accessory Family Dwelling Unit Ordinance as amended. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) Licenses and Permits

- 2) One Day Event/Entertainment License Application
Applicant: Jeff Bush/Jamestown Cal Ripken League
Event: Cal Ripken League Opening Day Parade
Date: May 3, 2014
Location: Narragansett Avenue to Lawn Avenue

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the One Day Event License application. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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.

1) Bruce J. Whitehouse re: Performing Arts Center

B. J. Whitehouse of Steamboat Street stated he is here on behalf of only himself. Mr. Whitehouse referenced a meeting he attended March 18th as part of a group of interested people regarding the space needs for performing arts and asked if Councilor Mihaly chaired such a meeting. Councilor Mihaly stated he did not, and President Trocki noted this was not a Council meeting of any kind, and she was unaware it took place. Mr. Whitehouse asked when the idea of a performing arts center had withered. President Trocki informed him there have been no discussions on this, no decisions have been made, and there is a work session scheduled for April 29th with the Collins Center to review their report on recreational and cultural arts space needs. Mr. Whitehouse commented Architect Bill Burgin was supposed to have some sessions on this, but they have not taken place. He would like a Town Council appointed committee formed to investigate the need for a performing arts center in Jamestown, prepare a feasibility study, and he is willing to work on such a committee. His goal is to see such a facility built in the next few years that is worthy of Jamestown and its residents. He would such a performing arts center paid for by fundraising, so that it does not have an impact on the taxpayers, and create an endowment to fund it for the future. Discussion continued. Mr. Whitehouse was thanked for his comments and ideas.

B) Non-scheduled to address.

David McLaughlin of Newport stated he is here to address the Conservation Commission's support for House Bill 7178 under New Business. He was asked to make his comments when that agenda item is discussed.

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

A) Town Administrator's Report: Andrew E. Nota.

1) Collins Center Report. Mr. Nota reminds everyone the Collins Center will present their report on April 29, 2014 at 6:00 p.m. If anyone is not able to attend and has questions, contact his office so they can be raised at the work session.

2) Draft Resolution for the Affordable Housing Trust Fund. This has been drafted and will appear on the May 5th agenda for discussion. We need direction on the amount, previously discussed as \$400,000, and approval at the FTM is required to use the undesignated reserve fund to take advantage of programs and opportunities that may surface.

3) Facilities at the Golf Course. This is time-sensitive based on the time line for bonding authorization. Mr. Nota would like to reach out to the architect to schedule

dates at the beginning of May for one or more sessions for this project, which must be forwarded to the State House for preparation for the November ballot. He will meet with Mr. Burgin in the interim.

4) Acknowledgements. Mike Gray, Brian Dutra, Bill Page, Maureen Coleman and Ann Kuhn worked with Wendly Ferguson and Save the Bay on a recent project. Save the Bay appreciated their efforts that facilitated a successful project. The Clerk will send a letter of thanks to our Town staff and volunteers for a job well done.

Police Lt. Angela Denault was awarded the John Coyle Scholarship to attend the executive development course at Roger Williams University. We congratulate Lt. Denault and wish her success in the program.

VII. UNFINISHED BUSINESS

A) Traffic Study: Helm Street and Bow Street. Police Chief Edward Mello. Councilor Tighe stated the Traffic Committee has not seen this report.

A motion was made by Thomas Tighe with second by Blake Dickinson to forward the traffic study to the Traffic Committee, with a report back to the Council from them. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Comprehensive Community Plan Joint Public Hearing – Request to Reschedule.

Town Planner Lisa Bryer stated the public hearing was scheduled for May 21st. The Comprehensive Plan revision was adopted by the Planning Commission, and after preliminary review by the State using the new interim guidelines, we are in negotiations on additional changes. The Planning Commission prefers to receive final comments before moving forward with the public hearing process. We should hear from the State in the near future, and will come back to Council for a new public hearing date at that time.

VIII. NEW BUSINESS

A) Conservation Commission Request re: Support for House Bill 7178 Plastic Waste Reduction Act. President Trocki abstains on this issue, leaves the dais, turns the meeting over to Vice President Meagher, and files the appropriate form.

Channing Jones of Environment RI was in attendance at the request of Conservation Commission member Michael Brown. He expressed his organization's support for House Bill 7178 "Plastic Waste Reduction Act" and accompanying Senate Bill 2314, gave an overview of his organization, and explained the environmental and municipal problem created by plastic bags, their improper disposal, its affects on rivers, streams, the ocean, marine wildlife who mistake them for food, litter, and the long-term problems created for

future generations. The solution is reusable bags. Over 100 municipalities have passed such bans, and it is spreading to New England, including the Town of Barrington. The letter of Barrington Town Council Vice President Kate Weymouth was referenced and read, urging Jamestown to support House Bill 7178 and the Conservation Commission's request. Agencies that have endorsed the legislation were referenced, and Mr. Jones offered his assistance.

Dave McLaughlin of Newport expressed support for this legislation and a statewide initiative on behalf of Clean Water Action. There are alternatives to the plastic bags, this is a step in the right direction, and he offers his assistance. Vice President Meagher noted Mr. McLaughlin's designation as one of the volunteers of the year as acknowledged by the *Newport Daily News*.

Councilor Mihaly expressed concern the legislation does not go far enough to encourage reusable bags, and will shift businesses and consumers to the use of paper bags. He recollected his term as a naval officer and the plastic bags he saw when out to sea, which is getting worse. He is in favor of such a ban on plastic bags.

Sav Rebecchi of Sail Street understands the problem, and supports education and working with local businesses, rather than mandates.

Councilor Dickinson states he appreciates concern for plastic waste reduction and the intentions of the Bill, but he does not support it, as he believes it is wrong to force private citizens to do something, and it is favorable to encourage education and support the effort, not mandate it. Councilor Dickinson stated advisory sub committees are not always in tune with Council goals. He is in favor of nature and protecting marine life, but his research did not reveal the number of incidents of marine life deaths nor any cost analysis that would justify a mandate. It is in everyone's best interest to reduce plastic waste, but he does not think the Town should be involved in any mandate.

Vice President Meagher noted this is different than the previous initiative, and she shares the concern that sub committees become overly enthusiastic. Asking for a resolution to support a statewide action makes this more appealing to her. Plastic bags were a benefit when we thought plastic saved the world, but now we've seen the consequences. She supports this as it is a statewide idea, the letter from the Barrington Town Council Vice President makes this clearer, and she would entertain a motion to support House Bill 7178.

Town Administrator Nota referenced the communication from the Chamber regarding their efforts to support a voluntary initiative. Looking through the Bill, there is a hefty regulation burden that should be kept in mind, we should be more cautious, and he would like to review this further and come back with a recommendation prior to moving forward.

Councilor Dickinson commented on the location of recycling receptacles at local businesses; he feels we haven't really given recycling a try.

Councilor Mihaly noted the history of environmental cleanup. Education sometimes is not enough, and as a society we need to take on the legal responsibility to retrain ourselves. The strain on the business community is not that bad and will be passed on to the consumer.

Council will wait until Town Administrator Nota completes his report. President Trocki returns to the dais and presides over the meeting.

B) Adoption of FY 2015 (July 1, 2014 to June 30, 2015) Total Budget (Operating Budget, Capital Budget, and School Budget).

President Trocki expressed the Council's appreciation for the work of Town Administrator Nota and Finance Director Collins. Mr. Nota referenced budget changes posted last week by the School Committee. The two notable changes included the reduction of \$301,567 from the February 27th adopted budget, based on declining enrollment, reducing their budget \$124,166 or 1.12% below the FY 2014 budget. The second change was a rededication \$297,513 of the undesignated reserve funds to the district's OPEB debt obligation. The School Committee's actions led to a reduction in the overall tax levy requirement. Other reductions/increases include a decrease of \$54,757 from the operating budget and \$12,651 from debt service; a \$41,000 increase in capital expenditures; increased Grant funding of \$8,857; and a decrease in nutrition funding of \$4,000.

The Total Proposed FY 2015 Town and School Budget is \$22,658,804, which is \$532,655 or 2.4% above the current budget. The proposed Town Operating Budget is \$8,041,656, an increase of \$327,821 or 4.2%, the proposed Capital Budget is \$1,407,000, reflecting an increase of \$154,784 or 12.4%, and Debt Service is \$834,630, an increase of \$71,601 or 9.4%. The proposed School Operating Budget is \$11,997,315, a reduction of \$49,900 or .4%, the proposed Capital budget is \$120,000, an increase of \$41,000 or 51.9%, and proposed Debt Service is \$258,203, a reduction of \$12,651 or 4.7%, for a Total School Budget of \$12,375,518, a decrease of \$21,551 or .2%.

To support the FY 2015 appropriation, a property tax rate of \$8.75 is required, the same rate in place for FY 2014, the current fiscal year. Municipal operations require an increase from \$3.52 to \$3.77, or 7.3%; School Department operations will realize a decrease from \$5.23 in FY 2014 to \$4.98 in FY 2015, or 4.9%.

Discussion ensued of Property Tax levy, distribution, and growth. Discussion ensued of proposed 2015 Revenues and Undesignated Fund Balances. Total Net Assessed Value of Real Estate and Tangibles is \$2,178,272,576; Total Net Tax Levy for Real and Tangible Property is \$9,284,784.29. Total State Aid is projected at \$743,901, an additional

\$82,919 over FY 2014. Total Local Revenues (municipal) are projected at \$1,655,195, an increase of \$154,145 over FY 2014. Total Local Revenues (school) is projected at \$1,057,972, an increase of \$396,070. The balance of revenues to support the budget are derived from local property and motor vehicle taxes. The Property Tax Levy for FY 2015 is \$18,483,757. Proposed property tax levy growth generated in FY 2014-2015 is limited to .73% or \$133,883 more than the current year levy. This is below the 4% annual levy increase allowed by State law, which would allow the Town a total property tax levy of \$19,083,868, or an increase of \$733,994. The proposed budget reflects an increase of \$133,883, an amount \$600,111 below the statutory tax cap.

The Town's Capital Improvement Program was revised with a shift in funding, allocating \$1,022,000 for Public Works, an increase of \$572,000 for FY 2015, for much needed road repairs and construction, including several critical areas that require immediate attention. Public Works Director Michael Gray gave an overview of the Bay View Drive and North Bay View Drive projects. North Bay View Drive includes damage to 400 linear feet of embankment, resulting in extensive repair and permitting costs. Lengthy discussion ensued of damages and allowed stabilization work. Mr. Gray met with CRMC, and stabilization costs are estimated at \$700,000. Bay View Drive was damaged by Storms Irene and Sandy, with extensive damage to 600 linear feet of embankment, estimated at \$200,000. Mr. Gray noted work that could be performed by Town staff. Extensive damage was also sustained to the main sewer interceptor into the Waste Water Treatment Plant. Per CRMC regulations, repair work can only be done to what exists today – you can't take back what was lost. The work needs to commence so that further damage does not result. Discussion continued.

Town Administrator Nota recognized the significant work involved with the budget preparation by Town staff, particularly the major shifts made last week. Finance Director Collins did a fine job, demonstrating her commitment to the Town.

The .73% increase in the budget was noted, needed to fund capital projects. Due to growth in the tax base (real estate), there is no change in the tax rate from last fiscal year. Councilor Dickinson referenced the previous discussion of standardizing town vehicles. He recognized the hard work done by the School Committee, and in particular Finance Director Jane Littlefield. The Council looks forward to presenting this budget at the FTM in June and expressed appreciation for the School Department and Town staffs; kudos to all for putting the Town's needs first. The Council is pleased with what can be accomplished without a significant tax increase.

Public comment. Sav Rebecchi of Sail Street commented on the upper Shores area of 790 homes. The residents were pleased with the proposed Fire facility for that area and he asked what happened to it. Mr. Rebecchi was informed it was not removed from the budget, is part of a larger discussion, and the Fire Department downtown station became the larger discussion; it is still in the works. Fire Chief Bryer stated he has not given up on a north end facility.

Town Administrator Nota reviewed the re-prioritization, including the downtown station, ALS, and the \$100,000 for plans for redesign of the main station. The Town will have to go to Bond for the upgraded fire station facility. The Town should recoup some of that funding by purchasing standardized vehicles for the retrofitted facility. Discussion ensued of necessary vehicle replacements. The north end facility is still a priority.

Mr. Rebecchi stated he likes zero budgets. He has no problem using the rainy day fund to achieve zero budget increases. Council noted we are already at a zero budget increase, and we don't need to use funding from the rainy day fund.

President Trocki calls for a motion for adoption of the budget.

A motion was made by Blake Dickinson with second by Mary Meagher to adopt the FY 2015 Town General Fund Budget of \$10,283,286, the FY 2015 School Budget of \$12,375,518, for a Total FY 2015 Budget of \$22,658,804. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Town Council Work Session on Tuesday, April 29th at 6:00 p.m. for review of the Collins Center Recreation Study report on Cultural Arts and Recreations Activities Space Needs Assessment was referenced.

- C) Agenda items for May 5, 2014
- Harbor Ordinance and Harbor Management Plan public hearing continuations
 - Warrant for Affordable Housing
 - Sub Committee for a Performing Arts Facility
 - Video Surveillance Policy
 - Proposed Ordinance Amendment – buildings of value
 - Traffic Committee Report

IX. ORDINANCES AND APPOINTMENTS

- A) Appointments/Resignations/Vacancies
- 1) Affordable Housing Committee - Term ending May 31, 2014
 - a) Third term limit reached
 - i) Valerie Molloy

A letter of thanks will be sent to Valerie Molloy for her services to the Town, and the vacancy will be advertised.

- 2) Fire Department Compensation Committee – Term ending May 31, 2014
 - a) Third term limit reached

- i) James Ingari

A letter of thanks will be sent to James Ingari for his services to the Town, and the vacancy will be advertised.

- 3) Harbor Commission – One (1) vacancy for an unexpired three-year term ending December 31, 2015 (commercial mooring operator)
 - a) Application for appointment – Interview complete
 - i) Joseph Patrick McGrady, Jr.

A motion was made by Eugene Mihaly with second by Mary Meagher to appoint Joseph Patrick McGrady, Jr. to the Harbor Commission for the unexpired term.

Discussion. The interview went well, Mr. McGrady is excited to be here, and is the new owner of Dutch Harbor Boat Yard. He is well suited to the position and is committed to get involved in Town.

Back to the vote on the motion. **President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.**

- 4) Town Buildings & Facilities - One vacancy with a three-year term ending May 31, 2017)
 - a) Request for Reappointment
 - i) Valerie Molloy

Vice President Meagher asks for a hold on the appointment as the Committee has not met recently. This will be placed on the May 5th agenda for a discussion where the committee is going, their charge, and if they will have a roll in the review of a potential Performing Arts Center.

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 approval of each item as if it had been acted upon separately.

- A) Finance Director's Report.

A motion was made by Thomas Tighe with second by Blake Dickinson to approve the Consent Agenda. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

XI. 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) Collective Bargaining (IBPO Contract); discussion and/or potential action and/or vote in executive session and/or open session

Information required for the Executive Session was not received and this is continued to the next Town Council meeting agenda.

XII. ADJOURNMENT

A motion was made by Thomas Tighe with second by Blake Dickinson to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The regular meeting was adjourned at 9:30 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor



NORTH KINGSTOWN SCHOOL DEPARTMENT
North Kingstown School Committee
100 Fairway Drive
North Kingstown, RI 02852-6202
(401) 268-6402 www.nksd.net
Fax: 268-6405 TDD: 268-6457

Educate
Inspire
Challenge

North Kingstown School Committee Resolution

(Contract Continuation)

WHEREAS: Current state law does not provide for mandatory continuation of an existing teacher collective bargaining agreement; and

WHEREAS: Whereas a Superior Court justice recently ruled that state statute, defining when a contract ends, obviates any clause, agreed to, allowing for a continuation of a public employee contract and;

WHEREAS: School districts and cities and towns have seen a calamitous reduction of state aid and;

WHEREAS: There is a \$149 million dollar revenue/expenditure gap predicted for the FY 2015 budget and cities and towns, have lost, since FY 2008 over \$185 million general revenue sharing and auto excise reimbursements and;

WHEREAS: Taxpayers are already burdened by some of the highest property taxes nationally and;

WHEREAS: School districts and cities & towns must comply with RIGL §44-5-2, that caps the property tax levy, for FY 2013 at 4%, and;

WHEREAS: According to § 16-2-9 (d) "The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt." and;

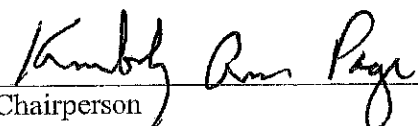
WHEREAS: School committees are required to adhere to the Rhode Island Department of Education's Basic Education Plan, teacher evaluation regulations and other RIDE rules and regulations and;

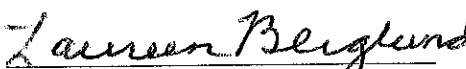
WHEREAS: Contract continuation would serve as a disincentive for unions to bargain in good faith and allow existing employee wages and benefits to continue unchanged indefinitely forcing districts to possibly violate state mandated property tax caps and RIDE's rules and regulations; now therefore be it

RESOLVED: That the North Kingstown School Committee respectfully requests the Rhode Island General Assembly to oppose 2014 – H 7465 & 2014 – S 2411 and any and all legislative proposal that would, mandate expired teacher contracts must continue at the existing terms and conditions; and be it further

RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative and the Governor.

WHERETO: The following bear witness:


Chairperson


Clerk

Passed: March 25, 2014



Town of North Kingstown

Rhode Island

Resolution No. 16

TOWN COUNCIL

Elizabeth S. Dolan
Council President

Carol H. Hueston
Council Member

Kevin V. Maloney
Council Member

Kerry P. McKay
Council Member

Richard A. Welch
Council Member

April 7, 2014

At the Special Meeting of the Town Council of the Town of North Kingstown held on April 7, 2014, a resolution was passed as follows:

WHEREAS, Rhode Island converted to an up-to-date optical election system a decade ago, but has retained the straight party vote option; and

WHEREAS, retention of the straight party vote option results in confusion at the polls and under-votes for candidates in nonpartisan elections; and

WHEREAS, in contrast to the previous voting machines, voters cancel out their straight party votes in multi-seat elections by making any mark on the ballot in that race, which may result in their not voting for their intended candidates without realizing it; and


WHEREAS, Rhode Island needs to join its neighboring states in the Northeast in modernizing its voting practices by eliminating the straight party vote option; and

WHEREAS, the conscious effort required to mark and validate each candidate to insure a proper vote far outweighs the expediency of blindly accepting the machine registering and sometimes unknowingly canceling votes.

NOW, THEREFORE, BE IT RESOLVED: That Rhode Island needs to eliminate the straight party option on its election ballots and require voting for candidates not parties; and be it

FURTHER RESOLVED: That the North Kingstown Town Council supports the repeal of the straight party vote option on the ballot in future elections; and be it

FURTHER RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, State Senator, State Representative, and the Governor.


Jeannette Alyward
Town Clerk

Councilor Welch voted in the negative.

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 APR 11 AM 9:51

RICHARD B. IANNITELLI
CHAIRPERSON

KELLIE-ANN HEENAN
VICE CHAIRPERSON

SEAN J. CLOUGH

VIRGINIA G. HARNOIS

BRENDEN T. OATES

Town of Smithfield

SMITHFIELD SCHOOL COMMITTEE

ROBERT M. O'BRIEN
SUPERINTENDENT

BRIDGET L. MORISSEAU
ASSISTANT SUPERINTENDENT

LISA A. PETRONE
CLERK OF THE COMMITTEE

RESOLUTION OF THE SMITHFIELD SCHOOL COMMITTEE

- CONTRACT CONTINUATION -

WHEREAS, Current state law does not provide for mandatory continuation of an existing teacher collective bargaining agreement and;

WHEREAS, A Superior Court Justice recently ruled that state statute, defining when a contract ends, obviates any clause, agreed to, allowing for a continuation of a public employee contract and;

WHEREAS, School districts and cities and towns have seen a calamitous reduction of state aid and;

WHEREAS, The 2014 State Fiscal Year began with a \$102 million dollar revenue/expenditure gap and Rhode Island cities and towns have lost over \$185 million in general revenue sharing and auto excise reimbursements since 2007 and;

WHEREAS, Taxpayers are already burdened by some of the highest property taxes nationally and;

WHEREAS, School districts and cities and towns must comply with RIGL §44-5-2, that caps the property tax levy for FY 2013 at 4% and;

WHEREAS, According to RIGL §16-2-9(d) "The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt." and;

WHEREAS, School Committees are required to adhere to the Rhode Island Department of Education's Basic Education Plan, teacher evaluation regulations, and other RIDE rules and regulations and;

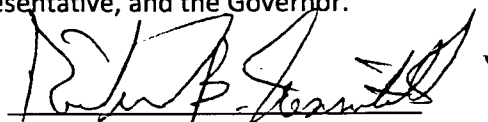
WHEREAS, Contract continuation would serve as a disincentive for unions to bargain in good faith and allow existing employee wages and benefits to continue unchanged indefinitely forcing districts to possibly violate state mandated property tax caps and RIDE's rules and regulations;

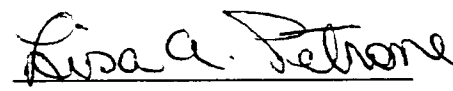
NOW THEREFORE BE IT RESOLVED THAT: The Smithfield School Committee respectfully requests the Rhode Island General Assembly to oppose any and all legislative proposal that would mandate expired teacher contracts must continue at the existing terms and conditions and;

BE IT FURTHER RESOLVED THAT:

A copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative, and the Governor.

WHEREBY:
Signed:


Richard Iannitelli, Chairman
Smithfield School Committee

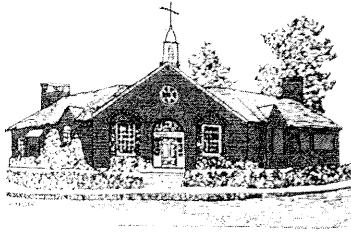

Lisa A. Petrone, Clerk
Smithfield School Committee

Adopted 4/7/ 2014 by the Smithfield School Committee

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 114
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
RI Relay 1-800-745-5555 (TTY)

Burrillville Town Council

Resolution Supporting 2014 – S - 2078

Acts Relating to Taxation – Levy and Assessment of Local Taxes

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S – 2078, Acts Relating to Taxation – Levy and Assessment of Local Taxes. This act would increase to six years the interval of time within which a town must conduct an update of revaluation.

The Town Council voted unanimously to support this bill.

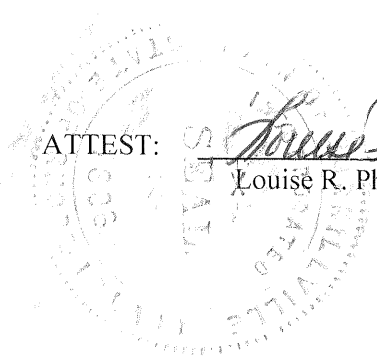
NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

A handwritten signature in cursive script that reads "Nancy F. Binns".

Nancy F. Binns, President
Burrillville Town Council

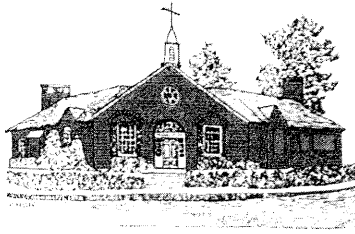
ATTEST:

A handwritten signature in cursive script that reads "Louise R. Phaneuf".
Louise R. Phaneuf, Town Clerk

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 114
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
RI Relay 1-800-745-5555 (TTY)

Burrillville Town Council

Resolution Supporting 2014 – S - 2032

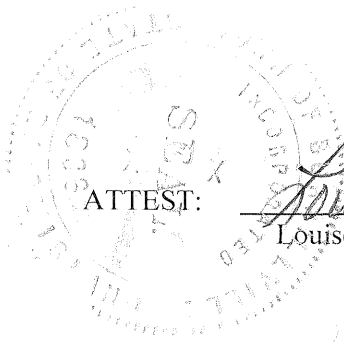
Acts Relating to Courts and Civil Procedures – Procedure Generally

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S – 2032, Acts Relating to Courts and Civil Procedures – Procedure Generally. This act would reduce the statutory interest on judgments.

The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



ATTEST:

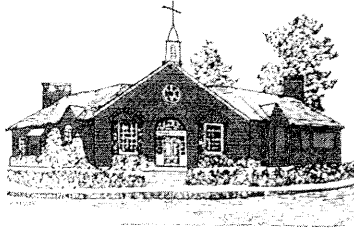

Louise R. Phaneuf, Town Clerk



Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 114
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
RI Relay 1-800-745-5555 (TTY)

Burrillville Town Council

Resolution Supporting 2014 – H - 7270

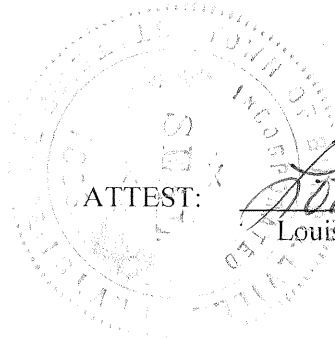
Acts Relating to Courts and Civil Procedures – Procedure Generally

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – H – 7270, Acts Relating to Courts and Civil Procedures – Procedure Generally. This act would cause pre-judgment interest in a civil action to accrue only upon the filing of a civil action.


The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



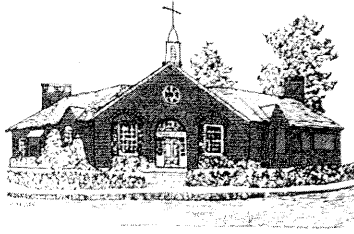
ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – H - 7247

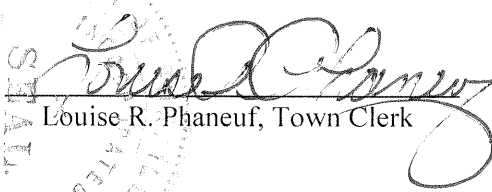
Acts Relating to Highways – Municipal Road and Bridge Revolving Fund

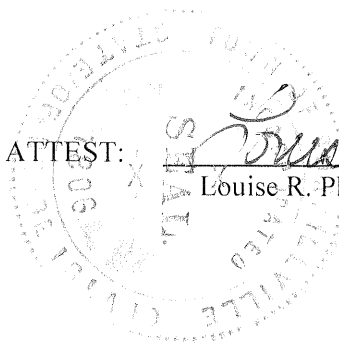
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – H – 7247, Acts Relating to Highways – Municipal Road and Bridge Revolving Fund. This act would raise the maximum amount of financial assistance available; would provide that assistance be paid over a 10 year period.

The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

ATTEST: 
Louise R. Phaneuf, Town Clerk

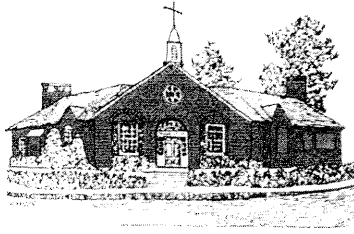
A circular seal for the Town of Burrillville. The outer ring contains the text "TOWN OF BURRILLVILLE" at the top and "RI" at the bottom. The inner ring contains "INCORPORATED 1842". The center of the seal features a stylized landscape with a building and trees.

Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – S 2085 and H - 7628

Acts Relating to Towns and Cities – Low and Moderate Income Housing

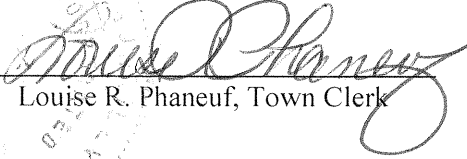
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2085 and H – 7628, Acts Relating to Towns and Cities – Low and Moderate Income Housing. These acts would allow mobile and manufactured homes which are a part of a mobile and manufactured home parks to be counted as low and moderate income housing for purposes of compliance with the requirements of the town's comprehensive land use plan.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

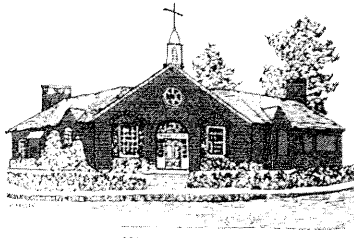
ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – S 2104 and H - 7126

Acts Relating to Towns and Cities – General Powers – Background Checks

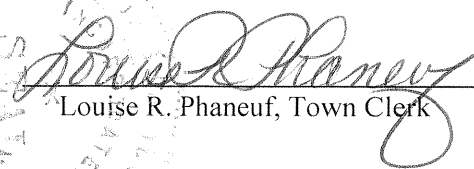
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2104 and H – 7126, Acts Relating to Towns and Cities – General Powers – Background Checks. These acts would require municipal recreation departments to obtain written authorization to perform a background check on a volunteer or employee; also provides for fire districts to request background checks.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – S 2018 and H - 7430

Acts Relating to Taxation – Levy and Assessment of Local Taxes

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2018 and H – 7430, Acts Relating to Taxation – Levy and Assessment of Local Taxes. These acts would increase the maximum tax from eight percent to ten percent of gross scheduled rental income to be eligible for low-income housing.

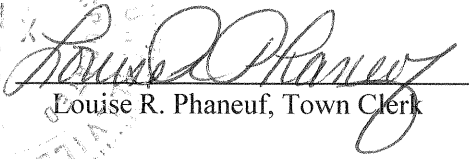
The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



ATTEST:


Louise R. Phaneuf, Town Clerk

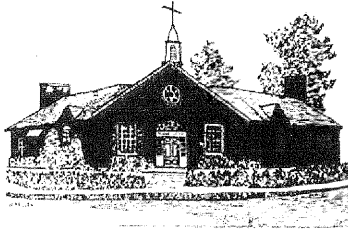


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Opposing 2014 – S 2593

An Act Relating to Parks & Recreation –

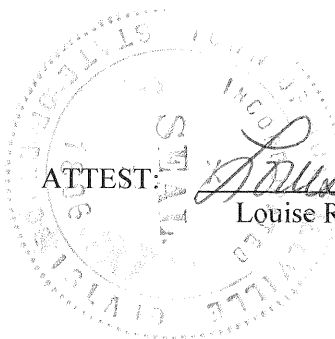
Public Use of Private Lands – Liability Limitations

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2593, An Act Relating to Parks & Recreation – Public Use of Private Lands – Liability Limitations. This act would change the definition of “owner” to exclude the state and municipalities for the purposes of liability limitations relating to public use of private lands.

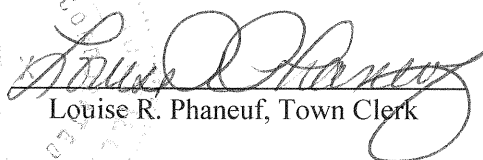
The Burrillville Town Council has long held that the current recreation immunity law best serves the taxpayers as it relates to financial liability and appropriate access to recreational areas. Therefore, the Town Council voted unanimously to oppose this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators oppose passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



ATTEST:

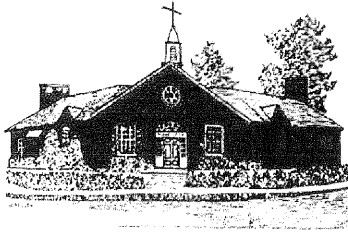

Louise R. Phaneuf, Town Clerk



Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

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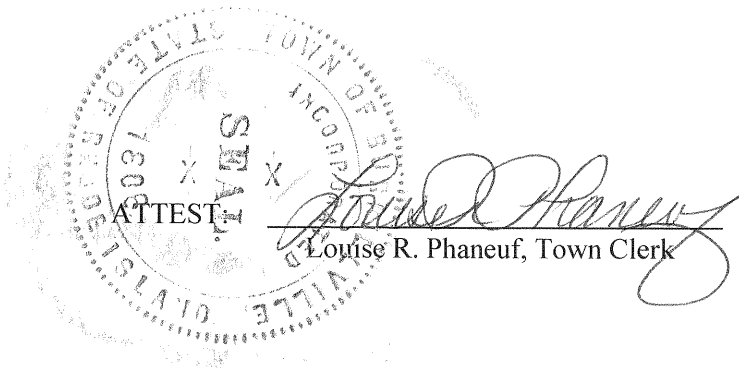
Burrillville Town Council
Resolution Supporting H - 7747
An Act Relating to Education –
the Education and Equity and Property Tax Relief Act

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 –H – 7747, An Act Relating to Education – the Education and Equity and Property Tax Relief Act. This act would require the state to pay for the education of students placed in group homes outside of their municipality.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



Louise R. Phaneuf, Town Clerk

A handwritten signature in cursive script that reads "Nancy F. Binns".

Nancy F. Binns, President
Burrillville Town Council

2014 -- H 7747

=====
LC003936
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO EDUCATION - THE EDUCATION EQUITY AND PROPERTY TAX RELIEF
ACT

Introduced By: Representatives Tanzi, Walsh, Lally, Edwards, and Finn

Date Introduced: February 27, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7.2-4 of the General Laws in Chapter 16-7.2 entitled "The
2 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

3 **16-7.2-4. Determination of state's share. --** (a) For each district, the state's share of the
4 foundation education aid calculated pursuant to section 16-7.2-3(a) shall use a calculation that
5 considers a district's revenue generating capacity and concentration of high-need students. The
6 calculation is the square root of the sum of the state share ratio for the community calculation
7 (SSRC), pursuant to section 16-7-20, squared plus the district's percentage of students eligible for
8 USDA reimbursable school meals in grades PK-6 (PK6FRPL) squared, divided by two.

9 (b) For purposes of determining the state's share, school district student data used in this
10 calculation shall include charter school and state school students. These ratios are used in the
11 permanent foundation education aid formula calculation described in section 16-7.2-5.

12 (c) Notwithstanding the language set forth in subsections (a) and (b), where a student
13 would not be a resident of a particular municipality, but for his or her placement by the state in a
14 group residence, the state's share of that student's education shall be one hundred percent (100%).

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

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LC003936
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2014 -- S 2032

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LC003270
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Introduced By: Senator Marc A.Cote

Date Introduced: January 09, 2014

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 9-21-8 and 9-21-10 of the General Laws in Chapter 9-21 entitled
2 "Judgments, Orders, and Decrees" are hereby amended to read as follows:

3 **9-21-8. Interest on judgment for money.** -- Every judgment for money shall draw
4 interest at the rate of ~~twelve percent (12%)~~ six percent (6%) per annum to the time of its
5 discharge.

6 **9-21-10. Interest in civil actions.** -- (a) In any civil action in which a verdict is rendered
7 or a decision made for pecuniary damages, there shall be added by the clerk of the court to the
8 amount of damages interest at the rate of ~~twelve percent (12%)~~ six percent (6%) per annum
9 thereon from the date the cause of action accrued, which shall be included in the judgment
10 entered therein. Post-judgment interest shall be calculated at the rate of ~~twelve percent (12%)~~ six
11 percent (6%) per annum and accrue on both the principal amount of the judgment and the
12 prejudgment interest entered therein. This section shall not apply until entry of judgment or to any
13 contractual obligation where interest is already provided.

14 (b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for
15 personal injury or wrongful death filed against a licensed physician, hospital, clinic, health
16 maintenance organization, professional service corporation providing health care services, dentist,
17 or dental hygienist based on professional negligence. In all such medical malpractice actions in
18 which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the
19 clerk of the court to the amount of damages interest at the rate of ~~twelve percent (12%)~~ six

1 [percent \(6%\)](#) per annum thereon from the date of written notice of the claim by the claimant or
2 his or her representative to the malpractice liability insurer, or to the medical or dental health care
3 provider or the filing of the civil action, whichever first occurs.

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

=====
LC003270
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

- 1 This act would reduce the statutory interest on judgments for money and in civil actions
- 2 from twelve percent (12%) to six percent (6%).
- 3 This act would take effect upon passage.

=====
LC003270
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION - THE EDUCATION EQUITY AND PROPERTY TAX RELIEF
ACT

- 1 This act would require the state to pay for the education of students placed in group
- 2 homes outside of their municipality.
- 3 This act would take effect upon passage.

=====
LC003936
=====

Legislative Status Report**Back**

Condition: {Session Year: 2014} {Bills: 2018}

Senate Bill No. 2018**BY** Picard, Goodwin**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (would increase the maximum tax from 8% to 10% of gross scheduled rental income to be eligible for low-income housing)

{LC3126/1}

01/09/2014 Introduced, referred to Senate Finance

Total Bills: 1

Legislative Data Systems Room 1	5/1/2014
State House, Providence, Rhode Island	9:26 AM

2014 -- S 2018

LC003126

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Senators Picard, and Goodwin

Date Introduced: January 09, 2014

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-13.11 of the General Laws in Chapter 44-5 entitled "Levy and
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-13.11. Qualifying low-income housing -- Assessment and taxation.** -- Any
4 residential property that has been issued an occupancy permit on or after January 1, 1995, after
5 substantial rehabilitation as defined by the U.S. Department of Housing and Urban Development
6 and is encumbered by a covenant recorded in the land records in favor of a governmental unit or
7 Rhode Island housing and mortgage finance corporation restricting either or both the rents that
8 may be charged to tenants of the property or the incomes of the occupants of the property, is
9 subject to a tax that equals ~~eight percent (8%)~~ ten percent (10%) of the property's previous years'
10 gross scheduled rental income or a lesser percentage as determined by each municipality.

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

LC003126

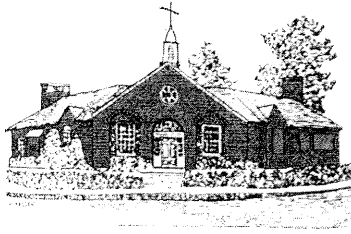
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES

- 1 This act would increase the maximum tax from eight percent (8%) to ten percent (10%)
- 2 of gross scheduled rental income to be eligible for low-income housing.
- 3 This act would take effect upon passage.

=====
LC003126
=====

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

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Burrillville Town Council

Resolution Supporting 2014 – S - 2078

Acts Relating to Taxation – Levy and Assessment of Local Taxes

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S – 2078, Acts Relating to Taxation – Levy and Assessment of Local Taxes. This act would increase to six years the interval of time within which a town must conduct an update of revaluation.

The Town Council voted unanimously to support this bill.

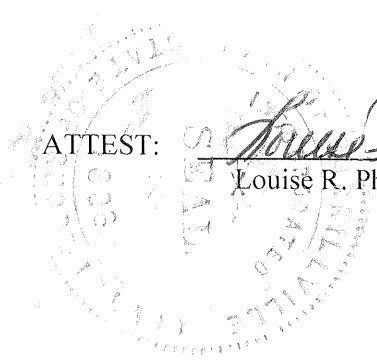
NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

A handwritten signature in cursive script that reads "Nancy F. Binns".

Nancy F. Binns, President
Burrillville Town Council

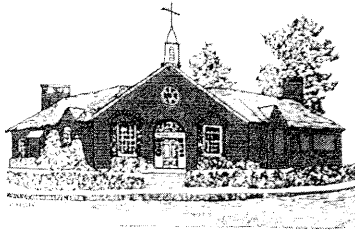
ATTEST:

A handwritten signature in cursive script that reads "Louise R. Phaneuf".
Louise R. Phaneuf, Town Clerk

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – S - 2032

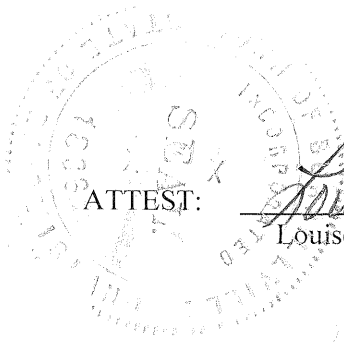
Acts Relating to Courts and Civil Procedures – Procedure Generally

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S – 2032, Acts Relating to Courts and Civil Procedures – Procedure Generally. This act would reduce the statutory interest on judgments.

The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



ATTEST:

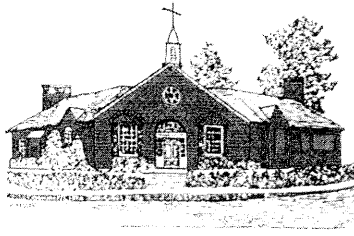

Louise R. Phaneuf, Town Clerk



Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – H - 7270

Acts Relating to Courts and Civil Procedures – Procedure Generally

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – H – 7270, Acts Relating to Courts and Civil Procedures – Procedure Generally. This act would cause pre-judgment interest in a civil action to accrue only upon the filing of a civil action.


The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



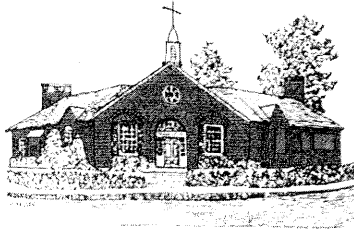
ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

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Burrillville Town Council

Resolution Supporting 2014 – H - 7247

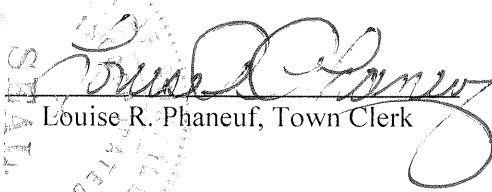
Acts Relating to Highways – Municipal Road and Bridge Revolving Fund

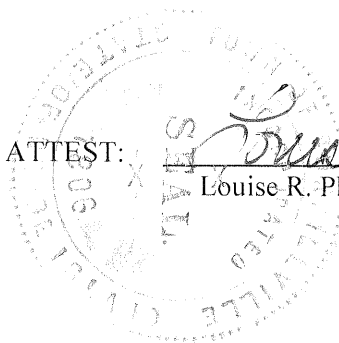
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – H – 7247, Acts Relating to Highways – Municipal Road and Bridge Revolving Fund. This act would raise the maximum amount of financial assistance available; would provide that assistance be paid over a 10 year period.

The Town Council voted unanimously to support this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

ATTEST: 
Louise R. Phaneuf, Town Clerk

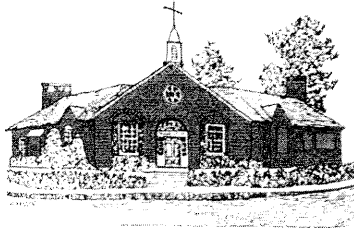
A circular seal for the Town of Burrillville. The outer ring contains the text "TOWN OF BURRILLVILLE" at the top and "RI" at the bottom. The inner ring contains "INCORPORATED 1842". The center of the seal features a stylized landscape with a building and trees.

Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 114
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
RI Relay 1-800-745-5555 (TTY)

Burrillville Town Council

Resolution Supporting 2014 – S 2085 and H - 7628

Acts Relating to Towns and Cities – Low and Moderate Income Housing

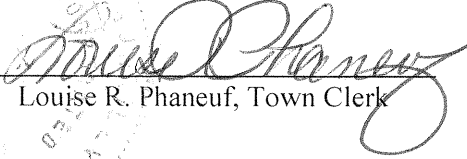
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2085 and H – 7628, Acts Relating to Towns and Cities – Low and Moderate Income Housing. These acts would allow mobile and manufactured homes which are a part of a mobile and manufactured home parks to be counted as low and moderate income housing for purposes of compliance with the requirements of the town's comprehensive land use plan.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

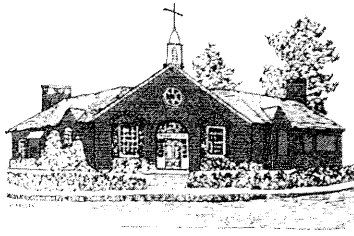
ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Supporting 2014 – S 2104 and H - 7126

Acts Relating to Towns and Cities – General Powers – Background Checks

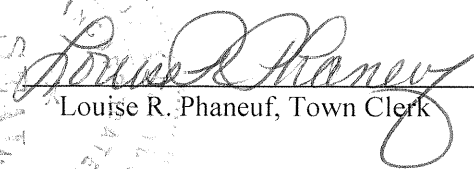
At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2104 and H – 7126, Acts Relating to Towns and Cities – General Powers – Background Checks. These acts would require municipal recreation departments to obtain written authorization to perform a background check on a volunteer or employee; also provides for fire districts to request background checks.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014

ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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RI Relay 1-800-745-5555 (TTY)

Burrillville Town Council

Resolution Supporting 2014 – S 2018 and H - 7430

Acts Relating to Taxation – Levy and Assessment of Local Taxes

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2018 and H – 7430, Acts Relating to Taxation – Levy and Assessment of Local Taxes. These acts would increase the maximum tax from eight percent to ten percent of gross scheduled rental income to be eligible for low-income housing.

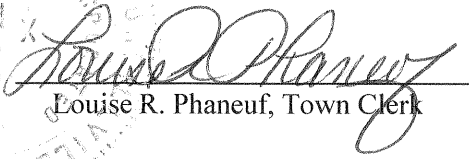
The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



ATTEST:


Louise R. Phaneuf, Town Clerk

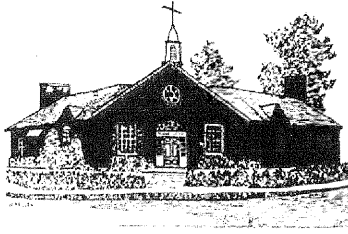


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



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Burrillville Town Council

Resolution Opposing 2014 – S 2593

An Act Relating to Parks & Recreation –

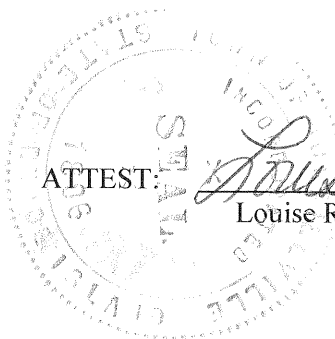
Public Use of Private Lands – Liability Limitations

At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 – S 2593, An Act Relating to Parks & Recreation – Public Use of Private Lands – Liability Limitations. This act would change the definition of “owner” to exclude the state and municipalities for the purposes of liability limitations relating to public use of private lands.

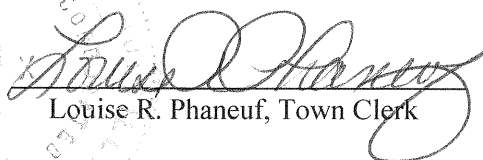
The Burrillville Town Council has long held that the current recreation immunity law best serves the taxpayers as it relates to financial liability and appropriate access to recreational areas. Therefore, the Town Council voted unanimously to oppose this bill.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators oppose passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014



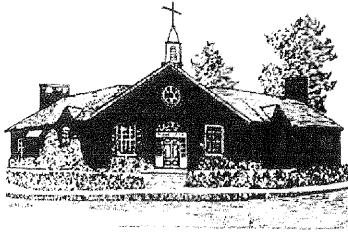
ATTEST:


Louise R. Phaneuf, Town Clerk


Nancy F. Binns, President
Burrillville Town Council

TOWN OF BURRILLVILLE

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



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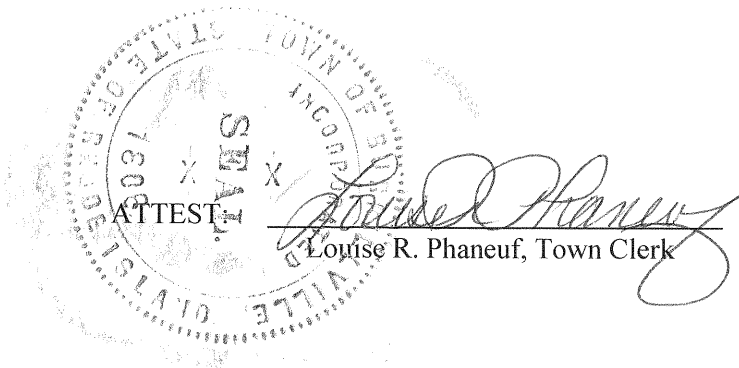
Burrillville Town Council
Resolution Supporting H - 7747
An Act Relating to Education –
the Education and Equity and Property Tax Relief Act


At the regular meeting of the Burrillville Town Council held Wednesday, April 9, 2014 in Town Council Chambers, 105 Harrisville Main St., Harrisville, RI at which time a quorum was present and acting throughout, the Burrillville Town Council considered and acted on 2014 –H – 7747, An Act Relating to Education – the Education and Equity and Property Tax Relief Act. This act would require the state to pay for the education of students placed in group homes outside of their municipality.

The Town Council voted unanimously to support these bills.

NOW, THEREFORE, BE IT RESLOVED, that we, the Town Council of the Town of Burrillville, respectfully requests that our legislators support passage of this bill.

PASSED AS A RESOLUTION of the Burrillville Town Council this 9th day of April 2014





Nancy F. Binns, President
Burrillville Town Council

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PUBLIC HEARING NOTICE
TOWN OF JAMESTOWN

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on May 5, 2014 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 70 – Traffic and Vehicles. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

Section 1. The Jamestown Code Of Ordinances, Chapter 70, Traffic and Vehicles, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance;
words underlined are to be added to the ordinance.

Sec. 70-87. - Prohibited or restricted parking on specified streets.

On the following streets or portions of streets, parking is prohibited or restricted as indicated, and it shall be unlawful for any person to allow, permit or suffer any vehicle registered in such person's name to stand or park such vehicle in violation of this section:

....

~~*West Ferry Wharf or pier, no parking on any portion of the area westerly of a line drawn from the Dutch Harbor Shipyard office building southerly to the easternmost outhaul without a town resident parking sticker affixed to such person's vehicle.*~~

West Ferry, a fifteen minute loading zone shall be designated by signage at the west most portion of the wharf.

Mackerel Cove Beach Parking Area, as permitted pursuant to section 70-90 or by daily pass.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

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Section 3. This Ordinance shall take effect upon its passage.

Ad Date(s): _____

Publication Source: Jamestown Press

Hearing Date: _____

Action: _____

Certified: _____

RESOLUTION NUMBER #1

AUTHORIZING THE TOWN OF JAMESTOWN TO CREATE THE
JAMESTOWN HOUSING FUND AND APPROPRIATING
\$ _____ TO FINANCE AN AFFORDABLE HOUSING LOAN
AND/OR GRANT PROGRAM

RESOLVED, that the qualified Electors of the Town of Jamestown hereby:

appropriates \$ _____ to be expended for (a) the making of grants or loans as a municipal government subsidy to implement the Town's affordable housing plan as the same may be adopted from time to time (the "program"). For the purposes of hereof, the terms "affordable housing" and "affordable housing plan" shall have the meaning ascribed to it in Section 42-128-8.1 of the General Laws, as the same may be amended, and the term "municipal government subsidy" shall have the meaning ascribed to it in Section 45-53-3 of the General Laws, as the same may be amended from time to time. The program shall be carried out and all contracts made therefor, and grants and loans made therefrom on behalf of the Town shall be made by the Town Council, or as may be otherwise directed by the Town Council. Any repayments of grants and loan made under the program shall be held in a special designated account to be known as the "Jamestown Housing Fund." The Jamestown Housing Fund shall be administered by the Town Council and further grants and loans from the fund, and repayments thereof, shall be made only to implement and effectuate the purposes of the Town's affordable housing plan, as determined by the Town Council. Additional monies may be added to the fund from whatever source, whether state, federal, municipal or private and shall be deemed appropriated for the foregoing purposes without further action by the electors at a Town meeting. Unexpended balances and any earnings thereon shall not revert to the town general fund but shall remain in the Jamestown Housing Fund for use as provided in this Resolution. In administering the program and the Jamestown Housing Fund, the Town acting through the Town Council, shall have all of

the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Resolution, including, without limitation, the power to 1) upon application from an eligible applicant in a form prescribed by the Town, provide funding in the form of grants, loans, loan guarantees or any other means determined to further the goals of the affordable housing plan; (2) enter into agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this state or the town to carry out the purposes of this Act; (3) purchase, sell, build, develop or restore real estate, the objective of which is to create affordable housing; (4) sell property to eligible applicants, such property may be deed-restricted such that affordability will remain in perpetuity; (5) rent or lease real estate the Town may own or lease from others; and (6) solicit grants, bequests and accept donations from any source.

The Town Council may adopt rules and regulations to implement the use of funds placed in the Jamestown Housing Fund.

Town of Jamestown



**PROCLAMATION OF THE TOWN COUNCIL
No. 2014-05
JAMESTOWN TEACHER APPRECIATION WEEK
MAY 5 – 9, 2014**

- WHEREAS,** The Town of Jamestown supports our teachers in their mission to educate the children of our community; and
- WHEREAS,** Jamestown teachers are essential members of our School Community Partnership; and
- WHEREAS,** Jamestown teachers are committed to providing a rigorous and relevant curriculum that prepares our students to be lifelong learners, problem solvers and decision makers; and
- WHEREAS,** Jamestown teachers strive daily to provide a healthy, stable learning environment for our children; and
- WHEREAS,** Jamestown teachers should be accorded high public esteem reflecting the value our community places on public education.

NOW, THEREFORE, We, the Town Council of the Town of Jamestown, Rhode Island, hereby proclaim May 5 through 9 **TEACHER APPRECIATION WEEK** in Jamestown and urge all citizens to pay tribute to our teachers.

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 5th day of May 2014.

Cheryl A. Fernstrom, CMC, Town Clerk

2014 -- H 7270

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LC003546
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

Introduced By: Representatives Morgan, Chippendale, Giarrusso, and Costa

Date Introduced: January 30, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-21-10 of the General Laws in Chapter 9-21 entitled "Judgments,
2 Orders, and Decrees" is hereby amended to read as follows:

3 **9-21-10. Interest in civil actions.** -- (a) In any civil action in which a verdict is rendered
4 or a decision made for pecuniary damages, there shall be added by the clerk of the court to the
5 amount of damages interest at the rate of twelve percent (12%) per annum thereon from the date
6 ~~of the cause of action accrued~~ the filing of the civil action, which shall be included in the
7 judgment entered therein. Post-judgment interest shall be calculated at the rate of twelve percent
8 (12%) per annum and accrue on both the principal amount of the judgment and the prejudgment
9 interest entered therein. This section shall not apply until entry of judgment or to any contractual
10 obligation where interest is already provided.

11 (b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for
12 personal injury or wrongful death filed against a licensed physician, hospital, clinic, health
13 maintenance organization, professional service corporation providing health care services, dentist,
14 or dental hygienist based on professional negligence. In all such medical malpractice actions in
15 which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the
16 clerk of the court to the amount of damages interest at the rate of twelve percent (12%) per annum
17 thereon from the date of ~~written notice of the claim by the claimant or his or her representative to~~
18 ~~the malpractice liability insurer, or to the medical or dental health care provider or~~ the filing of
19 the civil action, ~~whichever first occurs.~~

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

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LC003546
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

1 This act would cause pre-judgment interest in a civil action to accrue only upon the filing
2 of a civil action.

3 This act would take effect upon passage.

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LC003546
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2014 -- S 2032

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LC003270
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Introduced By: Senator Marc A.Cote

Date Introduced: January 09, 2014

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 9-21-8 and 9-21-10 of the General Laws in Chapter 9-21 entitled
2 "Judgments, Orders, and Decrees" are hereby amended to read as follows:

3 **9-21-8. Interest on judgment for money.** -- Every judgment for money shall draw
4 interest at the rate of ~~twelve percent (12%)~~ six percent (6%) per annum to the time of its
5 discharge.

6 **9-21-10. Interest in civil actions.** -- (a) In any civil action in which a verdict is rendered
7 or a decision made for pecuniary damages, there shall be added by the clerk of the court to the
8 amount of damages interest at the rate of ~~twelve percent (12%)~~ six percent (6%) per annum
9 thereon from the date the cause of action accrued, which shall be included in the judgment
10 entered therein. Post-judgment interest shall be calculated at the rate of ~~twelve percent (12%)~~ six
11 percent (6%) per annum and accrue on both the principal amount of the judgment and the
12 prejudgment interest entered therein. This section shall not apply until entry of judgment or to any
13 contractual obligation where interest is already provided.

14 (b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for
15 personal injury or wrongful death filed against a licensed physician, hospital, clinic, health
16 maintenance organization, professional service corporation providing health care services, dentist,
17 or dental hygienist based on professional negligence. In all such medical malpractice actions in
18 which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the
19 clerk of the court to the amount of damages interest at the rate of ~~twelve percent (12%)~~ six

1 [percent \(6%\)](#) per annum thereon from the date of written notice of the claim by the claimant or
2 his or her representative to the malpractice liability insurer, or to the medical or dental health care
3 provider or the filing of the civil action, whichever first occurs.

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

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LC003270
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

- 1 This act would reduce the statutory interest on judgments for money and in civil actions
- 2 from twelve percent (12%) to six percent (6%).
- 3 This act would take effect upon passage.

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LC003270
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TOWN COUNCIL MEETING
April 21, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
James Bryer, Fire Chief
Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Donna Fogarty, Library Director
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
William Piva, Parks and Recreation Director
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Trocki called the meeting of the Jamestown Town Council to order at 7:37 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and Councilor Dickinson led the Pledge of Allegiance.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS
AND RESOLUTIONS**

- A) Resolutions
- 1) No. 2014-02: "A Referendum Relating to the Code of Ethics" for a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission.

This Resolution was passed by Council last year. Councilor Mihaly would like to see Council pass this Resolution again, and recent events demonstrate why the Ethics Commission should have such jurisdiction. Council members concur, if there were one body in the State that should be under the jurisdiction of the Ethics Commission, it is the General Assembly.

A motion was made by Mary Meagher with second by Eugene Mihaly to adopt Resolution No. 2014-02 A Referendum Relating to the Code of Ethics. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

President Trocki read the Resolution. Andy Yates was thanked for bringing this resolution forward.

- 2) No. 2014-04: "A Resolution to Increase the Annual Fee for the Transfer Station Residential Vehicle Permit".

President Trocki read the Resolution. This fee increase was proposed to cover the \$100,000 cost of the new trash compactor by raising the annual permit fee \$25.00. Town Administrator Nota explained the Transfer Station operating costs and revenues, which run at a small deficit annually and the necessity for the fee increase so that the Transfer Station will break even. The secondary trash compactor is nearing the end of its life as well and will require replacement in a few years.

Sav Rebecchi of Sail Street asked where Transfer Station revenues for white goods are recorded. Finance Director Collins noted this is recorded in Public Works revenue, approximately \$10,000 last year. The last permit fee increase was 2004. Discussion continued.

Steven Lewis of Deck Street asked if the \$25.00 was enough to cover the cost of the compactor. Mr. Lewis was informed it would.

A motion was made by Mary Meagher with second by Eugene Mihaly to support the Resolution and raise the Transfer Station Residential Vehicle Permit to \$125.00. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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 motion was made by Mary Meagher with second by Eugene Mihaly convene as the Alcoholic Beverage Licensing Board and open the public hearing at 7:51 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A) Council Sitting a Alcoholic Beverage Licensing Board

- 1) **Request for a motion** that the application listed below will be in order for hearing at a meeting of the Town Council sitting as the Alcoholic Beverage Licensing Board on Monday, May 19, 2014 at 7:30 p.m. and advertised in the

Jamestown Press, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, for an **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014:

CLASS B – TAVERN

Plantation Catering, Inc.

Dbas: Plantation At The Bay Voyage
150 Conanicus Avenue
Jamestown, RI 02835

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to advertise. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to adjourn as the Alcoholic Beverage Licensing Board at 7:53 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Public Hearings:

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning Ordinance, Article 14 Accessory Family Dwelling Units, Section 82-1403 General requirements and standards, Subsections E. and H.; duly advertised in the *Jamestown Press* April 3rd, April 10th, and April 17th editions

A motion was made by Mary Meagher with second by Blake Dickinson to open the public hearing for the proposed amendment to the Zoning Ordinance. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Town Council comments. Town Planner Lisa Bryer, Solicitor Peter Ruggiero, and Building/Zoning Official Fred Brown were thanked for their hard work in developing this improvement to the original ordinance. Vice President Meagher proposed one modification to the amendment on Page 2 E., which should read: “. . . shall not occupy more than 33% of the floor area net” eliminating the language: “~~gross livable floor area (add definition) of the entire structure~~” as “area net” is outlined in our Zoning Ordinance and recommended by Solicitor Ruggiero.

Town Planner Lisa Bryer noted the Accessory Family Dwelling Unit ordinance was adopted October 6, 2013. The ordinance requires a special use permit for detached structures, and the amendment will allow it as long as the primary structure meets the required setbacks. Currently AFDU’s are not permitted on undersized lots. The amendment will allow them on undersized lots without a significant impact for the

following: 1) for new structures where no variances are required; 2) where no exterior changes are proposed to the structure; and 3) for a structure on a private septic system if the number of bedrooms proposed are already permitted. The ordinance was developed to promote intergenerational living so that people who require assistance have a place to live that is legal and accommodates a need. There were two AFDU applications to date, but they did not qualify, prompting review of the current ordinance. The amendment will assist those applications for reconsideration. Council members comment this is an honorable step that accommodates a need in our community.

Public comments. Steve Lewis of Deck Street commented on increased water use with the addition of kitchens and bathrooms for the units, overwhelming septic systems in more densely populated areas, and what happens when the need is no longer there, and the units now become rental apartments? Town Council members explained the use is for an intergenerational family need only, and require an annual affidavit. If the family member is no longer at the residence, the use is no longer permitted. Non-filing of the annual affidavit would prompt action by the Building/Zoning Official so that illegal apartments would not result; penalties and fines are levied for non-compliance. RIDEM determines water use by bedroom, and that is the definition followed by this ordinance.

Sav Rebechi of Sail Street stated he is a proponent of the ordinance, Lisa Bryer and the Planning Commission have done a wonderful job, the amendment mostly affects village properties, and he totally supports this ordinance and the amendment.

Unknown woman expressed concern for the impact on our water and septic, and hopes the fines are high for those who do not follow the provisions of the ordinance. She wishes this alternative was available when she was taking care of her mother.

A motion was made by Mary Meagher with second by Eugene Mihaly to close the public hearing and adopt the amendment to the Accessory Family Dwelling Unit Ordinance as amended. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) Licenses and Permits

- 2) One Day Event/Entertainment License Application
Applicant: Jeff Bush/Jamestown Cal Ripken League
Event: Cal Ripken League Opening Day Parade
Date: May 3, 2014
Location: Narragansett Avenue to Lawn Avenue

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the One Day Event License application. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

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.

1) Bruce J. Whitehouse re: Performing Arts Center

B. J. Whitehouse of Steamboat Street stated he is here on behalf of only himself. Mr. Whitehouse referenced a meeting he attended March 18th as part of a group of interested people regarding the space needs for performing arts and asked if Councilor Mihaly chaired such a meeting. Councilor Mihaly stated he did not, and President Trocki noted this was not a Council meeting of any kind, and she was unaware it took place. Mr. Whitehouse asked when the idea of a performing arts center had withered. President Trocki informed him there have been no discussions on this, no decisions have been made, and there is a work session scheduled for April 29th with the Collins Center to review their report on recreational and cultural arts space needs. Mr. Whitehouse commented Architect Bill Burgin was supposed to have some sessions on this, but they have not taken place. He would like a Town Council appointed committee formed to investigate the need for a performing arts center in Jamestown, prepare a feasibility study, and he is willing to work on such a committee. His goal is to see such a facility built in the next few years that is worthy of Jamestown and its residents. He would such a performing arts center paid for by fundraising, so that it does not have an impact on the taxpayers, and create an endowment to fund it for the future. Discussion continued. Mr. Whitehouse was thanked for his comments and ideas.

B) Non-scheduled to address.

David McLaughlin of Newport stated he is here to address the Conservation Commission's support for House Bill 7178 under New Business. He was asked to make his comments when that agenda item is discussed.

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

A) Town Administrator's Report: Andrew E. Nota.

1) Collins Center Report. Mr. Nota reminds everyone the Collins Center will present their report on April 29, 2014 at 6:00 p.m. If anyone is not able to attend and has questions, contact his office so they can be raised at the work session.

2) Draft Resolution for the Affordable Housing Trust Fund. This has been drafted and will appear on the May 5th agenda for discussion. We need direction on the amount, previously discussed as \$400,000, and approval at the FTM is required to use the undesignated reserve fund to take advantage of programs and opportunities that may surface.

3) Facilities at the Golf Course. This is time-sensitive based on the time line for bonding authorization. Mr. Nota would like to reach out to the architect to schedule

dates at the beginning of May for one or more sessions for this project, which must be forwarded to the State House for preparation for the November ballot. He will meet with Mr. Burgin in the interim.

4) Acknowledgements. Mike Gray, Brian Dutra, Bill Page, Maureen Coleman and Ann Kuhn worked with Wendly Ferguson and Save the Bay on a recent project. Save the Bay appreciated their efforts that facilitated a successful project. The Clerk will send a letter of thanks to our Town staff and volunteers for a job well done.

Police Lt. Angela Denault was awarded the John Coyle Scholarship to attend the executive development course at Roger Williams University. We congratulate Lt. Denault and wish her success in the program.

VII. UNFINISHED BUSINESS

A) Traffic Study: Helm Street and Bow Street. Police Chief Edward Mello. Councilor Tighe stated the Traffic Committee has not seen this report.

A motion was made by Thomas Tighe with second by Blake Dickinson to forward the traffic study to the Traffic Committee, with a report back to the Council from them. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Comprehensive Community Plan Joint Public Hearing – Request to Reschedule.

Town Planner Lisa Bryer stated the public hearing was scheduled for May 21st. The Comprehensive Plan revision was adopted by the Planning Commission, and after preliminary review by the State using the new interim guidelines, we are in negotiations on additional changes. The Planning Commission prefers to receive final comments before moving forward with the public hearing process. We should hear from the State in the near future, and will come back to Council for a new public hearing date at that time.

VIII. NEW BUSINESS

A) Conservation Commission Request re: Support for House Bill 7178 Plastic Waste Reduction Act. President Trocki abstains on this issue, leaves the dais, turns the meeting over to Vice President Meagher, and files the appropriate form.

Channing Jones of Environment RI was in attendance at the request of Conservation Commission member Michael Brown. He expressed his organization's support for House Bill 7178 "Plastic Waste Reduction Act" and accompanying Senate Bill 2314, gave an overview of his organization, and explained the environmental and municipal problem created by plastic bags, their improper disposal, its affects on rivers, streams, the ocean, marine wildlife who mistake them for food, litter, and the long-term problems created for

future generations. The solution is reusable bags. Over 100 municipalities have passed such bans, and it is spreading to New England, including the Town of Barrington. The letter of Barrington Town Council Vice President Kate Weymouth was referenced and read, urging Jamestown to support House Bill 7178 and the Conservation Commission's request. Agencies that have endorsed the legislation were referenced, and Mr. Jones offered his assistance.

Dave McLaughlin of Newport expressed support for this legislation and a statewide initiative on behalf of Clean Water Action. There are alternatives to the plastic bags, this is a step in the right direction, and he offers his assistance. Vice President Meagher noted Mr. McLaughlin's designation as one of the volunteers of the year as acknowledged by the *Newport Daily News*.

Councilor Mihaly expressed concern the legislation does not go far enough to encourage reusable bags, and will shift businesses and consumers to the use of paper bags. He recollected his term as a naval officer and the plastic bags he saw when out to sea, which is getting worse. He is in favor of such a ban on plastic bags.

Sav Rebecchi of Sail Street understands the problem, and supports education and working with local businesses, rather than mandates.

Councilor Dickinson states he appreciates concern for plastic waste reduction and the intentions of the Bill, but he does not support it, as he believes it is wrong to force private citizens to do something, and it is favorable to encourage education and support the effort, not mandate it. Councilor Dickinson stated advisory sub committees are not always in tune with Council goals. He is in favor of nature and protecting marine life, but his research did not reveal the number of incidents of marine life deaths nor any cost analysis that would justify a mandate. It is in everyone's best interest to reduce plastic waste, but he does not think the Town should be involved in any mandate.

Vice President Meagher noted this is different than the previous initiative, and she shares the concern that sub committees become overly enthusiastic. Asking for a resolution to support a statewide action makes this more appealing to her. Plastic bags were a benefit when we thought plastic saved the world, but now we've seen the consequences. She supports this as it is a statewide idea, the letter from the Barrington Town Council Vice President makes this clearer, and she would entertain a motion to support House Bill 7178.

Town Administrator Nota referenced the communication from the Chamber regarding their efforts to support a voluntary initiative. Looking through the Bill, there is a hefty regulation burden that should be kept in mind, we should be more cautious, and he would like to review this further and come back with a recommendation prior to moving forward.

Councilor Dickinson commented on the location of recycling receptacles at local businesses; he feels we haven't really given recycling a try.

Councilor Mihaly noted the history of environmental cleanup. Education sometimes is not enough, and as a society we need to take on the legal responsibility to retrain ourselves. The strain on the business community is not that bad and will be passed on to the consumer.

Council will wait until Town Administrator Nota completes his report. President Trocki returns to the dais and presides over the meeting.

B) Adoption of FY 2015 (July 1, 2014 to June 30, 2015) Total Budget (Operating Budget, Capital Budget, and School Budget).

President Trocki expressed the Council's appreciation for the work of Town Administrator Nota and Finance Director Collins. Mr. Nota referenced budget changes posted last week by the School Committee. The two notable changes included the reduction of \$301,567 from the February 27th adopted budget, based on declining enrollment, reducing their budget \$124,166 or 1.12% below the FY 2014 budget. The second change was a rededication \$297,513 of the undesignated reserve funds to the district's OPEB debt obligation. The School Committee's actions led to a reduction in the overall tax levy requirement. Other reductions/increases include a decrease of \$54,757 from the operating budget and \$12,651 from debt service; a \$41,000 increase in capital expenditures; increased Grant funding of \$8,857; and a decrease in nutrition funding of \$4,000.

The Total Proposed FY 2015 Town and School Budget is \$22,658,804, which is \$532,655 or 2.4% above the current budget. The proposed Town Operating Budget is \$8,041,656, an increase of \$327,821 or 4.2%, the proposed Capital Budget is \$1,407,000, reflecting an increase of \$154,784 or 12.4%, and Debt Service is \$834,630, an increase of \$71,601 or 9.4%. The proposed School Operating Budget is \$11,997,315, a reduction of \$49,900 or .4%, the proposed Capital budget is \$120,000, an increase of \$41,000 or 51.9%, and proposed Debt Service is \$258,203, a reduction of \$12,651 or 4.7%, for a Total School Budget of \$12,375,518, a decrease of \$21,551 or .2%.

To support the FY 2015 appropriation, a property tax rate of \$8.75 is required, the same rate in place for FY 2014, the current fiscal year. Municipal operations require an increase from \$3.52 to \$3.77, or 7.3%; School Department operations will realize a decrease from \$5.23 in FY 2014 to \$4.98 in FY 2015, or 4.9%.

Discussion ensued of Property Tax levy, distribution, and growth. Discussion ensued of proposed 2015 Revenues and Undesignated Fund Balances. Total Net Assessed Value of Real Estate and Tangibles is \$2,178,272,576; Total Net Tax Levy for Real and Tangible Property is \$9,284,784.29. Total State Aid is projected at \$743,901, an additional

\$82,919 over FY 2014. Total Local Revenues (municipal) are projected at \$1,655,195, an increase of \$154,145 over FY 2014. Total Local Revenues (school) is projected at \$1,057,972, an increase of \$396,070. The balance of revenues to support the budget are derived from local property and motor vehicle taxes. The Property Tax Levy for FY 2015 is \$18,483,757. Proposed property tax levy growth generated in FY 2014-2015 is limited to .73% or \$133,883 more than the current year levy. This is below the 4% annual levy increase allowed by State law, which would allow the Town a total property tax levy of \$19,083,868, or an increase of \$733,994. The proposed budget reflects an increase of \$133,883, an amount \$600,111 below the statutory tax cap.

The Town's Capital Improvement Program was revised with a shift in funding, allocating \$1,022,000 for Public Works, an increase of \$572,000 for FY 2015, for much needed road repairs and construction, including several critical areas that require immediate attention. Public Works Director Michael Gray gave an overview of the Bay View Drive and North Bay View Drive projects. North Bay View Drive includes damage to 400 linear feet of embankment, resulting in extensive repair and permitting costs. Lengthy discussion ensued of damages and allowed stabilization work. Mr. Gray met with CRMC, and stabilization costs are estimated at \$700,000. Bay View Drive was damaged by Storms Irene and Sandy, with extensive damage to 600 linear feet of embankment, estimated at \$200,000. Mr. Gray noted work that could be performed by Town staff. Extensive damage was also sustained to the main sewer interceptor into the Waste Water Treatment Plant. Per CRMC regulations, repair work can only be done to what exists today – you can't take back what was lost. The work needs to commence so that further damage does not result. Discussion continued.

Town Administrator Nota recognized the significant work involved with the budget preparation by Town staff, particularly the major shifts made last week. Finance Director Collins did a fine job, demonstrating her commitment to the Town.

The .73% increase in the budget was noted, needed to fund capital projects. Due to growth in the tax base (real estate), there is no change in the tax rate from last fiscal year. Councilor Dickinson referenced the previous discussion of standardizing town vehicles. He recognized the hard work done by the School Committee, and in particular Finance Director Jane Littlefield. The Council looks forward to presenting this budget at the FTM in June and expressed appreciation for the School Department and Town staffs; kudos to all for putting the Town's needs first. The Council is pleased with what can be accomplished without a significant tax increase.

Public comment. Sav Rebecchi of Sail Street commented on the upper Shores area of 790 homes. The residents were pleased with the proposed Fire facility for that area and he asked what happened to it. Mr. Rebecchi was informed it was not removed from the budget, is part of a larger discussion, and the Fire Department downtown station became the larger discussion; it is still in the works. Fire Chief Bryer stated he has not given up on a north end facility.

Town Administrator Nota reviewed the re-prioritization, including the downtown station, ALS, and the \$100,000 for plans for redesign of the main station. The Town will have to go to Bond for the upgraded fire station facility. The Town should recoup some of that funding by purchasing standardized vehicles for the retrofitted facility. Discussion ensued of necessary vehicle replacements. The north end facility is still a priority.

Mr. Rebecchi stated he likes zero budgets. He has no problem using the rainy day fund to achieve zero budget increases. Council noted we are already at a zero budget increase, and we don't need to use funding from the rainy day fund.

President Trocki calls for a motion for adoption of the budget.

A motion was made by Blake Dickinson with second by Mary Meagher to adopt the FY 2015 Town General Fund Budget of \$10,283,286, the FY 2015 School Budget of \$12,375,518, for a Total FY 2015 Budget of \$22,658,804. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Town Council Work Session on Tuesday, April 29th at 6:00 p.m. for review of the Collins Center Recreation Study report on Cultural Arts and Receptions Activities Space Needs Assessment was referenced.

- C) Agenda items for May 5, 2014
- Harbor Ordinance and Harbor Management Plan public hearing continuations
 - Warrant for Affordable Housing
 - Sub Committee for a Performing Arts Facility
 - Video Surveillance Policy
 - Proposed Ordinance Amendment – buildings of value
 - Traffic Committee Report

IX. ORDINANCES AND APPOINTMENTS

- A) Appointments/Resignations/Vacancies
- 1) Affordable Housing Committee - Term ending May 31, 2014
 - a) Third term limit reached
 - i) Valerie Molloy

A letter of thanks will be sent to Valerie Molloy for her services to the Town, and the vacancy will be advertised.

- 2) Fire Department Compensation Committee – Term ending May 31, 2014
 - a) Third term limit reached

- i) James Ingari

A letter of thanks will be sent to James Ingari for his services to the Town, and the vacancy will be advertised.

- 3) Harbor Commission – One (1) vacancy for an unexpired three-year term ending December 31, 2015 (commercial mooring operator)
 - a) Application for appointment – Interview complete
 - i) Joseph Patrick McGrady, Jr.

A motion was made by Eugene Mihaly with second by Mary Meagher to appoint Joseph Patrick McGrady, Jr. to the Harbor Commission for the unexpired term.

Discussion. The interview went well, Mr. McGrady is excited to be here, and is the new owner of Dutch Harbor Boat Yard. He is well suited to the position and is committed to get involved in Town.

Back to the vote on the motion. **President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.**

- 4) Town Buildings & Facilities - One vacancy with a three-year term ending May 31, 2017)
 - a) Request for Reappointment
 - i) Valerie Molloy

Vice President Meagher asks for a hold on the appointment as the Committee has not met recently. This will be placed on the May 5th agenda for a discussion where the committee is going, their charge, and if they will have a roll in the review of a potential Performing Arts Center.

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 approval of each item as if it had been acted upon separately.

- A) Finance Director's Report.

A motion was made by Thomas Tighe with second by Blake Dickinson to approve the Consent Agenda. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

XI. 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) Collective Bargaining (IBPO Contract); discussion and/or potential action and/or vote in executive session and/or open session

Information required for the Executive Session was not received and this is continued to the next Town Council meeting agenda.

XII. ADJOURNMENT

A motion was made by Thomas Tighe with second by Blake Dickinson to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The regular meeting was adjourned at 9:30 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor

RESOLUTION NUMBER #1

AUTHORIZING THE TOWN OF JAMESTOWN TO CREATE THE
JAMESTOWN HOUSING FUND AND APPROPRIATING
\$ _____ TO FINANCE AN AFFORDABLE HOUSING LOAN
AND/OR GRANT PROGRAM

RESOLVED, that the qualified Electors of the Town of Jamestown hereby:

appropriates \$ _____ to be expended for (a) the making of grants or loans as a municipal government subsidy to implement the Town's affordable housing plan as the same may be adopted from time to time (the "program"). For the purposes of hereof, the terms "affordable housing" and "affordable housing plan" shall have the meaning ascribed to it in Section 42-128-8.1 of the General Laws, as the same may be amended, and the term "municipal government subsidy" shall have the meaning ascribed to it in Section 45-53-3 of the General Laws, as the same may be amended from time to time. The program shall be carried out and all contracts made therefor, and grants and loans made therefrom on behalf of the Town shall be made by the Town Council, or as may be otherwise directed by the Town Council. Any repayments of grants and loan made under the program shall be held in a special designated account to be known as the "Jamestown Housing Fund." The Jamestown Housing Fund shall be administered by the Town Council and further grants and loans from the fund, and repayments thereof, shall be made only to implement and effectuate the purposes of the Town's affordable housing plan, as determined by the Town Council. Additional monies may be added to the fund from whatever source, whether state, federal, municipal or private and shall be deemed appropriated for the foregoing purposes without further action by the electors at a Town meeting. Unexpended balances and any earnings thereon shall not revert to the town general fund but shall remain in the Jamestown Housing Fund for use as provided in this Resolution. In administering the program and the Jamestown Housing Fund, the Town acting through the Town Council, shall have all of

the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Resolution, including, without limitation, the power to 1) upon application from an eligible applicant in a form prescribed by the Town, provide funding in the form of grants, loans, loan guarantees or any other means determined to further the goals of the affordable housing plan; (2) enter into agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this state or the town to carry out the purposes of this Act; (3) purchase, sell, build, develop or restore real estate, the objective of which is to create affordable housing; (4) sell property to eligible applicants, such property may be deed-restricted such that affordability will remain in perpetuity; (5) rent or lease real estate the Town may own or lease from others; and (6) solicit grants, bequests and accept donations from any source.

The Town Council may adopt rules and regulations to implement the use of funds placed in the Jamestown Housing Fund.



WARNING FOR TOWN MEETING

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT, Sc.**

**BY: Cheryl A. Fernstrom, CMC, Town Clerk of the Town of
Jamestown, Rhode Island**

**TO: Fred Pease, Town Sergeant of the Town of Jamestown, or
any of the Constables of said Town**

GREETING:

WHEREAS, the first Monday in June in each year is the day designated by law for the purpose of hearing the reports of its officers, ordering a tax, making appropriations and for the transaction of business required by law of the Town of Jamestown as a municipal corporation of this State;

NOW, THEREFORE, pursuant to Chapter 3 - Title 45 of the General Laws of the State of Rhode Island 1956, as amended, you are hereby required to post at least seven (7) days before the 2nd day of June A.D. 2014, written notification in three or more public places in said Town of Jamestown, Rhode Island, notifying and warning the Electors of the said Town of Jamestown qualified to vote upon any proposition to impose a tax or for the expenditure of money, to assemble in Town Meeting at the Jamestown School, 55 Lawn Avenue, in said Town of Jamestown, on the 2nd day of June A.D. 2014, at 7:00 P.M. (EDST) for the purpose of ordering a tax to be levied and assessed on the ratable property of said Town and inhabitants thereof, for the payment of the Town Debt and Interest, for the payment of the Town's proportion of the State Tax, for the support of School, for the support and maintenance of the Poor, for the building, repairing and amending of Highways, for the building, repairing and amending of Bridges, for the improvement in any manner deemed fit of any property belonging to the Town, and for all necessary charges and expenses whatsoever arising within said Town, whether

incidental or not to the above and for any and all other purposes authorized by law, and for the purpose of considering and voting upon the following propositions:

RESOLUTION NUMBER 1
SEWER LINE FRONTAGE TAX RATE

RESOLVED, That the Electors of the Town of Jamestown, Rhode Island, duly qualified hereunder, under an Act passed by the General Assembly authorizing the Town of Jamestown to construct and maintain common drains and sewers, and approved April 19, 1917 as amended by the January 1966 Session of the General Assembly, at a Town Meeting legally assembled on this 2nd day of June, A.D. 2014, do hereby order that the Tax Assessor of the said Town, as of December 31, 2013 assess at a rate not to exceed .68 cents per linear foot and said Tax Assessor shall determine what amount is properly chargeable against each of the estates in said Town of Jamestown, subject to the provisions of said Act, and that the said Assessor shall assess against such estate in said Town such sum as shall be found chargeable against the same.

Each assessment shall become and be a lien upon the said real estate and the several owners thereof shall be liable for the payment, to be enforced according to the provisions of the law in such cases made and provided.

RESOLUTION NUMBER 2
BORROWING IN ANTICIPATION OF TAXES

RESOLVED, That the qualified Electors of the Town of Jamestown vote to authorize the Finance Director, with the consent and approval of the Town Council, to borrow in anticipation of taxes, such sum or sums of money as shall be necessary for the payment of the current liabilities and expenses of the Town but not to exceed in the whole, the sum of One Million dollars (\$1,000,000.00) (or the limit provided by law, whichever is less) and to issue the negotiable promissory note or notes of the Town therefore. Sums so borrowed during the current fiscal year commencing July 1, 2014 and ending June 30, 2015 shall be borrowed in anticipation of taxes assessed as of December 31, 2013, and sums so borrowed during the subsequent fiscal year but prior to the next Annual Financial Town Meeting shall be borrowed in anticipation of taxes assessed as of December 31, 2014. Negotiable notes issued pursuant to the authority hereof shall be signed by the Finance Director and counter-signed by the President of the Town Council, and such counter-signature shall be conclusive

evidence to all holders of such note or notes of the consent and approval of the Town Council to the loan or loans evidenced thereby. All terms and conditions of said note or notes and the method of sale thereof not fixed herein or by provisions of law, may be fixed by the Town Council, and if not so fixed, then by the Finance Director. The Finance Director is hereby authorized and empowered, with the consent and approval of the Town Council, to renew said notes from time to time, but any such renewal note shall be due not later than one year from the date of the original note so renewed.

RESOLUTION NUMBER 3 **DISPOSITION OF COLLECTED BACK TAXES**

RESOLVED, That all back taxes collected during the fiscal year July 1, 2014 to June 30, 2015 and all other moneys received, be placed in the General Fund for the payment of current expenditures.

RESOLUTION NUMBER 4 **SETTING THE TAX RATE**

RESOLVED, That the Electors of the Town of Jamestown, Rhode Island qualified to vote on any proposition to impose a tax, in the Town Meeting legally assembled on this 2nd day of June A.D. 2014 hereby order the assessment and collection of a tax on the ratable real estate and tangible personal property in the sum not less than \$. , or not less than \$. , nor more than \$. , per thousand dollars of assessed valuation. The final levy shall be set based on the amount, if any, of State reimbursement for the motor vehicle excise tax, pursuant to RIGL §44-34.1-2. Said tax is for the ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said Town, for the payment of the Town's proportion of the State tax and for other purposes authorized by law. The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said Town as of the 31st day of December A.D. 2013 at twelve o'clock midnight, according to law and shall on completion of said assessment, date, certify and sign the same, and deliver to and deposit the same in the office of the Town Clerk not later than the 15th day of June, 2014. Upon receipt of said assessment, the Town Clerk shall forthwith make a copy of the same and deliver it to the Finance Director, who shall forthwith issue and affix to said copy a warrant under her hand, directed to the Finance Director in said Town, commanding her to proceed and collect tax of the persons and estates liable thereof (unless by law otherwise provided). Said tax shall be due

and payable on the 12th day of September A.D. 2014, and shall carry until collected a penalty at the rate of twelve per centum per annum upon said unpaid tax; said tax may be paid, however, in four installments; the first installment of 25 per centum on or before the 12th day of September A.D. 2014, and the remaining installments as follows: 25 per centum on the 12th day of December A.D. 2014; 25 per centum on the 12th day of March A.D. 2015; and 25 per centum on the 12th day of June A.D. 2015.

Each installment of taxes, if paid on or before the last day of each installment period successively and in order, shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the late date of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry, until collected, a penalty at the rate of the twelve (12) per centum per annum calculated from the due date of the 1st installment. Interest will be charged on all late payments in their entirety and shall not be calculated on a limited per diem basis. Late tax payments will be first used to reduce any interest due and any unpaid taxes from prior years, and then if there are any moneys remaining it will be used to reduce the outstanding portion of the tax bill due.

Kristine S. Trocki, Town Council President

Andrew E. Nota, Town Administrator

Kenneth S. Gray, Tax Assessor

Christina D. Collins, Finance Director

GIVEN UNDER MY HAND and seal this 2nd day of June A.D. 2014.

Cheryl A. Fernstrom, CMC, Town Clerk

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, Sc.

**Jamestown, Rhode Island
May 19, 2014**

**To: Cheryl A. Fernstrom, CMC
Town Clerk
Town of Jamestown, Rhode Island**

**In Jamestown, in said County and State on this 19th day of
May, A.D., 2014, I have posted up notices, true copies of the
within Warrant, at the following public places in said Town,
to-wit:**

**One at the Town Hall
93 Narragansett Avenue**

**One at the Jamestown Philomenian Library
26 North Road**

**One at the Community Meal Site
6 West Street**

**One at the Recreation Center
41 Conanicus Avenue**

**One at the Police Station
250 Conanicus Avenue**

Fred Pease, Town Sergeant

