

**TOWN COUNCIL MEETING**  
**October 5, 2015**

**I. ROLL CALL**

Town Council Members present:

Kristine S. Trocki, President  
Blake A. Dickinson  
Michael G. White  
Thomas P. Tighe

Town Council Members absent:

Mary E. Meagher, Vice President

Also in attendance:

Andrew E. Nota, Town Administrator  
Peter D. Ruggiero, Town Solicitor  
Christina D. Collins, Finance Director  
James Bryer, Fire Chief  
Howard Tighe, Deputy Fire Chief  
Edward A. Mello, Police Chief  
Cathy Kaiser, School Committee Chair  
Cheryl A. Fernstrom, Town Clerk

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 7:00 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, RESOLUTIONS**

A) Proclamation

1) No. 2015-18 Honoring William J. Piva, Jr.

The Proclamation was read by President Trocki.

**A motion was made by Councilor White with second by Councilor Dickinson to approve the Proclamation. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

**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.*

None.

## 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. None.
- B) Non-scheduled to address.

Perry Scott of Top O Mark Drive commented on water filter systems in town, needed by most properties located in the north end. Mr. Scott stated he has had one since 1999 and in 2011 had issues with his system and purchased a new one from the local Culligan franchise. Problems continued with the new system, which the vendor repaired, but to date the system is not operating properly. He asked if the Town had standards or an ordinance governing water filtration systems and whether the Building Official should have the authority to regulate them in order to assist Jamestown citizens. Discussion continued. Mr. Scott asked the Town Council to look into some type of governance and/or direction for citizens with such issues.

Town Council President Trocki noted this may be a homeowner issue rather than a town issue and asked Mr. Scott if he has conferred with the Building Official or Town Administrator. Mr. Scott stated he did not. Town Administrator Nota commented this may be a private matter and he would prefer to confer with Town staff before advising Mr. Scott and get back to him with more information. Discussion continued. Councilor Dickinson asked Mr. Scott if he was requesting the town to set a minimum standard for such equipment, and Mr. Scott answered yes. Discussion continued. Mr. Scott was thanked for coming this evening.

William Johnstone of Summit Avenue stated his issue this evening is the same as previously discussed. He is concerned with (paper road) Linden Street, where he has lived for 40 years. Issues with his neighbor have continued for 15 years, he would like to have them cleared up, and this is the last time he will be here. President Trocki stated the issues he eludes to are civil matters, not issues that can be addressed by the Town of Jamestown. She asked if he contacted the Volunteer Lawyer Services as suggested (telephone number provided to him) at the last meeting he attended, and he answered yes. Mr. Johnstone stated his neighbors are deliberately damaging his property and he wants it to stop. He has no recourse and no one is helping him. Mr. Johnstone commented on inconsistent lot numbers for his neighbor's property and the property owner names listed on and/or removed or changed on recorded deeds. Lengthy discussion ensued. Mr. Johnstone referenced all the town staff he has spoken to, including the Building Official and Town Administrator, and his disagreement with the Building Official. Town Administrator Nota stated new Building Official Costa is not up to speed yet on this issue which Mr. Johnstone updated him on, taking an hour of his time. Mr. Nota stated he assisted in the conversation and reiterated that Mr. Johnstone needs to seek legal counsel.

Mr. Johnstone contends his property is being damaged. President Trocki stated legal assistance is still needed and the Council cannot take any action as this is Open Forum. Mr. Johnstone again requests his property not be damaged and stated his neighbor is

building up the street (Linden Street) with gravel and stone (on the southerly side) so that the road gets a depression and rainfall goes into a trough, running along his side of the road (northerly side of Linden Street). Mr. Johnstone referenced past history with his property. He doesn't understand all of the issues and he does not have the money to pay a lawyer to assist him. Lengthy discussion ensued. President Trocki stated she appreciates his coming forward and that the Council is not being disrespectful, but understands from town staff this is a private matter that the town cannot get involved in. Mr. Johnstone referenced previous statements, property surveys, and a proposal to divide the road between the two neighbors on either side of Linden Street. President Trocki stated again he needs to get legal representation. Mr. Johnstone stated he cannot afford to spend \$29,000 or \$40,000 on legal representation, doesn't feel he should have to pay for legal services, and is disappointed the legal service could not help him. He asked if his neighbor can continue to build up the road without being stopped and stated he is tired of being pushed around by his neighbors and the police. President Trocki asked if there were any Town violations on the neighbor's property. Mr. Nota stated there are no legal violations at this time. Discussion continued. President Trocki reiterated this is a civil not town issue and suggested he try the RI Bar Association. Discussion continued. Mr. Johnstone was wished luck and thanked for coming this evening.

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

A) Town Administrator's Report: Town Administrator Andrew E. Nota.  
Mr. Nota thanked the Council for their patience while he was away last week at the ICMA Conference. His report included:

- Jamestown Storm Drain Project update, with review of key components:
  - Art making sessions
  - Environmental education slogans
  - Storm drain location for sketches
  - Designation of 5 location for murals
  - Coordinate with town
  - Communicate with neighbors and businesses
  - Conduct education campaign
  - Schedule and publicize storm drain painting dates
- ICMA 2015 Conference Summary - Key Note Sessions reviewed
  - Our bias can be dangerous
  - Leadership models
  - Taking your civic pulse
  - Building relationships across borders through city to city partnerships
  - Are your city's finances sustainable
  - Police, the community and the manager
  - Power of critical relationships/Roles of the city manager and police chief
  - Project outcome overview: Helping public libraries implement performance
  - City managers: make the most out of transparency initiatives

- Ten things you should know about preparing your community for the aging population
- Human resources for small communities
- Getting a return on recreation, lifestyle, and community amenities
- Transforming organizational culture
- Council norms
- RIRRC Profit Sharing
  - \$5,295.76 profit sharing check received

B) Goals and Objectives Update: Town Administrator Andrew E. Nota. Mr. Nota referenced the 20-page updated Goals and Objectives distributed to Town Council members for the 2014-2016 term.

## **VII. UNFINISHED BUSINESS**

None.

## **VIII. NEW BUSINESS**

A) Jamestown Fire Department – False Alarms; discussion and/or potential action and/or vote.

Chief Bryer referenced the letter to Town Administrator Nota regarding false fire alarms in town. False alarms are billed at \$10 per alarm after two false alarms in a 365 day period. The actual cost is calculated at \$200 to \$250, and the fee schedule is outdated and the ordinance language is unclear. False fire alarms were noted, including commercial and residential properties with multiple false alarms in one month. How businesses handle false alarms, potential safety issues, and possible violations for not following the fire code were referenced and reviewed. Chief Bryer and Deputy Chief Tighe stated they are here before Council to discuss the issue and next steps in the process to review the present ordinance and fee schedule. Councilor Tighe asked for a time analysis from the Police Chief. Chief Mello stated there were 394 false alarms (police calls) in 2014 for the 165 registered burglar alarms, requiring 36 man hours for response, which he did not consider problematic. \$36 is collected annually by the Police Department for each alarm registered. The same is charged by the Fire Department.

It was suggested the Fire Chief and Police Chief work with the Town Solicitor to revise the ordinance fee schedule. Lengthy discussion ensued of significant costs involved with false alarms and the town's recourse as outlined in the ordinance, including closing down an establishment for violations. Town Administrator Nota stated this is not an action to raise funds, but to raise awareness of the problem and the significant costs imposed on public safety services. The Ordinance Review Committee should also review and render a recommendation. President Trocki stated the town is here to regulate this in order to protect its citizens. Lengthy discussion ensued. President Trocki directed the Fire Chief, Deputy Fire Chief, and Police Chief to work with the Town Administrator, Town Solicitor, and Ordinance Review Committee to improve and clarify the ordinance and fee schedule.

- B) Traffic Committee recommendations for Commercial Traffic flow at the intersection of Columbia Avenue and Windsor Street at McQuade's Market; discussion and/or potential action and/or vote to:
- 1) Place restrictions on commercial delivery vehicles proceeding from the south side of McQuade's Market through the intersection of Columbia Avenue and Windsor Street
  - 2) Make the intersection of Columbia Avenue and Windsor Street a four-way stop
  - 3) Add enhanced warning signage in the area of the intersection of Columbia Avenue and Windsor Street

Councilor Tighe, Chair of the Traffic Committee, stated this matter has been before the Traffic Committee on several occasions. Chief Mello and the Police Department conducted a traffic study of the area and the Traffic Committee makes the above recommendations to alleviate the problems and revise the current ordinance. Lengthy discussion ensued. Solicitor Ruggiero stated this appears later in the agenda.

- C) Liaison for Senior Center; discussion and/or potential action and/or vote  
Councilor Tighe requested this agenda item. Discussion ensued.

**A motion was made by Councilor White with second by Councilor Dickinson to appoint Councilor Tighe as Liaison to the Senior Center. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

A letter will be forwarded to the Senior Center announcing the appointment of Councilor Tighe as the Liaison.

## **IX. ORDINANCES AND APPOINTMENTS AND VACANCIES**

- A) Ordinances
- 1) Amendment of the Jamestown Code of Ordinances Chapter 70 Traffic and Vehicles, Article III. Specific Street Regulations, Sec. 70-52 Stop Intersections and Sec. 70-55 Restrictions on Certain Streets; discussion and/or potential action and/or vote to proceed to advertise in the *Jamestown Press* for public hearing on November 2, 2015

Solicitor Ruggiero prepared the ordinance amendment. The ordinance was reformatted and the language clarified for consistency. Proper signage will be installed after the ordinance amendment is adopted.

**A motion was made by Councilor Tighe with second by Councilor White to proceed to advertise the ordinance amendment for public hearing. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

B) Appointments and Vacancies

- 1) Jamestown Tree Preservation & Protection Committee (One vacancy with an unexpired three-year term ending date of December 31, 2017); duly advertised
  - a) Letter of interest
    - i) Mark Girard (previous candidate, interviewed)

**A motion was made by Councilor Dickinson with second by Councilor Tighe to appoint Mark Girard to the Tree Preservation & Protection Committee. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

- 2) Jamestown Library Board of Trustees (One vacancy with an unexpired three-year term ending date of December 31, 2015); duly advertised
  - a) Letters of interest
    - i) Christian Infantolino
    - ii) Frank F. Sallee
    - iii) Holly Turton

The vacancy was advertised and there are three applicants. Discussion ensued of interviewing the candidates. Councilors noted an attorney on the Board of Trustees would assist them in their actions and decisions. Council members concur it would be fair and in line with past practices to interview the candidates on November 2, 2015 prior to the regular Council Meeting.

- 3) Jamestown Harbor Commission (One vacancy with an unexpired three-year term ending date of December 31, 2017); duly advertised
- 4) Jamestown Zoning Board of Review (One vacancy with an unexpired five-year term ending date of December 31, 2016)
  - a) Letter of resignation
    - i) Richard Allphin
- 5) Jamestown Tax Assessment Board of Review (One vacancy with an unexpired three-year term ending date of May 31, 2017)
  - a) Letter of resignation
    - i) Richard Allphin

Advertising for the Harbor Commission vacancy will continue. The resignation of Richard Allphin from the Zoning Board of Review and Tax Assessment Board of Review was noted by President Trocki. A letter of thanks will be sent to Mr. Allphin for his years of service to the town and the vacancies will be advertised. Citizens are urged to come forward to fill board/commission/committee vacancies. Candidates who come forward will be scheduled for interviews on November 2<sup>nd</sup>.

**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 Councilor Tighe with second by Councilor White to approve and accept the Consent Agenda. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
  - 1) September 21, 2015 (regular meeting)
  - 2) September 21, 2015 (executive session)
- B) Minutes from Boards, Commissions and Committees
  - 1) Jamestown Harbor Commission (07/08/2015)
  - 2) Jamestown Harbor Commission (08/12/2015)
  - 3) Jamestown Philomenian Library Board of Trustees (08/11/2015)
  - 4) Jamestown Tick Task Force (08/26/2013)
  - 5) Jamestown Tick Task Force (06/16/2014)
  - 6) Jamestown Tick Task Force (08/18/2014)
  - 7) Jamestown Tick Task Force (04/13/2015)
  - 8) Jamestown Tick Task Force (08/24/2015)
  - 9) Jamestown Zoning Board of Review (07/28/2015)
- C) RIDEM Notices
  - 1) Memorandum re: Continuance of RIPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems
- D) Abatements/Addenda of Taxes
  - Total Abatements: \$72,720.24
  - Total Addenda: \$70,624.18
  - 1) Properties – Abatements to 2015 Tax Roll
    - Property/Abatement Amount**
    - a) Plat 2 Lot 112 \$ 6,650.66
    - b) Plat 8 Lot 580 \$ 2,981.41
    - c) Plat 7 Lot 135 \$13,636.90
    - d) Plat 8 Lot 525 \$ 3,801.50
    - e) Plat 3 Lot 566 \$24,035.06
    - f) Plat 9 Lot 640 \$ 2,036.26
    - g) Plat 16 Lot 181 \$ 941.22
    - h) Plat 3 Lot 460 \$ 778.79
    - i) Plat 2 Lot 126 \$ 5,064.99
    - j) Plat 2 Lot 217 \$ 4,962.26
    - k) Plat 15 Lot 103 \$ 3,334.45
    - l) Plat 1 Lot 324 \$ 2,598.00
    - m) Plat 3 Lot 488 \$ 1,721.76
  - 2) Properties – Addenda to 2015 Tax Roll

**Property/Addenda Amount**

- a) Plat 8 Lot 525 \$ 3,801.50
- b) Plat 2 Lot 112 \$ 6,650.66
- c) Plat 3 Lot 460 \$ 778.79
- d) Plat 1 Lot 324 \$ 2,598.00
- e) Plat 8 Lot 580 \$ 2,981.41
- f) Plat 2 Lot 126 \$ 5,064.99
- g) Plat 15 Lot 103 \$ 3,334.45
- h) Plat 3 Lot 566 \$24,035.06
- i) Plat 2 Lot 217 \$ 4,962.26
- j) Plat 7 Lot 135 \$13,636.90
- k) Plat 9 Lot 640 \$ 2,780.17

3) Motor Vehicles – Abatements to 2014 Tax Roll

**Account/Abatement Amount**

- a) #04-0350-15M \$ 56.69
- b) #04-0350-17M \$ 25.35

4) Motor Vehicles – Abatements to 2015 Tax Roll

**Account/Abatement Amount**

- a) #04-0350-15M \$ 94.94

E) One Day Event/Entertainment License Applications

- 1) Applicant: Jamestown Rotary Club  
Event: Jamestown Classic Bike Race  
Date: October 12, 2015  
Location: East Ferry and around the Island
- 2) Applicant: Jamestown Police Department  
Event: Wheels & Steel (Touch-A-Truck)  
Date: October 11, 2015  
Location: 250 Conanicus Avenue (Police Station)
- 3) Applicant: Benjamin Lessard  
Event: Lessard-Berg Wedding  
Date: October 10, 2015  
Location: Fort Getty Pavilion
- 4) Applicant: Jamestown Police Department  
Event: Halloween Block Party  
Date: October 31, 2015  
Location: Narragansett Avenue/Jamestown Fire Station Lot

**XI. COMMUNICATIONS, PETITIONS AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RI CITIES AND TOWNS**

Communication 2) from Mary Lou Sanborn regarding the Conanicut Yacht Club (not Jamestown Yacht Club) was noted. Ms. Sanborn stated this is her formal request to have the parking issue go before the Traffic Committee. The letter will be forwarded to the Traffic Committee and placed on the October 20<sup>th</sup> agenda at 6 p.m.



**A motion was made by Councilor Tighe with second by Councilor White to receive the Communications, Petitions, and Proclamations and Resolutions from other RI Cities and Towns. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

The Communications, Petitions, and Proclamations and Resolutions from other RI Cities and Towns consists of the following:

- A) Communications
  - 1) Letter of Discover Newport President & CEO Evan Smith with annual audit report
  - 2) Letter of Mary Lou Sanborn re: Conanicut Yacht Club event
- B) Resolutions and Proclamations of other Rhode Island cities and towns
  - 1) Resolution of the Middletown Town Council in Support of the Quonset Air Museum
  - 2) Resolution of the Westerly Town Council in Support of the Quonset Air Museum

## **XII. ITEMS FOR OCTOBER 19, 2015 AGENDA AND FUTURE MEETINGS**

- A) Jamestown Rental Properties
- B) Discussion of Public Rights-of-Way

President Trocki noted the ongoing discussions on these topics, which will appear on the October 19<sup>th</sup> agenda. Town Administrator Nota referenced his memorandum regarding the Open Meetings violation determination by the Attorney General's Office issued to the Cranston City Council for not delineating all items for inclusion on a future agenda under their "Business for the Next Meeting" item. Mr. Nota stated going forward all items Council members would like discussed at the next meeting should be forwarded to the Clerk in advance in order to be included under "XII. Items for the Next Agenda and Future Meetings" to ensure that the Town is not in violation of the Open Meetings Act. At this time the Friends of the Jamestown Rights-Of-Way is planning to speak at the October 19<sup>th</sup> meeting, but if their report is not ready this item will be placed on a future agenda. Discussion continued.

**A motion was made by Councilor Dickinson with second by Councilor Tighe to readdress X. Consent Agenda E) One Day Event Entertainment License Applications 1) Jamestown Classic Bike Race. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

- E) One Day Event/Entertainment License Applications
  - 1) Applicant: Jamestown Rotary Club
  - Event: Jamestown Classic Bike Race
  - Date: October 12, 2015
  - Location: East Ferry and around the Island

Jamestown Rotary Club Vice President Mark Holland was in attendance. Councilor Dickinson commented on his email last year regarding the 2014 event. After last year's Bike Race Councilor Dickinson contacted local businesses for their review of the event, and one of the concerns raised was the congestion of people at the bottom of Narragansett Avenue that impedes them from doing business during the event. Though it is too late to move the start location for this year's event, he would like to discuss moving it for the future in order to lessen the impact on businesses. President Trocki noted this was reviewed during the budget cycle and it was noted the Rotary Club would work with the Police Chief and Town Administrator.

Mr. Holland stated the Rotary Club reviewed the start location for the event with the Chamber of Commerce. The logistics of the race are very involved and a start site out of the rain with electricity is needed and the race should go in one direction not two directions. There are over 500 race participants, alternate locations were investigated, but a more suitable site was not found for this year. Offsite parking with transportation and proper signage was arranged in order to alleviate parking and congestion issues. This year there will be a large banner that states "Parking for East Ferry Merchants Only" to ensure ample parking for business patrons, to alleviate pedestrian congestion, and to encourage rather than thwart business. Mr. Holland stated this is the 40<sup>th</sup> Annual Bike Race event and it promotes our beautiful Island for future business, if not on race day, and has resulted in a positive review of the Island and numerous repeat visits. Councilor Dickinson requests review after the event with the Town Administrator and Police Chief on the Race's impact on the business community. Mr. Holland is in favor of the review and investigating other alternatives for future events. President Trocki noted the application was approved for this year (under Consent Agenda), and in the future should be submitted at least three months in advance so that all signatures can be obtained in a timely manner and the application placed on an agenda and approved well in advance of the Race. Discussion ensued of reviewing the application timeline for such major events. Mr. Holland hopes this year's changes will be positive and he welcomes a review after the race and is in favor of reducing negative impacts. Mr. Holland was thanked for coming this evening.

Unknown audience member commented on the positive effect of the bike race.

Mary Lou Sanborn of Bay View Drive asked if a public body can vote on an agenda item listed under "Items for a Future Agenda" in order to achieve a 2/3 majority vote to place that item on the next/future agenda. She was informed no, this would be improper.

Discussion of agenda item placement continued. Council discussion of the procedure for placing items on the agenda and under the "Agenda Items for the Next Agenda and Future Meetings" topic continued. Solicitor Ruggiero stated the only way to have a discussion on any topic is to have it listed on the agenda. An action item can be placed on an agenda without first being listed under "Items for the Next Agenda and Future Meetings". Further discussion of the procedure to place on item on the agenda continued. Discussion of the Cranston ruling continued. Mr. Nota reviewed past practices and

development of a consistent agenda process. Solicitor Ruggiero explained the procedure for an agenda item that requires action, reviewed restrictions placed on agenda items, what can and cannot be voted on, how it must be listed in order to be an action item, and the restrictions currently placed on public bodies. Lengthy discussion continued.

### **XIII. EXECUTIVE SESSION**

A) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel; discussion and/or potential action and/or vote in executive session and/or open session

**A motion was made by Councilor Tighe with second by Councilor Dickinson to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (1) to discuss Personnel at 8:49 p.m.**

**Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel the following vote was taken: President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion carries by a majority vote in the affirmative.**

The Jamestown Town Council reconvened the regular meeting at 9:29 p.m. President Trocki announced that no votes were taken in the Executive Session.

**A motion was made by Councilor Tighe with second by Councilor Dickinson to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion carries by a majority vote in the affirmative.**

### **XIV. ADJOURNMENT**

**A motion was made by Councilor Tighe with second by Councilor Dickinson to adjourn. President Trocki, Aye; Vice President Meagher, Absent; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative.**

The regular meeting was adjourned at 9:30 p.m.

Attest:

---

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Solicitor