

TOWN COUNCIL SPECIAL MEETING
April 10, 2017

I. ROLL CALL

Town Council Members present:

Kristine S. Trocki, President
Michael G. White, Vice President
Blake A. Dickinson
Mary E. Meagher
Eugene B. Mihaly

Also in attendance:

Andrew E. Nota, Town Administrator
Edward A. Mello, Police Chief
Wyatt A. Brochu, Town Solicitor
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 7:06 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. PUBLIC HEARINGS, LICENSES AND PERMITS

A) Public Hearings:

(The two proposed ordinance amendments listed as follows seek to limit weapons discharges in the Town)

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article V. Weapons, Sec. 38-112 Definitions (new); Sec. 38-113 Firearm Discharge (new); Sec. 38-114 Use of Weapons in Self-Defense and Hunting (new); and Sec. 38-115 Enforcement (new); duly advertised in the *Jamestown Press* March 30th edition; review and discussion and/or potential action and/or vote
- 2) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 38, Offenses and Miscellaneous Provisions, Article V. Weapons, Sec. 38-112 Definitions (new); Sec. 38-113 Firearm Discharge (new); Sec. 38-114 Use of Weapons in Self-Defense and Hunting (new); and Sec. 38-115 Enforcement (new); duly advertised in the *Jamestown Press* March 30th edition; review and discussion and/or potential action and/or vote

A motion was made by Councilor Meagher with second by Vice President White to open the Public Hearing at 7:08 p.m. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

President Trocki addressed the public hearing attendees, outlined rules and procedures for this public hearing, stressing that opposing views will be presented respectfully with civility. This has been debated for over two years, communications and ordinance versions have been reviewed, legal counsel consulted, Town administration consulted, and Council is well versed on the issue. Not everyone will get what they want, and it is imperative we address the public's concerns and the public listens to Town Council members. All should have the opportunity to speak, but we do not want the same comments repeated numerous times. Attendees were instructed to come to the podium and state your name and address, speak to the issue with civility, and do not to speak over anyone. The Council will listen to all viewpoints and there will be opportunity to express new ideas. Attendees were asked to be seated. It was noted Fire Marshals are in attendance for public safety, and this meeting is being video-taped and will be posted on the Town website.

Council comments:

Councilor Mihaly stated to move this along he would like to make a motion.

A motion was made by Councilor Mihaly to adopt the first ordinance, the total ban.

Public discord erupts and it was stated “. . . without hearing from us? You have already made up your minds . . .” President Trocki stated she doesn't appreciate the tone, the Council will listen to all, and it is not fair to jump down our throats until we have had the conversation. This will be civil, and if not, disruptive people will be removed.

Town Administrator Nota explained the technical nature of the motion made to inform the public the Council is ready to put this issue before them, anticipating a second, in order to open the discussion. President Trocki announced no vote will be taken until the conclusion of discussion. If there is no second, we will entertain a new motion.

A second to the motion was made by President Trocki.

Discussion. President Trocki stated Councilor Mihaly will speak first.

Councilor Mihaly stated his main concern is for public health and safety. He was instrumental in starting the Tick Task Force and enhancing hunting to reduce the Lyme disease hazard. The issue is not noise but safety, pure and simple. Are Jamestown shooting ranges safe? They are not. The NRA Source Book with over 500 pages contains guidelines for the construction and management of shooting ranges. Safety is paramount and their focus is keeping bullets inside the range, with 20 ft. high berms in front, 8 ft. high berms to the side, and something above to capture fired bullets. Their concern is humans can fail, bullets can travel up to 3 ½ miles, and we are unprotected from human error. An incident in Essex VT where a citizen was killed by a stray bullet was referenced. Towns around us have determined they do not want firearms discharge except

during hunting, self-defense, military, or police activities. We should join other towns and ban outdoor firearms discharges. We are fortunate we had have not had an accident.

President Trocki noted she is sympathetic to those who have participated in this sport/recreational activity for decades, respects it, and is not trying to make Jamestown less rural. The community has doubled in size since the 70's, her #1 job is public safety, and she votes her conscience based on research as a Town leader for the Island at large. Because there hasn't been an accident doesn't mean there it will never happen. The public is invited to enjoy open trails and land trust areas near existing ranges, and those guests do not know of the potential for stray bullets. There are contained, safe reasonably-priced ranges off Island. She is a proponent of hunting to reduce Lyme disease, but hunting is different from target shooting, and she couldn't live with someone being shot as the result of target shooting. It is not her intent to take people's rights away, wants to maintain our rural character, values everyone's opinions, and this is a hard decision.

Councilor Meagher stated her appreciation for President Trocki's comments and concern for safety. She is striving for a middle ground, and would like to hear from those who have not spoken before.

Vice President White states he feels the same, is not dissuaded by either side, and wants to hear citizens' comments and concerns. Council members agreed.

Councilor Dickinson stated from a historical perspective members of the community met in good faith to resolve the issue. In his opinion this is a neighbor dispute, he objects to this type of meeting as it puts large divides into our community when it could be resolved outside of this room, and he is disappointed we are here. [Applause]

President Trocki noted the 49 letters forwarded to the Town Clerk from residents included in this meeting packet (available online) - 46 in favor of prohibiting ranges and 3 to take no action. Discussion will begin with new citizens to this topic.

Marilyn Dutton of North Main Road expressed confusion with the language in the ordinance regarding self-defense and hunting. She was informed weapons can be used for hunting and self-defense, and are not banned. Ms. Dutton suggested holding a referendum for the whole town to vote on. [Applause] She was born here and shoots, has 9 great grandchildren and 6 grandchildren who were taught hunter safety and shoot, and she would like to continue to have target shooting.

President Trocki noted if all issues that come before the Council were on a referendum it would take a long time to vote.

Judith Sutphen of East Shore Road stated she was not born here and lives in the north end. She was not aware of the issue until she read the *Jamestown Press* and saw the map.

She has three ways to get home, two of them pass shooting ranges, and she doesn't feel safe. This is not the Jamestown of 20 years ago and she supports the ban on target shooting.

Steve DeVoe of Clinton Avenue stated he hasn't been to the other discussions. He noted the rules and regulations governing target shooting established by the NRA discussed previously and stated the logical choice is to have shooting ranges approved by the NRA.

Vice President White stated the NRA does not certify shooting ranges and only offers guidelines. Mr. DeVoe stated if there are 500 pages of guidelines, only shooting ranges that comply with those guidelines should be allowed.

President Trocki stated the current ranges don't comply and asked how it would be enforced. A safe range by NRA standards is not what the discussion is about this evening.

Cliff White of Seaside Drive stated he is a summer resident, gun owner, and shooting enthusiast. This is an issue of public safety and a self-built range is a disaster looking to happen. He supports a total ban on shooting ranges until we have a standard that meets safety requirements.

Arlene Seraichyk of Melrose Avenue comments she is sad for people striving for the hard right, which requires courage, and there is no right or wrong here. She hears bullets and the police respond to her calls. We should have compassion for others for their views on this. Let it be and come to a compromise. [Applause]

John Flinton of North Main Road stated he is a 37-year resident and has no safety concerns. He spoke with Range Officer Paul Balzer, who noted this comes under State definition. President Trocki agreed and stated the ordinance mirrors State law and we can tweak it. He understands the fears, and we have two options – ban or limit it, or keep the status quo. The vast majority of shooters are safety conscious, and we should leave this as it is.

Mike deAngeli of Court Street stated he and Chris Cannon are neighbors to the shooting range that started this. The *Press* article asked why we didn't call our neighbor. When you hear gun shots you call the cops. The cops said they have no authority to regulate the activity, so he and Mr. Cannon began this process. In this day and age shooting should be regulated, and the Council has done a wonderful job. These people are not dangerous, but accidents happen, and this is a safety issue, not a noise issue. No range on private land in town is safe as we are too close together now, and it would be difficult to sell his house if shooting were going on. If you want a range have it regulated, but he doesn't think it is possible, and the other option is a ban. He referenced the *Jamestown Press* poll with 87% of responders in favor of not changing anything and noted studies have shown online polls are unreliable. He feels a ban is needed and asked the Council to vote their conscience and do what is right.

Alicia Caito of Wildflower Lane, sister to Jon Caito, stated she lives at the site of the subject target range. This is a neighbor dispute and it is ridiculous and childish. If you didn't know there was a gun range and weren't scared, why are you scared now? The participants are not shooting at you, know how to shoot, practice gun safety, and the image portrayed is inaccurate. New people think they can change the rules, and it is not the Council's job to regulate neighbor disputes. Allowing target shooting along set guidelines would place a liability on the Council. The neighbors don't understand and feel they need to stop it, which isn't right. [Applause]

Patricia Young of Beavertail Road stated she lives on 45 acres of land and they shoot clay pigeons, no one hears them, it is the rural nature of Jamestown, and that right shouldn't be taken away. She is disturbed that people came here with formed opinions before listening to everyone's testimony. You are listening to 49 letters when we have 6,000 registered voters, and everyone should have a vote. If she knew she could have written she would have. The Council is informed, but not everyone else is. [Applause]

Randy White of Westford Road referenced his letter to the Council sent via email. This is not a personal grievance or dispute it is a public safety issue. The NRA manual spells it out clearly and Gene summarized it eloquently. There must be accountability for containment of bullets and the locations shooting begins and ends. The provision for 500 feet from buildings/dwellings comes from hunting regulations where weapons can only shoot 500 feet. Bullets from weapons used for target shooting travel further than that. To permit shooting must involve the Town, he doesn't think a middle ground can be found, and the Solicitor warned an ordinance can open the Town to potential liability. Any allowed range must be certified, safety shouldn't be left to self-governance, and the Town can't do that without risk. The newspaper added the third choice to do nothing and it reported 87% of the respondents were in favor of doing nothing. The March 31st post on the AR15 website provided the link to the poll urging viewers to respond and vote no, and the responders to the poll were from all over the country and not Jamestown.

President Trocki stated she puts stock in the letters received more than the people who responded to the poll.

John Caito of Wildflower Lane stated he hasn't shot in almost three years due to the controversy. President Trocki stated she respects his holding off until the issue is resolved.

Peter Coble of Narragansett Avenue commented his family came here in 1964. This sounds like a NIMBY – not in my backyard. He didn't hear Mr. Cannon's objection prior to becoming an East Shore Road resident. The target shooters know safety and respect the activity. The survey may be off, and there should be a referendum so the people can be heard. This activity has been going on for 50 years, so please don't take it away. Perhaps a Town range should be researched, and the Council should not do anything until they have more information. [Applause]

Ken Newman of Avenue B appreciates the comments this evening and is in favor of the ban. It has been referenced that target shooting is a tradition. Another tradition in Jamestown is free-range children who can wander without having parents watching their every move and encouraging them to enjoy our community and all it has to offer. [Applause]

Sandy Kane of North Main Road stated he has lived here for 38 years, has a shooting range on his property, and hunting is far more dangerous than target shooting where the modern weapons are extremely accurate. He referenced ranges and gun clubs in RI, he doesn't know of any covered ranges, and Tiverton has the safest range in RI. He wants to keep things the way it is right now and referenced RIGL §32-6 Public use of private lands and §32-6-3 Liability of landowner, that declares the liability is on the person pulling the trigger, not the range location. An ordinance adopted that takes away the rights of target shooters opens the town up to lawsuits and will cost the taxpayers money, and the NRA legal team, ILA, and Second Amendment Coalition will step in to support the target shooters. He bought his property so that his children and grandchildren could enjoy the outdoor activities outlined in the chapters referenced. [Applause]

Ernie Violet of East Shore Road stated he has lived here for over 20 years and heard shooting when he moved in. He met Bert Dickinson who had a target shooting area that was safe with self-imposed safety rules, and he was impressed. Safety is inherent in people who target shoot and it is not dangerous. He is far more likely to be hit by a car driven by someone texting when going to when going to is mailbox than someone target shooting. [Applause]

Darcy Magratten of Clinton Avenue referenced target shooting activities while she tended bees at the Community Farm, and these are incompatible activities. She thought it was wrong for Councilor Dickinson to send an email encouraging her to come to this meeting and support no regulation.

Councilor Dickinson stated the Community Farm is an entity of the Ceppi property, and the lease for the property references target shooting is allowed at that location. Target shooting does not take place when people are at the Farm, which is spring to fall.

Quentin Anthony of Bay View Drive stated he is speaking on behalf of the Conanicut Island Land Trust, with an interest in over 150 properties and over 500 acres, as noted on the published trail. We encourage people to use the properties and the public visits. He disagrees the rural character of Jamestown will be diminished if target shooting is prohibited. Their mission is steadfast - land protection. Despite our disagreements, we can agree what makes Jamestown special. From Windmill Hill to Beavertail, farms, Mackerel Cove, coastal marshes and wetlands, it is all precious, should be protected, and contribute to rural character. Our guests do not find the sound of gun fire contributing to an experience in nature, and bullets discharged without containment are not part of the

rural character. We shouldn't consider any ordinance that does not regulate containment of bullets and is not in compliance with NRA guidelines. Legal matters shouldn't be driven by those who shoot responsibly, but by those who shoot irresponsibly. As the community gets smaller the issue is safety, and it will not harm our rural character to vote to prohibit target shooting. For those who want to hunt and those who want to hike in nature, nothing will change. [Applause]

Steve Hogan of Cranston, Board of Directors Member of the RI Revolver and Rifle Association, thanked the Council for the opportunity to speak. He came before the Council in 2014 to open a dialogue to find common ground. Across from Cranston West High School is the Cranston Police Range. All types of weapons are fired there on a daily basis since the 1950's without incident or injury. If this is a public safety issue, the Town should pass out fluorescent vests to protect islanders during hunting season, as required by law. The rifle often used to hunt coyotes on private property (with permission of the landowner) is the AR15, allowed from April 1st to September 30th. There is no range on the Island for Jamestown police officers and they may use private ranges. He works for the NRA at their annual shooting matches in Ohio, and 25,000 rounds are shot daily for six straight days for over 100 years, and no one has been hurt. The sport is very safe. Mr. Hogan explained the exactness of target shooting. There are more people in attendance who are in favor of keeping target shooting, the people have spoken, and it should continue. [Applause]

Nancy Bennett of Bonnet View Drive stated she has heard both sides of the argument and target shooting should be regulated. It is unlikely something will happen, but if it does it will be devastating. She has respect for those who have grown up with guns and the pride of accuracy target shooters have. It breaks her heart that something must be done. We know too much now and times have changed and so have weapons. She likes the idea of citizens getting together to build a Town range. She is reluctantly in favor of banning the activity, and she believes the Council should be as well.

Mark Grosby of East Shore Road noted he lives adjacent to the Community Farm and occasionally the shooting range noise bothers him. He is more worried about being hit by a distracted driver when crossing the street to get his mail. There must be a dangerous situation before prohibiting an activity, and he doesn't think target shooting needs to be banned. Regulate it, but don't ban it.

Christian Infantolino of Reservoir Circle stated many of his thoughts have been expressed. He has a copy of Councilor Dickinson's email that called for support this evening. With the current laws on the books he could shoot across the street from the Melrose School at anytime. Discussion ensued of firing in a compact zone within 500 feet of a dwelling, which addresses hunting and not target shooting, and has been a misconception for 2 ½ years. He believes shooters are cautious, but we must have standards, accountability, and enforcement, and he believes in safety. Discussion ensued of frivolous lawsuits.

Councilor Dickinson commented there are many different legal opinions.

Merrill Sherman of Walnut Street stated the Council is remarkable and she supports the ban. She has been listening all night and has heard two themes – logic and emotion. She has been a banker and a lawyer, equally unpopular. The Council has the right to do this legislatively, it is their job, and this is a legitimate public safety issue. The argument nothing has happened doesn't mean it can't happen. How do we tap into the expertise available? The NRA regulations are complete, but no one can afford to do that at their private range. Is there some middle ground? Can we let people who know target shooting formulate such regulations in conjunction with the Solicitor? [Applause]

Linda Jamison of Ocean Avenue stated she has been a shooter for two years. She started because her son wanted to do this and she was afraid, so she learned more about it. If you haven't done that, please do so prior to making a decision that will affect the town. [Applause]

Phil and Norma Willis stated they have lived here for 40 years and have been shooting for 80 years, with all the precautions and knowledge. We have been good citizens and resent being told when they can shoot. We have a private, safe 10 ½ acres and don't like being put in a situation where we can't enjoy what we have always done. No police chiefs have ever been to their property because they broke. They taught their three sons to shoot properly. Don't tell us when we can shoot, we know what we are doing, and leave it the way it is. There are only five families shooting on the Island, and they understand the Council's situation.

Chris Cannon of East Shore Road commented when a bullet leaves the gun it doesn't know where it is or where it will go. He doesn't want anyone practicing or shooting 500 feet from where he lives and hopes Council will vote for the ban. Jamestown's rural character will not change. Mr. Cannon displayed 50 caliber bullets he purchased, and they can go for miles, which is why regulation is needed. He asked why berms are placed away from homes, as he has never gotten an answer. There are 20,000 new guns in RI every year. People want to shoot and that is why ranges are being open. He asks the Council to adopt the full ban. He knows it is not convenient to go off Island, but we need safety for all.

Kristen Froberg Hartley of Ship Street stated her family has been here a long time and she is against the ban. Critters cross in front of her tractor, including fisher cats and coyotes, and she needs to protect herself and her animals. She doesn't want someone else making that decision for her.

Nick Robertson of Carr Lane stated he is against the ban. He is disappointed the opposition didn't meet with range operators to work this out before making it "us vs. them" and driving a wedge between us. He doesn't believe this is a public safety issue,

and there hasn't been an injury or fatality in 50 years of shooting on this Island. You are more likely to have accident going to the Post Office than engaging in target shooting. The opposition is spreading rhetoric geared towards the uninformed. The only people who practice how far a bullet can go are snipers. It was insinuated the opposition visited ranges, but no one visited his. In his shooting experience bullets never traveled for a mile, as they were fired into a berm and never penetrated more than 12 inches. The ordinance is unfair as someone with a BB gun can be banned. We are focused on 6 ranges with a perfect safety record. The drug scene is an epidemic affecting all levels, and no one raises a banner to that but want to raise a banner to ban shooting. Trap and skeet shooters and target shooters are not the enemy. Your neighbor subsidizes your sport through taxes, but no one supports him. He practices on his own property and asks for nothing, but you want to take it away. He deserves the same rights as others, is not a second class citizen, and should not be chastised. This is driving a wedge in the community and it is not all in the name of safety. Propaganda and intimidation is not the way to do things. [Applause]

Gayen Thompson of Grinnell Street commented she has been listening to the discussions. She is not seeking to polarize but to seek something that provides safety. It only takes a few seconds for someone to get killed. The Council's intention is to listen to people's concerns and she didn't hear the Council express they were going to decide on their own as accused. She came here with an open mind and feels the best option is to impose a ban and then find common ground for all parties. First comes safety, and there are no regulations on the books.

Ray Ianetta of Maple Avenue stated he hasn't made up his mind after listening to everyone. If the town does nothing and something happens, is the town liable? If the town allows them to remain the same and someone is hurt, is the town liable?

Town Administrator Nota stated he spoke with our insurer. If the Town does nothing it would be the property owner who is liable. The full ban is the easiest to enforce. Anything else incurs liability. No matter what is decided, the town will be protected and not exposed to liability.

Paul Sprague of Mast Street stated the town has less exposure by doing nothing. This is a grandfathered activity and to take it away is wrong. The safety record is 100% safe and proven, leave it alone, look to the future, and do not take away what has been safe.

Joe Medeiros of Frigate Street hears everyone talk about safety. We all made it through so far as our parents taught us right. He is an OSHA inspector and knows safety and people with ranges know safety. Let them continue.

John Murphy of Hamilton Avenue stated the NRA and other such organizations are the experts on safe ranges. Absent containment as indicated in the NRA specifications, there is no safe place to shoot in Jamestown. His client, Chris Cannon, is concerned with safety. The ranges were created when the town was less developed. Precedent

demonstrates that the Council should not fear the threat of litigation and should not let it affect their decision. Citizens opposed the Commerce Oil refinery and rallied support for the cause. Commerce Oil sued claiming their rights were taken away. In Court the judge ruled against them and determined their activity would create a nuisance and reduce property values in Jamestown. Discussion ensued of the definition of a nuisance. Target shooting has the hallmarks of a nuisance. RIDEM determined trap and skeet shooting over the ocean creates pollution. Noise is recognized as loud and continuous, and shooters wear ear protection. All impacts are increased if the range owner has a party. If you live near a range and wish to sell your property you should disclose it as it is a nuisance and detracts from the value. Target shooting is not listed in the zoning ordinance, which states uses not listed are not allowed. The Council should ban target shooting. [Applause]

Henry Dutton of North Road stated he was born here, has a backstop made of steel on his property, and shoots with Nick. It appears four people want to ban shooting. The Council should leave it alone. He has shot and hunted here his whole life and has had no accidents. [Applause]

Steven Sparhawk of Dumplings Drive stated his points have been said. This has gotten personal. He was deemed unsafe to pick up his niece at school because he has a legal pistol permit. He likes his pellet gun and now that will be disallowed. What is dangerous are the five bars in town and drunks leaving the bars and driving through town. It's a shame there were fake votes, and this is an issue that should be on a referendum. He voted for the Council but may not the next time.

Paul Sprague of Mast Street stated most bullets are brass and usually when shooting water fowl steel bullets not lead are used that do not harm the environment, and clay is biodegradable.

John Murphy of Hamilton Avenue stated RIDEM has information that contradicts what was said.

Cheryl LaFazia of Wildflower Lane wants to come to Councilor Dickinson's defense. She wants to make it clear that propaganda is the issue that started from neighbors on either side of her. It was stated properties can deteriorate, but her neighbors purchased their property when she was living there, and if they didn't know there was a range, shame on them. It is nerve racking to see her name in the newspaper and people taking pictures. As far as a nuisance, she feels she has been harassed by Mr. Cannon. Every time there is a bon fire, a firework, a gunshot, the police are called. She is a single parent and raised four children without incident. It was rumored they could accept some money if they stopped shooting. Please look at the whole picture. Mr. Cannon met with Council members to speak his mind, distributed posters, and bought newspaper ads. This is not about safety, but neighbors who do not like the sound of guns firing. This is not the Wild West and Jonathan has been respectful and not fired anything since this began. They have tried to

make it safer by bringing in dirt mounds, but this was unsightly to Mr. Cannon. It has escalated to more than gun safety. [Applause]

Louise Celidonio of New York stated she purchased a section of land from Cheryl LaFazia, purchased 800 East Shore Road recently, and didn't know there was a target shooting range until she saw the article in the *Jamestown Press*. This is a beautiful place and they purchased the land for peace and quiet, were never told there was a shooting range, and it isn't fair they were not given that information. [Applause]

Tom Raczelowski of Bay View Drive stated if the Council votes in favor of an ordinance this is voting by a minority. If you want this to be fair, put it on a referendum. [Applause]

President Trocki reminded the attendees 46 letters in favor of the ban were received, and it is time for the Council to talk.

Vice President White stated he is aggravated and disappointed with both sides. This is a representative democracy - that means the Council is elected every two years to make decisions. [Applause] This is an irritating item and he wasn't here first, or he would have said not to do anything. He agreed that shooting is dangerous. He has been shot, shot others, shot varmints, and does not shoot anymore. He doesn't usually agree with Blake; but as this has been going on tonight, it was apparent the Council became responsible for solving a problem between two neighbors that grew to include six other neighbors around the Island to do them in to by taking it away. It is hard to make a decision, he has changed his mind a number of times this evening, and it doesn't seem like this is the Council's business. Arguments presented this evening were referenced. There is one of three decisions we could make - do nothing, regulate, or ban completely - and he doesn't like any of them. We don't make decisions lightly, and the decisions he makes as a Council member are the most difficult he has ever had to make. [Applause].

Councilor Meagher stated her original position was to find a compromise. She has concerns when people handle guns. She has lived here off and on for 40 years, has friends who care about hunting and shooting, many who are here, and is glad there have been no tragedies. It is troubling that there are only eight privately owned lots over 20 acres. We have a sense of rural community as we all made that decision, and each decision she makes is based on the unique character that is Jamestown that improves the quality of life for all and how she views this. It is about the noise; if she smells smoke or hears shots she is on alert and on edge, which is not quiet enjoyment of her property and contradicts the Zoning Ordinance. Shots fired on Christmas morning during duck hunting season were referenced and she takes solace there are rules and regulations and we each give in a little. It was her idea to use the R80 and R200 zones and the 500 ft. buffer, which limited potential locations. To request permission of neighbors makes for bad neighbors and doesn't make sense. Should this be in the Zoning Ordinance? Target ranges are not in zoning and therefore prohibited? The ranges we have are piles of dirt, not a structure; this is a behavior issue, and an issue of public safety. Folks who have been shooting are safe,

but past performance is not a guarantee. There is no restriction on the type of guns used, and bullets travel. Her proposed compromise covers 90% of the Island, but is concerned for the remaining 10%, which is an issue of public safety. We need standards and must air on the side of safety.

President Trocki noted the great deal of time spent on this issue and that this is not a decision made lightly; she has no ill will and doesn't think of anyone as a second class citizen. All of this has a consequence: Is it an Island-wide public safety issue? Yes. Is it an inconvenience to go off-Island? Yes. This has been ongoing for over 2 ½ years, and we are forced to make a difficult decision as requested by the community. It cannot be done in the same dynamic as it has been done and she wishes there were a middle ground.

Councilor Dickinson stated when brought up a few years ago and in coming to a solution the hunters were very enthusiastic about meeting with opponents of target shooting and were most accommodating. They are safety conscious and offered a fair and equitable solution as neighbors do and is disappointed we are discussing this. He represents Jamestown and likes what he does, communicates and listens, and wants an amicable decision. He reached out to people, had conversations with many, and this is an emotional issue that creates division. Target shooters are more safety conscious than what is outlined in the NRA manual, and many of them have given up. There may have been a few nuts who answered the survey. Hunting is regulated, has a good safety record, and there are risks and target shooting has risk. He is looking at this realistically, and this is an activity protected as a civil liberty. He doesn't want to put the Town in a liability situation and we should have solved this as people and as a community. He is disappointed we are here, appreciates those who tolerated him, and has taken into consideration what everyone said.

President Trocki stated the easiest thing to do is nothing, but is it the right thing? We have been entrusted to make the right decision.

Councilor Mihaly stated the Council members' objectives for the Town are the same. He doesn't understand the complaints about Councilor Dickinson's emails, as he had every right to send them. As a child he achieved many NRA medals and was good at it. He joined the Navy and learned how to handle a 45. One day he nearly shot a hole in the side of a destroyer mishandling his gun. He made a mistake and there was no consequence, fortunately, which brings him back to why he feels strongly about this - human fallibility. This activity puts too much demand on human perfection. We regulate many things, and our lives are a complex of regulations designed to protect us. In this instance this regulation is called for.

Councilor Meagher noted her appreciation for Councilor Dickinson's remarks. If this was a neighbor dispute, why wasn't it resolved?

Councilor Dickinson noted the feud started with the Ordinance Committee when it

existed. People who do this share a similar passion and both groups (hunters and target shooters) got together and formulated a plan to solve the problem, and that plan is missing. This was discussed for two years and then came the discussion of prohibition. He is disappointed we are here; we went from a solution to a prohibition, and this is disingenuous. It is time to make a decision.

Discussion from the audience. President Trocki noted this is the Council discussion portion, and there is a motion and a second.

Vice President White referenced potential language revisions to the ordinance.

An amendment the original motion was made by Councilor Mihaly to remove the language that was superfluous and not useful that talked about buildings as it is irrelevant, and the language “air rifle, air pistol, blank gun, BB gun should not be included. President Trocki agreed it would be ridiculous to arrest someone with a BB gun, it should be removed, and seconded the motion. Councilor Mihaly continued stating the legal language that doesn’t apply should be removed that doesn’t affect the basic purpose and meaning of this article “Sec. 38-113 Firearm Discharge. Conanicut Island is determined and declared to be a compact area as that term is set forth pursuant to the relevant provisions of the RI General Laws at Title 11, Chapter 47, Section 50, as amended” and there is no reason to have it there.

Discussion. President Trocki stated the language as recommended by the Solicitor: “No person, not being at the time under police or military duty, shall Discharge any Firearm on Conanicut Island in the Town of Jamestown” would exclude the air rifle, air pistol, blank gun, BB gun, and makes common sense to exclude it from the definition. President Trocki read: “Sec. 38-114. Use of weapons in self-defense and hunting. No provision of this chapter shall be construed as prohibiting the use of Firearms by licensed armed guards or by private persons in the Town for the protection or defense of person or property and/or hunting in accordance with applicable provisions of the General Laws” and stated self-defense and hunting are things we hold dear and important and shall remain in effect according to this version as recommended by the Solicitor. Councilor Mihaly stated we have gone around the tree as many times as we can.

Vice President White made an amendment to the motion to put a moratorium or a one year sunset on this ordinance and during that time will task all of the private owners of gun ranges, if they want to upgrade their thing, to figure out how to do it and come back to us in a year and we will see what we can do, as should have been done during the last couple of years, work it out together, and the best standards are the NRA standards.

Discussion. Solicitor Brochu clarified that the motion means the prohibition, the ordinance, would expire in one year from today. If the Council voted to: A) approve the amendment by Councilor Mihaly, and B) the amendment by Vice President White, and

voted ultimately to approve the prohibition with that amendment, it would expire in one year, and after one year shooting would be allowed on private property in Jamestown. President Trocki stated this means we would have this conversation again in one year. Mike's goal is a valid one and she has no objection to people coming forward with an idea or a safe range, and she is not against the shooters coming together and creating an opportunity for themselves to create a range that is contained and considered to be a safe range equivalent to today's standards at other ranges in other communities. She wants to go on the record that she has no problem with someone coming forward and would absolutely take a look at it. Her goal was to come to a middle ground, and unfortunately this is an issue that doesn't have a one. If the shooters want to get together to create a public range on private property or a private range that meets the NRA requirements or an indoor contained facility, and if you can make the activity safe, then she is happy to hear what you have to say. Councilor Dickinson asks for a point of information. What is being said is that you want to go forward with the ban, but there is an opportunity in the future to change that? President Trocki agreed. Vice President White clarified his reason for the year was to give us and those interested motivation. Councilor Mihaly stated we can get that affect without formally extending the agony.

Councilor Meagher seconds the motion.

Discussion. Councilor Dickinson stated a ban is a ban is a ban. We need to be final on this so that people can make decisions and this is not middle ground. Paul Sprague of Mast Street asked if this includes trap shooting. (Inaudible comments) Solicitor Brochu stated this is a ban on firearms discharges except for hunting. President Trocki stated there will be no more speaking out; it is disrespectful. We have a motion and two amendments, and Vice President White's amendment will be addressed first.

Back to the amendment to the motion (for a one year moratorium or sunset). **President Trocki, Nay; Vice President White, Aye; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Nay. Motion fails by a majority vote in the negative.**

President Trocki stated she is open to ideas from target shooters for other ideas.

Back to the amendment to the motion (to remove from Definitions "Buildings", remove air rifle, air pistol, blank gun, BB gun", remove the "compact area" description and include the language suggested by the Solicitor and the provision for "use of weapons in self-defense and hunting"). **President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Nay; Councilor Meager, Aye; Councilor Mihaly, Aye. Motion passes by a majority vote in the affirmative.**

Back to the vote on the original motion as amended. **President Trocki, Aye; Vice President White, Nay; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Aye. Motion passes by a majority vote in the affirmative.**

A motion was made by Councilor Meagher with second by Councilor Mihaly to close the Public Hearing at 10:43 p.m. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

IV. 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.

V. COMMUNICATIONS

- A) In favor of Regulating Firearms Discharges on private property in the Town of Jamestown; review and discussion and/or potential action and/or vote
 - 1) Email of Bill Munger in favor of regulating firearms discharges
 - 2) Email of Cynthia Leonard in favor of regulating firearms discharges
- B) In favor of Prohibiting Firearms Discharges on private property in the Town of Jamestown; review and discussion and/or potential action and/or vote
 - 1) Email of Elizabeth Delude-Dix in favor of banning firearms discharges
 - 2) Email of John and Betsy Taylor in favor of banning firearms discharges
 - 3) Email of Paul Sanford in favor of banning firearms discharges
 - 4) Email of Hannah M. Swett in favor of banning firearms discharges
 - 5) Email of Marcy Magrattan in favor of banning firearms discharges
 - 6) Email of Tom and Joan Swift in favor of banning firearms discharges
 - 7) Email of Lucia Marshall in favor of banning firearms discharges
 - 8) Letter of Edwina Cloherty in favor of banning firearms discharges
 - 9) Email of Sue Maden in favor of banning firearms discharges
 - 10) Email of Duval Slingluff in favor of banning firearms discharges
 - 11) Email of David Booth with newspaper article in favor of banning firearms discharges
 - 12) Email of Robert Zimmerman in favor of banning firearms discharges
 - 13) Email of Katherine Grimes in favor of banning firearms discharges
 - 14) Email of Steve Heath in favor of banning firearms discharges
 - 15) Email of Jane Wright in favor of banning firearms discharges
 - 16) Email of Sandra and Donald Beauregard in favor of banning firearms discharges
 - 17) Email of Jane Garnett in favor of banning firearms discharges
 - 18) Email of Chris Cannon in favor of banning firearms discharges
 - 19) Email of Jeff Nickol in favor of banning firearms discharges
 - 20) Email of Merrill Sherman in favor of banning firearms discharges
 - 21) Email of Peter Marcus in favor of banning firearms discharges
 - 22) Email of Noreen Drexel in favor of banning firearms discharges
 - 23) Email of Donald and Nancy Miller in favor of banning firearms discharges
 - 24) Email of Michelle Snoeren in favor of banning firearms discharges

- 25) Email of Pieter Snoeren in favor of banning firearms discharges
- 26) Email of Jim Estes in favor of banning firearms discharges
- 27) Email of Peter Wilson in favor of banning firearms discharges
- 28) Email of Ken Schadegg and Robert Upham in favor of banning firearms discharges
- 29) Email of Andrew, Suzanne, Samara, and Ani Ayvazian in favor of banning firearms discharges
- 30) Email of Virginia Pritchett in favor of banning firearms discharges
- 31) Email of Joan Faella in favor of banning firearms discharges
- 32) Email of Abigail Campbell King in favor of banning firearms discharges
- 33) Email of Durga Larkin in favor of banning firearms discharges
- 34) Email of Janet and Walter Cooper in favor of banning firearms discharges
- 35) Email of Josy Wright in favor of banning firearms discharges
- 36) Email of Charles Schmidt and Marie Schappert in favor of banning firearms discharges
- 37) Email of Harry Wright in favor of banning firearms discharges
- 38) Email of Deborah Meagher in favor of banning firearms discharges
- 39) Email of Diane Terry in favor of banning firearms discharges
- 40) Email of Chris Terry in favor of banning firearms discharges
- 41) Email of Patricia Lager in favor of banning firearms discharges
- 42) Email of Terry Lanza in favor of banning firearms discharges
- 43) Letter of Liz Brazil in favor of banning firearms discharges

VI. ADJOURNMENT

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

The Jamestown Town Council adjourned the special meeting at 10:44 p.m.

Attest:


 Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor