

**TOWN COUNCIL MEETING**  
**June 18, 2018**

**I. ROLL CALL**

Town Council Members present:

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

Town Council Members absent:

Kristine S. Trocki, President

Also in attendance:

Andrew E. Nota, Town Administrator  
Christina D. Collins, Finance Director  
Michael C. Gray, Public Works Director  
Lisa W. Bryer, Town Planner  
Edward A. Mello, Police Chief  
Andrew J. Wade, Parks and Recreation Director  
Peter D. Ruggiero, Town Solicitor  
Denise Jennings, Water Clerk  
Cheryl A. Fernstrom, Town Clerk

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

Vice President White called the regular meeting of the Jamestown Town Council to order at 6:35 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. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

The Town Council convened as the Board of Water and Sewer Commissioners at 6:35 p.m. and adjourned from sitting as the Board of Water and Sewer Commissioners at 7:00 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

**IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS**

None.

**V. PUBLIC HEARINGS, LICENSES AND PERMITS**

**A motion was made by Councilor Meagher with second by Councilor Dickinson to convene as the Alcoholic Beverage Licensing Board at 7:01 p.m. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

**A) TOWN COUNCIL SITTING AS THE ALCOHOLIC BEVERAGE LICENSING BOARD**

- 1) Pursuant to Title 3 Chapter 7 of the General Laws of Rhode Island 1956 and as amended the following license application has been received under said Act for August 3, 2018:

**CLASS F (NON-PROFIT)**

Conanicut Island Sailing Foundation  
7 Felucca Avenue  
Jamestown, RI 02835

- a) Recommendations of Police Chief Mello for Licensing Conditions; review, discussion and/or potential action and/or vote
- b) Approval of the **CLASS F (NON-PROFIT) LIQUOR LICENSE**; review, discussion and/or potential action and/or vote

**A motion was made by Councilor Mihaly with second by Councilor Meagher to move approval of the Class F Liquor License with the recommendations of Chief Mello. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- c) Request for waiver of Class F (Non-Profit) Liquor License Fee (\$15.00); review, discussion and/or potential action and/or vote

**A motion was made by Councilor Meagher with second by Councilor Mihaly to waive the fee. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Councilor Meagher recuses on the next agenda item, leaves the Council table, and files the appropriate form.

- 2) **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 **NEW** application has been received by the Town Council under said Act, for the period June 18, 2018 to November 30, 2018 (duly advertised in the *Jamestown*

*Press* May 31<sup>st</sup> and June 7<sup>th</sup> editions; duly noticed); review, discussion and/or potential action and/or vote

**CLASS B – VICTUALER – LIMITED**

Village Hearth Bakery, Inc.  
dba: Village Hearth Bakery  
2 Watson Avenue  
Jamestown, RI 02835

- a) Zoning Board of Review decision dated May 23, 2018
- b) Approval of Liquor License application for **CLASS B – VICTUALER – LIMITED**, upon resolution of debts, taxes, State approval and appropriate signatures for the period June 18, 2018 to November 30, 2018; review, discussion and/or potential action and/or vote
- c) Set the **CLASS B – VICTUALER – LIMITED** Liquor License Cap at **THREE** (3); review, discussion and/or potential action and/or vote

**A motion was made by Councilor Mihaly with second by Councilor Dickinson to approve the Class B – Victualer – Limited Liquor License and set the Cap at Three (3).**

Discussion. Councilor Dickinson noted the Zoning Board approval and asked Chief Mello if he had any comments, noting parking concerns. Chief Mello stated the parking will be evaluated for the period of one year.

Back to the vote on the motion. **President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Recused; Councilor Mihaly, Aye.**

Councilor Meagher returns to the Council table.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to adjourn as the Alcoholic Beverage Licensing Board at 7:06 p.m. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- A) Licenses and Permits
  - 1) Victualing and Holiday License Application (New); review, discussion and/or potential action and/or vote
    - a) Applicant: Johnny Angels Clam Shack LLC  
dba: Angels Kitchen  
Address: 23B Narragansett Avenue

**A motion was made by Councilor Meagher with second by Councilor Mihaly to approve the Victualing and Holiday License. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Angels Kitchen expects to open later this week.

## **VI. OPEN FORUM**

- A) Scheduled request to address. None.
- B) Non-scheduled request to address. None.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to move up Conanicut Sanctuary in the agenda to the next item to be addressed. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Helen O'Grady of Conanicut Sanctuary thanked the Council for their consideration and stated her organization prefers not to be moved up in the agenda.

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

A) Town Administrator's Report: Andrew E. Nota  
Town Administrator Nota reported on ongoing projects, initiatives, events and recognitions.

- 1) Employee Recognition Acknowledgements
  - a) Police Chief Ed Mello
  - b) Detective Derek Carlino

Mr. Nota attended the RIDOT 2018 Highway Safety Champion Awards Ceremony on Friday, June 15<sup>th</sup> at Amica Insurance in Lincoln, with two honorees from Jamestown. For the 2018 Highway Safety Champion Award Detective Derek Carlino received the Impaired Driving Enforcement Award. For the Special Recognition Awards Jamestown Police Chief Edward Mello received the Leadership Award. The awards are well deserved.

c) Senior Coordinator Betsey Anderson  
Betsey completed the RI Interlocal Risk Management Trust's Supervisor Management Institute Training.

d) Parks Department Foreman Ron Parfitt  
Ron completed the Eppley Institute Playground Maintenance Technician training program.

2) Golf Course RFP – Grounds Improvements  
Mr. Nota reported the session with Public Works Director Gray and Golf Course Operator Joe Mistowski regarding conditions of the greens at the Jamestown Golf Course. The  
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session provided a new perspective for the RFP process to bring in professional expertise, and we are now in contact with USGA representatives to help evaluate the course conditions. The July agenda will include a number of items that will be part of the RFP. This is separate from the Golf Course Building Project that will appear on the November ballot.

- 3) Town Projects Update
  - a) Playground

Parks and Recreation Director Wade reported the Public Works and Parks and Recreation staff completed Phase 1 of the Playground Renovation project. On Thursday, June 21<sup>st</sup> at 3:00 p.m. there will be an opening celebration at the Playground. Refreshments will be served, with Del's Lemonade donated by Johnny Angels Clam Shack. Our insurer, The Trust, inspected the playground today. The opening is ahead of the original July 1<sup>st</sup> target date. The rededication ceremony for the "Jamestown Community Playground in Honor of Officer Ryan J. Bourque" is slated for September.

- b) East Ferry

Mr. Nota reported on the East Ferry project, which is in the final week for Phase 1. Barrels, fencing and cones will be removed, capstones completed, and soil smoothed over to improve the appearance, with construction to resume in late September.

- 4) Legislation
  - a) School Construction – Legislation and State Budget

House Finance and the House itself approved a school construction revision. The Senate has not rendered an approval. The revised maintenance requirement will not affect districts in the first year. Review proceeded of the three options for budgeting over the five-year period: the percentage of building replacement, scale of operating budget, and dollar amount per square foot per building. The League of Cities and Towns is following this closely. RIDE has not produced their assessment of costs to each community, which is a major concern. This is a financial mandate, with the local impact expected to double. Jamestown's expected reimbursement is at 35%. Mr. Nota will report back on any actions and approvals. Discussion continued.

- 5) Non-Legislative – EMS Proposed Rules Changes

Mr. Nota reported on the potential impacts to Fire Departments and EMS Departments that has raised the concern of Jamestown's Fire and EMS Chiefs. Some requirements may exceed the needs of the community. Additional information and updates to follow.

- B) Planning Department/Planning Commission/Affordable Housing Committee Reports: Town Planner Lisa Bryer and Planning Commission Chair Michael Swistak

This item is continued to the September 17<sup>th</sup> meeting.

## **VIII. UNFINISHED BUSINESS**

A) Request of Conanicut Sanctuary for Municipal Immigrant Protection Ordinance; review, discussion and/or potential action and/or vote, continued from May 21, 2018

Helen O'Grady referenced supporters in the audience who would like to speak this evening. Councilor Meagher noted the Town's response to their request, beginning with the Solicitor's remarks.

Town Solicitor Ruggiero noted his memo (in the Council and public packet). This is a local effort to deal with a Federal government issue. The Federal government is the regulator of immigration, and any ordinance or local regulation could be in conflict to Federal regulation, and any action that interferes with Federal law could expose the Town to liability. A Resolution is not in conflict. The Police Department can adopt standard operating procedures, not conflicting with Federal law. The ordinance presented has many provisions directing JPD to take actions that are in conflict with Federal law.

John Murphy of Hamilton Avenue commented this is a pressing moral issue, and it is our obligation to protect and support those who need protection and asylum. Discussion involved the contribution made to this country by immigrants, including his own family as descendants of Irish immigrants, and the immigration restrictions that exist today. He urges the Council to stand up for immigrants. He read the Solicitor's opinion and understands if the Council decides to express their support through a Resolution. Applause.

Richard Hitt of Schooner Avenue read a statement of support from the Reverend Kevin Lloyd of St. Matthew's Church (speaking as a faith leader) who is unable to be here this evening. The ordinance does not seek to change Federal law, but outlines how to deal with undocumented immigrants. He is in favor of an ordinance.

Richard Hitt gave his own comments stating we need to protect undocumented immigrants and not sit by as fear escalates. Unwarranted deportations and separation of parents and children were noted. Discussion continued. He asks the Council to adopt the immigrant protection ordinance presented. Applause.

Vice President White stated he is unaware of any injustices to immigrants by our Jamestown Police Department. What the Council is asked to do is codify an ordinance. He asks Police Chief Mello to speak to the proposed ordinance.

Police Chief Mello addressed the Council, noting he met with the local Sanctuary group as requested to review the model ordinance. By practice and policy JPD follows what is proposed. His prepared statement will be added to the Town Council meeting packet on the website. His comments on the proposed Immigrant Protection Ordinance are as follows:

Section 1 (a) and (b). No concern with Section 1 (a) and (b).

Section 1 (c) would completely restrict any cooperation with federal agencies for all immigration matters including those involving serious crimes and in those matters where a federal immigration warrant has been issued.

Section 2 (a) and (b) would limit all cooperation with federal officials to only matters in which a federal immigration warrant has been issued or the individual has been engaged in terrorist activity. This would allow for no discretion by police to cooperate with federal officials regardless of the significance of the crime they have committed here in Jamestown or previous criminal activity. Even in cases where an individual has a long criminal history, is subject to a civil detainer and commits a crime of violence in Jamestown, this section would prevent cooperation with federal officials.

Section 3 (a) (b) and (c). Section 3 (a) would limit information provided to immigration officials beyond what is currently public information as provided for in RIGL 38-2-3.2. There is no concern with sections 3 (b) and 3 (c).

Section 4. Would limit all cooperation with federal officials to only matters in which a federal immigration warrant has been issued. This would allow for no discretion by police to cooperate with federal officials regardless of the significance of the crime they have committed here in Jamestown or previous criminal activity. Even in cases where an individual has a long criminal history, is subject to a civil detainer and commits a crime of violence in Jamestown, this section would prevent cooperation with federal officials.

Section 5 (a) (b) and (c). No concern with Section 5 (a) (1). Section 5 (a) (2) would allow for no discretion by police to cooperate with federal officials regardless of the significance of the crime they have committed here in Jamestown or previous criminal activity. Even in cases where an individual has a long criminal history, is subject to a civil detainer and commits a crime of violence in Jamestown, this section would prevent cooperation with federal officials. There is no concern with sections 5 (b) and 5 (c).

Section 6. No concern with Section 6.

Section 7 (a) and (b). No concern with Section 7 (a). The Police Department is finalizing the policy to address Section 7 (b).

Section 8. No concerns with Section 8.

Section 9. No concerns with Section 9.

Section 10. Does not apply to the policies of the Police Department.

Section 11. No concerns with Section 11.

Section 12. Refer to Solicitor Ruggiero.

Section 13. No concerns with Section 13.

Section 14. Does not contain all terms used within this document, including but not limited to “federal judicial order.”

Section 15. Refer to Solicitor Ruggiero.

Chief Mello noted the Police Department is working toward an internal policy to deal with immigration matters with anticipated completion during the accreditation assessment process. It will be reviewed with the Town Solicitor before implementation. The Town of South Kingstown did not adopt the model ordinance in its entirety and the State Police policy does not mirror the model ordinance.

Councilor Meagher asks how much data the Police Department has on interactions with ICE. Chief Mello stated this information is not tracked. No individuals have been taken into custody and held for Immigration Officers.

Councilor Meagher asked if someone committed an act of violence could JPD converse with ICE? Chief Mello stated if someone commits an act of violence regardless of their history, and there is only a civil detainer, the model ordinance does not give discretion to cooperate with Federal officials.

Vice President White stated the JPD policy covers a significant portion of what is proposed in the model ordinance. Chief Mello stated yes, a majority of it is covered. Vice President White asked if ICE can force JPD to pick up an illegal immigrant. Chief Mello stated no.

Councilor Mihaly commented on the current immigration policy and he has read various ordinances. He suggests the Town Solicitor, Police Chief, and Conanicut Sanctuary get together to review the South Kingston Ordinance as a model. We need to make a statement where we stand and formulate a functional law for the Town.

Councilor Dickinson commented on Mr. Murphy’s comments, as we are all within two degrees of immigrants. It is this body’s job to uphold the law and use it properly. It is important to specify the legal definition of an immigrant, and the model ordinance does not specify illegal immigrants. People here legally are issued the appropriate card, and he has a responsibility not to expose the Town and taxpayers to liability. He reviewed other policies and ordinances, and would like to give the police the discretion they need.

Chief Mello commented this is difficult for all of us to deal with, and he doesn’t want it to be a divisive issue. There only a couple of points of disagreement with the model ordinance. We all need to be treated with respect, which is stressed with all members of the JPD.

Councilor Meagher stated everyone is appreciative of the Sanctuary group’s intent, which is to counter discriminatory practices towards undocumented immigrants. This is a nation of immigrants, including her great grandparents, who needed no documentation to be here. Rhetoric creates scapegoats, and inhuman policies make it worse. We are a nation of laws as stated previously by Frank Meyer, but when we believe a law is wrong we must speak



up. The Resolution adopted last year quoted Judge Neil Gorsuch on the Fourteenth Amendment which “guarantees equal protection of the laws to all persons . . .that all men (and women) are created equal . . .” She has to take issue with the method of creating an ordinance to protect undocumented immigrants, as in protecting them we are putting our police officers in jeopardy. The legislation introduced last year and supported by Town Council Resolution did not pass. We can develop a policy or resolution that doesn’t put personnel in jeopardy. We have more work to do and it should be done in a focused way.

BJ Whitehouse of Steamboat Street thanked the Chief and Solicitor for their comments. The RI Commissioner of Education encourages all School Committees to adopt a policy, and ours is doing research to develop one. He has no intention of violating the law, but if a child shows up, we educate them.

Helen O’Grady thanked Council Members for wanting to work with the Sanctuary group. She would like to address some of the comments, including Chief Mello’s.

Vice President White stated this may not be the right time for the comments. We have heard good discussion and the Council already stated our belief that all people should be treated with respect. He does not believe an ordinance is the right process for this. There is difficulty in telling local police officers they cannot contact a Federal agency regarding a criminal act. We need to look at this some more or work on a policy or Resolution. He supports the spirit of the ordinance, but he doesn’t believe in codifying it in an ordinance.

**A motion was made by Councilor Mihaly with second by Councilor Meagher that a body be created consisting of Conanicut Sanctuary, the Town Solicitor, the Chief and one or two Council members to look at the options. Let’s see if we can come up with something that we can be proud of for the Town. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Rosita Smith of Hull Cove Road thanked everyone for this open discussion. She is originally from Nicaragua and has been in Jamestown 31 years. She has three children, was educated here, and the Jamestown community was very accepting and welcoming. She is speaking on behalf of people who do not have a voice, the undocumented immigrants, and is here to speak out for the human side of the issue. Thanks. Applause.

Councilor Meagher stated the working group meeting would be a public discussion of the issues and would be posted and advertised.

- B) Fort Getty Gate House and Restroom Project Update and approval of revised Phase 1 design: Parks and Recreation Director Andrew Wade, Town Planner Lisa Bryer and Architect Don Powers of Union Studios; review, discussion and/or potential action and/or vote, continued from May 21, 2018

Don Powers of Union Studios reviewed their task to redesign the Gatehouse and Bathhouse at Fort Getty and what transpired to date, highlighting the value of Fort Getty to the Town of Jamestown and the presentation at the May 21<sup>st</sup> meeting. The Council tasked them to come back with a revised design that was a better fit for Fort Getty. They worked with the Jamestown Historical Society and found drawings of Fort Getty and its buildings.

The Bathhouse is a former Generator building, used to hoist munitions. The new design would rectify the functional issues while keeping with tradition of past Fort Getty structures, replicating design and materials. There will also be a bulletin board and plaque denoting the original structure.

The Gatehouse plan from the May 21<sup>st</sup> meeting was noted. The new proposed building with a base of white painted brick and bell eave was reviewed. An alternate entrance with an extra cutoff way was noted. Any of the three schemes would be appropriate.

Councilor Mihaly asked how many feet to the east the structure would be moved. Mr. Powers stated 50 feet. This would create a median to give the gatehouse a little more breathing room. Mr. Powers stated the gatehouse could be made portable, similar to the Mackerel Cove building. Councilor Mihaly noted this would be helpful if an RV was in need of more assistance.

Parks and Recreation Director Wade noted they are looking for approval of the concept.

Dennis Webster of Mt. Hope Avenue explained the original use of the Generator Building for Battery Tousard was to move the magazines up to the level of the guns. He recommends alternatives for consideration for a more authentic restroom, including separate pavilion for dishwashing, showers, a bulletin board, keeping the existing door to one bathroom and a new door using existing lintels, replicate the original by using the same color scheme, same roofing materials, same rain gutters, and circular metal ventilators.

Jim Buttrick of Prudence Road, Historical Society Vice President, noted the challenge of the building is it is very simple, which makes it difficult to preserve its character. He recommends leaving the building as close to the original as possible adding only what is needed. The history of the building has become more important, and the shingle additions detract from what was a simple brick building. For park visitors it should read as an historic building. He prefers the porch be eliminated and signage should be blueprints and history that show the building has a story to tell. A black shingle roof would be appropriate.

Gayen Thompson of Grinnell Street commented on the floor plan and suggested there be a unisex bathroom for family assistance with access to toilet and showers. The WC should be ADA compliant, and keep in mind that not all people are able to use the facilities alone.

Town Administrator Nota stated based on the simplicity of the structure, this is not the site for a unisex bathroom, but would be appropriate in other structures. Mr. Powers would be

happy to add ventilators if there is info on where they can be found. There is a balance that can be adapted.

Councilor Mihaly commented the porch is a compromise, and people do want to get out of the rain. Shrinking it wouldn't work. Councilor Meagher believes the 6 foot porch would be appropriate and part of the new use for the structure. Don listened and she appreciates the process he followed. Mr. Powers requested a Council motion that allows them to move to develop a final version of this, and keeping the Council informed. Councilor Dickinson stated his agreement with the concept as he has reverence for the true nature of the building and keeping with the intent of maintaining the balance.

Gayen Thompson asked if a handicapped person could open the door and was informed yes.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to support where this is going with the discussion today and this new design. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- C) RFP Development with the Town of Middletown for Street Lighting Replacement Program; review, discussion and/or potential action and/or vote, continued from May 21, 2018.

Town Administrator Nota reported on the session attended with Mike Gray and Mike Glier with manufacturers to gather information and ask questions in order to move forward with an RFP and to better understand the mechanics and technology. Prism is a vendor with local expertise. He is looking for Council support to continue with the process and work collaboratively with Middletown for cost savings. Council members comment it appears advantageous to continue with Middletown. Prism is a non-profit organization not a vendor. An RFP could be ready later this summer. Discussion ensued.

**A motion was made by Councilor Mihaly with second by Councilor Meagher to instruct the Town Administrator to continue the discussions with Middletown regarding the RFP. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- D) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule for Summer 2018; review, discussion and/or potential action and/or vote

For July and August one meeting is scheduled – July 16<sup>th</sup> and August 20<sup>th</sup>. The Sanctuary Working Group session can be worked out.

## **IX. NEW BUSINESS**

- A) Proposal for Temporary Placement of “Whales Tail” Sculpture on town-owned property in the downtown marina area by Jamestown artist and

resident Peter Diepenbrock; review, discussion and/or potential action and/or vote

Councilor Mihaly is thrilled with the opportunity to showcase the statue that is heading to upstate New York, which the buyer will allow the town to display for one week. Artist Peter Diepenbrock in attendance explained the sculpture series he produced for Joe Cotter and the opportunity to share the sculpture before it goes to New York. The process to move the stainless steel sculpture on a landscape trailer to a pressure treated wood base was reviewed. The installation should be on July 2, 2018. Mr. Diepenbrock and Town Administrator Nota will work out the details.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to agree to the temporary placement of the Whale's Tail statue in the area where the Christmas tree usually sits. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- B) Status Report on Gould Island Restoration Project: David Sommers, Community Co-Chair, Gould Island Restoration Advisory Board
- 1) Request for RIDEM Commitment and Coordination for Restoration of Gould Island; review, discussion and/or potential action and/or vote

David Somers of East Shore Road has been involved with the RAB for about one year, and the first meeting will be August 7<sup>th</sup> at Town Hall. The PowerPoint proceeded:

#### Gould Island South RAB Status

- US Army Corps of Engineers restoring south portion of the Island
- Using Superfund monies from the 1980's
- One-time funding for cleanup
- When restoration completed they will be moving out
- Initial survey performed Winter 2017-18

#### History of Gould Property Transfers

- 39 acres transferred from Federal government to RIDEM – south 2/3 of Island
- Deed restricted for conservation of wildlife

#### 1942 Navy Site Map – depicting 4 Excluded Parcels

- Still owned by Federal Government
- 3 Navy sites abandoned ;
- Coast Guard navigation beacon in use

#### Level of cleanup

- Depends on planned future use
- Environmental cleanup – assumption wildlife sanctuary only; cleanup only for the birds and the bay
- Physical cleanup – only structures unsafe at time of transfer (1975-1986) no building/debris hazard removal; may be too hazardous for human presence
- Current RIDEM access policy – April-August for human access; September-arch human access prohibited

- Need alignment of future plans: RIDEM, Town – USACE will consider environmental cleanup level; RIDEM/Town meeting planned

Town Administrator Nota referenced the meeting last Friday at 3:00 p.m. at Beavertail with RIDEM Officials. Both Gould Island and Dutch Island were discussed, and RIDEM is interested in Town input. The assistance of our Federal delegation is needed to make all of this happen, and the remediation will take years to achieve. Costs for cleanup are unknown at this time. Discussion ensued.

Heidi Somers of East Shore Road and the Newport RAB commented on the potential for Navy cleanup of the area. Council members thanked Mr. Somers for the informative presentation and urged everyone to attend the August 7<sup>th</sup> meeting.

**A motion was made by Councilor Meagher with second by Councilor Dickinson to encourage the Town Administrator to promote the idea of the maximum cleanup for human use of this area and work with RIDEM to be sure that is known by the Army Corps of Engineers. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- C) Cell phone use at Town Council meetings by Council, Staff, Public; review, discussion and/or potential action and/or vote

Continued to the next agenda.

## **X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS**

- A) Appointments, Vacancies and Expiring Terms
  - 1) Jamestown School Committee Member, to November 6, 2018 General Election (to fill the elected School Committee position created by resignation of Member Dorothy Strang); vacancy duly advertised; interviews conducted; review, discussion and/or potential action and/or vote
    - a) Letters of interest
      - i) Cheryl Petrosinelli
      - ii) Keith Roberts
      - iii) Kristine LaPierre
      - iv) Gary Cournoyer
      - v) Michelle Bush

Council members commented on the qualifications of the five candidates, and it is a very difficult choice. Council members encourage the other candidates to run for School Committee in November.

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

School Committee Chair Whitehouse and Member Filkins thanked the Council for the appointment. The Clerk will contact Mr. Roberts to swear him in so he can participate in Thursday's meeting.

- 2) Jamestown Affordable Housing Committee (Two vacancies with three-year term ending dates of May 31, 2021); duly advertised; review, discussion and/or potential action and/or vote
  - a) Letter of resignation
    - i) Edith Flynn

A letter of thanks will be sent to Edith Flynn for her services.

- 3) Jamestown Fire Department Compensation Committee (Three vacancies with tree-year term ending dates of May 31, 2021); duly advertised; review, discussion and/or potential action and/or vote
  - a) Term limit reached
    - i) Ron Barber (Fire Department Representative)
  - b) Letter of Resignation
    - ii) Jerome Scott (Citizen-at-Large Representative)
  - c) Letter of interest for reappointment
    - iii) Patricia Perry (Fire Department Representative)

A letter of thanks will be sent to Ron Barber and Jerry Scott for their services.

**A motion was made by Councilor Mihaly with second by Councilor Meagher to reappoint Patricia Perry to the Fire Department Compensation Committee. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- 4) Jamestown Juvenile Hearing Board – Alternate Member (One vacancy with an unexpired two-year term ending date of December 31, 2018); review, discussion and/or potential action and/or vote
  - a) Letter of resignation
    - i) Susan Heffner
  - b) Letter of interest for appointment
    - i) Cheryl Petrosinelli

A letter of thanks will be sent to Susan Heffner for her services.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to appoint Cheryl Petrosinelli to the Juvenile Hearing Board Alternate position for the remainder of the term. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- 5) Jamestown Tax Assessment Board of Review (One vacancy with a three-year term ending date of May 31, 2021) review, discussion and/or potential action and/or vote
  - a) Letter of interest for reappointment

- i) William Dawson

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

## XI. CONSENT AGENDA

The Minutes of the FTM were removed from the Consent Agenda. Page 10 should reflect the word “judicious” rather than “vicious”.

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

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
  - 1) May 21, 2018 (regular meeting)
  - 2) June 4, 2018 (financial town meeting)
  - 3) June 6, 2018 (interview session)
- B) Minutes of Town Boards/Commissions/Committees
  - 1) Jamestown Library Board of Trustees (04/30/2018)
  - 2) Jamestown Library Board of Trustees 1 (05/01/2018)
  - 3) Jamestown Library Board of Trustees 2 (05/01/2018)
  - 4) Jamestown Library Board of Trustees (05/03/2018)
  - 5) Jamestown Library Board of Trustees (05/29/2018)
  - 6) Jamestown Library Building Renovation (03/06/2018)
  - 7) Jamestown Planning Commission (04/04/2018)
  - 8) Jamestown Planning Commission (04/18/2018)
  - 9) Jamestown Planning Commission (05/02/2018)
  - 10) Jamestown Traffic Committee (04/19/2018)
  - 11) Jamestown Zoning Board of Review (04/24/2018)
- C) CRMC Notices
  - 1) June 2018 Calendar
- D) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on June 26, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following:
  - 1) Application of Geoffrey Hamlin, whose property is located at 0 Battery Lane, and further identified as Assessor’s Plat 11, Lot 38 pursuant to Article 5, Section 503 to appeal Zoning Director’s illegal denial of right to build a small portion of patio within 20 feet of setback, despite the fact that 82-306 allows patios to be built in any part of the yard. Said property is located in a RR80 zone and

- contains 5.28 acres.
- 2) Application of Geoff & Kris Hamlin, whose property is located at 0 Battery Lane, and further identified as Assessor's Plat 11, Lot 38 pursuant to Article 5, Section 503 to appeal Zoning Enforcement Officer's erroneous interpretation of Sec. 82-103(5) & 82 1208 B-2 & arbitrary and capricious & retaliatory applications of fines & stop work orders. Said property is located in a RR80 zone and contains 5.28 acres.
- E) Finance Director's Report

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

**A motion was made by Councilor Mihaly with second by Councilor Meagher to receive the Communications, Proclamations and Resolutions from other RI cities and towns. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

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

- A) Communications
  - 1) Letter of acknowledgement of Senator Sheldon Whitehouse to Jamestown's letter and Resolution opposing offshore oil and gas development along Rhode Island's coastline
  - 2) Letter of Richard Maker opposing installation of kayak storage racks at Buccaneer Right-of-Way
  - 3) Email of Chief Ken Ayers, RIDEM Division of Agriculture, announcing Jamestown's 2018 LASA Grant application was unsuccessful
  - 4) Email of Susan Finn suggesting any structures to be built at Fort Getty keep with the aesthetics of the Pavilion and rustic vibe of the surrounding environment
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns
  - 1) Resolution of the East Providence City Council Supporting School Construction Referendum in Articles 5 and 9 of the Proposed Rhode Island State Budget (FY19)
  - 2) Resolution of the Exeter Town Council Opposing the Governor's FY2019 Budget Request Article 1 Quasi-Public Reserve Transfers (Sections 15-16) and Article 10 Quasi-Public Reserve Transfers (Sections 5-9)
  - 3) Resolution of the Smithfield School Committee Opposing any and all legislative proposals that would mandate expired teacher contracts continue at the existing terms and conditions
  - 4) Resolution of the Newport City Council Supporting legislation to put the Rhode Island School Bond Issue on the November Ballot for



approval by the Citizens of RI and Endorsing this legislation and initiatives

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

- A) Five-year Renewal of the Island Rubbish Recycling Contract
- B) Cell Tower development in the north end
- C) Veterans' Exemptions
- D) Part-time employee salaries – on the July or August agenda

Vice President White continues to speak with the Ethics Commission on the Veterans Exemption issue. Their verbal opinion is he should recuse, based on his exemption and the small number of veterans in that category. For Councilor Mihaly the verbal opinion is he shouldn't have to recuse as there are over 300 veterans receiving the same level of exemption.

The Cell Tower discussion should be on the July agenda in open session. The Island Rubbish contract is under negotiation. Golf Course issues should be on the next agenda. Part time salaries should be on the July or August agenda.

### **XIV. EXECUTIVE SESSION**

- A) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (former employee pension eligibility); review, discussion and/or potential action and/or vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (acquisition of property for affordable housing and open space); review, discussion and/or potential action and/or vote in executive session and/or open session

**A motion was made by Councilor Dickinson with second by Councilor Meagher to enter into Executive Session at 10:18 p.m. pursuant to RIGL §42-46-5(a) Subsection (1) Personnel and Subsection (5) Real Estate.**

**Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel and Subsection (5) Real Estate the following vote was taken: President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Town Council reconvened the regular meeting at 10:35 p.m. Vice President White announced the Town Council took action in Executive Session in the form of two motions. The Council voted to approve the purchase of property on Carr Lane for Affordable Housing and Open Space and authorized the Town Administrator to sign a Purchase and Sales Agreement and take any actions necessary to facilitate purchase the property. The Town Council voted to authorize the Town Administrator to apply to the Planning Commission for a two-lot subdivision of the property and to the Zoning Board of Review for Zoning Variances for Parcel A for affordable housing and for the Conservation Parcel

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and to authorize the Town Administrator to sign the Conservation Easement.

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

#### **XV. ADJOURNMENT**

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

The Jamestown Town Council adjourned the regular meeting at 10:37 p.m.

Attest:

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Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Town Solicitor