



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, October 1, 2018
7:00 PM

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

Attachments for items on this meeting agenda are available to the public on the Town website at: <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2018-meetings-minutes/2018-meetings>

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

III. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS

IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- A) Proclamation; review, discussion and/or potential action and/or vote
1) No. 2018-18: October as "Dysautonomia Awareness Month"

V. 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.

VI. 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 request to address
B) Non-scheduled request to address

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

- A) Town Administrator's Report: Andrew E. Nota

- 1) International City/County Management Association (ICMA) Conference
- 2) Shared Path (bicycle/pedestrian) Update
- 3) RI League of Cities and Towns
- 4) Police Chief's Update of local activity
- B) Public Informational session for \$1,000,000 Library, \$2,900,000 Golf Course, and \$5,900,000 Public School Bonds on the November 5, 2018 Election Ballot

VIII. UNFINISHED BUSINESS

For past discussion documentation, please visit <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2018-meetings-minutes/2018-meetings>

- A) Parks and Recreation Department Update: Parks and Recreation Director Andrew J. Wade; review, discussion and/or potential action and/or vote
 - 1) Fort Getty - update report
 - a) 2018 Camping and Recreation Season report
 - b) Fort Getty long-range vision
- B) Upcoming Meetings and Sessions – dates and times
 - 1) Scheduling of additional public informational session for Golf Course, Library and School Bonds, continued from September 17, 2018; review, discussion and/or potential action and/or vote
 - 2) Town Council Meeting Schedule – October 1st, October 15th, November 5th; review, discussion and/or potential action and/or vote
 - a) Time for November 5, 2018 Council Meeting

IX. NEW BUSINESS

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

XI. CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.

- A) Adoption of Town Council Minutes
 - 1) September 17, 2018 (special meeting)
 - 2) September 17, 2018 (executive session)
 - 3) September 17, 2018 (regular meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Board of Canvassers (05/14/2018)
 - 2) Jamestown Board of Canvassers (07/28/2018)
 - 3) Jamestown Zoning Board of Review (08/28/2018)
- C) CRMC Notices
 - 1) Public Notice of Proposed Changes to federally-approved RI CRMC Program to the National Oceanic and Atmospheric Administration (NOAA) for permanent offshore wind facilities & underwater cables, per federal requirements of the Coastal Zone Management Act

- 2) October 2018 Calendar
- D) Abatements/Addenda of Taxes
 Total Abatements: \$49,551.88 Total Addenda: \$53,912.96
- 1) Motor Vehicle Abatements to 2018 Tax Roll
Account/Abatement Amount
- | | | |
|----|-------------|----------|
| a) | 01-0023-81M | \$ 88.68 |
|----|-------------|----------|
- 2) Real Estate/Tangible Abatements to 2018 Tax Roll
Account/Abatement Amount
- | | | |
|----|------------|-------------|
| a) | 02-0911-15 | \$ 700.00 |
| b) | 04-0320-00 | \$24,884.08 |
| c) | 12-0068-35 | \$14,198.59 |
| d) | 12-0100-75 | \$ 454.01 |
| e) | 13-0640-10 | \$ 3,842.32 |
| f) | 16-0683-30 | \$ 114.17 |
| g) | 20-0135-00 | \$ 5,270.03 |
- 3) Addenda to 2018 Tax Roll
Account/Addenda Amount
- | | | |
|----|------------|-------------|
| a) | 01-0002-24 | \$24,884.08 |
| b) | 02-1265-69 | \$ 114.17 |
| c) | 06-0162-01 | \$ 3,842.32 |
| d) | 09-0012-95 | \$14,198.59 |
| e) | 10-0043-25 | \$ 2,411.75 |
| f) | 14-0092-40 | \$ 5,420.03 |
| g) | 20-0033-76 | \$ 1,319.43 |
| h) | 23-1007-10 | \$ 1,722.59 |

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

- A) Communications
- 1) Letter of B. W. Carton re: Whale's Tail Sculpture and the public art debate
 - 2) Letter of Rosalie Ingrassia re: lack of respect for Jamestown beaches by visitors and request to make Potters Cove residents only
 - 3) Email of Mary Berthelot in support of the Cross Island Bike Path
 - 4) Email of Lisa Lawless in support of the Cross Island Bike Path
 - 5) Letter of Conanicut Island Land Trust re: use of Godena Farm property for a cell phone tower and Development Rights restrictions

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Veterans' Exemptions
- B) Town Council/Public use of cell phones at meetings (after seating of new Council)
- C) Planning Commission/Planning Department/Affordable Housing Committee Reports (October 15)
- D) Water supply concerns in the Jamestown Shores (October 15)

XIV. EXECUTIVE SESSION

- A) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (EMS Barn and possible disposition); review, discussion and/or potential action and/or vote in executive session and/or open session

XV. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. In addition, notice also may be posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

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

Posted on the RI Secretary of State website September 27, 2018

Town of Jamestown



PROCLAMATION OF THE TOWN COUNCIL No. 2018-18

“OCTOBER AS DYSAUTONOMIA AWARENESS MONTH”

- WHEREAS,** Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more; and
- WHEREAS,** Some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the US and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope and Postural Orthostatic Tachycardia Syndrome; and
- WHEREAS,** Dysautonomia impacts people of any age, gender, race or background, including individuals living in Jamestown; and
- WHEREAS,** Some forms of dysautonomia can be very disabling resulting in social isolation, stress, and financial hardship, and can result in death, causing tremendous pain and suffering for the loved ones of those impacted; and
- WHEREAS,** Increased awareness about dysautonomia will help patients et diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our community; and
- WHEREAS,** Dysautonomia International, a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world; and
- WHEREAS,** We seek to recognize the contributions of the professional medical community, patients and family members who are working to educate our citizenry about dysautonomia in Jamestown.

NOW, THEREFORE, We, the Town Council of the Town of Jamestown, Rhode Island, hereby proclaim the month of October as Dysautonomia Awareness Month in the Town of Jamestown.

By Order of the Jamestown Town Council

Kristine S. Trocki, President

Michael G. White, Vice President

Blake A. Dickinson

Mary E. Meagher

Eugene B. Mihaly

IN WITNESS WHEREOF, I hereby attach my hand and the official seal of the Town of Jamestown this 1st day of October, 2018.

Cheryl A. Fernstrom, CMC, Town Clerk

TOWN COUNCIL SPECIAL MEETING
September 17, 2018

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
Christina D. Collins, Finance Director
Lisa W. Byer, Town Planner
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER

Council President Trocki called the special meeting of the Jamestown Town Council to order at 6:05 p.m. in the Conference Room of the Jamestown Town Hall at 93 Narragansett Avenue.

III. NEW BUSINESS/EXECUTIVE SESSION

- A) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (purchase and sales agreement for sale of property for affordable housing); review, discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Councilor Meagher with second by Councilor Dickinson to enter into Executive Session at 6:03 p.m. pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate.

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

The Town Council reconvened the special meeting at 6:24 p.m. President Trocki announced that a vote was taken in the Executive Session to authorize the Town Administrator to enter into a Purchase and Sales Agreement with Church Community Housing for the sale of 1.3 acres of town-owned land for affordable housing.

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

IV. ADJOURNMENT

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

The special meeting was adjourned at 6:25 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Town Solicitor
 Finance Director

President Trocki announced the Town Council met in special meeting with executive session, which has adjourned, and Council voted in executive session to authorize Town Administrator Nota to enter into a Purchase and Sales Agreement with Church Community Housing for the sale of 1.3 acres of town-owned land on Carr Lane for Affordable Housing, with 5.5 acres of the property remaining in Open Space.

**TOWN COUNCIL MEETING
September 17, 2018**

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
Christina D. Collins, Finance Director
Michael C. Gray, Public Works Director
Edward A. Mello, Police Chief
Lisa W. Bryer, Town Planner
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

President Trocki called the regular meeting of the Jamestown Town Council to order at 6:39 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 6:39 p.m., and adjourned from sitting as the Board of Water and Sewer Commissioners at 6:52 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) Town Council Sitting as the Alcoholic Beverage Licensing Board

A motion was made by Councilor Meagher with second by Vice President White to convene as the Alcoholic Beverage Licensing Board for the Town of Jamestown at 6:52 p.m. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

- 1) **REQUEST** that the applications listed below will be in order for hearing at a meeting of said Licensing Board on Monday, November 5, 2018 at 6:30 p.m. and advertised in the *Jamestown Press*. **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 **RENEWAL** applications have been received by the Town Council for licenses under said Act, for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote:

CLASS A (PACKAGE STORE) – RETAIL

Tunstall, Inc.
dba: Grapes & Gourmet
9 Ferry Wharf

Varsha, Inc.
dba: Jamestown Wine & Spirits
30 Southwest Avenue

A motion was made by Councilor Meagher with second by Vice President White to proceed to advertise for Public Hearing for the Class A (Package Store) – Retail Liquor License Renewals on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

CLASS B – TAVERN

Bay Voyage, LLC
dba: Bay Voyage
150 Conanicus Avenue

A motion was made by Councilor Meagher with second by Vice President White to proceed to advertise for Public Hearing for the Class B – Tavern Liquor License Renewal on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

CLASS B – VICTUALER

Islandish, Ltd.

dba: Chopmist Charlies
40 Narragansett Avenue

Jamestown Culinary Partners, LLC

dba: Jamestown Fish
14 Narragansett Avenue

Jamestown Restaurant Group, LLC

dba: Narragansett Café
25 Narragansett Avenue

New England Golf Course Management, Inc.

dba: Jamestown Golf and Country Club
aka: The Cady Shack
245 Conanicus Avenue (lower level rear)

Slice of Heaven, Inc.

dba: Slice of Heaven
32 Narragansett Avenue

ESJ, Inc.

dba: Simpatico Jamestown
13 Narragansett Avenue

KALI, LLC

VI. dba: J Twenty-Two Tap & Table
22 Narragansett Avenue

A motion was made by Councilor Mihaly with second by Councilor Meagher to proceed to advertise for Public Hearing for the Class B – Victualer Liquor License Renewals on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

CLASS B – VICTUALER - LIMITED

Lucky Ridge Co., LLC

dba: Spinnaker's Café
3 Ferry Wharf

PP Jamestown, LLC

dba: Pink Pig BBQ
35 Narragansett Avenue

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

A motion was made by Councilor Meagher with second by Vice President White to proceed to advertise for Public Hearing for the Class B – Victualer – Limited Liquor License Renewals on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

CLASS D – FULL (CLUB)

Conanicut Yacht Club
dba: Conanicut Yacht Club
40 Bay View Drive

A motion was made by Councilor Meagher with second by Vice President White to proceed to advertise for Public Hearing for the Class D – Full (Club) Liquor License Renewal on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

A motion was made by Councilor Meagher with second by Vice President White to adjourn as the Alcoholic Beverage Licensing Board for the Town of Jamestown at 6:55 p.m. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

B) Licenses and Permits

- 1) **REQUEST** to advertise for extended hours [in accordance with RIGL §5-24-1 (a) and (b)] in the *Jamestown Press* for a public hearing on November 5, 2018: **NOTICE:** Is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on Monday, November 5, 2018 at 6:30 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue, Jamestown, RI pursuant to §5-24-1 of the General Laws of Rhode Island 1956 and as amended upon the following: **RENEWAL** application; review, discussion and/or potential action and/or vote:

Cumberland Farms, Inc.
dba: Cumberland Farms Store #1108
41 North Main Road
Plat 8 Lot 626

Application of **Cumberland Farms, Inc. dba: Cumberland Farms Store #1108**, for renewal of additional operational hours to open at 5:00 a.m. for said establishment, holder
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of a Victualing License issued by the Town of Jamestown. If granted, this will allow the establishment to continue to be open from 5:00 a.m. to 2:00 a.m. daily (RIGL §5-24-1 allows this establishment to be open from 6:00 a.m. until 2:00 a.m. without additional operating hours).

A motion was made by Councilor Meagher with second by Vice President White to proceed to advertise the Victualing License with Extended Hours Renewal for Cumberland Farms for hearing on November 5, 2018. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

VI. OPEN FORUM

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

Kevin Ford of Davit Avenue wishes to speak to the Approval of the Island Rubbish Recycling Contract. President Trocki noted this item is on the meeting agenda and he can speak at that time.

Karen Stewart of Parkway Avenue, Cranston, SolarizeRI Team member, stated she is here to provide an update on the program with a signup deadline of September 21st. Jamestown residents must do so by Friday to be eligible for the discounted prices. Signup forms are available online, at the table in the hall, or through Town Planner Lisa Bryer.

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

- A) Town Administrator's Report: Andrew E. Nota
Town Administrator Nota reported on the following:

- 1) Jamestown Emergency Preparedness

Mr. Nota reported on the September 12th Emergency Management meeting and preparations for heavy rain expected from Hurricane Florence. Shelter, transportation, and other emergency information are available on the Town website. President Trocki noted the Town's preparedness during weather events is outstanding and thanked Chief Mello. Code Red emergency announcements via telephone were noted and citizens were urged to sign-up to receive notifications.

- 2) Rhode Island League of Cities and Towns

Mr. Nota gave an update on programming and training available through the RI League including:

- a) Procurement Webinar
- b) Meeting with RIDE Commissioner Wagner
- c) RI Infrastructure Summit
- d) League Annual Dinner and Installation of Officers

Central Falls Mayor James Diossa will be the new League President, taking over from Pawtucket Mayor Donald Grebien.

3) Water Division – Water Operator Position

Mr. Nota reported interviews were conducted and it is anticipated there will be a recommendation for the vacancy later this week.

4) Primary Election Polling Places

Mr. Nota reported Canvassing Authority Karen Montoya provided information on last week's Primary Election, with a turnout of just under 28% of eligible voters – 1,386 of the 4,975 registered voters.

5) International City/County Management Association (ICMA)

Mr. Nota reported he will attend the ICMA Conference in Baltimore September 23-26. The Conference schedule includes high level educational sessions that cover many of the most pressing issues communities face on the local, state and federal government levels.

Mr. Nota introduced Police Chief Mello who is here to give an update on incidents that occurred in Town this morning. Chief Mello explained the Code Red Alert System and encouraged citizens to enroll through the Town and Police Department websites to receive emergency notifications. The Library is hosting an Emergency Management Preparedness session on Saturday, September 22nd covering severe weather events. Chief Mello reported on ten incidents this morning with suspects entering unlocked cars on private properties, with three vehicles stolen. This appears to be an organized effort. Chief Mello reminds citizens to remove keys and lock their vehicles to help reduce such crimes and report suspicious activities to the Jamestown Police Department.

Councilor Meagher noted Public Works Department Supervisor Deacon is here and in anticipation of future weather events, including hurricanes and blizzards, thank you and all Public Works staff in advance for the work you do.

Sav Rebecchi of Sail Street reported on registered voters and valid addresses in Jamestown, and his review revealed that all registered voters reside at valid addresses in Jamestown.

Carol Nelson-Lee of Buoy Street, Chair of the Board of Canvassers, commended the Board for their excellent work and all poll workers for their 13 hours on Primary Election Day. It was a great turnout and we are pleased.

VIII. UNFINISHED BUSINESS

A) Letter of Maria Semeraro-Bellanca seeking assistance in raising awareness of October as “Dysautonomia Awareness Month” and request for adoption of a Proclamation; review, discussion and/or potential action and/or vote
President Trocki reported this is an auto-immune disease that is difficult to diagnose and has recently been reported in the media as affecting one million to three million Americans.

A motion was made by Councilor Meagher with second by Councilor Mihaly to have a Proclamation on the October 1st agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

- B) Donation of Diepenbrock Sculpture to the Town of Jamestown for placement at East Ferry, as requested by Councilor Mihaly, continued from September 4, 2018; review, discussion and/or potential action and/or vote
- 1) Criteria for selection of Ad Hoc Committee Member
 - 2) Ad Hoc Committee Charge

Town Administrator Nota explained the significant sculpture by local artist Peter Diepenbrock proposed for placement on Town property, scope for a ten member ad hoc committee, and appropriateness for development of a comprehensive public art program and process to assess such gifts. To date there are six applicants and citizens are urged to forward their interest to the Town Clerk. Town Staff involvement would be as non-voting advisory members. The *Jamestown Press* ad will be repeated and a list of applicants will be provided to Council. Citizens of varied backgrounds are encouraged to apply.

Discussion involved a Committee Charge and timeline. The three tasks include: assessment of the proposed gift, its location, and a process for a public arts policy going forward. Council members commented the first two tasks should be a short process so donors are not kept waiting, and the third would be up to the Committee how they wish to proceed, whether as a long-term Committee or by a second Committee of stakeholders, and a well-defined Charge will outline the role of the Committee. Discussion continued.

President Trocki left the Council Table due to an emergency and turned the meeting over to Vice President White at 7:32 p.m.

Public comment.

Artist Peter Diepenbrock of Hamilton Avenue expressed the importance of the timeline, asked if a decision could be made between December 1 and 15 as some donations are based on the tax year, and location. If accepted, there is a period of five months for production, giving time to determine a location.

Councilor Meagher noted she is happy with the assessment process and timeline, the considerations for criteria established in the 1% Committee discussed earlier, and the gift itself and location.

A motion was made by Councilor Mihaly with second by Councilor Meagher to move adoption and creation of a committee that will take on the two subjects, the assessment of the gift and of potential locations of public properties in Jamestown, and that there be a time deadline of December 15th. President Trocki, Absent; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

- C) Safe Routes to School Update, as requested by Councilor Blake Dickinson: Town Planner Lisa W. Bryer; review, discussion and/or potential action and/or vote

Councilor Dickinson noted the project has been delayed, there are safety concerns at the four corners, upon completion this would provide a nice entrance into the village, and whether the Town should proceed and pay for the project.

Town Planner Lisa Bryer provided an update on the Safe Routes to School project, noting Federal Highway funding administered through the State of RI in 2008 and 2011 totaling \$451,750. Engineering consultants were hired in 2009 and original improvements planned for Phase 1, including parking improvements, crosswalks, and sidewalks have increased in price, causing the project to be split into two phases. The project is at 90% design and plans and specifications are prepared for bidding. The Jamestown School and village areas contain the largest Native American burial ground in North America, and once there is resolution with the Narragansett Tribe, RIDOT and Federal approval can be secured and the project can move forward. Lengthy discussion ensued.

Councilor Dickinson noted he would like to see the project move forward and safety concerns addressed. To date \$120,000 has been spent on engineering studies. Discussion ensued of breaking up the project. Town Administrator Nota commented on the need for Council involvement and direction. It is hoped the Town will be able to meet with the Narragansett Tribe in the near future to address concerns. Discussion continued.

- D) Upcoming Meetings and Sessions – dates and times
 - 1) Scheduling of public informational session for Golf Course, Library and School Bonds; review, discussion and/or potential action and/or vote
 - a) Golf Course, Library and School Bonds - October 1, 2018 Town Council Meeting agenda item, with public information session early to mid-October at a date to be determined, continued from September 4, 2018; review, discussion and/or potential action and/or vote
 - 2) Town Council Meeting Schedule – October 1st, October 15th, November 5th; review, discussion and/or potential action and/or vote

Town Administrator Nota asked Council for direction on the format for the Bond presentations. Council members note Town staff should present what the Bonds are about, with advertisement in the *Jamestown Press* and a fact sheet for the public.

IX. NEW BUSINESS

- A) Approval of Five-Year Renewal of Island Rubbish Recycling Contract and authorization for signing by Town Administrator Nota; review, discussion and/or potential action and/or vote

Town Administrator Nota explained the recycling contract renewal provision for the five-year period 2019-2023 for a total of \$1,030,890. The overall increase over the five-year

contract is 2.5%, or \$25,144. Council members commented this is a modest increase, Island Rubbish does a fine job, and will do so over the next five years.

Public comment.

Kevin Ford of Davit Avenue stated he is unhappy with Island Rubbish, as they have damaged the bamboo on his property claiming it impeded their driver's view, and drove across lane lines towards him in a threatening manner with name calling. He feels it is inappropriate to award a contract to a company with this type of behavior. He also observed Island Rubbish trucks driving well above the speed limit and mixing recyclables and non-recyclables in their garbage trucks, and will share the information/evidence with Council members tomorrow via email. He recommends delaying a vote until the information is viewed by Council members. Discussion continued.

President Trocki returned to the Council Table at 8:02 p.m., noted she was not present for the discussion on the Island Rubbish Contract renewal, and will recuse on this agenda item and file the appropriate form.

Councilor Dickinson stated he would have preferred to see the proof prior to this meeting and is uncomfortable delaying a vote based on information that is not here.

Councilor Meagher noted she doesn't want anyone feeling threatened. In her experiences Island Rubbish has provided terrific service, they are honorable, good people, and this is the first we heard of this.

Vice President White commented Council members are not adjudicators of illegal activities in Town. He is concerned, but agrees with his fellow Councilors that this should not delay a decision.

Bill Kelly of Reservoir Circle referenced his experiences running a Waste Management Company in Brooklyn, handling 376,000 tons of trash per year in another operation, and as a Public Works Commissioner responsible for the collection of trash from 200,000 people. At first he was concerned with the co-mingling of recyclables and non-recyclables, but learned all items are now co-mingled and handled at the recycling plant. The economy of service provided by use of a pup-truck that collects and transfers materials to larger vehicles was noted. He has been pleased with the service provided by Island Rubbish, they do a good job, live in the community, and to change service providers would require an adjustment period of six to eight months, and hopes the Council will renew the contract.

Councilor Mihaly noted he agrees with Mr. Kelly and his fellow councilors.

A motion was made by Councilor Dickinson with second by Councilor Meagher to award the contract to Island Rubbish. President Trocki, Recused; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye. Motion passes by a majority vote in the affirmative.

President Trocki returned to the Council Table and resumes as Chair of the meeting.

Councilor Meagher noted she has a conflict on the next agenda items, recuses, and files the appropriate form.

- B) Petition requesting Waiver and Relinquishment of any Town interest in and to a paper street known as Bell Lane, Plat 1 Lots 296, 322 and 368, and 1036 and 1046 East Shore Road, by Jill Oliveira Townsend and Sherri Lynn Deacon, Co-Trustees of the Joseph James Oliveira Trust: Attorney Mark A. Liberati; review, discussion and/or potential action and/or vote

- 1) Waiver and Relinquishment Recitals

Attorney Mark Liberati stated he is in attendance on behalf of petitioners Jill Oliveira Townsend and Sherri Lynn Deacon, Co-Trustees of the Joseph Oliveira Trust, requesting the Town waive its rights to accept Bell Lane, also known as Newport Street, as a public street. The area known as Conanicut Park is an 1873 plat that never took off due to water issues and many planned streets were never constructed nor accepted. Past surveys reflected varying property lines causing title clearing actions. The area is zoned R80 requiring 80,000 sq. ft. lots, with most measuring 5,000 sq. ft. The Waiver for Relinquishment would increase the size of some of the lots and take dead land and put it on the tax roll. A map of the area was displayed and reviewed. Review and discussion of the history of the area ensued.

Mr. Liberati stated non-acceptance would not take away people's rights to the water as Bell Lane is a dead end street that does not reach the shore. The Murray lot used by neighbors for access to the shore was sold to the Oliveira Trust. Issues of access to the water can be litigated in Superior Court, but the Town would not be a party to it if it does not have ownership of the road. On behalf of his clients he is requesting Bell Lane not be accepted by the Town and Town Council approve the Waiver of Relinquishment to ratify and confirm they have no interest in making that portion of Bell Lane a Town road and never will.

Town Administrator Nota stated Town staff has done extensive research and found no information that proves the Town ever accepted the road or performed work on it. This is a dead end street that was never accepted, and the Town can benefit by walking away from it. The issue of paper streets discussed at a prior Council meeting will be pursued and review continued to add property to the tax roll when possible.

Councilor Dickinson asked the Solicitor if this proposal is consistent with past discussions regarding paper streets, and Solicitor Ruggiero stated it is. President Trocki read the Waiver of Relinquishment.

Public Comment.

Carol Nelson Lee of Buoy Street, Co-Chair of the Friends of the Jamestown ROW's, stated often paper roads become informal ROW's to the water, and the RI Constitution guarantees citizens the right to access the water. This road has been used informally for years as access to the water by many families. Because someone has chosen to encroach on a paper road

does not give value to letting someone take it over. Upland neighbors have used it and it adds to the quality of their life.

Mr. Liberati noted this is a dead end street and does not go to the shore.

Rolf Knudsen of East Shore Road stated his wife Shirley Bell was raised in Jamestown and has always accessed Bell Lane to reach the shore. The Murray's gave permission to cross their property to get to the shore, and he doesn't know if using the property for 40 years gives them permission to continue to use it. If this is approved people will lose access to the shore. Discussion ensued access as this is private not public property.

Town Administrator Nota stated any action taken by the Council this evening will not determine access to the shore, which may be litigated by the neighbors in the future. Discussion ensued of neighbors perhaps working this out.

Terry Jones of Bell Lane commented on access to the water by neighbors through the Hamilton property for 40 years and past agreements not to litigate. This is an example of coastal owners shutting out the public from access to the shore.

Mr. Liberati noted the property owner can own to the mean high sea line, and in fact there is 45 feet of private real estate between the end of Bell Lane and the mean high water mark that CRMC refers to as a coastal feature.

President Trocki stated this is a neighbor dispute and it is not Council's place to negotiate neighbor disputes. Discussion of legal and historical issues ensued.

Christian Infantalino stated he represents Suzanna Lee who owns 1036 East Shore Road. Bell Lane ends at private land, doesn't know what will happen, and can't see any useful purpose of Bell Lane for the Town. He understands neighbors have accessed through the private lot, but Ms. Lee doesn't want public liability on the lot and is not offering it for access as the Murray's did. His client supports relinquishment of Bell Lane.

Kevin Ford of Davit Avenue commented on oceanography reports on future sea level rise, which may make a difference in the future, and an expert should be consulted.

Terry Jones of Bell Lane noted the Town would be giving up \$645,000 worth of property, this is a taking of the land, and he doesn't understand it.

Solicitor Ruggiero stated the Town does not own this land and is not giving anything away, it is relinquishing a future interest in the property. All the Town can do is accept the road or not. He understands the parties will litigate and the Town may be named in a title clearing action, but the Town has no defense as it has not exercised its right to ownership. If the Town does not want this as a public street, the proper action is to approve the Waiver of Relinquishment.

Timothy Yentsch of Gondola Avenue asked if the Town had no interest in this and it is now worth \$645,000, why didn't the Town relinquish this previously and assess and collect taxes on it?

Town Administrator Nota stated this is a process the Town will be addressing in the future. However, we must take care of what is before us now.

Terry Jones stated he was not notified of this proceeding, and relinquishing of Bell Lane by the Town will lower the value of his property.

Solicitor Ruggiero commented the Town cannot tax that property as it not owned by any one person, and it can be taxed going forward if ownership is taken.

Councilor Dickinson stated we don't want to expose the Town to liability, the facts are this is private property, there is no public access to the beach, and he recommends we move this forward.

A motion was made by Councilor Dickinson with second by Vice President White to approve the request for Waiver and Relinquishment of this property known as Bell Lane, Plat 1 Lots 296, 322 and 368, and 1036 and 1046 East Shore Road.

Discussion. Councilor Mihaly noted the Town doesn't own it and the best we can do is relinquish it and tax the aggrandized lot.

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

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

A) Ordinances

- 1) Petition for Amendment of the Jamestown Code of Ordinances for a Municipal Immigrant Protection Ordinance, as proposed by the Conanicut Sanctuary; review, discussion and/or potential action and/or vote to proceed to advertise in the *Jamestown Press* for a future public hearing.

President Trocki commented the discussion this evening is whether to move forward with advertising an ordinance for public hearing. Conanicut Sanctuary asked to be heard on this issue, proposed an ordinance, and a Working Group was formed to review the subject, with Councilor Mihaly serving as Chair.

Councilor Mihaly stated he advocates going forward with advertisement. He is not in favor of an ordinance, and this is about values. Councilor Meagher noted the petition brought before the Council signed by 500 people and this is a powerful and heart wrenching discussion in the community. She doesn't support the ordinance based on reservations

expressed by our Solicitor and Police Chief, as it would direct police officers to follow an ordinance in conflict with Federal law. Conanicut Sanctuary members of the Working Group presented an ordinance adapted from a Chicago Welcoming Ordinance that our Police Chief found problematic. She and Councilor Mihaly suggested a Resolution as a Statement of Values would be appropriate to address and express the dignity of each and every individual, which Conanicut Sanctuary rejected, as they want an ordinance to go to public hearing, and out of deference to them she would vote to proceed to advertise.

Councilor Mihaly noted the Statement of Values was not done in opposition to Conanicut Sanctuary, as these are important issues that should be heard.

Vice President White noted he is not comfortable with an ordinance that instructs our Police Department not to enforce laws or perform their duties. It is not the Council's job to direct them, as they are trained and he is not. Our Police Department respects the rights of all, and passing an ordinance telling them to do what they are already doing is inappropriate. He takes offense with the comment since we didn't pass an ordinance right away we are against immigrants. The question is whether it is worth our time to carry this any further, as we have discussed this and people were given the opportunity to speak.

Councilor Dickinson noted anything that creates unnecessary division in our community is troubling. Our community is accepting and we do not treat anyone, including immigrants, different than anyone else. The depiction of our Police Department is not fair or accurate. He spoke with the State Police who wrote the policy and they are very respectful and are non-interventionists. He read the language in the petition, recognizes the provisions in our Charter to enact an ordinance, respects the process, and recommends the people who signed the petition do another one with the correct language. The definition of an immigrant is a person who is permitted by the Federal government to be here. We all agree to support immigrants, respect the rights of all, the issue doesn't exist here, and he does not support the ordinance in its current form.

President Trocki noted the poster in a storefront window on Martha's Vineyard she found very powerful: **"We respect women, we value black lives, we stand with our LGBTQ Community members; we stand with immigrants, with refugees, with indigenous peoples, and with people of all faiths; we stand with our community, all are welcome here; hate has no business here."** It is her understanding no Councilor will vote for an ordinance, as we were advised it will create division. It is unfair that Conanicut Sanctuary stated they will only support an ordinance, with no negotiation. It is offensive how some people treat others and express their views through media. Her job is to do what is best for the community, and per legal counsel we can't direct our Police Chief how to carry out his duties and enforce the law. She trusts our Police Chief, has faith in our Town Administrator and Town Solicitor, and relies on them for advice. If it is their recommendation not to support an ordinance, and if an ordinance is the only thing acceptable to some, we shouldn't go forward with it. She is siding with the Martha's Vineyard people, who seem to have it right in expressing a statement of values. We are a precious community, and having a meeting that is going to divide a community is not worth pursuing and doesn't make sense.

Councilor Meagher notes her appreciation for President Trocki's comments. However, she gave her word she would make a motion to advertise the ordinance.

A motion was made by Councilor Meagher with second by Councilor Mihaly to offer this to be advertised for public hearing on October 15th.

Discussion. The date of the public hearing, comment, discussion and voting were reviewed.

Back to the vote on the motion. **President Trocki, Nay; Vice President White, Nay; Councilor Dickinson, Nay; Councilor Meagher, Aye; Councilor Mihaly, Aye. Motion fails by a majority vote in the negative.**

President Trocki stated she encourages compromise, and was interrupted by Richard Hitt. Councilor Dickinson called for Point of Order. Richard Hitt interrupted again stating there was no hearing with public comment, and discussion by Conanicut Sanctuary was not heard. Helen O'Grady interrupted, questioning the procedure, and was directed to speak to the Solicitor. President Trocki stated she wishes there could have been a negotiated solution. (Actions of civil disobedience ensued)

XI. CONSENT AGENDA

A motion was made by Councilor Dickinson with second by Vice President White to approve and accept the Consent Agenda. President Trocki, Aye; 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) September 4, 2018 (regular meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Library Board of Trustees (08/14/2018)
 - 2) Jamestown Sanctuary Working Group (07/26/2018)
 - 3) Jamestown Sanctuary Working Group (08/08/2018)
 - 4) Jamestown Zoning Board of Review (07/24/2018)
- C) CRMC Notices
 - 1) September 2018 Calendar
 - 2) Public Notice of Proposed Rulemaking for Direct Final Repeal of Pawcatuck River and Estuary and Little Narragansett Bay Interstate Management Plan with formal objections due October 5, 2018
- D) Abatements/Addenda of Taxes
 - Total Abatements: \$47,451.10 Total Addenda: \$51,440.40
 - 1) Motor Vehicle Abatements to 2018 Tax Roll
 - Account/Abatement Amount**
 - a) 02-0380-80M \$ 26.37
 - b) 03-0379-50M \$ 67.67
 - c) 04-0166-90M \$ 73.21

	d)	07-0594-90M	\$ 57.25
	e)	13-2095-48M	\$ 66.03
	f)	16-1074-45M	\$ 21.72
2)		Real Estate/Tangible Abatements to 2018 Tax Roll	
		<u>Account/Abatement Amount</u>	
	a)	03-0590-60	\$ 1,010.67
	b)	08-0155-00	\$15,093.40
	c)	10-0049-10	\$ 2,609.95
	d)	11-0455-20	\$ 5,676.73
	e)	12-0901-35	\$ 6,115.45
	f)	13-1092-00	\$ 2,530.71
	g)	16-0982-00	\$ 3,398.71
	h)	19-0029-55	\$ 3,947.84
	i)	20-0304-85	\$ 3,336.10
	j)	23-1028-00	\$ 3,419.29
3)		Addenda of 2018 Tax Roll	
		<u>Account/Abatement Amount</u>	
	a)	01-0001-67	\$15,093.40
	b)	02-0132-00	\$ 247.73
	c)	03-1154-01	\$ 3,419.29
	d)	06-0277-03	\$ 697.96
	e)	06-0419-00	\$ 3,548.71
	f)	07-1009-50	\$ 559.75
	g)	08-0275-50	\$ 518.96
	h)	08-0417-50	\$ 508.38
	i)	08-0714-00	\$ 455.54
	j)	10-0049-10	\$ 1,886.49
	k)	10-0128-00	\$ 3,336.10
	l)	16-0697-25	\$ 1,080.90
	m)	16-0769-00	\$ 3,947.84
	n)	18-0012-95	\$ 1,666.46
	o)	19-0676-49	\$ 2,530.71
	p)	19-1523-00	\$ 6,265.45
	q)	23-1552-76	\$ 5,676.73

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

Communication 1) was pulled for discussion. Jan Whitford requested the proposed new Gatehouse at Fort Getty be named for James McLaughlin. This will be placed on a future agenda and could be included in an overall procedure for naming facilities.

A motion was made by Councilor Meagher with second by Vice President White to receive the Communications. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihal, Aye.

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

- A) Communications
 - 1) Letter of Jan E. Whitford requesting the new Gatehouse to be built at Ft. Getty be named the “James McLaughlin Memorial Gatehouse” in memory of the original gatehouse keeper
 - 2) Letter of Jamestown Shores Association President Ann Gagnon urging the Town Council to accept Conanicut Island Land Trust’s offer to add the remaining 34 tax sale lots to the existing easement of 86 lots currently protected by the easement

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Veterans’ Exemptions
- B) Part-time employee salaries
- C) Town Council/Public use of cell phones at meetings
- D) EMS Barn Property
- E) Fort Getty/Parks and Recreation Reports/Updates (October 1)
- F) Planning Commission/Planning Department/Affordable Housing Committee Reports (October 15)
- G) Water supply concerns in the Jamestown Shores (October 15)

Council members commented cell phone use should be discussed after the November election and a Resolution for the Statement of Values should be on the October 1st agenda.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Vice President White 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 regular meeting at 9:42 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
Town Administrator
Finance Director
Town Solicitor

**BOARD OF CANVASSERS
JAMESTOWN, RHODE ISLAND
May 14, 2018**

An advertised meeting of the Board of Canvassers was called to order at the Jamestown Town Hall, 93 Narragansett Ave. at 9:38 AM by Carol Nelson-Lee. The following members were present:

Hugh Murphy

Absent: Ken Newman, Melissa Burrows, Kitty Wineberg

Also present were:

Karen Montoya, Clerk to the Board of Canvassers

APPROVAL OF MINUTES

A motion was made by Hugh Murphy and seconded by Carol Nelson-Lee to approve the minutes of the April 5, 2018 meeting. Unanimously voted.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

The resignation of Dorothy Strang from the school committee presents the question whether the unexpired term ends with the next general election which would be this November or does it continue until the normal end of the term which would be in 2020? Karen will investigate.

The Board discussed moving the meetings to the evening to accommodate Melissa Burrows who has a hard time with her work schedule. Wednesday at 7 PM was suggested.

The Board discussed the upcoming talk by Dr. Jim Ludes on the dangers of Fake News. Kitty Wineberg is doing Eventbrite to keep track of the number of tickets requested. The Pell Center is contacting the media and putting it on their Facebook page. Hugh and Carol will get posters and go to the Press for advertisement and a press release. Karen will put out the sandwich boards.

The Financial Town Meeting registration process was discussed. It was suggested that the registration table be put in the back of the gym with a roped off corridor on the side to access this area. The whole process of paper ballot voting would be reversed. Karen will talk to the Town Administrator about this.

There being no further business Hugh Murphy made a motion, Carol Nelson-Lee seconded to adjourn the meeting at 12:10 PM. So voted.

Attest:

Karen Montoya
Clerk to the Board of Canvassers

Cc: Town Council Members (5)
Board of Canvassers (3)
Cheryl Fernstrom, CMC, Town Clerk

**BOARD OF CANVASSERS
JAMESTOWN, RHODE ISLAND
July 27, 2018**

An advertised meeting of the Board of Canvassers was called to order at the Jamestown Town Hall, 93 Narragansett Ave. at 10:24 AM by Carol Nelson-Lee. The following members were present:

Ken Newmna
Kitty Winebeg

Absent: Melissa Burrows, Hugh Murphy

Also present were:

Karen Montoya, Clerk to the Board of Canvassers

APPROVAL OF MINUTES

Kitty Wineberg ask that the minutes of 5-14-2018 be amended to reflect that she was absent. Ken made a motion to amend the minutes Carol seconded. Unanimously voted.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Dr. Jim Ludes of Salve Regina University presented an excellent talk on how to detect fake news and the Russian interference. The evening was well attended and very informative. The Board discussed the option of inviting Dr. Ludes back for a more in-depth presentation after the Primary and before the election.

Carol presented an ad campaign for the election. It would consist of small block ads with a slogan about being prepared to vote and some precautions to consider before the election. Karen will investigate the authority of the Board to initiate such a campaign.

Carol suggested contacting teachers at school about teaching the students to be cautious of fake news. We would invite the teachers to Dr. Ludes presentation and ask them to disseminate the information to the students. Carol also suggested asking Gary Trudeau to come to speak. She is researching it.

The poll checkers need to notify Karen of their intention of being at the polls. The parties take care of this. They will be situated as best we can so they will be able to hear the poll workers call out names. We also discussed the problem of volunteers going door to door collecting mail ballot applications and the integrity of the vote.

Ken made a motion and Carol seconded to adjourn the meeting at 11:26. So voted.

Attest:

Karen Montoya
Clerk to the Board of Canvassers

Cc: Town Council Members (5)
Board of Canvassers (3)
Cheryl Fernstrom, CMC, Town Clerk

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the August 28, 2018 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:00 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
Terence Livingston, Member
Edward Gromada, Member
Marcy Coleman, Member
Judith Bell, 1st Alt.
Lisa Hough, 2nd Alt.

Also present: Brenda Hanna, Stenographer
Chris Costa, Zoning Officer
Pat Westall, Zoning Clerk
Wyatt Brochu, Counsel

MINUTES

Minutes of July 24, 2018

A motion was made by Edward Gromada and seconded by Terence Livingston to accept the minutes of the July 24, 2018 meeting as presented.

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Marcy Coleman and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Dean Wagner was absent.

CORRESPONDENCE

A letter dated July 27, 2018 from Joseph Logan informing the Board that he was leaving with regrets.

OLD BUSINESS

Hamlin

A motion was made by Terence Livingston and seconded by Edward Gromada to consolidate the two appeals of the Hamlins.

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Judith Bell and Lisa Hough voted in favor of the motion.

Marcy Coleman was not seated and Dean Wagner was absent.

On April 26, 2018, Kris and Geoffrey Hamlin, whose property is located at 0 Battery Lane, pursuant to Article 5, Section 503 of the Jamestown Zoning Ordinance appealed the Zoning Enforcement Officer's denial of right to convert a concrete slab into a patio and/or correct imposing portion into a patio since 8-2-306 allows patios to be built in any part of the yard.

On May 14, 2018, Kris and Geoffrey Hamlin, whose property is located at 0 Battery Lane, pursuant to Article 5, Section 503 of the Jamestown Zoning Ordinance appealed the Zoning Enforcement Officer's interpretation of Section 82-103(5), 82-1208 B-2, Stop work orders and fines.

The two appeals involve common questions of law and fact and the testimony elicited and presented herein intertwined both appeals.

Appeal #1

A motion was made by Richard Boren and seconded by Terence Livingston to deny the appeal of Kris and Geoffrey Hamlin from the Zoning Officer's denial of right to convert a concrete slab into a patio or convert impinging portion into a patio.

Appeal #2

A motion was made by Richard Boren and seconded by Edward Gromada to sustain and grant the appeal of Kris and Geoffrey Hamlin to allow the storage of a boat on their property, allow a shed to remain on their property, that all fines be withdrawn and dismissed. That the stop work order as it pertains to the construction of their residence be withdrawn.

I move that we deny the appeal to the extent that the stop work order pertains to any improvements or use of the concrete slab.

Findings of Facts and Travel of the Two Appeals.

1. In July 2017, the Hamlins purchased 0 Battery Lane, Assessor's Plat 11, Lot 38.
2. Said property is located in a RR80 zone and contains 5.28 acres. The site overlooks Narragansett Bay to the west.
3. The property is subject to a 200 foot jurisdictional CRMC setback from the top of the coastal bluff.
4. The Hamlins intent upon the purchase of the property was to build a residence and tennis court.
5. In August, 2017, before obtaining a building permit for the residence the Hamlins had a shed delivered to the property and installed on concrete blocks.
6. Before obtaining a building permit for the residence in September 2017 the Hamlins commenced construction of a tennis court.
7. Before building the slab for the tennis court, the Hamlins contacted Chris Costa, the Building Official, who told the Hamlins they didn't need a permit for the tennis court, but there was a 20 foot setback requirement from the property line.
8. The Hamlins wanted to build the tennis court before building the house to avoid bulldozers traveling over the septic system.
9. The Hamlins engaged and retained Jonathon Joyce to build and install the tennis court on the south side of the property.
10. An undetermined amount of fill was brought onto the property to level the concrete slab/tennis court.
11. The as built concrete slab/tennis court is approximately 7200 sq. ft.
12. The southwest corner of the concrete slab/tennis court is approximately 11 feet from the lot line.
13. Zoning Ordinance 82-316 Tennis Courts.
The outer fence of tennis courts should meet setbacks for accessory buildings and shall be included as part of the lot coverage calculation.
14. Zoning Ordinance 82-302 provides that in a RR80 zone setbacks for single family dwellings for accessory buildings is 20 feet.
15. By early October, 2017, Mr. Costa, the Zoning & Building Official became aware of the setback issue, the earth moving, fill, and grading issues.

16. On 10/12/17 Mr. Costa issued a Stop Work Order. The cover letter of 10/13/17 indicates that the Order includes earth moving, grading, or filling on the site, installation of fencing or work on the tennis court. A soil erosion control plan and drainage plan needed to be provided per section 22-227 of the Town Ordinance.
17. On November 6, 2017 Northeast Engineers & Consultants, Inc. provided a Stormwater Narrative to the Hamlins.
18. On 11/7/17 the Hamlins provided a copy of the Stormwater Narrative (erosion and drainage plan) to Mr. Costa.
19. On 12/11/17 the Hamlins filed an application for a dimensional variance to keep the concrete slab for a proposed tennis court in its present location, which southwest corner impinges on the setback.
20. A contested hearing took place before the Zoning Board of Review on 2/27/18 and 3/27/18.
21. Before the Zoning Board of Review rendered a decision on 4/12/18 the Hamlins withdrew their application for a dimensional variance regarding the impinging portion of the concrete slab/tennis court. The Hamlins stated they will be pursuing instead the non-impinging hybrid solution to set the tennis fencing more than 20 feet from the property line.
22. On 3/2/18 Mr. Costa issued a letter to the Hamlins regarding installation of silt fencing, staked hay bales, or staked waddles per section 22-227. By 3/19/18, the Hamlins complied.
23. On 3/18 a boat was stored on the property.
24. On 3/29/18 the Hamlins advised Mr. Costa by e-mail: 1) we can bring water pipes and electric down the easement on the road to the property 2) we have volunteered to move the boat to a marina 3) to approve Northeast Engineers submitted abatement plan within 5 days 4) approve the hybrid plan of putting the tennis fencing 20 feet off the property line.
25. On 4/13/18 the Hamlins proposed 4 alternatives to Mr. Costa regarding the concrete slab:
 - a) Cutting off the impinging corner and erecting fence outside setback
 - b) tearing up concrete slab & redoing outside 20 foot setback
 - c) Converting slab to a patio
 - d) Hybrid solution proposed 3/29/18.
26. On 4/16/18 Mr. Costa responds to Hamlins as follows:
 - a) Would be approved with designed retaining wall that would eliminate all drainage issues and install erosion control measures. When completed, stop work order released.
 - b) Remove tennis court & restore grade & stop work order would be released

- c) Can't convert tennis court to a patio. Slab is a raised structure 6 +/- feet causing drainage problem. Stop work order remains in place.
- d) Same as #3. Stop work order remains in place.
27. On April 16 and April 17, 2018 the Hamlins and Mr. Costa e-mail back & forth seeking a common resolution.
28. On April 18, 2018 Mr. Costa advises the Hamlins that proposals 3 & 4 are not acceptable. Stop work order remains in effect. No work on the site. It's a tennis court. A raised structure encroaching. Until a Court decides different, Stop Work Order remains. I was going to review the Drainage submitted from N.E. Engineering. Thinking we agreed to remove the impinging section and there would be no violation. Now not knowing if the structure stays or gets removed by the courts? I will not review and waste my resources, time, and effort.
29. On 4/19/2018 Mr. Costa states that his final decision is that the structure is a tennis court and the portion you call a patio is a raised structure. The drainage plan will not be approved or reviewed until the structure is resolved. Stop work on the site remains. Thank you for removing the boat. Please work on removing the shed.
30. On 4/20/18 Mr. Costa suggests the Hamlins may appeal his decision.
31. On 4/23/18 Mr. Costa clearly tells the Hamlins that it appears a proposed retaining wall along the southern property line would cure the drainage problem but you can't do work until the Stop Work Order is removed.
32. The 2 appeals followed.

APPEAL #1 - Concrete Slab - Conclusion of Law

33. The 7200 sq. ft. concrete slab was being built and installed by the Hamlins as a tennis court.
34. 82-316 Tennis Courts. The outer fence of tennis courts shall meet setbacks of accessory buildings and shall be included as part of lot coverage.
35. 82-302. In RR80 zones, setback for single family dwellings for accessory buildings is 20 feet.
36. The concrete slab, as a "tennis court" is in violation of the zoning ordinance for setback requirements.
37. Can a concrete slab that is not going to be adjacent to the residence, i.e.: the principal use, be considered a patio?
38. 82-306 Authorized Departures From Yard Regulations B. Landscape features such as trees, fences, shrubs and patios may be placed in any yard area.

39. The term "patio" is not defined in the Zoning Ordinance or the State Enabling Act.
40. In both the Merriam - Webster Dictionary and the Oxford Dictionary the word "patio" is defined as a paved outdoor area adjoining a residence.
41. The Hamlins testified that the concrete slab, if considered a patio, will not adjoin the house.
42. There has been significant testimony regarding earth moving, grading, fill, soil erosion, soil erosion control plan and drainage plan.
43. To date, both the characterization and use of the concrete slab and the soil erosion issues remain unresolved.
44. The Hamlin's Appeal is denied.

Appeal #2 - Stop Work Order, Shed, Boat, Easement

A. Stop Work Order

45. On 4/27/18 Mr. Costa, by letter, notified the Hamlins again about the shed violation and the boat violation and told the Hamlins "No work on this site is allowed until the Stop Work Order is removed. This includes stone walls, retaining walls and utilities to the interior of the property".
46. The Stop Work Order was issued on 10/12/17 for violations of A) tennis court setbacks and B) disturbance to the terrain regarding the installation of the concrete slab.
47. At that time there was a shed on the property, no boat on the property, no building permit yet sought for the principle residence and no stone wall, no retaining walls, and no utilities.
48. Under Section 82-401 the zoning enforcement officer is responsible for issuing building permits for the erection of residences.
49. Under RIGL 45-24-54, A Zoning Officer is charged with (6) issuance of violation notices with required corrective action.
50. The Stop Work Order, when issued in 10/17, was specific regarding corrective action.
51. Between the issuance of the Stop Work Order and the Appeal, and even up to the present, The Hamlins have attempted such corrective action.
52. However, the corrective action specific in the 10/17 Stop Work Order does not pertain to a building permit for the principal residence nor utilities.

53. For the Zoning Official to expand the Stop Work Order beyond its terms is overly broad and inconsistent with RIGL 45-24-54 and RIGL 23-27.3-123.1
54. RIGL 23-27.3-123.1 provides inter alia, that upon notice from the building official that any work on a building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, the work shall be immediately stopped.
55. RIGL 23-27.3-123.1 presupposes that there is work on a building or structure.
56. The concrete slab is a structure that has been built.
57. The residence is a proposed building in which the work has not yet commenced. A Stop Work Order per RIGL 23-27.3-123.1 is an abuse of discretion and contrary to 23-27.3-123.1.
58. The Hamlin appeal to vacate the Stop Work Order as it pertains to the concrete slab is denied.
59. The Hamlin Appeal to Vacate the Stop Work Order as it pertains to a proposed or potential building permit for the residence, utilities to the proposed residence, stone walls and retaining walls not associated with the concrete slab is sustained. The Stop Work Order as pertaining to the proposed residence, utilities to the interior, and any stone walls and retaining walls not associated with the concrete slab is vacated and of no force and effect.

B. The Shed Order

60. An assembled shed was delivered to the property in 8/17.
61. 4/27/18 Mr. Costa notified the Hamlins that the shed violated Zoning Ordinance 82-103(5) and there would be a \$200. a day penalty unless the shed was removed by 5/11/18.
62. 82-103(5) is entitled Accessory Structures. Any structure constructed or erected which is customarily incidental and subordinate to the principal structure. An accessory structure shall be located on the same zoning lot as the principal building.
63. In Hein v. Tommy Foster Zoning Board of Review 632 and 643 (RI. 1993), the applicant sought a permit to construct a barn on his property. There was not a residence. The zoning official denied a permit as he found the barn to be an accessory structure use. The zoning official informed Hein that he would grant the permit when a residence was under construction. The Supreme Court upheld the trial justice's finding that the barn was an accessory use that required an existing structure.

64. Here, but for the concrete slab/tennis court and the circuitous travel of what has occurred; the Hamlins may well have been issued a building permit for their principal residence many months ago.
65. Any order to remove the shed is vacated at this time and any fines to date are vacated.
66. However, if the Hamlins do not apply for a building permit within 90 days, the building official may reinstitute an order for removal of the shed and subsequent fines.

C. The Boat Order

67. In March 2018, the Hamlins commenced storing a boat on the property.
68. On 4/27/18 Mr. Costa notified the Hamlins that the storage of the boat was in violation 82-1208B-2 and if the boat was not removed by 4/30/18 Mr. Costa would enforce a \$100.00 a day fine.
69. At the first hearing before the Zoning Board, the Hamlins testified that the boat is no longer on the property.
70. To the extent that Mr. Costa has fined the Hamlins \$100. a day from and after 4/30/18 until the boat was removed, the issue is not moot.
71. 82-1208B-2 provides that not more than one boat may be stored on a residential lot.
72. The property is located in a RR80 zone and is therefore a residential lot.
73. 82-1208B-2 does not mandate or require that a residence must be on the lot.
74. To the extent that the Hamlins have been fined, the fines are vacated and the Hamlin appeal is sustained.

Appeal #1

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Judith Bell and Lisa Hough voted in favor of the motion.

Marcy Coleman was not seated and Dean Wagner was absent.

Appeal #2

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Judith Bell and Lisa Hough voted in favor of the motion.

Marcy Coleman was not seated and Dean Wagner was absent.

NEW BUSINESS

McCooey

A motion was made by Terence Livingston and seconded by Edward Gromada to continue the request of James & Patricia McCooey to the September 25, 2018 meeting.

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Marcy Coleman and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Dean Wagner was absent.

Clen

A motion was made by Terence Livingston and seconded by Edward Gromada to continue the request of Terrence Clen to the September 25, 2018 meeting.

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Marcy Coleman and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Dean Wagner was absent.

Balloch

A motion was made by Terence Livingston and seconded by Marcy Coleman to continue the request of Hugh and Susan Balloch to the September 25, 2018 meeting.

The motion carried by a vote of 5 -0.

Richard Boren, Terence Livingston, Edward Gromada, Marcy Coleman and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Dean Wagner was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:10 p.m.

The motion carried unanimously.

State of Rhode Island
COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

PUBLIC NOTICE

Pursuant to the federal requirements of the Coastal Zone Management Act (CZMA) at 16 USC § 1455(e) and 15 CFR Part 923 Subpart H, the Rhode Island Coastal Resources Management Council (CRMC) has submitted to the Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA) proposed changes to the federally-approved Rhode Island Coastal Resources Management Program (RICRMP). The CRMC is requesting concurrence of OCM as a routine program change (RPC) the proposed amended geographic location description (GLD) to expand CRMC's existing federal consistency review authority on the outer continental shelf (OCS) under the CZMA for the following two listed activities:

- 1) Any offshore wind facilities of a permanent nature, regardless of size; and
- 2) Underwater cables

The incorporation of the amended GLD within the RICRMP will allow the CRMC to review federal licenses or permits for the listed activities for consistency with the State's enforceable policies of the Ocean Special Area Management Plan as provided by 16 USC § 1456 and 15 CFR Part 930 Subpart D – Consistency for Activities Requiring a Federal License or Permit and Subpart E – Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities.

The NOAA OCM is reviewing this request for concurrence in the determination that the proposed change is an RPC and does not require analysis under the National Environmental Policy Act. Comments regarding whether the incorporation of this change into the RICRMP qualifies as a RPC consistent with 15 CFR § 923.84 should be submitted directly to NOAA OCM. Please send comments to:

Joelle Gore, Chief
Stewardship Division
Office of Coastal Management
National Oceanic and Atmospheric Administration
1305 East-West Highway, SSMC4 N/OCM6
Silver Spring, MD 20910

Comments will be accepted by OCM for three weeks following the date of publication of this notice. The detailed request to OCM is available on the CRMC web site: www.crmc.ri.gov

Any questions regarding this notice should be directed to Grover J. Fugate, Executive Director, Coastal Resources Management Council, at the address above or email: gfugate@crmc.ri.gov
Telephone: (401)783-3370.



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

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

OCTOBER 2018 CALENDAR

(*corrected 09-27-2018 11:30 a.m.)

- Tuesday, October 9** **Policy & Planning Subcommittee Meeting.** Cervenka Green Ducharme Antonelli, LLC; 235 Promenade Street, Suite *475; Providence, RI.
4:00 p.m.
- Tuesday, October 9** **Semimonthly Meeting.** Administration Building, Conference Rm A, One Capitol Hill, Providence, RI.
6:00 p.m.
- Tuesday, October 23** **ROW Subcommittee Meeting.** Administration Building, Conference Room A, One Capitol Hill, Providence, RI.
5:45 p.m.
- Tuesday, October 23** **Semimonthly Meeting.** Administration Bldg, Conference Rm A, One Capitol Hill, Providence, RI.
6:00 p.m.
- Friday, October 26** **Administrative Fine Hearings.** CRMC Conference Room, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI.
9:30 a.m.

Individuals requesting interpreter services for the hearing impaired for any of the above meetings must notify the Council office at (783-3370) 72-hours in advance of the meeting date.



**Town of Jamestown
Tax Assessor**

**93 Narragansett Avenue
Jamestown, RI 02835**

**Phone: 401-423-9802
Email: cbrochu@jamestownri.net**

To: COUNCIL PRESIDENT TROCKI, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR THE **October 1, 2018** MEETING

MOTOR VEHICLE ABATEMENTS TO 2018 TAX ROLL

#01-0023-81M Abbood, Thomas	Motor Vehicle-2013 Honda, Reg. # 883786 Transferred to Cranston	\$88.68
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REAL PROPERTY/TANGIBLE ABATEMENTS TO 2018 TAX ROLL

#02-0911-15 Borge, Gregory	Qualified for the Volunteer abatement.	\$700.00
#04-0320-00 Del Buono, Vincent & Maria	Plat 2, lot 95 transferred on 09-06-2018 to Account #01-0002-24	\$24,884.08
#12-0068-35 Lamantia, Kenneth & Janet	Plat 3, lot 10 transferred on 09-17-2018 to Account #09-0012-95	\$14,198.59
#12-0100-75 Langlois, Michael	Plat 16, Lot 209, Lot considered unbuildable per Department of Environmental Management	\$454.01
#13-0640-10 Marzilla, Lisa	Plat 14, Lot 321, transferred on 09-10-2018 to Account #06-0162-01	\$3,842.32
#16-0683-30 Petrosinelli, Arthur-Paul	Plat 7, Lot 91, transferred on 09-04-2018 to Account #02-1265-69	\$114.17
#20-0135-00 Taylor, Ruby Williams Trust	Plat 9, Lot 615, transferred on 09-14-2018 to Account #14-0092-40	\$5,270.03

ADDENDA TO 2018 TAX ROLL

#01-0002-24 Abbiati, Antony & Collins, Alicia	Plat 2, lot 95 transferred on 09-06-2018 from Account #04-0320-00	\$24,884.08
#02-1265-69 Bridgman, Gina Ann & Petrosinelli, Arthur-Paul	Plat 7, Lot 91, transferred on 09-04-2018 from Account #16-0683-30	\$114.17
#06-0162-01 Ferdinandi, Melissa T	Plat 14, Lot 321, transferred on 09-10-2018 from Account #13-0640-10	\$3,842.32
#09-0012-95 Ianetta, Roger Jr. & Maloney, Bethan	Plat 3, lot 10 transferred on 09-17-2018 from Account #12-0068-35	\$14,198.59
#10-0043-25 Jamestown Cottages Company LLC	Plat 4, Lot 1 – New Construction – Prorated 172 days – New Value \$2,745,300	\$2,411.75
#14-0092-40 Neri, Daniel & Karen	Plat 9, Lot 615, transferred on 09-14-2018 from Account #20-0135-00	\$5,420.03
#20-0033-76 Tanner, Christine	Plat 3, Lot 296 – New Construction – Prorated 187 days – New Value \$351,400	\$1,319.43
#23-1007-10 Wilson, Peter	Plat 11, Lot 7 – New Construction – Prorated 164 days – New Value \$1,253,200	\$1,722.59

TOTAL ABATEMENTS	\$ 49,551.88
TOTAL ADDENDA	\$ 53,912.96

RESPECTFULLY SUBMITTED,

Christine Brochu

CHRISTINE BROCHU,
TAX ASSESSOR

Sept. 7, 2018

Dear Kristine, + Town Council -

Regarding the debate over the Whale Tail, I suggest that Jamestown consider the many city/town ordinances already out there, as well as information that has been written about public art debate.

There are many examples out there, but I shall list just two:

In the journal, "Soundings," Vol 79, No 1/2, Spring/Summer 1996, pp. 41-57 by David H. Fisher are devoted to the arguments over "Public Art and Public Space."

You will find that the Wall Street Journal wrote about the public art debate last June, and that many cities and towns have already codified what they want.

Even Laguna Beach, Ca., which considers itself an upscale/bohemian arts colony so is therefore more welcoming and extreme than most, has extensive regulations regarding what can, and cannot, be placed in the public eye. To wit:

"Art work" means original creations of art including, but not limited to, the following media and materials:

(1) Freestanding, wall supported or suspended, kinetic, electronic, or other type sculpture, in any material or combination of materials;

(2) Murals or portable paintings in any material or combination of materials, with or without collage or the addition of nontraditional materials or means;

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(3) Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, film, holographic and video systems, hybrids of any media and new genres.

“Project valuation” means the total value of the development project as determined by the community development department and indicated by the building official on the building application submitted to the department in order to obtain a building permit, or permits, for the development project. Where a project involves the subdivision of land for which no improvements are planned by the project applicant, “project valuation” shall be determined on the basis of the fair market value of the subdivided lots.

“Public place” means any exterior area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare, sidewalk, or public beach. (Ord. 1210 § 1, 1991; Ord. 1119 § 1, 1986).

1.09.030 Requirement to provide art work or pay in lieu contribution.

When a project is subject to the requirement of this chapter, the applicant shall comply with provisions of either subsection (a) or (b).

(a) The project applicant shall acquire and install an art work in a public place on or in the vicinity of the project site as approved by the city council pursuant to this chapter. As a guide, the cost or value of such work should be equal at least to one percent of the total project valuation.

(b) **In Lieu Contribution.** In lieu of acquiring and installing an art work, project applicants may contribute funds to the art in public places fund established pursuant to Section [1.09.070](#) equal to one and one quarter percent of the total project valuation. The in lieu fee shall be paid by the project applicant at the time of final subdivision map approval or issuance of a certificate of occupancy, as may be applicable, unless otherwise provided by the city council. Project applicants shall indicate on their art in public places application that they wish to make an in lieu contribution. (Ord. 1210 § 2, 1991; Ord. 1119 § 1, 1986).

1.09.040 Projects subject to art in public places requirement.

- (a) The requirements of this chapter shall apply to the following activities:
- (1) New commercial or industrial developments;
 - (2) Remodeling, repair or reconstruction of existing commercial or industrial property which exceeds two hundred twenty-five thousand dollars in expenditures;
 - (3) Residential subdivision or development of more than four lots or units, whether by detached single family residential structures, condominiums, apartments, townhouses or other dwelling units, including the repair, remodeling or renovation of same, if such expenditures are to exceed two hundred twenty-five thousand dollars;
 - (4) City parks and public works projects such as bridges, viaducts, elevated ways, gates, or other structures upon or over land owned by the city of Laguna Beach within the city if such expenditures are to exceed two hundred twenty-five thousand dollars.

- (b) Exceptions. The requirements of this chapter shall not apply to the following activities:
- (1) Underground public works projects;
 - (2) Street or sidewalk repairs;
 - (3) Tree planting;
 - (4) Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
 - (5) Low income housing construction, remodel, repair, or reconstruction projects;
 - (6) Construction, remodel, repair, or reconstructing of structures to be occupied by a nonprofit, social service agency or institution. (Ord. 1210 § 3, 1991; Ord. 1119 § 1, 1986).

1.09.050 Processing.

The requirements and procedures for the processing of an art in public places application shall be as follows:

- (a) Upon submission of a project application subject to the requirement of this chapter, the department of community development shall provide to the applicant a copy of this chapter and an art in public places application form.
- (b) The project applicant shall submit to the department of community development a completed art in public places application form.
- (c) The community development department shall forward a copy of the building permit and the art in public places application form, including the valuation of the project used by the community development department to determine building permit fees, to the staff liaison to the arts commission.
- (d) An initial presentation shall be made to the arts commission within sixty days of the city's acceptance of the art in public places application form as complete. To the maximum extent possible, processing of the art in public places application shall be concurrent and coordinated with the design review application, if any, for the development project. The purpose of this initial presentation shall be to introduce the development project to the arts commission and to propose concepts and plans for a public art project.
- (e) Once the project applicant receives conceptual approval from the arts commission, a final application form shall be submitted by the applicant, including specific plans for the public art project, and such final application shall be presented to the arts commission for review and decision. The arts commission is empowered to modify the plans presented by recommending conditions of approval to the city council.
- (f) Formal approval or conditional approval of a final application shall be granted by the arts commission before the department of community development accepts drawings for structural plan check of the development project. A permit compliance form will serve as evidence of formal approval and shall be submitted as part of the plan check process. In the discretion of the arts commission, and upon a

showing of good cause by the project applicant, drawings for structural plan check may be accepted and processed prior to formal approval or conditional approval of a final application.

(g) The final art in public places application shall then be submitted to the city council for action. The city council shall approve, conditionally approve or deny the application based upon the guidelines set forth in Section [1.09.060](#).

(h) When the project applicant has elected to acquire and install an art work, the building permit for the development project shall not be issued until the city council has approved the art in public places application, and the certificate of occupancy shall not be issued until the approved work of art has been installed.

(i) When the project applicant has elected to make an in lieu contribution to the art in public places fund, the certificate of occupancy shall not be issued until such contribution has been paid. (Ord. 1210 § 4, 1991; Ord. 1119 § 1, 1986).

1.09.060 Guidelines for art works.

(a) Guidelines. Guidelines for the approval and maintenance of art works shall include, but are not limited to, the following criteria:

(1) The art works shall be clearly visible and easily accessible to the public.

(2) The art in public places application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the art work.

(3) The composition of the art work shall be of permanent-type of materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.

(4) The art work shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.

(5) The art work shall be designed and constructed by persons experienced in the production of such art work and recognized by critics and by his or her peers as one who produces works of art.

(6) The art work shall be a permanent, fixed asset to the property.

(7) The art work shall be maintained by the property owner in a neat and orderly manner acceptable to the city.

(b) The following items are not to be considered as art works:

(1) Art objects which are mass produced from a standard design.

(2) Reproductions of original art works.

(3) Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the art work.

(4) Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are an integral part of the art work by the artist.

(5) Services or utilities necessary to operate or maintain the art work. (Ord. 1210 § 5, 1991; Ord. 1119 § 1, 1986).

1.09.070 Art in public places fund.

(a) Accounting. Any moneys collected in accordance with the in lieu contribution provisions of this chapter shall be deposited in a separate account denominated as the "art in public places fund." The city manager or his/her designee shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in subsection (b).

(b) Use of Fund. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this chapter as set forth in Section 1.09.010.

(c) Permissible Expenditures. Expenditures of funds may include, but are not limited to, the following uses:

- (1) The cost of art work and its installation.
- (2) Water works, landscaping, lighting and other objects which are an integral part of the art work.
- (3) Frames, mats, pedestals, and other objects necessary for the proper presentation of the art work.
- (4) Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the art work.

(5) Maintenance and repair of art works funded through the art in public places fund.

(d) Administration.

- (1) The art in public places fund shall be administered by the city council.
- (2) The arts commission shall make recommendations to the city council concerning the purchase or commissioning of art works, including (A) places which should be considered for art works; (B) the medium of the proposed art work; and (C) the artist whose work should be considered for placement in the recommended location.

(3) Selection of artists and art works shall be based on the guidelines set forth in Section 1.09.060.

(4) The city will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the art work.

(5) On-site activity in connection with the art work installation shall be coordinated by the city manager or his/her designee.

(6) Maintenance and repair of art works funded through the art in public places fund shall be financed from that account.

(7) So far as is practical, in the event repair of the art work is required, the city shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee, the city may proceed to contract for such repair with another qualified artist.

(e) Endowments. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in subsection (c) above and for performing art exhibitions or displays as approved by the city council. (Ord. 1119 § 1, 1986).

**Thank you for listening. You may share this letter
with the Town Clerk and Council.**

Best,

**B. W. Carton
153 Longfellow Rd.
Jamestown, RI 02835**

Dear Council Members,

My name is Rosalie Ingrassia. I am a student at American University and a resident of Jamestown. My great grandmother was born and died there. My grandparents grew up there. I have spent most of my childhood summers on its beaches in my great grandmother's home. Now, my mother lives there full time and my little brother is growing up there just as my grandparents had. I am proud to call Jamestown my home, but recently events have transpired that I find truly horrifying.

The love and respect I have for this island is not shared by others. This summer I was witness to our beaches, specifically Potters, being littered. Not only is this utterly disrespectful to all who go there and share this space, but the environmental effects that trash in our oceans and beaches have is devastating. The ecological damage that is being done by littering into our oceans is something that I cannot be silent about. Just as we are finally recovering from the oil spill, we are treating the ocean like a landfill, effectively hurting the many species that the ocean is home to. I am extremely disappointed every time I go to the beach and see chip bags floating in the ocean. We need to do better. I wish this were all I felt the need to write about, but unfortunately there is more.

Through a Facebook group for Jamestown residents it was revealed that people have been coming to our beaches and being completely disrespectful. I don't think that I have to tell you that defecating on a beach is completely abhorrent; that should be obvious. I am a college student currently living in Washington, DC and was shocked when my mother called to tell me that there was graffiti on some of the beaches. While I appreciate forms of urban and street art (such as on the fort at Wetherill), I find it horrific at places where many people come to enjoy themselves.

This recent pattern of treating Jamestown horribly is very upsetting to me. The people who are doing these things do not have the respect and love that many Jamestowners have for the island. You do not damage and deface your own home. That is why I believe that Potters Point should be residents only, and the residents only beaches on the island should actually be enforced. I cannot count how many times I have been to Park Dock and there have been many cars, none with resident stickers, and trash all over the place. As stated by Nobel Prize winner Elinor Ostrom, when new users of a common area begin to make use of that place, they tend not to share similar ideas of how to use or treat that space, and do not understand the norms of the people who have used it before them, and thus treat it with less respect. It is my opinion, although I do not believe I am alone, that this cannot continue to happen and our island, and its inhabitants, deserve better.

Sincerely,
Rosalie Ingrassia
rosalieingrassia@gmail.com

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TOWNSHIP

Cheryl Fernstrom

From: jtn support
Sent: Monday, September 17, 2018 8:58 AM
To: Cheryl Fernstrom; Michael Gray; Lisa Bryer
Subject: FW: Feedback for Jamestown, RI

From: Jamestown, RI Site [mailto:jtnsupport@jamestownri.net]
Sent: Sunday, September 16, 2018 5:56 PM
To: jtn support <jtnsupport@jamestownri.net>
Subject: Feedback for Jamestown, RI

You have received this feedback from Mary Berthelot for the following page:

<http://www.jamestownri.gov/town-government/town-council/town-council-new>

I believe that the Bike Path that has been in the works for many years is definitely needed in this town and should be approved before someone gets killed. uch work has been done to make it happen and it should go ahead. Thankyou Mary Berthelot

Cheryl Fernstrom

Subject: FW: Cross Island Bike Path

On Sep 16, 2018, at 8:38 PM, lisa lawless

wrote:

Kristine,

Please continue to support the cross Island bike path. As a long time Jamestown, bike commuter, and avid cyclist, I know how much we need a safe route across the island. I am not an expert, but believe that bicycling is less polluting than driving a car. Please support the hike path. Thank you!

Lisa Lawless


CONANICUT ISLAND
LAND TRUST

*"... We cannot win this battle to save species and environments without forging an emotional bond between ourselves and nature as well - for we will not fight to save what we do not love ...
We really must make room for nature in our hearts."*

September 21, 2018

Stephen Jay Gould, Paleontologist and Evolutionary Biologist (1941-2002)

Mr. Andrew Notta
Town Administrator
Town of Jamestown
93 Narragansett Ave.
Jamestown, RI 02835

Dear Andy:

I am writing to you on behalf of the Conanicut Island Land Trust in response to your inquiry re: the use of the Godena Farm for a cell phone tower.

On May 15, 1997, Manuel J. Godena and Louis R. Godena in his capacity as trustee executed and delivered a "DEED TO DEVELOPMENT RIGHTS" in favor of the Conanicut Island Land Trust Corporation. Exhibit B to that deed was a covenant regarding use restrictions of the properties located on the east side and west side of North Main Rd. I enclose the first page of Exhibit B, and you will see that "no utility pole, tower, conduit or line or other temporary or permanent structure or improvement requiring construction shall be constructed, placed or permitted to remain on the premises ..." It is the opinion of our counsel and Board that this restriction would prohibit the erection of a cell phone tower.

The Land Trust has a long history of working cooperatively with the Town, but in this instance, as well as in others, our hands are tied by the legal instruments controlling how the property can be used. These restrictions were not created by us, but we must observe them and enforce them when necessary. We hope you will share this letter and the restrictive covenant with the Town Council in the expectation that it will understand the limitations on us.

Thank you for your attention to this matter.

Very truly yours,


Dean J. Wagner

Encl.

cc: CILT Board

EXHIBIT "B"

COVENANT REGARDING RESTRICTION OF
PROPERTY TO AGRICULTURAL USES

A. The Grantor covenants for himself, his heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of Paragraph B below:

1. Except as provided herein, no building, residential dwelling, tennis court, artificial swimming pool, asphalt driveway, road, parking lot, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure or improvement requiring construction shall be constructed, placed or permitted to remain on the Premises, except structures existing on the Premises at the time of the execution of this Covenant.
2. Except as is reasonably necessary for agricultural and/or horticultural-nursery purposes, no loam, peat, gravel, soil, sand, rock or other mineral resource, or natural deposit shall be excavated, dredged or removed from the Premises unless approved by the Grantee under Section C hereof.
3. No refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, radioactive or hazardous waste or other substance or material whatsoever not normally used in accepted agricultural practices shall be placed, stored, dumped or permitted to remain on the Premises.
4. No use shall be made of the Premises, and no activity thereon shall be permitted which is or may be inconsistent with the intent of this grant, being the perpetual protection and preservation of agricultural and horticultural-nursery, turf, grass lands. No activity, including, but not limited to, drainage or flood control activities shall be carried on which is detrimental to the actual or potential agricultural and/or horticultural-nursery, turf, grass uses of the Premises, or detrimental to water conservation, soil conservation, or to good agricultural and/or forestry management practices.