



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, November 5, 2018
6:30 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) Acknowledgement

- 1) Recognition by Town Council Member Mary E. Meagher

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.

A) **Town Council Sitting as the Alcoholic Beverage Licensing Board**

- 1) NOTICE is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3 Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **RENEWAL** applications have been received by the Town Council under said Act, for the period December 1, 2018 to November 30, 2019 (duly advertised in the *Jamestown Press* October 11th and October 18th); review, discussion and/or potential action and/or vote

RENEWALS: Approval of Licenses by Class

a) **CLASS A (PACKAGE STORE) – RETAIL**

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

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

- i) Approval of Liquor License renewal applications for **CLASS A (PACKAGE STORE) – RETAIL**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote
- ii) Set the **CLASS A (PACKAGE STORE)–RETAIL** Liquor License Cap at TWO (2); review and discussion and/or potential action and/or vote

b) **CLASS B – TAVERN**

Bay Voyage, LLC
dba: Bay Voyage
150 Conanicus Avenue

- i) Approval of Liquor License renewal application for **CLASS B – TAVERN**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote
- ii) Set the **CLASS B – TAVERN** Liquor License Cap at ONE (1); review, discussion and/or potential action and/or vote

c) **CLASS B – VICTUALER**

Islandish, Ltd.
dba: Chopmist Charlies
40 Narragansett Avenue

Jamestown Culinary Partners, LLC
dba: Jamestown Fish

14 Narragansett Avenue

- i) Revised outdoor seating plan with additional bar; review, discussion and/or potential action and/or vote

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)

ESJ, Inc.
dba: Simpatico Jamestown
13 Narragansett Avenue

Slice of Heaven, Inc.
dba: Slice of Heaven
32 Narragansett Avenue

KALI, LLC
dba: J Twenty-Two Tap & Table
22 Narragansett Avenue

- i) Approval of Liquor License renewal applications for **CLASS B – VICTUALER**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote
- ii) Set the **CLASS B – VICTUALER** Liquor License Cap at SEVEN (7); review, discussion and/or potential action and/or vote

d) **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
dba: Village Hearth Bakery
2 Watson Avenue

- i) Approval of Liquor License renewal applications for **CLASS B – VICTUALER – LIMITED**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote
- ii) Set the **CLASS B – VICTUALER – LIMITED** Liquor License Cap at THREE (3); review, discussion and/or potential action and/or vote

CLASS D – FULL (CLUB)

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

- i) Approval of Liquor License renewal application for **CLASS D – FULL (CLUB)**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019; review, discussion and/or potential action and/or vote
- ii) Request a motion to set the **CLASS D – FULL (CLUB)** Liquor License Cap at ONE (1); review, discussion and/or potential action and/or vote

B) LICENSES AND PERMITS

- 1) RIGL §5-24-1 (a) and (b) and §5-24-2: Title 5 Businesses and Professions (Taverns, Cookshops and Oyster Houses)
 - a) Approval of Victualing License with extended hours **RENEWAL** application, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2018 to November 30, 2019 (duly advertised in the *Jamestown Press* October 4th, October 11th and October 18th editions); 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 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).

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) Town Council Transition Planning and Introduction
 - 2) Immigration Protection Internal Personnel Policies
 - 3) Rhode Island League of Cities and Towns (RILCT)

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) Jamestown Golf Course Contract, as requested by Councilor Dickinson; review, discussion and/or potential action and/or vote
- B) Upcoming Meetings and Sessions – dates and times
 - 1) General Election Day – Tuesday, November 6, 2018; Polls are Open 7:00 a.m. to 8:00 p.m.; Polling Locations:
 - District 1 – Recreation Center, 41 Conanicus Avenue
 - District 2 – Lawn Avenue School, 55 Lawn Avenue
- C) Discussion regarding a Memorandum of Understanding between the Town of Jamestown and Friends of the Jamestown Seniors, Inc., use of the Grange at 6 West Street as the Town's Senior Center, and the creation of a Department of Senior Services; review, discussion and/or potential action and/or vote

IX. NEW BUSINESS

- A) Discussion regarding Subsidized Medical Alert Program for eligible senior population; review, discussion and/or potential action and/or vote
- B) Award of Bid: Mechanically Assisted Mobile Storage Shelving Units for the Town Clerk's Office Vault to Donnegan Systems, Inc. of Northboro, MA for an amount not to exceed \$33,350.00, as recommended by Town Clerk Cheryl Fernstrom; review, discussion and/or potential action and/or vote

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Appointments
 - 1) Ad Hoc Committee for Public Art: Appointment of ten (10) Members; review, discussion and/or potential action and/or vote
 - a) Committee Charge

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) October 15, 2018 (interview session)
 - 2) October 15, 2018 (regular meeting)
 - 3) October 25, 2018 (interview session)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Planning Commission (06-20-2018)
 - 2) Jamestown Planning Commission (08-15-2018)
 - 3) Jamestown Zoning Board of Review (09-25-2018)
- C) CRMC Notices
 - 1) November 2018 Calendar
 - 2) Public Notice of Application for Assent to construct and maintain a fixed pier over ell grass extending beyond mean low water to a depth below mean low water line by John Salafia for the property located at Seaside Drive, Plat 14 Lot 11
 - 3) Public Notice for rule-making amendments to 650-RICR-20-00-5 Metro Bay SAMP and 650-RICR-20-00-7 Aquidneck Island SAMP for public hearing on November 13, 2018 at 6:00 p.m., Conference Room A, One Capitol Hill, Providence
 - 4) Public Notice of proposed permit actions under the Rhode Island Pollutant Discharge Eliminations System (RIPDES) Program with public comment period through November 30, 2018
- D) Abatements/Addenda of Taxes
Total Abatements: \$72,303.34 Total Addenda: \$72,649.60
 - 1) Motor Vehicle Abatements to 2018 Tax Roll

<u>Account/Abatement Amount</u>	
a) 02-0004-25M	\$ 188.61
b) 02-1381-10M	\$ 14.83
c) 02-1381-10M	\$ 7.52
d) 04-0821-81M	\$ 166.26
 - 2) Real Estate/Tangible Abatements to 2018 Tax Roll

<u>Account/Abatement Amount</u>	
a) 01-0163-00	\$31,002.08
b) 02-0300-00	\$ 4,043.53
c) 02-1245-00	\$ 1,456.71
d) 04-0160-01	\$ 12.39

- | | | | |
|--|----|------------|-------------|
| | e) | 12-0607-25 | \$ 4,531.22 |
| | f) | 12-0792-50 | \$10,166.09 |
| | g) | 13-1026-35 | \$ 3,629.92 |
| | h) | 13-1364-03 | \$ 2,805.10 |
| | i) | 15-0350-00 | \$ 5,443.98 |
| | j) | 19-0840-40 | \$ 3,705.89 |
| | k) | 23-0707-25 | \$ 5,129.21 |
- 3) Addenda to 2018 Real Estate Tax Roll
- | | | <u>Account/Addenda</u> | <u>Amount</u> |
|--|----|------------------------|---------------|
| | a) | 01-0001-41 | \$ 5,129.21 |
| | b) | 02-0009-00 | \$ 585.87 |
| | c) | 02-0908-56 | \$31,002.08 |
| | d) | 07-0817-25 | \$ 3,629.92 |
| | e) | 08-0154-60 | \$ 5,443.98 |
| | f) | 08-0829-00 | \$10,316.09 |
| | g) | 15-0350-00 | \$ 4,043.53 |
| | h) | 16-0686-20 | \$ 3,705.89 |
| | i) | 16-0693-00 | \$ 2,805.10 |
| | j) | 16-0809-89 | \$ 1,456.71 |
| | k) | 18-0028-45 | \$ 4,531.22 |
- E) Multi-License renewal applications (December 1, 2018-November 30, 2019):
 Victualing License, Holiday License, and Entertainment License
- 1) Bay Voyage LLC dba: **Bay Voyage**
 - 2) Conanicut Yacht Club dba: **Conanicut Yacht Club**
 - 3) ESJ, Inc. dba: **Simpatico Jamestown**
 - 4) Jamestown Restaurant Group dba: **Narragansett Café**
 - 5) KALI LLC dba: **J22 Tap & Table**
- F) Victualing and Holiday License renewal applications
 (December 1, 2018-November 30, 2019)
- 1) A & J, Inc. dba: **East Ferry Deli**
 - 2) Cumberland Farms, Inc. dba: **Cumberland Farms #1108**
 - 3) Island Scoop dba: **Island Scoop**
 - 4) Islandish LTD dba: **Chopmist Charlie's**
 - 5) Jamestown Culinary Partners dba: **Jamestown Fish**
 - 6) Johnny Angels Clam Shack, LLC dba: **Angels Kitchen**
 - 7) Lucky Ridge Co., LLC dba: **Spinnakers Café**
 - 8) New England Golf Course Management, Inc. dba: **Jamestown Golf and Country Club aka: The Caddy Shack**
 - 9) PP Jamestown LLC dba: **Pink Pig BBQ**
 - 10) Slice of Heaven, Inc. dba: **Slice of Heaven**
 - 11) Tallulah's Taqueria LLC dba: **Tallulah's Shack**
 - 12) TMT Enterprises, Inc. dba: **McQuade's Market**
 - 13) Tunstall LLC dba: **Grapes & Gourmet**
 - 14) Varsha, Inc. dba: **Jamestown Wine & Spirits**

- 15) Village Hearth dba: **The Village Hearth**
- G) Victualing License Renewal Applications
 - 1) Isis Cakes, LLC dba: **Isis Cakes**
 - 2) Live & Learn dba: **Live & Learn**
- H) Holiday License Renewal Applications
 - 1) All Ashore Cottage Outfitters dba: **All Ashore Cottage Outfitters**
 - 2) Baker's Pharmacy of Jamestown, Inc. dba: **Baker's Pharmacy**
 - 3) Clark Board Yard & Marine Works, LLC dba: **Clark Boatyard & Marine Works**
 - 4) Conanicut Marine Services, Inc. dba: **The Conanicut Store**
 - 5) Debby Goyette dba: **Deb's Beads**
 - 6) Harry B. Chase dba: **Hodgkiss Farm**
 - 7) Jamestown Boat Yard dba: **Jamestown Boat Yard**
 - 8) Jamestown Hardware dba: **Jamestown Hardware**
 - 9) TMT Enterprises, Inc. dba: **McQuade's Laundromat**
 - 10) Urban Flowers LLC dba: **The Secret Garden**
 - 11) Zeeks Creek Bait & Tackle, Inc. dba: **Zeeks Creek Bait & Tackle**

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

- A) Communications
 - 1) Email of Bill Munger, CMM President, to Jamestown Town Council and Harbor Commission regarding storm preparedness and East Ferry Boat Ramp
- B) Proclamations and Resolutions from other Rhode Island cities and towns
 - 1) Resolution of the East Providence City Council requesting and supporting Legislation to Amend Title 44, Chapter 5 of the Rhode Island General Laws regarding Municipal Taxation of Real Estate
 - 2) Resolution of the Foster Town Council requesting and supporting Legislation to Amend Title 44, Chapter 5 of the Rhode Island General Laws regarding Municipal Taxation of Real Estate

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

XIV. EXECUTIVE 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 November 1, 2018

LEGAL ADVERTISEMENT: Please insert in the October 11th & 18th Jamestown Press editions in the “Legal Ad” section (*just like the Zoning Board of Review ads are placed*).

JAMESTOWN, RHODE ISLAND

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:

RENEWAL:

CLASS A (PACKAGE STORE) - RETAIL

Tunstall, LLC
dba: Grapes & Gourmets
9 Ferry Wharf

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

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 Caddy 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
dba: J Twenty-Two Tap and Table
22 Narragansett Avenue

CLASS BT – TAVERN
Bay Voyage, LLC
dba: Bay Voyage
150 Conanicus Avenue

CLASS D FULL (CLUB)
Conanicut Yacht Club
40 Bay View Drive

CLASS B – 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
dba: Village Hearth Bakery
2 Watson Avenue

The above applications will be in order for hearing at a meeting of said Licensing Board on **MONDAY, NOVEMBER 5, 2018 at 7:00 p.m.** at the Jamestown Town Hall in the Rosamond A. Tefft Town Council Chambers, 93 Narragansett Avenue, in said Jamestown, at which time and place all remonstrates may make their objections against granting these licenses.

By Order of the Town Council
Cheryl A. Fernstrom, CMC
Town Clerk

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Jamestown Town Council

Agenda Item Report

Meeting Date: November 5, 2018

Item Number: _____

Item: Alcoholic Beverage License Limits for 2018-2019

Motion: To set the Alcoholic Beverage License limits for 2018-2019 as follows:

Class A - 2
 Class BV - 7
 Class BT - 1
 Class BV-L 3
 Class D - 1

Summary of Use

License Limits	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Class BV	8	8	8	8	8	8	8	7	7	7
Class BL	0	0	0	0	0	0	0	2	2	3
Class BT	1	1	1	1	1	1	1	1	1	1
Class D	1	1	1	1	1	1	1	1	1	1
Class A	2	2	2	2	2	2	2	2	2	2
Total	12	12	12	12	12	12	12	13	13	14

Request for Renewals for 2017-2018

Class A - 2
 Class BV - 7
 Class BT - 1
 Class BV-L 3
 Class D - 1

Request for Renewals for 2018-2019

Class A - 2
 Class BV - 7
 Class BT - 1
 Class BV-L 3
 Class D - 1

A Class G Liquor License is granted by the Town to serve dockside each summer to Conanicut Marine Services, Inc. (m/v Jamestown & Katherine) which is **issued by the State only**. A Class G license is seasonal only and does not need to be renewed at this time.

All 2018-2019 applications have been sent to the local proprietors and are in the process of being completed and routed to the proper State and Town departments.

Prepared by: _____

Denise Gamon, Assistant Clerk



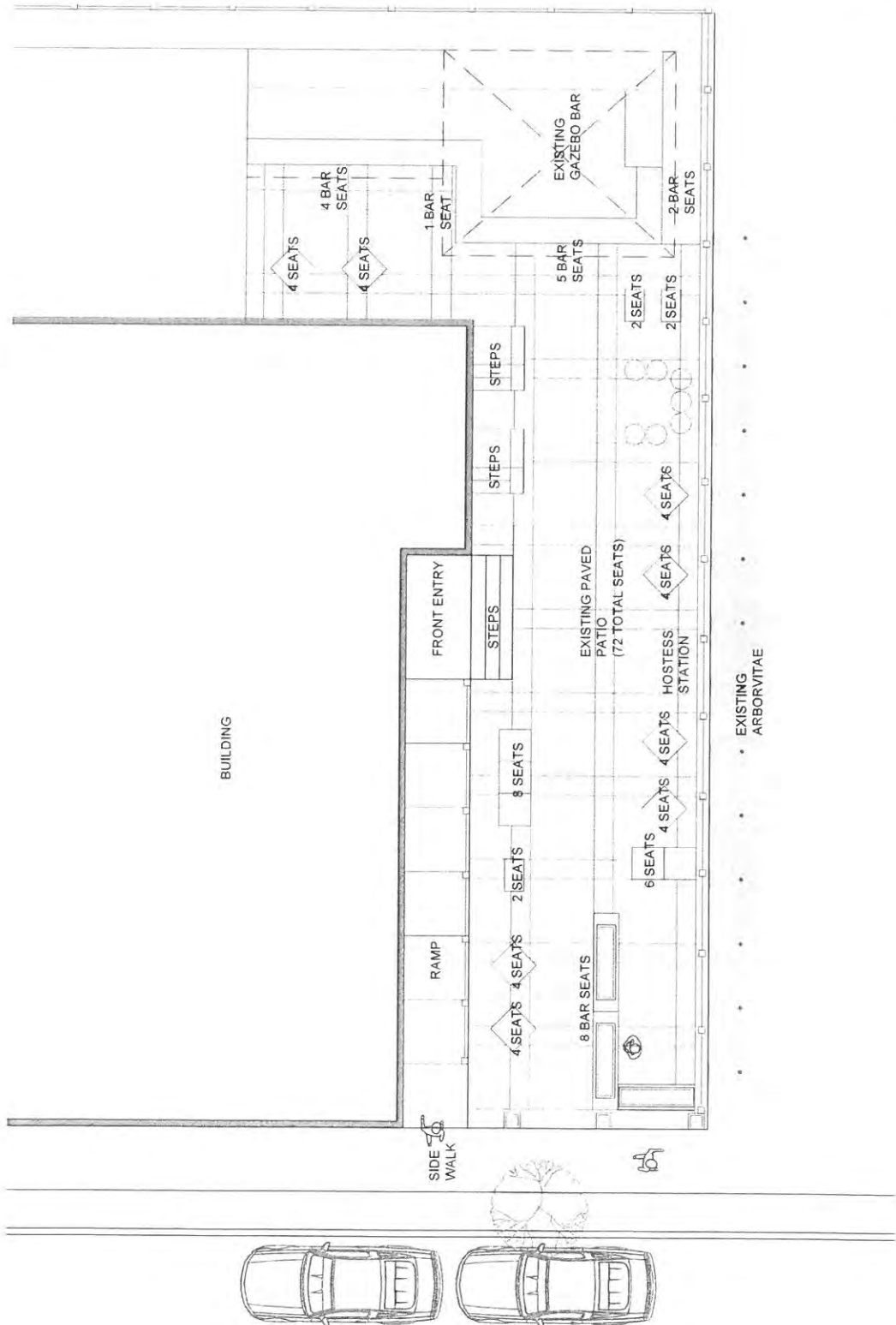
VERDE LANDSCAPE ARCHITECTURE
141 NARRAGANSETT AVENUE
JAMESTOWN, RI 02831
PH: 401.426.1111
WWW.VERDELANDSCAPEARCHITECTURE.COM

RECEIVED
JAMES H. HOWLRI
18 OCT 15 PM 2:11

ea
10/22/14

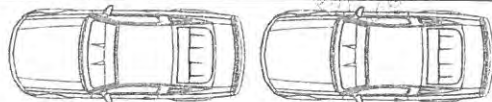
JAMESTOWN FISH
14 NARRAGANSETT AVENUE
JAMESTOWN, RI

PROJECT NAME: JAMESTOWN FISH
OWNER: JAMES H. HOWLRI
DATE: 10/15/2014
SCALE: 1/8" = 1'-0"



OUTDOOR PATIO LAYOUT PLAN

NARRAGANSETT AVENUE



LEGAL ADVERTISEMENT #2: Please insert in October 4th, 11th, and 18th Jamestown Press editions in the “Legal Ad” section (*just like the Zoning Board of Review ads are placed*).

JAMESTOWN, RHODE ISLAND

NOTICE OF A PUBLIC HEARING

NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on November 5, 2018 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI pursuant to 5-24-1 of the General Laws of Rhode Island, 1956, and as amended, upon the following applications:

VICTUALING LICENSE WITH EXTENDED HOURS:

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 between 5:00 a.m. and 6:00 a.m. for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this 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 until 2:00 a.m.).

All interested persons are notified to be present at said hearing to be heard for or against the granting of said application. All interested persons at said hearing shall be given an opportunity to be heard on said application.

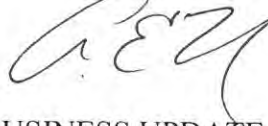
The above application will be in order for hearing at a meeting of the Town Council on **MONDAY, NOVEMBER 5, 2018 at 7:00 p.m.** at the Jamestown Town Hall, 93 Narragansett Avenue, in said Jamestown, at which time and place all remonstrates may make their objections against granting this license.

By Order of the Town Council
Cheryl A. Fernstrom, CMC
Town Clerk

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, contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.



TOWN OF JAMESTOWN
93 NARRAGANSETT AVENUE
P.O. Box 377
JAMESTOWN, RHODE ISLAND 02835

TO: HONORABLE TOWN COUNCIL
FROM: ANDREW E. NOTA, TOWN ADMINISTRATOR 
SUBJECT: NOVEMBER 2018 – INTERIM PROJECT AND BUSINESS UPDATE
DATE: October 31, 2018

The following business items are provided as part of an interim October 1, 2018 - Administrators Report. These items reflect ongoing projects and initiatives that are under review and in various stages of development with the Town staff and some that may require further Town Council direction.

A) **Town Council Transition Planning and Introduction:**

During periods of transition of the Town Council in and around election time every two years, Town staff have developed an informal onboarding process that is offered to Town Council members. This process, designed to be helpful for new members, includes structured opportunities for the new members and some returning members that opt to participate, to introduce or reintroduce them to local government in a more intimate fashion. The Town Department Heads are each preparing a brief summary of each their individual departments, touching on their roles, the overall scope of the work that they provide on an annual basis, and some of the key initiatives presently underway. In addition, scheduled time will be made available in the early weeks of office to engage upper and mid-level managers directly on specific matters of interest, and to receive directed tours of important town owned and town utilized facilities. The Council members always have the opportunity to take advantage of these same opportunities later during their terms, although it seems to provide for the greatest impact and support, when provided at the very early stages of a new term.

This introductory opportunity always proves to be helpful in making this transition, not only a cornerstone of education and familiarity to the local government process, but also allows for a more comfortable segway into this newly elected office for each new member. The success of many local initiatives and the implementation of various goals and objectives of the Town Council relies heavily on the working relations of the Council and staff, communication, professional familiarity of issues public outreach and engagement and the ability to work collaboratively. This process remains flexible in nature and slightly changes each time it is offered, based on the needs and interests of those that choose to participate.

B) **Immigration Protection Internal Personnel Policies:**

With direction having been provided by the Town Council in recent months on the matter of Town personnel guidelines/regulations/policies for establishing parameters for their engagement with the

public at-large and internal Police Department Policies regarding immigration protection and bias - based law enforcement, work is continuing in this area.

The Police Chief continues to work on finalizing language on an internal Immigration Policy that will explicitly prohibit any member of the Department from engaging in bias-based law enforcement of any kind. This policy will also address that any action may not be motivated solely by an individual's actual or suspected immigration or citizenship status, race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable group.

The Jamestown Police Department already prohibits the use of bias-based profiling in traffic contacts, field contacts, and asset seizure and forfeiture efforts. The Department recognizes that bias-based profiling undermines legitimate law enforcement efforts and may lead to allegations of constitutional rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action and judicial intervention.

As discussed during the public conversations held on this topic and the dedicated working group meetings, this is not viewed generally as an issue here in Jamestown and the Department is taking steps to address this matter internally by expanding and modernizing its policies to ensure that this will remain the case in the future.

Personnel Manual:

Also included in this conversation was the additional work that was needed involving an update of the Towns Personnel Manual for non-union employees. This policy work is designed to address all issues relating to Diversity, Equal Employment Opportunities, Disability, Employment and Anti-Harassment and Compliance and Public Outreach, Interaction and Treatment.

The language and breadth of these policies, some more mechanical in format, based on the mandated Federal and State employment laws, will also have language that addresses the inherent values of the community and a recognition of the values and respect as extended amongst the residents and visitors to this community.

The Town is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, The Town expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

It will continue to be the Towns policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, marital status, parental status, political affiliation, amnesty or status as a covered veteran or membership in any other protected class. The Town prohibits any such discrimination or harassment.

As this policy is completed it will address not only the internal relationship and interaction that occurs within the work environment amongst employees, but also the external interactions of town employees with community members and the general public at-large.

C) **Rhode Island League of Cities & Towns (RILCT):**

League Executive Board Updates:

- 1) **2019 Legislative Survey & Committee** – In preparation for the 2019 legislative session, we have prepared another annual survey to help us prioritize our efforts. Please take a few moments to fill it out: <https://www.surveymonkey.com/r/RILCTLeg2019>. We removed a few items from last year and added others that have continued to resurface (e.g., land use and zoning for solar, housing; etc.).
- 2) **School Construction Briefing with RIDE** – The RILCT working with RIDE and the RI Association of School Committees scheduled an informational briefing about the school construction proposal that was included in the state budget. This discussion addressed the new funding, project scoring/timelines and the new maintenance requirements. This meeting was held on Tuesday, October 23, at 8:00 AM at the Barrington Town Library Auditorium. (I was able to personally attend this meeting at which time representatives from around RI local government and School Departments were able to engage RIDE officials on the nuances of regulations being developed to provide a clearly defined framework for the new School Construction program. Much of the discussion surrounded the state mandated, new maintenance requirements for reporting and funding that are impacting all cities and towns in the present FY18-19 budget year, whether or not they have an application before RIDE at this time.)
- 3) **REAP Update** – An exciting announcement was made by the RILCT on the RI Electricity Aggregation Program RFP process. A formal meeting was held on Monday, Oct. 22, at 1:00 PM for a League briefing on the REAP program at the RI Interlocal Trust training room (501 Wampanoag Trail, East Providence, 4th floor). This announcement included a briefing on the new thirdparty provider, Constellation New Energy one of the leading energy supplier in the nation and PowerOptions, a non-profit consortium that provided energy purchasing, advisory and support services to New England nonprofit and public sector members. More on this new program will be released in the coming months and will not impact Jamestown financially on an immediate basis as our electricity contract with Direct Energy extended into 2019. The members services, including electricity tracking and use monitoring will be available to all members in the coming months.
- 4) **EMS Regulations** – The Department of Health has slowed down the process to meet with stakeholders on the proposed EMS Regulatory revisions, based on significant input and concerns as raised by RILCT members. The League staff is working with the RIDOH to schedule a meeting for municipal representatives to meet directly to provide additional detail on this matter. The town has remained actively engaged in this process with input having been provided by the JFD - EMS Division.

General Member Updates:

- 1) **Election Security** – Each City and Town recently received a letter from the Secretary of State's office regarding election security. It includes a joint statement from various federal agencies regarding the upcoming election. We have attached a copy of that letter and additional information for your information and review. If you have any questions, please contact Gregg Cranshaw, Information Security Architect at the RI Department of State at (401) 222-1326 or gcranshaw@sos.ri.gov.
- 2) **Training Invitation: Cybersecurity for IT Staff** – The RI State Police are offering the following free training opportunity:

ADVANCED NETWORK VULNERABILITY ASSESSMENTS

The training will run 11/27-11/30 at Clean Care of New England in Cranston, RI. Further information regarding the topic of the training can be found [here](#).

The RISP hope to have the IT employees from each city and town join in the training.

RSVP to:
Danielle Mahoney
Cyber Terrorism Program Manager
Computer Crimes Unit/Joint Cyber Task Force
Rhode Island State Police
(401) 921-8155
Danielle.mahoney@risp.gov

- 3) **Financial Disclosure** – The RI Ethics Commission reached out to make sure municipal leaders knew that, starting November 1, they will post financial disclosure statements for 2017 electronically on their website. The statements are available now to the public by request. As this affects numerous members of local government, including boards and commissions, they sent the attached notice to all filers. If you have any questions, please direct them to ethics.email@ethics.ri.gov.
- 4) **Training Invitation: Legal Strategies for Climate Adaptation** – The Marine Affairs Institute at Roger Williams University and Sea Grant at the University of Rhode Island are hosting a Marine Law Symposium for state and local government officials on Friday, November 16. Speakers will discuss the opportunities for state and municipal governments to proactively include adaptation into their planning, such as by incorporating climate risks into local laws, ordinances, regulations, and policies. The League has been working with the Town of South Kingstown, Sea Grant and Marine Affairs Institute to research ways that cities and towns can support climate adaptation efforts. Additional information, including a registration link, is included below.



Invitation: Legal Strategies for Climate Adaptation in Coastal New England

Friday, November 16, 2018

9:00 AM to 4:00 PM

Roger Williams University School of Law

10 Metacom Ave

Bristol, RI 02809

[Register Now](#)

This symposium will focus on how state and local governments in coastal New England can overcome legal barriers to climate adaptation. Speakers will discuss the opportunities for state and municipal governments to proactively include adaptation into their planning, such as by incorporating climate risks into local laws, ordinances, regulations, and policies.

Speakers will also address some of the potential legal conflicts related to climate adaptation, including constitutional conflicts, state and federal law conflicts, and potential liability for acting or failing to act on climate risks.

A portion of the day will include small workshops where attendees can share their concerns and questions related to barriers to climate change

adaptation. The day will conclude with a discussion of adaptation planning opportunities for state and local governments.

The Rhode Island M.C.L.E. Commission has granted this program 6.5 Rhode Island C.L.E. credits including zero legal ethics credit.

Sponsored By:



GEORGETOWN CLIMATE CENTER
A Leading Resource for State and Federal Policy



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND ETHICS COMMISSION

40 Fountain Street
Providence, RI 02903
(401) 222-3790 (Voice/TT)
Fax Number: 222-3382

October 22, 2018

Dear Public Official/Employee:

I am pleased to announce that, starting in November 2018, the Ethics Commission will make financial disclosure statements available for public review on the Commission's website. I am writing to let you know about this new public access tool, and to explain the history and rationale behind this decision.

Rhode Island state and local public officials have been filing financial disclosure statements for more than 40 years. State law mandates that these statements, which are also required in most other states and the federal government, become "public records" that are available for inspection and copying. The purpose of public access to financial disclosure is to promote transparency and confidence in government, and to help reveal instances where individuals' economic or personal affiliations might distort their judgment or lead to the use of privileged information.

Over the last decade the trend nationwide has been to promote even greater transparency and ease of public access to financial statements and other public documents by making them available online. The Ethics Commission has studied this trend and has held public workshops on the issue. In 2016, we sent letters to each of the over 4,000 filers in Rhode Island asking for input regarding online access. This year, our elected officials also weighed in when the Rhode Island House of Representatives introduced and passed legislation to require the Ethics Commission to make statements available online.

In light of the overwhelming support for online access, starting this November financial disclosure statements filed for calendar year 2017 and thereafter will be available for viewing on the Ethics Commission's website (www.ethics.ri.gov). Please note that filers' mailing addresses will be removed from online viewing, and we will employ security software to help ensure that these statements, while public, are being accessed by real people rather than information-gathering software.

If you have any questions about financial disclosure, please feel free to contact us by email at ethics.email@ethics.ri.gov or by phone at the number listed above. And, most of all, thank you for your public service!

Jason Gramitt
Executive Director



State of Rhode Island and Providence Plantations
Department of State | Office of the Secretary of State
Nellie M. Gorbea, *Secretary of State*

October 24, 2018

Mr. Andrew Nota
Town Administrator
Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

Dear Town Administrator Nota,

With the General Election only weeks away, we have been working closely with the RI Board of Elections and local, state and federal elections and cybersecurity officials to protect our elections infrastructure against cyberattacks. However, because cyberattacks to our elections infrastructure can occur from any contact point in the Central Voter Registration System network it is equally important for you as one of our state's municipal leaders to also be informed and aware of potential threats we may face leading up to and during the upcoming elections. Timely communication regarding any security breach is critical and I hope we can count on you to let us know if you or your team experiences any information system breaches. Together, we can work to ensure the integrity of our elections.

Earlier this week, a joint statement was issued from the Office of the Director of National Intelligence (ODNI), Department of Justice (DOJ), FBI, and Department of Homeland Security (DHS). I have enclosed a copy of the statement and information sheet. Please share it with your staff and local board of canvassers.

Should your IT staff have any technical concerns please have them contact Gregg Cranshaw, Information Security Architect at the Department of State at (401) 222-1326 or gcranshaw@sos.ri.gov. Gregg is the designated person in our office to handle cybersecurity and has direct contact with the Department of Homeland Security.

As always, you are also welcome to contact my office with any questions or for additional information.

Sincerely,

Nellie M. Gorbea
Secretary of State

Enclosures

CC: Governor Gina Raimondo
Rhode Island Board of Elections
Rhode Island League of Cities and Towns



**Homeland
Security**



NASS
National Association
of Secretaries of State



NATIONAL ASSOCIATION of
STATE ELECTION DIRECTORS

ENSURING AND SECURING YOUR VOTE

Is your voter registration up-to-date? Do you know where your polling place is located? The November 6th midterm elections are just around the corner. To ensure you can vote with confidence, here are a few best practices. Most importantly, for reliable information on voting, go to trusted sources—**contact your state or local election office**. To find your state or local election office visit:

<https://www.eac.gov/voters/register-and-vote-in-your-state/>



BEFORE VOTING

- **Verify Your Registration:** Ensure you are registered to vote with your current address and personal information. To do this, check your state or local election office's website or call them well in advance of Election Day.
- **Know Where to Vote:** To verify where you vote or obtain forms to vote by mail, check your state or local election office's website or call them. Do the same thing if you are notified your voting location has changed.
- **Have the Right Identification:** Each state has rules about identification to vote in person or by mail. To check what identification you may need, check your state or local election office's website or call them.
- **Know Your Ballot:** Many state and local election officers provide a sample ballot and/or ballot pamphlet before Election Day. Familiarize yourself with it before voting. To see if your state has sample ballots and/or ballot pamphlets, check your state or local election office's website or call them.



WHILE VOTING

- **If Necessary, Request a Provisional Ballot at the Polling Place:** A provisional ballot is used when a voter's registration status or eligibility is unclear. If you choose to vote in person on election day and are not on the registration list, and you believe you are eligible and registered to vote, you can request a provisional ballot. It will be counted if eligibility is confirmed after the election.
- **Ask for Help:** If you need help or have questions while voting, ask a poll worker. If you need assistance in voting due to disability or illiteracy, you also have the right to bring someone with you to help you to cast your vote (subject to certain rules).
- **Confirm Your Selections:** After completing your ballot, but before casting it, confirm your vote selections are correct.



AFTER VOTING

- **Check the Results:** Remember that Election Day results are unofficial and it may take a few days or weeks for official results to become available. For the most accurate results, check your state or local election office's website or call them.
- **Check Your Provisional and/or Mail Ballot:** After elections, voters may have the option to check whether provisional ballots or mail ballots were counted. Some states also allow voters who cast a provisional ballot to provide missing information to ensure their ballot is counted. To do this, check your state or local election office's website or call them.



**DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511**

October 19, 2018

Joint Statement from the ODNI, DOJ, FBI and DHS: Combating Foreign Influence in U.S. Elections

Foreign interference in U.S. elections is a threat to our democracy; identifying and preventing this interference is a top priority of the Federal Government. We believe the greatest strength of our society is an engaged and informed public. Adversaries target U.S. elections to divide America along political lines and influence key policy decisions that are in their national interest.

Foreign Influence

We are concerned about ongoing campaigns by Russia, China and other foreign actors, including Iran, to undermine confidence in democratic institutions and influence public sentiment and government policies. These activities also may seek to influence voter perceptions and decision making in the 2018 and 2020 U.S. elections.

Elements of these campaigns can take many forms, including using social media to amplify divisive issues, sponsoring specific content in English-language media like RT and Sputnik, seeding disinformation through sympathetic spokespersons regarding political candidates and disseminating foreign propaganda.

Election Infrastructure

Currently, we do not have any evidence of a compromise or disruption of infrastructure that would enable adversaries to prevent voting, change vote counts or disrupt our ability to tally votes in the midterm elections. Increased intelligence and information sharing among federal, state and local partners has improved our awareness of ongoing and persistent threats to election infrastructure. Some state and local governments have reported attempts to access their networks, which often include online voter registration databases, using tactics that are available to state and non-state cyber actors. Thus far, state and local officials have been able to prevent access or quickly mitigate these attempts.

Addressing the Threat

Foreign powers have long sought to exploit America's free and open political system, but as the President recently stated, we will not tolerate foreign interference in our elections. The Executive Order on Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election, which President Trump signed on September 12, makes clear that the U.S. government will not hesitate to defend our electoral processes or punish those who interfere in it.

The Office of the Director of National Intelligence, Federal Bureau of Investigation, Department of Homeland Security and other relevant Intelligence Community components continue to work closely together in order to develop the most up-to-date picture of the threat. Additionally, we want to thank state and local officials for their vigilance and proactive approach in sharing information on cyber threats targeting state and local election infrastructure. We will continue to work with state and local election officials to increase the security and resilience of their systems and remain committed to supporting their actions to counter any threat to or attack on the 2018 midterm elections and beyond.

While the U.S. government is tirelessly working to identify and counter threats to the electoral process, the American public, government officials and political candidates and their campaigns can mitigate adversarial efforts by following sound cyber security guidelines and being responsible consumers of information, in particular from social media platforms. For more information please see the enclosed DHS checklist and voter security information sheet or visit the FBI's webpage on combating foreign influence at <https://www.fbi.gov/investigate/counterintelligence/foreign-influence>.

Constellation: Who We Are

 **108,300**
Commercial & Industrial
Power Customers



Continually investing in **emerging energy technologies**




77,200
Commercial & Industrial
Natural Gas Customers



Dedicated Team
of Regulatory,
Market &
Wholesale Experts

355 MW of solar projects developed since 2007



 Delivering RECs for customers, enabling them to avoid **2.5 million metric tons** of GHG in 2016

Headquartered in **Baltimore, MD**



*Q1 2018 data

Power and Gas customer counts are based on commodity served

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Constellation: Who, What and Where we Serve



Natural Gas
Approx **734 Bcf**
load in C&I markets[^]



Retail Power
Approx **139 TWh**
C&I load under contract[^]



Energy Efficiency
867,000 MWh
Annual MWh Savings
from EE Programs



Solar
355 MW
customer sited, completed or
under construction



Distributed Generation
75 MW
customer sited, completed or
under construction

We serve more than

2 million customers,

including

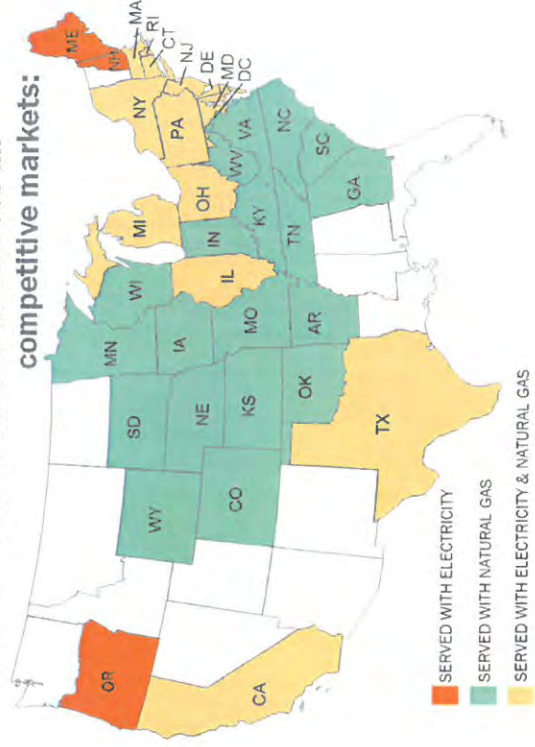
2/3 of the Fortune 100,

approximately **184,000 Business &**

Public Sector customers,

and about **1.3 million unique residential customers.**

We serve Power & Natural Gas across all competitive markets:



*Q1 2018 Data

Communities We Serve



35,000
employee
volunteer hours

\$4 million
contributed to
organizations

Community Champions
projects supporting
causes **important to**
local communities

Supported safe, affordable
energy efficient housing
with **Habitat for Humanity**
in seven states.

18 hands on energy education projects
were awarded **\$410,000**,
reaching **27,000** students nationwide.



*Q1 2018 data



Rhode Island League of Cities and Towns

October 15, 2018

Dear League Members:

I am excited to announce that the Rhode Island League of Cities and Towns has selected a new electricity supplier for our RI Energy Aggregation Program (REAP). We have reached a joint agreement with Constellation New Energy, one of the leading energy suppliers in the nation, and PowerOptions, a nonprofit consortium that provides energy purchasing, advisory and support services to New England nonprofit and public sector members. This new partnership will ensure that League members continue to get highly competitive pricing for electricity while providing new services and enhanced customer support.

REAP has served as the electricity aggregator to many League members for twenty years. The program has used the collective purchasing power of Rhode Island cities and towns to negotiate lower electricity rates and provide budget stability. However, the energy landscape has changed in recent years, with city and town leaders expressing greater interest in energy efficiency efforts, local renewable energy projects and green energy procurement options. The League's new partnership with Constellation and PowerOptions reflects the evolving needs of our members.

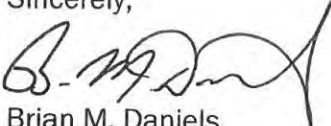
As part of this agreement, REAP participants will be provided membership to PowerOptions at no cost to them. This membership will enable REAP member access to PowerOptions' experts and advisors on energy procurement and services, as well as the highly competitive electricity rates from Constellation that PowerOptions has negotiated on behalf of its members. Additionally, Constellation offers numerous other services, including energy efficiency, peak response and green energy procurement. Finally, REAP members interested in solar projects may take advantage of PowerOptions' relationship with its preferred solar provider in project scoping and procurement.

Under our current REAP supply agreement with Direct Energy, some REAP members have contract terms into 2019 or 2020. However, all League members may benefit now from the new agreement by receiving PowerOptions' energy market updates and learning more about the budgeting and procurement options available to them. For those REAP members with supply contracts ending this year, we will work with Constellation and PowerOptions to provide product and pricing options in the coming weeks.

We are enthusiastic about this new partnership and the services and support that it will bring to our members. We invite you to learn more at an **informational session with Constellation and PowerOptions – Monday, October 22, at 1:00 p.m. at the Training Room of the Interlocal Risk Management Trust** (501 Wampanoag Trail, East Providence – 4th floor). You may RSVP to Denise Arrighi in our office at 401-272-3434 or denise@rileague.org.

We will follow up with members individually to assist with this transition. If you have any questions in the meantime, please do not hesitate to contact me.

Sincerely,



Brian M. Daniels
Executive Director

Constellation New Energy provides an array of innovative energy products and services to customers across the United States and in Canada. Headquartered in Baltimore, Constellation serves approximately 2.5 million residential, public sector and business customers, including more than two-thirds of the Fortune 100. Constellation helps residential consumers, commercial and industrial businesses, and governments and institutions buy, manage and use their energy. Customers enjoy a wide range of innovative and integrated solutions, from electricity, natural gas and renewable energy supply to energy management solutions, including load response, real-time energy management and solar and energy efficiency projects. Constellation's New England region has two offices located in Boston and Lowell, MA. Its Boston office serves as its New England headquarters. Learn more at <https://www.constellation.com/>.

PowerOptions is a nonprofit energy buying consortium with more than 400 nonprofit and public sector members in Massachusetts, Connecticut, and Rhode Island. They currently serve 84 local governmental entities, which includes cities, towns, school districts, and sewer districts. The collective strength of the group provides leverage to attain competitive prices and best-in-industry supply contracts with strong customer protections. Their team of 10 will be available to support all of League members' energy needs, with decades of experience on utilities, renewables, efficiency, and competitive supply. In addition to electric supply, they offer a solar program and other services such as preparing energy budgets and providing energy market updates, news, and industry information. You can find out more at www.poweroptions.org.



Town of Jamestown
Town Clerk's Office
Town Hall
93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 Fax 401-423-7230
Email: cfernstrom@jamestownri.net

Cheryl A. Fernstrom, CMC
Town Clerk/Probate Clerk

MEMORANDUM

TO: Andrew E. Nota, Town Administrator
FROM: Cheryl Fernstrom, Town Clerk
DATE: October 29, 2018
SUBJECT: Recommendation of Bid Award: Mechanically Assisted Mobile Storage Shelving Units – Town Clerk's Office Vault

An Invitation to Bid was issued soliciting proposals for Mechanically Assisted Mobile Storage Shelving Units for the Town Clerks Office Vault and posted on the Town website and the Newport Cooperative website. Bidders were directed to bid using the following cost bases:

Bid Section 1 for High Density Vault Storage System
Bid Section 2 for Installation Services
Bid Section 3 for Freight and Delivery
Bid Section 4 Total Bid Price

A Bid Opening was held on Monday, October 22, 2018 at 11:00 a.m. and the following bids were opened and read:

Pro Systems Installation, Inc.	Bid Section 1 – Equipment*	\$17,153.74
dba: PSI New England Storage Products	Bid Section 2 – Installation	14,900.00
464 Walcott Road	Bid Section 3 – Freight/delivery	<u>1,500.00</u>
Walcott, CT 06716	Bid Section 4 - Total Bid Price	\$33,553.74
Donnegan Systems, Inc.	Bid Section 1 – Equipment	\$18,715.00
170 Bartlett Street	Bid Section 2 – Installation	12,650.00
Northboro, MA 01532	Bid Section 3 – Freight/delivery	<u>1,985.00</u>
	Bid Section 4 – Total Bid Price	\$33,350.00

The bid specifications state that products are based on mobile shelving system products manufactured by Spacesaver Corporation and other manufacturer's products will be considered if they are compatible with existing equipment and meet performance specifications each carriage to have two five inch (5") high wheels per rail.

The shelving system specified by PSI New England Storage Products is manufactured by Datum Storage Solutions and is based on two three inch (3") high wheels per rail, and the closest color to the existing mobile storage system requires extra lead time.

The shelving system specified by Donnegan Systems, Inc. is manufactured by Spacesaver Corporation and is based on two five inch (5") high wheels per rail. Spacesaver is the manufacturer for the shelving systems in both the Town Clerk's Office vault and Historical Society vault.

Based on the comparison of the total product cost, manufacturer, and adherence to the bid specifications, it is my recommendation the bid for Mechanically Assisted Mobile Storage Shelving Units be awarded to Donnegan Systems, Inc. for an amount not to exceed \$33,350.00. Funding for this project has been set aside in the capital budget.

Thank you.

TOWN COUNCIL INTERVIEW SESSION
October 15, 2018

I. CALL TO ORDER

The interview session for the Jamestown Town Council was called to order at 5:00 p.m. on Monday, October 15, 2018, in the Conference Room of the Jamestown Hall at 93 Narragansett Avenue.

II. ROLL CALL

Town Council members present:

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

III. INTERVIEW SESSION

The following candidates were interviewed for the Jamestown Ad Hoc Committee for Public Art:

Valerie Southern
Bob Trout
Peter Fay
Mary Beth Murphy
Abby Campbell-King
Dick Lynn
Allie Saballis
Alma Davenport
John Chapman

IV. ADJOURNMENT

Town Council interviews were concluded at 6:29 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Town Solicitor
 Finance Director

**TOWN COUNCIL MEETING
October 15, 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 6:41 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

A motion was made by Councilor Meagher with second by Councilor Dickinson to move Agenda Item IV. A) Presentations up in the agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

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

A) Presentations: Police Chief Edward A. Mello, Town Council President Kristine S. Trocki and Town Administrator Andrew E. Nota
Town Administrator Nota acknowledged the Officers receiving awards this evening and thanked all those in attendance, noting the efforts of all involved demonstrates how the system is supposed to work, resulting in the protection of our residents and their property. Our officers need all the community support they can get. They are not looking for recognition, but on a daily basis they are deserving of recognition.

Police Chief Mello welcomed all in attendance stating he is proud of his officers on a daily basis, but there are occasions when special recognition is warranted. Chief Mello acknowledged the tragedies resulting from heroin related overdoses, including members the Jamestown community. Sergeant Joel Pinocci trained our JPD officers in the administration of Narcan, used to counteract drug overdoses. Lieutenant Angela Deneault is a member of the HOPE Initiative Task Force, which intervenes with suspected heroin addicts to get them into counseling and recovery.

- 1) Jamestown Police Department Life Saving Award
 - a) Sergeant Joel Pinocci, Jamestown Police Department
 - b) Officer Chad Specht, Jamestown Police Department

Chief Mello recounted the events of June 8, 2018 when Sergeant Pinocci and Officer Specht responded to a vehicle stopped on Route 138 and found an unresponsive subject. It was evident the man was the victim of a heroin overdose. The drug Narcan was administered, saving the man's life. The Life Saving Award was explained by Chief Mello.

President Trocki and Town Administrator Nota presented the awards as follows:

- Life Saving Award presented to Sergeant Joel Pinocci (Applause)
- Life Saving Award presented to Officer Chad Specht (Applause)

- 2) Jamestown Police Department Unit Citation
 - a) Detective Matthew Bohanan, Sutton, MA Police Department
 - b) Trooper Andrew Elsing and canine King, RI State Police
 - c) Lieutenant Michael Naylor, and Detective Steve Carey, Newport Police Department
 - d) Sergeant Karen Catlow, Jamestown Police Department
 - e) Officer Ronald Jacobson, Jamestown Police Department
 - f) Dispatcher Robert Rexter, Jamestown Police Department

Chief Mello recounted the events of July 30, 2018 when JPD received information that two career criminals suspected of multiple house break-ins in Rhode Island and Massachusetts were located in a vehicle in Jamestown. Through the cooperative efforts of Jamestown, Newport, North Kingstown, RI State Police, and Sutton, MA Police Departments, a coordinated response ensued leading to the arrest of the two suspects tied to more than a dozen break-ins. The Unit Citation Medal was explained by Chief Mello.

President Trocki and Town Administrator Nota presented the awards as follows:

- Unit Citation Medal presented to Detective Matthew Bohanan (Applause)
- Unit Citation Medal presented to Sergeant Catlow (Applause)
- Unit Citation Medal presented to Officer Ronald Jacobson (Applause)
- Unit Citation Medal presented to Dispatcher Robert Rexter (Applause)
- Unit Citation Medal presented to Trooper Andrew Elsing and canine King (Applause)

- Unit Citation Medal presented to Lieutenant Michael Naylor and Detective Steve Carey (Applause)

Chief Mello congratulated all award recipients, thanking them for their dedicated service.

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 7:01 p.m., and adjourned from sitting as the Board of Water and Sewer Commissioners at 7:17 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

V. PUBLIC HEARINGS, LICENSES AND PERMITS

None.

VI. OPEN FORUM

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

Charlotte Zarlengo of Seaside Drive commented on her 30 years as a Jamestown resident, water quality in the Jamestown Shores, the High Groundwater Ordinance, and protecting the 34 town-owned lots in the Shores as part of the Conanicut Island Land Trust Conservation Easement. Concern was expressed that variances are granted to Shores lots for development as house lots. Ms. Zarlengo requests the 34 town-owned lots be protected in perpetuity so that they are never developed.

Councilor Dickinson stated no decisions have been made regarding the 34 lots and two questions were being addressed:

- Is there potential for affordable housing lots
- Should there be management by the Conservation Commission or Land Trust in perpetuity

The Council thought it necessary to gather information on the aquifer and watershed and how it functions in order to make an informed decision and determined a Water Resources Protection Committee was needed to evaluate such issues and render advisory opinions.

Ms. Zarlengo noted residents of the Shores want their concerns to be heard so that the Shores lots are protected.

Sav Rebecchi of Sail Street noted his concern that we don't always have a full slate of candidates running for office. He expressed appreciation for this Council's six years of service, and thanked President Trocki, who is not seeking another term, for her leadership.

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

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

Town Administrator Nota reported on the following:

1) Connect Greater Newport Economic Development Initiative

Mr. Nota reported on the Initiative and how it evolved as a county-wide collaborative to provide professional resources to local businesses. Goals include business retention, sustainability, and pooling of information for all area municipalities to help them continue operating. To achieve that a consulting firm was hired to provide research and other services. Two important issues discussed at the last meeting were workforce housing and broadband capacity. Their Facebook site was referenced for more information at www.ConnectGreaterNewport.com.

2) East Ferry Project Update

Mr. Nota reported Cardi Corp. is working on sidewalks at East Ferry and the East Ferry Condo Association will begin their own sidewalk reconstruction, with both projects expected to be completed with a similar appearance next spring. Concrete work is underway, with repairs to the steel railing next spring.

3) Update of Water Division hire

Mr. Nota referenced Public Works Director's Gray's report during the Water and Sewer portion of the meeting on new Water Operator John Salafia.

4) Water Resources Protection Committee

Mr. Nota reported on the October 10th session with sub-committee members Jack Hubbard, Jim Turenne and Carol Nelson-Lee. Over the next few months the Conservation Commission will come back to the Council with a recommendation for a committee makeup and charge for the Water Resources Protection Committee. Discussion continued.

Carol Nelson Lee of Buoy Street stated she is glad to be part of the sub-committee. They are a data-driven committee and will share their findings with the Council.

Sav Rebecchi of Sail Street asked if the lots mentioned for protection are owned by the Town, and he was informed yes. Mr. Rebecchi stated it is his opinion that the probability of development of the lots is very low. It was his understanding that a sub-committee should have a member of the original committee on it, which is not the case with the Water Resources Protection Committee. He expressed concern that members of the Conservation Commission and Planning Commission also serve on the Conanicut Island Land Trust and hopes that will be taken into consideration.

Councilor Meagher commented such accountability issues come from the voters to the Council, and the charge for sub-committees must be prepared so as to protect the best interests of the Town and its citizens. Councilor Dickinson noted the Council will control the committee charge and it will meet the needs of Jamestowners. Councilor Meagher commented the issues of the membership vs. leadership role is different and should not preclude a person from being a member of the Water Resources Protection Committee or any sub-committee.

VIII. UNFINISHED BUSINESS

- A) Update on recent Police activities, as requested by Councilor Blake A. Dickinson: Police Chief Edward A. Mello; review, discussion and/or potential action and/or vote

Chief Mello updated the Council on the two events in recent weeks, with all seven (7) stolen vehicles returned to their owners. The 17-year old arrested by CT officials was charged with possession of a stolen vehicle. A second suspect arrested by CT officials will be extradited to RI and charged with possession of a stolen vehicle, theft of the vehicle, possession of stolen property, and eluding a police officer. A third suspect taken into custody will be extradited to RI and charged with assault with a deadly weapon. We continue to receive reports on activity in the Hartford-Waterbury, CT area by the same group of criminals. Chief Mello noted they are working to identify at least two other suspects involved in the stolen vehicle incidents. Discussion continued. Council members expressed appreciation for the efforts of Chief Mello and the Police Department. The Town will support whatever is necessary to assist JPD.

- B) Upcoming Meetings and Sessions – dates and times
1) Scheduling of public information session for Golf Course, Library and School Bonds, continued from October 1, 2018; review, discussion and/or potential action and/or vote

Town Administrator Nota announced the public information session is Monday, October 29th at 6:00 p.m. at the Library for review and explanation of the three Bonds for the Golf Course, Library and Schools. The session will be advertised with more information in the October 25th *Jamestown Press*. Additional information is available on the Town and School Department websites.

- 2) Town Council Meeting Schedule – November 5th, 6:30 p.m.; review, discussion and/or potential action and/or vote
This will be the last official meeting of this Council.

IX. NEW BUSINESS

- A) Water supply concerns in the Jamestown Shores; review, discussion and/or potential action and/or vote

This was addressed previously during the meeting. There were no additional comments.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Appointments
1) Ad Hoc Committee for Public Art: Appointment of Ten (10) Members; review, discussion and/or potential action and/or vote

President Trocki noted that seventeen (17) interviews were conducted. Council members commented all candidates had amazing resumes and backgrounds and it will be difficult to determine the ten (10) members. Discussion ensued of the Ad Hoc Committee makeup and

what expertise were desirable. The interviews were helpful in determining what qualities and skill sets would contribute to the makeup of the committee. Lengthy discussion ensued.

The majority of candidates had experience in evaluating art for public and private spaces. Council members noted this is a difficult decision, and they are not inclined to appoint a committee this evening. Discussion ensued of each Councilor choosing ten (10) candidates, bringing their recommendations to the November 5th meeting, and appointment of the top ten highest recommended candidates. Solicitor Ruggiero advised that no discussion of candidates between Council members should ensue between this and the next meeting. Town Administrator Nota commented Council may not want to make appointments the night before an election. Discussion ensued that voters and donors would prefer that a decision is made, it would be a disservice not to make a decision, interviewing candidates not interviewed, and whether it would be a better decision to wait until after the election.

Public comment.

Nancy Semco of Gondola Avenue suggested the portfolios and art produced by artist candidates be reviewed for appropriateness.

Council members determined appointments of the Ad Hoc Committee will be on the next meeting agenda for review, discussion and potential action.

XI. CONSENT AGENDA

A motion was made by Councilor Meagher with second by Councilor Mihaly 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) October 1, 2018 (interview session)
 - 2) October 1, 2018 (regular meeting)
 - 3) October 1, 2018 (executive session)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Planning Commission (06/20/2018)
 - 2) Jamestown Planning Commission (07/18/2018)
 - 3) Jamestown Planning Commission (08/15/2018)
 - 4) Jamestown Planning Commission (09/05/2018)
- C) CRMC Notices
 - 1) Public Notice of Application of Timothy Lemmon for an Assent to construct and maintain a Hybrid shoreline protection facility consisting of a Riprap Toe protection and coir logs and plantings landward at North Main Road, Plat 3 Lot 566, West Passage of Narragansett Bay
 - 2) Public Notice of Proposed Amendment to the Aquidneck Island SAMP – Coastal Development Regulations, with public comment

- period ending 11/08/2018
- 3) Public Notice of Proposed Amendment to the Metro Bay SAMP – Urban Coastal Greenway, with comment period ending 11/08/2018
- D) Abatements/Addenda of Taxes
 Total Abatements: \$43,247.30 Total Addenda: \$43,038.99
- 1) Motor Vehicle Abatements to 2018 Tax Roll
- | <u>Account/Abatement Amount</u> | |
|---------------------------------|-----------|
| a) 07-0850-74M | \$ 57.49 |
| b) 11-0183-00M | \$ 126.84 |
- 2) Real Estate/Tangible Abatements to 2018 Tax Roll
- | <u>Account/Abatement Amount</u> | |
|---------------------------------|-------------|
| a) 02-1620-00 | \$ 9,956.78 |
| b) 03-0150-00 | \$ 4,663.16 |
| c) 04-0343-25 | \$ 4,246.97 |
| d) 05-0289-50 | \$ 1,029.26 |
| e) 06-0168-60 | \$13,680.36 |
| f) 13-2095-66 | \$ 9,486.44 |
- 3) Addenda to 2018 Real Estate Tax Roll
- | <u>Account/Addenda Amount</u> | |
|-------------------------------|-------------|
| a) 02-0632-65 | \$13,680.36 |
| b) 07-0590-65 | \$ 9,486.44 |
| c) 07-0640-30 | \$ 4,246.97 |
| d) 13-1396-45 | \$ 4,813.16 |
| e) 13-1561-65 | \$ 600.15 |
| f) 13-2095-66 | \$ 9,956.78 |
- 4) Addenda to 2018 Motor Vehicle Tax Roll
- | <u>Account/Addenda Amount</u> | |
|-------------------------------|-----------|
| a) 01-0570-65M | \$ 255.13 |
- E) One Day Event/Entertainment License Applications
- 1) Applicant: Jamestown Recreation Dept. and Police Dept.
 Event: November Neon Night 5K Run/Walk
 Date: November 3, 2018
 Location: Fort Getty
- 2) Applicant: Tom Harris
 Event: Jamestown Christmas Tree Lighting Ceremony
 Date: December 1, 2018
 Location: East Ferry

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

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

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

- A) Communications
 - 1) Email of Jamestown Arts Center Chair Dianne Grippi offering JAC advisory services and assistance to the Jamestown Ad Hoc Committee for Public Art
 - 2) Invitation of Codac Behavioral Healthcare to the “Celebration of 40 Years Serving Newport County” event on Thursday, October 25, 2018, 5:00 p.m. to 8:00 p.m., The Young Building, Salve Regina University

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Liquor License Renewals Public Hearing (November 5)
- B) Victualing with Extended Hours License Renewal Public Hearing (November 5)
- C) Victualing/Holiday/Multi License Renewals (November 5)
- D) Review and possible approval of a Memorandum of Understanding between the Town of Jamestown and Friends of the Jamestown Seniors, Inc. re: Senior programs and Senior Center use (November 5)

Also added to the next Agenda:

- Appointment of the Ad Hoc Committee for Public Art

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Councilor Dickinson with second by Councilor Meagher 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 8:21 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor

TOWN COUNCIL INTERVIEW SESSION
October 25, 2018

I. CALL TO ORDER

The interview session for the Jamestown Town Council was called to order at 5:02 p.m. on Thursday, October 25, 2018, in the Conference Room of the Jamestown Hall at 93 Narragansett Avenue.

II. ROLL CALL

Town Council members present:

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

III. INTERVIEW SESSION

The following candidates were interviewed for the Jamestown Ad Hoc Committee for Public Art:

Barbara Cunha

IV. ADJOURNMENT

Town Council interviews were concluded at 5:20 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Town Solicitor
 Finance Director

PLANNING COMMISSION MINUTES

June 20, 2018

7:00 PM

Jamestown Town Hall

93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:04 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant
Nate Kelly – Consultant Horsley Witten
Jeff Davis – Consultant Horsley Witten
Michael Darveau – Professional Land Surveyor
Jim Rafferty

II. Approval of Minutes June 6, 2018; review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

III. Correspondence

1. FYI – Hemphill – Administrative Merger of lots. Received
2. FYI – Letter from Richard Boren Zoning Chair Re: High Groundwater Table and Impervious Layer Overlay District. Received we will talk about this when it comes up in zoning changes
Wyatt said this came up last month at zoning and lots of neighbors showed up and they felt coming at the end of process was useless and it should be at the beginning.

IV. Citizen's Non-Agenda Item – nothing at this time

V. Reports

1. Town Planner's Report - Lisa said 1 meeting in July, it is a HGWO application we have been working on for a month they would like to be on sooner for zoning, can we possibly have a meeting another day. Let's meet at 6:30 on the 18th of July.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

1. Zoning Ordinance Update discussion with Horsley Witten - review, discussion and/or action and/or vote

a. Article 15 - Bed and Breakfast Homes – 2 major points - site plan requirements and develop a check list, a major policy question is removing the regulations for the interior the consultant recommends you remove the requirements for gross floor space. Commissioner Swistak said are the B&B's competing with other short term models? Have you seen other towns do something similar? Jeff Davis said these are commercial uses in residential areas so you do want to have some stipulations. B&B has professional management onsite at all times. Other models do not. Warwick hotels are advertising on Air bnb. The platform is a little different than booking.com. In terms of rules and regulation,s they have drafted a short term rental ordinance and they will present this at the July meeting. Pendlebury said the state is proposing licensing. Jeff said the Communities can make them pay fees. Swistak asked about taxing on them, Bryer will look into how they are taxed.

b. Sample Cottage Ordinance

As an example, Nate Kelly brought up cottages on the green in East Greenwich. It is easier to integrate, stylistically, the affordable and market rate units. These units range from 900-1200 sq ft. with common areas. Where can we do this in Jamestown? Smith asked if this is like cluster zoning that we currently have in our ordinance. Nate Kelly said its different the only open space you have is the courtyard. These cottages are more concerned with design and not lot size. Maybe we should also talk about tiny homes Swistak said. Jeff David said, "If you have ideas after reviewing our information please send it to us."

c. Sample Farm Related Business Ordinance

They wanted to step back a bit and look at this issue more holistically. What can be done for local farms to keep them surviving and what do you want to see in terms of uses and also potential definitions. Right now, we have a designation for crops and animals. Commissioner Enright noted that aquaculture is in with agriculture but shouldn't it be separate? Jeff did not think it warranted additional language, Lisa Bryer noted that on and off loading of catch is regulated and fishermen would like to offload on docks and its not allowed. Should this be a conversation? Allowed in residential areas? Pendlebury asked if the right to farm act comes into play? Wyatt said let's wait to see if it passes and we will address it then. Jeff said he does not think it will pass. Should we spend time on this will it be worth it. Jeff thinks you should think about this regardless. Jeff handed out dots for a matrix of options for farm related retail uses and the commissioners put dots where they thought the use was appropriate and were able to comment on potential elements for regulation.

Retail - how do you feel in general about it on the farms?

As long as it is fair and not out of balance. You put in your definitions. So you only want what is produced onsite? Let's talk about weddings and parties? Is it a wedding venue? The town can make rules for it as far as how many per year etc. Commissioner Swistak said do I have to have a permit if I am having a party? Jamestown is not an enforcement town like some other towns, Wyatt said and he gave examples of other towns.

What is the difference between vineyard and winery? Lisa Bryer would like to see a very defined list of things that can occur; we want our farms viable and it says it very strongly in the comprehensive plan. There are certain things we can target. For instance, someone came in today to talk about wind turbines for the farms but that is a commercial enterprise and currently it is not permitted in Jamestown. But they were not utility scale turbines, but smaller ones that may not be offensive to the majority of residents.

The consultant will update the draft they shared with the planning commission. As long as it can be regulated and if it can't be maybe it should be off the table and we can find something else. Commissioner Swistak said there are farms but some of them are open space and events happen on those parcels as well. Nate said these are meant to be accessory uses. Smith would like to see farms as farm and see the open space instead of all the bushes and trees that obstruct views.

d. Policy Discussion – Article 8 – RR–200 Zoning District
To be discussed at another meeting

e. Policy Discussion – Section 82-314 High Groundwater Table and Impervious Overlay District
To be discussed at another meeting

VII. New Business

1. 91 Carr Lane, Plat 4 Lot 52, James T. and Lisa M. Rafferty and Town of Jamestown - Minor 2 Lot Subdivision with Variances to be used for conservation and affordable housing. Preliminary Plan - review, discussion and/or action and/or vote

Lisa Bryer said we are in severe need of affordable housing in Jamestown and we are very fortunate that Jim and Lisa Rafferty are willing to do this project with the Town of Jamestown. This is a 6.7 acre property preserving 5.5 acres, it's located in an RR 200 zone and is adjacent to other watershed property. The lot directly to the east of property the town purchased from the Ryng family. DEM will put a conservation easement on it. We have been in contact with CCHC, the town will purchase the property then CCHC will purchase from the Town for affordable housing. We were not aware that we had to subdivide this property prior to acquisition until recently.

The report shows the zoning variances that are required. The conservation lot will have only a 10 ft frontage instead of 200 ft which is required, and it does not meet the requirement of 200,000 sq. ft. of upland. The overall lot size for the house lot is smaller than what is required; the residential lot it is required to be 200,000 sq. ft and it is 59,119 square feet. There is a temporary easement for the OWTS on the conservation lot, which will go away when the OWTS is relocated further away from the wetlands. No new lots are being created for development so there will not be a Fee in lieu of land dedication. Mike Darveau came up with plan for the configurations of the lots. The

existing house will now meet rear and side setbacks after the subdivision. Mike Darveau said the back part of lot is contiguous with the wetland and reservoir.

Commissioner Pendlebury asked when they come for renovations will they be challenged by the building official for the existing setback that is non-conforming? Only if they are proposing to change it but not for interior renovation. If they demolish and start over they will have to stay within setbacks.

Commissioner Swistak asked how sure is this with CCHC? They have looked at the lot and they are confident they can make it work as affordable housing. It would be in the land trust program. Town Solicitor Wyatt Brochu said the way the closing will be structured is the town will be the owner. Once we buy it if nothing else happens the town still owns it.

Mike Swistak asked Jim Rafferty what he thought of the project. He said he thinks this is a great project.

The TRC reviewed this today and they recommended approval of the application. Commissioner Smith who was the representative from the Planning Commission thinks it is a win win situation affordable housing and watershed protection.

Commissioner Swistak said the location of affordable housing should be located in the downtown area he thought. Comprehensive Plan states that we should have affordable housing integrated all over the island.

The Town Council has approved a purchase and sales agreement authorized contingent upon subdivision approval and grant funding release.

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Subdivision Plan for James T. & Lisa M. Rafferty, Plat 4 Lot 52, 91 Carr Lane, Jamestown, RI**; prepared by **Darveau Land Survey, Inc., P.O. Box 7918, Cumberland, RI 02864, Phone 401-475-5700; dated June 14, 2018** based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Planning Commission makes the following findings:

1. This application proposes to subdivide a 6.8929 acre (300,256 square foot) parcel with an existing house in the RR-200 (minimum lot size 200,000 square feet) with frontage on Carr Lane into 2 lots.
2. The Town of Jamestown is the Co-applicant with James T. and Lisa M. Rafferty, owners of 91 Carr Lane. The Town has an active purchase and sales agreement with the Rafferty's, for the purpose of protecting approximately 5.5 acres (241,133 square feet) of vacant drinking water watershed property as well as selling the house lot, approximately 1.36 acres (59,119 square feet) to Church Community Housing Corporation for the purpose of affordable housing.
3. The existing house on Carr Lane has an existing garage. The existing house and garage will remain on a separate lot and a new conservation lot will be created. The conservation lot

will be protected through a RIDEM conservation easement, supported by a RIDEM grant for 50% of the value of the land. For access purposes, required by RIDEM, the Town desires to create the conservation parcel as a potentially developable lot which will require a lot frontage variance.

4. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
5. Neither lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance and are seeking relief from the Zoning Board of Review for the following elements:
 - a. Lot Size: Parcel A 59,119 square feet (1.36 acres), where 200,000 square feet (4.59 acres) are required, and,
 - b. Frontage: Conservation Parcel (10 feet where 300 feet are required)
6. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable. The Conservation Parcel has 241,133 square feet (5.5 acres) including approximately 90,000 square feet of upland and approximately 151,133 square feet of freshwater wetland;
7. All subdivision lots have adequate and permanent physical access to a public street, namely, Carr Lane;
8. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
9. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
10. The only lot in the subdivision intended for building has access to sufficient potable water for the intended use through a private well;
11. Michael Darveau, PLS, testified as an expert witness on behalf of the applicants; and,
12. James Rafferty testified that he approves of the project.

B. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision since no new lots for development are being created.
3. Suitable survey markers other than concrete, shall be placed at all corner points at the new property line;
4. The temporary easement for the OWTS shall be extinguished once approval is granted for the new OWTS on the house lot;
5. Approval shall be granted by the Zoning Board for the following variances prior to final Planning Commission approval:
 - a. Lot Size:
 - 1) Parcel A 59,119 square feet, where 200,000 square feet are required, and,
 - 2) Conservation Parcel (meets lot size but does not have 200,000 square feet of upland)
 - b. Frontage for the Conservation Parcel (10 feet where 300 feet are required)
6. This approval shall be recorded with the Town Clerk within 30 days of signature; and,

7. This approval shall expire one year from the date of approval by the Planning Commission unless final approval is granted.

VIII. Adjournment

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 9:20 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe
Planning Assistant

PLANNING COMMISSION MINUTES

August 15, 2018

7:00 PM

**Jamestown Town Hall
93 Narragansett Ave.**

I. Call to Order and Roll Call

The meeting was called to order at 7:05 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Mick Cochran	Bernie Pfeiffer
Dana Prestigiacombo	Michael Smith
Rosemary Enright – arrived at 7:20	

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Mike Darveau – Darveau Land Surveying

II. Approval of Minutes July 18, 2018; review, discussion and/or action and/or vote

A motion was made by Commissioner Cochran and seconded by Commissioner Pendlebury to accept the minutes as written. So unanimously voted.

III. Correspondence

1. FYI – Memo to Zoning Board Re: Clen HGWTO. Received

IV. Citizen’s Non-Agenda Item – nothing at this time

V. Reports

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

1. Rafferty – 2 Lot Minor Subdivision with Variances, Final Approval, Discussion and/or action and/or vote

Mike Darveau made a presentation to the planning commission, discussion ensued about the bounds and the following motion was made by _____ and seconded by _____

At the August 15, 2018 Planning Commission meeting, the Planning Commission voted unanimously to Grant Final Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Final Plan, Subdivision Plan for The Town of Jamestown, Plat 4 Lot 52, 91 Carr Lane, Jamestown, RI**"; prepared by **Darveau Land Survey, Inc., P.O. Box 7918, Cumberland, RI 02864, Phone 401-475-5700; dated August 8, 2018**. The Conditions of Preliminary Approval, as granted on June 20, 2018 have been met as follows:

1. The Final Plan is for 2 lots, one conservation lot and one lot for affordable housing;
2. That payment of a fee in-lieu-of land dedication shall not be required for this subdivision since no new lots for development are being created.
3. Survey markers have been placed at all corner points at the new property line;
4. The temporary easement for the OWTS shall be extinguished once approval is granted for the new OWTS on the house lot and the OWTS is constructed;
5. Approval was granted by the Zoning Board on July 24, 2018 for the following variances:
 - a. Parcel A has 59,119 square feet, where 200,000 square feet are required, and
 - b. Frontage for the Conservation Parcel (10 feet where 300 feet are required)

This approval shall expire in 90 days unless the final plan is recorded in the office of the Town Clerk prior to that time.

Vote

- 2. Sustainability Plan – Review of Website - review, discussion and/or action and/or vote**
The Planning Commission reviewed the Sustainability website and discussed the changes they would like to see.

Lisa Bryer, Town Planner presented the website and walked the Planning Commission through the set up and pages. The Planning Commission made the following suggestions:

General comments

- a. It is difficult to know where you are in the website because it has multi layers. It would be helpful to have a site map either on the left hand side or elsewhere so that you always know where you are within the website; or an index as suggested by Commissioner Smith.
- b. Some of the pages are long and it would be helpful to have a header that does not move at the top so you always know where you are.
- c. You cannot get from one issue to another without back, back, back.
- d. The Back button should be bigger.
- e. Don't like the word "issues". It has a negative connotation. Maybe something different?
- f. Don't like the phrase "concrete steps" since that is not what we are proposing
- g. Things like LEED and Zero Waste should be linked

Calendar

- a. This needs guidelines of what type of events should be allowed to post.
- b. Needs to be rethought. Is this something that we want to maintain. Lisa should talk to the Library to see what level of effort is required to maintain a calendar.

Infrastructure Section:

Start out with discussion on water, since that is Jamestown's biggest issue, and not climate change at this point.

We will be hearing back from Horsley Witten on this project when they finish the tracking method and report card sections. Possibly in September, for sure in October.

VII. New Business

1. Planning Commission - Election of Officers - review, discussion and/or action and/or vote

The election for these officers will remain in effect until June of 2019.

A motion was made to elect Michael Swistak to remain as Chair of the Commission by Commissioner Smith and was seconded by Commissioner Cochran. So unanimously voted.

A motion was made by Commissioner Cochran and seconded by Commissioner Pfeiffer to elect Duncan Pendlebury to remain as Vice Chair. So unanimously voted.

A motion was made by Commissioner Pfeiffer and seconded by Commissioner Cochran to elect Rosemary Enright to remain as Secretary. So unanimously voted.

The Planning Commission would like the Rules of Procedure on a future agenda.

VIII. Adjournment

A motion to adjourn the meeting at 9:35 was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the September 25, 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
Dean Wagner, Vice-chair
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 August 28, 2018

A motion was made by Edward Gromada and seconded by Marcy Coleman to accept the minutes of the August 28, 2018 meeting as presented.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Terence Livingston was absent.

CORRESPONDENCE

Nothing at this time.

NEW BUSINESS

Wildacre

A motion was made by Richard Boren and seconded by Dean Wagner to refer the application of Wildacre to the Planning Board for a recommendation and continue the application to the October 23, 2018 meeting.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Terence Livingston was absent.

McCooley

A motion was made by Judith Bell and seconded by Dean Wagner to grant the request of James & Patricia McCooley, whose property is located at 94 Walcott Ave., and further identified as Assessor's Plat 9, Lot 811 for a variance from Article 6, Section 82-605 and 82-302, Table 3-2, side yard setbacks, to construct an attached 2 stall garage with a north side yard setback of 10' where 20' is allowed.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restrictions:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

1. The neighbors requested that any lighting along the north side not directly impact them.
2. The siding be consistent and similar to all other siding on the property.
3. There be no change in grading of the property that might adversely affect the water levels of adjacent property.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 1.35 acres.
2. That the hardship from which the applicant seeks relief is due to the unique characteristics of the property.
3. That the relief is the least relief necessary.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Terence Livingston was absent.

Clen

A motion was made by Marcy Coleman and seconded by Edward Gromada to grant the request of Terrence Clen, whose property is located at 83 Neptune St., and further identified as Assessor's Plat 5, Lot 217 for a special use permit from Article 3, Section 82-314, High Ground Water Sub District A and 6-82-601 Special Use to construct a one story 17 x 22 addition and a 10 x 20 front covered porch.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This Special Use Permit is granted with the following restrictions:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

1. Include restrictions/conditions set forth in the decision of the Town Engineer and the Planning Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 14,374 sq. ft.
2. The applicant seeks to construct a 17 x 22 addition and a 10 x 20 ft. covered porch.
3. The proposed additions meet all dimensional setbacks.
4. A special use permit is only required because the property is in the High Ground Water Sub district A.
5. Allowable impervious coverage for the lot is 13%. Proposed additions will bring the impervious coverage to 10.36%.

6. A rain garden will be installed which will provide storage for 160 cubic feet sufficient to provide storage for a 10 year storm event.
7. Plans have already been approved by the Planning Board and town engineer.
8. Granting of a special use permit will not result in conditions inimical to public health, safety and welfare.
9. Granting of a special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area.
10. No abutters objected to the application.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Terence Livingston was absent.

Balloch

A motion was made by Richard Boren and seconded by Marcy Coleman to grant the request of Hugh and Susan Balloch, whose property is located at 18 Racquet Road, Jamestown, Rhode Island, and further identified as Tax Assessor's Plat 10, Lot 100 for a Special Use Permit under Article 6, pursuant to Section 82-311 to have an accessory building in excess of 1200 square feet. This application also seeks a Variance, pursuant to Article 6, Sections 82-600 and 82-605, from Article 3 Section 82-311 (A), Maximum size of accessory buildings, to allow the carriage house to remain once the primary house is constructed.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

This Variance is granted with the following restrictions:

The 6/26/02 decision of the Board is incorporated by reference and conditions set forth in the 4/24/02 decision shall continue i.e. subsequent to completion of the new residence all kitchen facilities shall be removed.

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R80 Zone and contains 2.01 acres.
2. On this unimproved property is an iconic carriage house built approximately 1904.
3. The carriage house has a footprint of approximately 3025 sq. ft.
4. The applicant's desire is to keep the presence of the carriage house, but not be required to build a main house over 6000 sq. ft.
5. The facts are unusual and sui generis in that the accessory carriage house predates the construction of the principal house.
6. The proposed residence is smaller than the residence approved in 2002.
7. Racquet Road is rural. Across the street is Audubon property.
8. The gross living area of the residence will be approximately 4300 sq. ft. without the garage and 5700 sq. ft. with the garage.
9. An abutter, who originally owned the property, was very much in favor of the applicant.
10. No one testified in opposition to the application.

The motion carried by a vote of 5 -0.

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

Dean Wagner was recused and Terence Livingston was absent.

Cresser

A motion was made by Edward Gromada and seconded by Marcy Coleman to grant the request of Nancy and Wayne Cresser, whose property is

located at 64 Grinnell St. Jamestown, Rhode Island, and further identified as Tax Assessor's Plat 4, Lot 458 for a Variance under Article 6, Sections 82-600 and 82-605, pursuant to Section 82-302 Table 3-2, setbacks, to have an accessory structure side yard setback of 4 feet where 7 feet is required and a rear setback of 5.9 feet where 10 feet is required. This application also seeks dimensional relief under Article 6, pursuant to Article 7 Section 82-705, Alteration of a non-conforming Structure, as the accessory structure is currently located 3.7 feet from the side property line where 7 feet is required and 5.9 feet from the rear property line where 10 feet is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restriction:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R8 Zone and contains approximately 5,500 square feet.
2. The existing shed is in decrepit condition with unsound footings.
3. The pre-existing fences are done to two feet within the property line reducing the available yard area.
4. A second and smaller shed will be permanently removed.
5. The footprint of the new shed is the same shape and square footage as the old shed.
6. The shed will be used for storage and entertainment purposes. It will contain a refrigerator.
7. There will be no signage at or near the shed that could suggest space is other than what it is intended to be.
8. There were four letters in favor of this variance from abutters and no letters in opposition.

The motion carried by a vote of 5 -0.

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

Dean Wagner was recused and Terence Livingston was absent.

Tasca

A motion was made by Dean Wagner and seconded by Edward Gromada to grant the request of Robert F. Tasca Jr. et Jayne M., whose property is located at 46 Highland Dr., and further identified as Assessor's Plat 9, Lot 350 for a Special Use Permit from Article 6, per Article 3, Section 82-311, Maximum size of accessory buildings, to construct a 1,536 sq. ft. accessory structure which is in excess of the maximum 1,200 s.f. for accessory structures on lots of 40,000 s.f. or greater and which is in excess of the maximum 50% of the gross living area of the existing principle structure.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restriction:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R80 zone and contains 2.65 acres.
2. The location of the accessory structure is further away from the coast than the existing house.
3. This is a large lot and no dimensional relief is necessary.
4. Expert witness Jason Clough from DiPrete Engineering testified regarding the proposed square footage and the project's compliance with applicable laws and regulations.
5. There is currently no garage on the property.
6. The proposed accessory structure is to provide a garage and additional bedroom space for extended family.
7. The proposed accessory structure will be used for family only.
8. No kitchen is allowed.
9. The accessory structure will not be used to rent or lease or "Airbnb" purposes.
10. One abutter, Ronald Goldsmith, spoke in favor.
11. There were no objectors.

The motion carried by a vote of 5 -0.

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

Marcy Coleman was recused and Terence Livingston was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:50 p.m.

The motion carried unanimously.



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

NOVEMBER 2018 CALENDAR

- Tuesday, November 13** **Policy & Planning Subcommittee Meeting.** Cervenka Green Ducharme Antonelli, LLC; 235 Promenade Street, Suite 475; Providence, RI.
4:00 p.m.
- Tuesday, November 13** **Semimonthly Meeting.** Administration Building, Conference Rm A, One Capitol Hill, Providence, RI.
6:00 p.m.
- Tuesday, November 27** **ROW Subcommittee Meeting.** Administration Building, Conference Room A, One Capitol Hill, Providence, RI.
5:45 p.m.
- Tuesday, November 27** **Semimonthly Meeting.** Administration Bldg, Conference Rm A, One Capitol Hill, Providence, RI.
6:00 p.m.
- Friday, November 30** **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.



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

(401) 783-3370
Fax (401) 783-2069

PUBLIC NOTICE

File Number: 2018-09-095

Date: October 29, 2018

This office has under consideration the application of:

**James Salafia
43 Seaside Drive
Jamestown, RI 02835**

for a State of Rhode Island Assent to construct and maintain:

a 4' x 165.7' fixed pier over eelgrass, extending 83.5' beyond mean low water (MLW) to a depth of -5' MLW.

Project Location:	43 Seaside Drive
City/Town:	Jamestown
Plat/Lot:	14/11
Waterway:	Narragansett Bay, West Passage

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

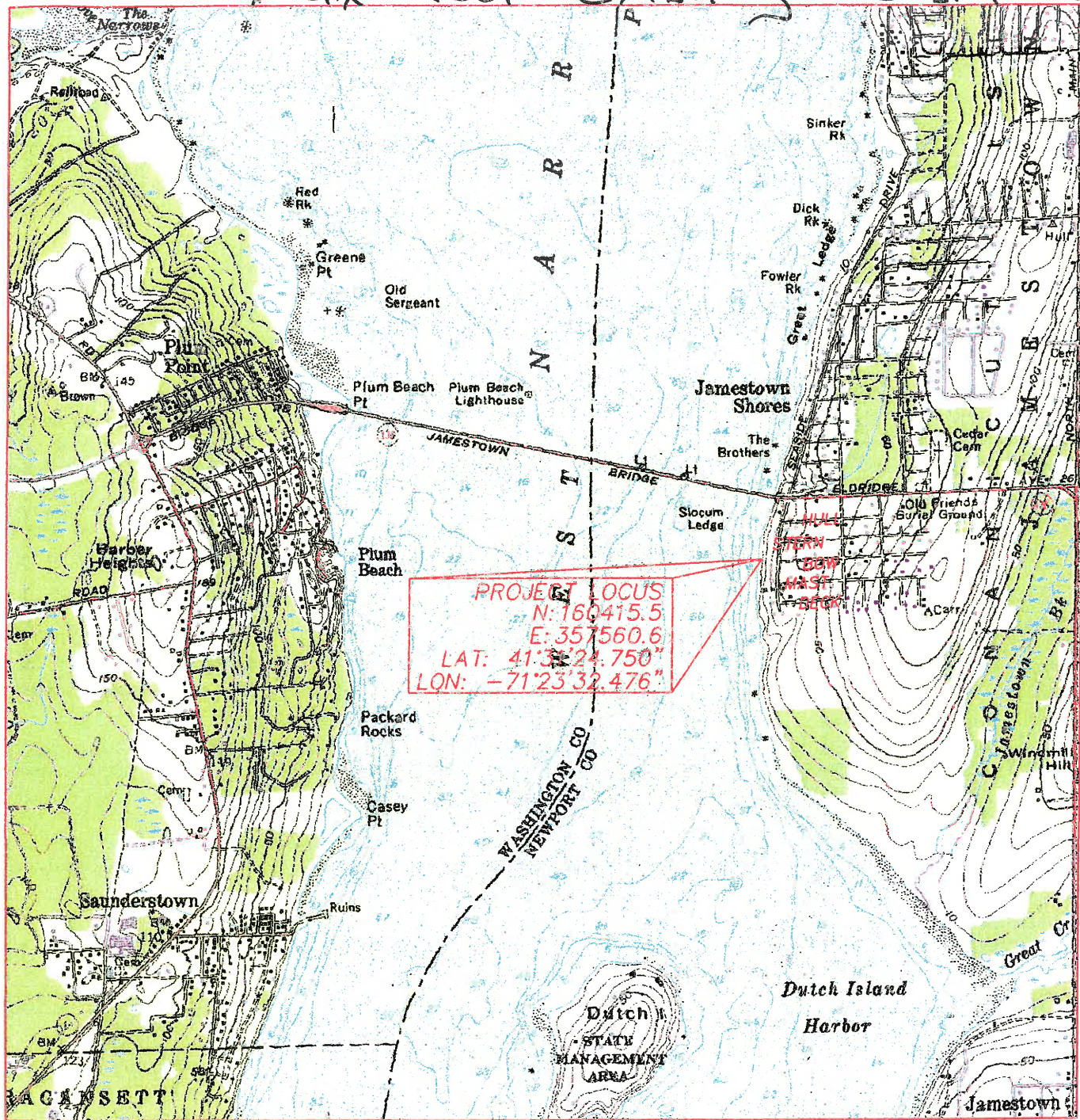
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before November 29, 2018.

10/25/18
TSM

* LOCAL backed by coastal bluff

* six foot existing coastal buffer



PROJECT LOCUS MAP

PROPOSED RESIDENTIAL SAV PIER FOR:
 JAMES J. SALAFIA, SR., TRUSTEE
 43 SEASIDE DRIVE, JAMESTOWN, RI 02835
 AP 14, LOT 11
 BY: WARREN HALL, CIVIL ENGINEER
 SEPTEMBER 27, 2018 SHEET 1 OF 4

RECEIVED
 OCT 03 2018
 COASTAL RESOURCES
 MANAGEMENT
 COUNCIL

WARREN F. HALL

 REGISTERED
 PROFESSIONAL ENGINEER

(A) 4'x20' ACCESS PIER
DECK EL=6.0'

(B) 10R@6.5"
9T@12"

(C) BATTER PILES

(D) EELGRASS BED

(E) TYPICAL CROSS SECTION
SEE SHEET 4 & 5

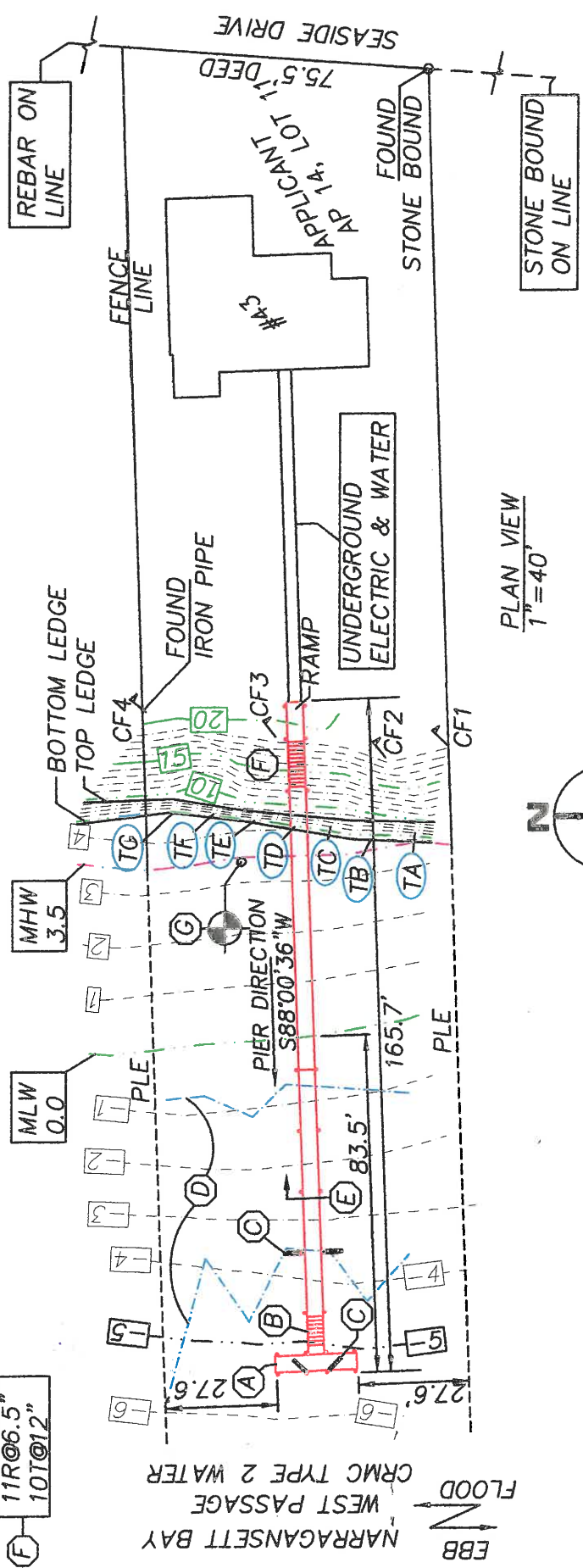
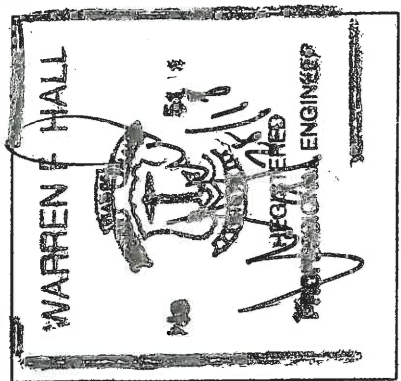
(F) 11R@6.5"
10T@12"

BENCHMARK: SET SPIKE
EL=3.29 MLW

PER BURDICK & SHORT:
BOTTOM CLEARANCE TO DECK
AZ=90°; 15.4'
AZ=0°; 10.1'

GENERAL NOTES:

1) REFERENCE "SUBMERGED AQUATIC VEGETATION SURVEY" BY NATURAL RESOURCES SERVICES, INC. DATED 8-9-18, BY SCOTT P. RABIDEAU



- LEGEND
- PLE PROPERTY LINE EXTENSION
 - MLW MEAN LOW WATER
 - MHW MEAN HIGH WATER
 - EELGRASS
 - EELGRASS TRANSECT (FIELD LOCATED)
 - ↑ CF4 COASTAL FLAG

PROPOSED RESIDENTIAL SAV PIER FOR:
JAMES J. SALAFIA, SR., TRUSTEE
43 SEASIDE DRIVE, JAMESTOWN, RI 02835
AP 14, LOT 11
BY: WARREN HALL, CIVIL ENGINEER
SEPTEMBER 27, 2018 SHEET 2 OF 4



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

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

PUBLIC NOTICE


Pursuant to R.I. Gen. Laws § 42-35-2.8 the Rhode Island Coastal Resources Management Council (CRMC) issued public notice for rule-making on October 9, 2018 for amendments to 650-RICR-20-00-5, the Metro Bay SAMP, and 650-RICR-20-00-7, the Aquidneck Island SAMP, and held a public hearing at 6:00 p.m. on October 23, 2018 in Conference Room A at the Department of Administration, One Capitol Hill, Providence, RI to afford the public an opportunity to offer comments on the proposed rule-making. No public testimony was offered at the hearing.

The CRMC hereby gives written public notice pursuant to R.I. Gen. Laws § 42-46-6 that the Council will deliberate on the proposed amendments to 650-RICR-20-00-5 and 650-RICR-20-00-7, consider any written comments filed in this matter and vote on the proposed amendments. Having provided an opportunity for public comment at a public hearing on October 23, 2018, the Council will not consider public testimony at this meeting.

A copy of the public notice for rule-making and the proposed amendments to the Metro Bay SAMP (650-RICR-20-00-5) and the Aquidneck Island SAMP (650-RICR-20-00-7) are available on the Secretary of State's web site at:
<https://rules.sos.ri.gov/promulgations/part/650-20-00-5> and
<https://rules.sos.ri.gov/promulgations/part/650-20-00-7>, respectively.

The meeting as set forth above is scheduled for **November 13, 2018 at 6:00 p.m.** in Conference Room A at the Department of Administration, One Capitol Hill, Providence, RI. The room is accessible to the disabled and persons requesting interpreter services for the hearing impaired must notify the Council office at 401-783-3370 or RI 711 at least three (3) business days in advance of the hearing date so that such assistance can be provided at no cost to the person requesting. Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

Signed this 26th day of October, 2018.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
PERMITS SECTION
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908-5767

PUBLIC NOTICE OF PROPOSED PERMIT ACTIONS UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

DATE OF NOTICE: Thursday, October 25, 2018

PUBLIC NOTICE NUMBER: PN-18-06

DRAFT RIPDES PERMITS

RIPDES PERMIT NUMBER: **RI0021601**

NAME AND MAILING ADDRESS OF APPLICANT:

Providence Water
125 Dupont Drive
Providence, RI 02907

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

P.J. Holton Water Treatment Plant
61 North Road, Route 116
Scituate, RI 02831

RECEIVING WATER: unnamed tributary to the Pawtuxet River – North Branch

RECEIVING WATER CLASSIFICATION: B

The facility which is the source of the wastewater discharge is engaged in the production of potable water. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to discharge water from the treatment plant. The discharge is composed of treated filter backwash, treated sedimentation basin cleaning discharges, and treated water quality analyzer flows. The wastewater is treated using a settling lagoon system and is discharged to an unnamed tributary which discharges into the Pawtuxet River – North Branch through one of two outfalls 001B or 002A. The draft permit contains discharge limits that are protective of water quality.

RIPDES PERMIT NUMBER: **RI0021601**

NAME AND MAILING ADDRESS OF APPLICANT:

The City of Pawtucket, Pawtucket Water Supply Board
85 Branch Street
Pawtucket, RI 02860

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Pawtucket Water Treatment Plant
87 Branch Street
Pawtucket, RI 02860

RECEIVING WATER: Blackstone River

RECEIVING WATER CLASSIFICATION: B1

The facility which is the source of the wastewater discharge is engaged in the production of potable water. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to discharge water from the treatment plant. The discharge to the Blackstone River is composed of treated filter backwash via outfall 002B, and may include emergency overflows of potable water via outfall 003A. The wastewater from the filter backwash process is treated using a settling lagoon system. The draft permit contains discharge limits that are protective of water quality.

RIPDES PERMIT NUMBER: **RI0001619**

NAME AND MAILING ADDRESS OF APPLICANT:

The Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Jamestown Water Treatment Plant
North Road
Jamestown, RI 02835

RECEIVING WATER: Unnamed Tributary to West Passage

RECEIVING WATER CLASSIFICATION: SA

The facility which is the source of the wastewater discharge is engaged in the production of potable water. The facility has reapplied to the Rhode Island Department of Environmental Management for reissuance of an individual RIPDES permit to discharge water from the treatment plant. The discharge is composed of treated ultrafiltration filter backwash and solids drying underdrain effluent. The discharge is made to an unnamed tributary to the West

Passage via outfall 002A. The wastewater from the filter backwash process is treated using sedimentation tanks. The draft permit contains discharge limits that are protective of water quality.

The DEM has determined that the proposed activities for these three above three facilities comply with the Policy on the Implementation of the Antidegradation Provisions of the Rhode Island Water Quality Regulations and that existing uses will be maintained and protected. A detailed evaluation of the water quality impact from the proposed activities and any important benefits demonstrations, if required, may be found in the statement of basis which is available as noted below.

FURTHER INFORMATION:

A statement of basis (describing the type of facility and significant factual, legal and policy questions considered in these permit actions) may be obtained at no cost by writing or calling DEM as noted below:

Samuel Kaplan, P.E.
Rhode Island Department of Environmental Management
Office of Water Resources
Permits Section
235 Promenade Street
Providence, Rhode Island 02908-5767
(401) 222-4700 x7046

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to consider these permits if requested. Requests for a Public Hearing must be submitted in writing to the attention of Samuel Kaplan, P.E. at the address indicated above. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before Monday, November 26, 2018, a public hearing will be held at the following time and place:

Thursday, November 29, 2018 5:00 PM
Room 280
235 Promenade Street
Providence, Rhode Island 02908

Interested persons should contact DEM to confirm if a hearing will be held at the time and location noted above.

235 Promenade Street is accessible to the handicapped. Individuals requesting communication assistance (assistive listening devices/readers/interpreters/captions) must notify the D.E.M. at the telephone number listed above or at 831-5508 (T.D.D.) 48 hours in advance of the hearing date.

Interested parties may submit comments on the permit actions and the administrative record to the address above no later than 4:00 PM on Friday, November 30, 2018.

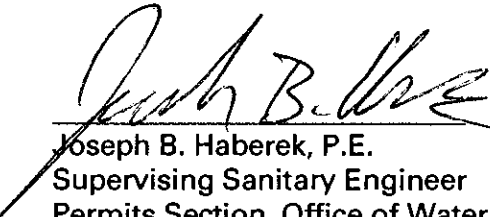
If, during the public comment period, significant new questions are raised concerning the permit, DEM may require a new draft permit or statement of basis or may reopen the public comment period. A public notice will be issued for any of these actions.

Any person, including the permittee/applicant, who believes these permit actions are inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period under Rule 41. The public comment period is from Thursday, October 25, 2018 to Friday, November 30, 2018. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to DEM as noted above.

FINAL DECISION AND APPEALS:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final decision and forward a copy of the final decision to the permittee and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final decision, any interested person may submit a request for a formal hearing in accordance with the requirements of Rule 49.

10/18/18
Date


Joseph B. Haberek, P.E.
Supervising Sanitary Engineer
Permits Section, Office of Water Resources
Department of Environmental Management



**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 **November 5, 2018** MEETING

MOTOR VEHICLE ABATEMENTS TO 2018 TAX ROLL

02-0004-25M BMW Financial Services	Motor Vehicle - 2013 BMW Reg. #443068 Returned leased vehicle March 30, 2016	\$188.61
02-1381-10M Brown, Janet	Motor Vehicle – 2007 Toyota Reg. #726195 Sold on 02/24/2017– Abate 132 days	\$14.83
02-1381-10M Brown, Janet	Motor Vehicle – 2014 BMW Reg. #490743 Registered in CT 12-15-17 – Abate 16 days	\$7.52
04-0821-81M Downs, Bradley	Motor Vehicle- soldier / sailor exempt	\$166.26

REAL PROPERTY/TANGIBLE ABATEMENTS TO 2018 TAX ROLL

01-0163-00 Allegrria, LLC	Plat 10, lot 90 transferred on 10-11-2018 to Account 02-0908-56	\$31,002.08
02-0300-00 Bates, Richard	Plat 8, lot 11 transferred on 10-11-2018 to Account 15-0350-00	\$4,043.53
02-1245-00 Brazil, William & Elizabeth	Plat 2, lot 8 transferred on 10-24-2018 to Account 16-0809-89	\$1,456.71
04-0160-01 Davenport, Alma	Plat 9, Lot 805, field card update.	\$12.39
12-0607-25 Limoges, James & Galen	Plat 8, lot 335 transferred on 10-5-2018 to Account 18-0028-45	4,531.22
12-0792-50 Logan, Joseph & Nancy	Plat 5, lot 12 transferred on 10-19-2018 to Account 08-0829-00	\$10,166.09
13-1026-35 McDermott, Mike	Plat 14, lot 354 transferred on 10-11-2018 to Account 07-0817-25	\$3,629.92
13-1364-03 Medeiros, Peter & Patricia Trustees	Plat 5, lot 465 transferred on 10-16-2018 to Account 16-0693-00	\$2,805.10
15-0350-00 O'Reilly, Paul	Plat 9, lot 193 transferred on 10-9-2018 to Account 08-0154-60	\$5,443.98
19-0840-40 Silvia, Jean Marie (est)	Plat 9, lot 758 transferred on 10-12-2018 to Account 16-0686-20	\$3,705.89
23-0707-25 Whitaker, Lucille	Plat 8, lot 632 transferred on 10-9-2018 to Account 01-0001-41	\$5,129.21

ADDENDA TO 2018 TAX ROLL

01-0001-41 12 Holmes LLC	Plat 8, lot 632 transferred on 10-9-2018 from Account 23-0707-25	\$5,129.21
02-0009-00 Babcock, Helna K	Plat 8, Lot 488, Unit 204, updated Property records. New Value \$763,100	\$585.87

02-0908-56 Bopp, Walter & Marguerite	Plat 10, lot 90 transferred on 10-11-2018 from Account 01-0163-00	\$31,002.08
07-0817-25 Graves, Chad & Fletcher, Julie	Plat 14, lot 354 transferred on 10-11-2018 from Account 13-1026-35	\$3,629.92
08-0154-60 Harding, Sarah & de la Torre, Jesus	Plat 9, lot 193 transferred on 10-9-2018 from Account 15-0350-00	\$5,443.98
08-0829-00 Huberman, David	Plat 5, lot 12 transferred on 10-19-2018 from Account 12-0792-50	\$10,316.09
15-0350-00 O'Reilly, Paul	Plat 8, lot 11 transferred on 10-11-2018 from Account 02-0300-00	\$4,043.53
16-0686-20 Pezzulli, Michelle & William	Plat 9, lot 758 transferred on 10-12-2018 from Account 19-0840-40	\$3,705.89
16-0693-00 Phillip, Robert J	Plat 5, lot 465 transferred on 10-16-2018 from Account 13-1364-03	\$2,805.10
16-0809-89 Pike, Christopher D.	Plat 2, lot 8 transferred on 10-24-2018 from Account 02-1245-00	\$1,456.71
18-0028-45 Rapkin, Gordon & Barbara	Plat 8, lot 335 transferred on 10-5-2018 from Account 12-0607-25	4,531.22

TOTAL ABATEMENTS	\$ 72,303.34
TOTAL ADDENDA	\$ 72,649.60

RESPECTFULLY SUBMITTED,

Christine Brochu

CHRISTINE BROCHU
TAX ASSESSOR

Subject:

FW: To: Jamestown Town Council . Christine Trocki ,President

To: Jamestown Town Council . Christine Trocki ,President
Jamestown Harbor Management Commission
David Cain , Chairman

From :William Munger CMM

Re : Storm preparedness & East Ferry Boat ramp

Originally built in the 1950s the East Ferry boat ramp is now well beyond its useful life .
Furthermore , only enables safe use for about 30 minutes either side of high water.

This inadequate time window of feasibility presents big problems for Jamestown boat owners
preparing for storm emergencies .Timely preparedness for hurricane events become particularly
troublesome.

The previously planned expenditure to replace the East Ferry Boat ramp was on the JHMC 2011
Marine Development Fund Long Range Infrastructure Plan for planning & design for 2014 (
design done) with construction completion in 2016 . Construction has still not started .

The Jamestown boating public is highly dependent on a suitable boat ramp that is useable at low
water .

Alternately, to now spend similar dollars of boaters money on an unnecessary ,additional ,touch
and go dock used ,FREE by largely non-residents ,should be delayed . A suitable boat ramp is of
much greater priority .

Let us not overlook we are an island community ,with more than a thousand boats surrounding
our island. These boats are owned largely by residents that depend on a suitable boat ramp for
access TO and FROM the Bay.

Boats too, must be included in the community hurricane preparedness plan.

Respectfully

Sent from I phone
Bill Munger CMM,Founder & President
Conanicut Marine Services Inc
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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO. 52

RESOLUTION REQUESTING AND SUPPORTING LEGISLATION TO
AMEND TITLE 44, CHAPTER 5 OF THE RHODE ISLAND GENERAL
LAWS REGARDING MUNICIPAL TAXATION OF REAL ESTATE

WHEREAS: in 1997, the R.I. General Assembly enacted legislation (P.L. 1997, Ch. 179, §1) which overhauled the statutory revaluation process for municipal taxation of real estate, to require that “each city and town shall conduct a revaluation within nine (9) years of the date of the prior revaluation and shall conduct an update of real property every three (3) years from the date of the last revaluation”; and

WHEREAS: the new revaluation process was based on the General Assembly’s recognition that the prior ten (10)-year cycle was “the longest revaluation cycle in the country;” the new revaluation cycle, with its three (3)-year updates, was designed “to provide more reliable and up-to-date property values in each of the cities and towns” and “to ensure that all taxpayers in Rhode Island are treated equitably”; and

WHEREAS: in 2001, the General Assembly enacted legislation (P.L. 2001, Ch. 365, §1) amending R.I. Gen. Laws §44-5-15 regarding the filing of an annual account and R.I. Gen. Laws §44-5-26 regarding tax appeals; and

WHEREAS: as amended, §44-5-15 requires that a taxpayer, as a prerequisite to seeking relief from a tax assessment, must file with the assessor an annual account “specifying the value of every parcel of the real estate as of December 31 in the year of the last update or revaluation and personal estate as of December 31 of the tax year”; and

WHEREAS: as amended, §44-5-26 requires that the mandatory statutory form for appealing a tax assessment give a taxpayer a right to appeal an assessment “if your property is: (1) OVERVALUED (assessed value is more than the fair market value as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate for any reason, including clerical and data processing errors” and further requires the applicant to state the taxpayer’s “opinion” of the property’s value “as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate”; and

WHEREAS: on May 2, 2018, the Rhode Island Supreme Court issued an Opinion in *Michael A. Balmuth et al. v. David E. Dolce, in his capacity as Tax Assessor for the Town of Portsmouth*, Supreme Court Case Nos. 2017-6-A, 2017-8-A, 2017-9-A, 2017-11-A, and 2017-12-A

(“*Balmuth*”); a copy of the *Balmuth* Opinion is attached to this Resolution and incorporated herein; and

WHEREAS: in *Balmuth*, a group of Portsmouth taxpayers challenged their real estate tax assessments on December 31, 2008 (for tax year 2009) and on December 31, 2009 (for tax year 2010). The taxpayers conceded that the Assessor did not overvalue their properties on December 31, 2007, when he conducted a full revaluation of all real estate in the Town; rather, the taxpayers alleged that they were entitled to relief because their property values had fallen following the last revaluation due to a declining real estate market; and

WHEREAS: the Tax Assessor and the Tax Assessment Board of Review denied the taxpayers’ appeals based on the provisions of R.I. Gen. Laws §44-5-15 and §44-5-26, as amended in 2001, because the properties were not overvalued as of the date of the last revaluation on December 31, 2007; and

WHEREAS: the taxpayers filed appeals to the Newport Superior Court which ultimately entered judgment for the taxpayers in five consolidated cases; and

WHEREAS: the Tax Assessor appealed from the Superior Court to the R.I. Supreme Court, seeking a *de novo* interpretation of the intent and effect of the 2001 amendments to R.I. Gen. Laws §44-5-15 and §44-5-26; and

WHEREAS: the Rhode Island League of Cities and Towns as Amicus Curiae submitted a brief to the Supreme Court which supported the Tax Assessor’s statutory interpretation and positions; and

WHEREAS: on a vote of 3-2, the Supreme Court affirmed the Superior Court judgment for the taxpayers, ruling that the taxpayers were not confined to the property values established at the last revaluation of December 31, 2007 and were permitted to appeal their assessments for tax years 2009 and 2010 based on valuations of the properties as of December 31, 2008 and December 31, 2009; and

WHEREAS: the majority opinion found that it was unclear “whether plaintiffs are, as defendant argues, confined to the values of their properties as of December 31, 2007. Based on our thorough review of the language contained in Chapter 5 of Title 44, the only thing that appears clear to us now is just how unclear the conflicting language is.... [T]here is no shortage of doubt about whether the General Assembly intended to restrict plaintiffs to the values of their properties as of December 31, 2007, the year of the revaluation at issue. Unfortunately, neither the 2001 amendments to §44-5-15 and the form required by §44-5-26(b), adding the phrase ‘in the year of the last update or revaluation[,]’ nor the legislative findings contained in §44-5-11.5 are determinative in discerning legislative intent.... [B]ecause we are confronted with a tax statute so plainly afflicted with significant ambiguity, we are firm in our view that we are best guided by the maxim which directs that ‘taxing statutes are to be strictly construed’ with doubts resolved in favor of the taxpayer;” and

WHEREAS: the dissenting opinion stated: “Our review of the relevant tax statutes leads us to conclude that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge it ‘in the year of the last update or revaluation...’”; and

WHEREAS: the dissenting opinion considered the “possible ramifications of the majority’s interpretation. Some taxpayers could seek a revaluation every year, requiring municipalities, such as defendant, to expend funds in justifying them. Interpreting the statute in that manner would unnecessarily burden already strained municipal budgets, ultimately passing the costs on to taxpayers. Likewise, loss of revenue, which occurred in this case, would leave cities and towns attempting to recoup their losses by, again, looking to remaining property owners. In these times when most owners do not have expendable income, we cannot fathom the General Assembly wanting to do that”; and

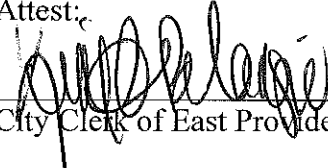
WHEREAS: the majority opinion noted the dissent’s “cautions of such a descent into fiscal disarray. Besides noting that appealing a tax assessment is in and of itself rather cost-prohibitive, we nonetheless conclude that such a policy concern is best addressed by the General Assembly, not this Court”;

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council hereby urges the Rhode Island General Assembly to draft, introduce and pass legislation to amend the provisions of Chapter 5 of Title 44, as necessary, to address the ambiguities noted by the Supreme Court in *Balmuth*, in order to provide with clarity that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge the value in the year of the last update or revaluation, as indicated in the 2001 amendments to §44-5-15 and §44-5-26; and

BE IT FURTHER RESOLVED, that the City Clerk submit a copy of this Resolution to the City of East Providence’s State Senators and Representatives, the Speaker of the House of Representatives, the President of the Senate, the Rhode Island Governor, and every Rhode Island municipality.

Adopted by the City Council: August 21, 2018

Attest:



City Clerk of East Providence, Rhode Island

Requested by: Councilman Botelho

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

TOWN OF FOSTER

RESOLUTION NO. 2018-05

**RESOLUTION REQUESTING AND SUPPORTING LEGISLATION TO
AMEND TITLE 44, CHAPTER 5 OF THE RHODE ISLAND GENERAL
LAWS REGARDING MUNICIPAL TAXATION OF REAL ESTATE**

WHEREAS: in 1997, the R.I. General Assembly enacted legislation (P.L. 1997, Ch. 179, §1) which overhauled the statutory revaluation process for municipal taxation of real estate, to require that “each city and town shall conduct a revaluation within nine (9) years of the date of the prior revaluation and shall conduct an update of real property every three (3) years from the date of the last revaluation”; and

WHEREAS: the new revaluation process was based on the General Assembly’s recognition that the prior ten (10)-year cycle was “the longest revaluation cycle in the country;” the new revaluation cycle, with its three (3)-year updates, was designed “to provide more reliable and up-to-date property values in each of the cities and towns” and “to ensure that all taxpayers in Rhode Island are treated equitably”; and

WHEREAS: in 2001, the General Assembly enacted legislation (P.L. 2001, Ch. 365, §1) amending R.I. Gen. Laws §44-5-15 regarding the filing of an annual account and R.I. Gen. Laws §44-5-26 regarding tax appeals; and

WHEREAS: as amended, §44-5-15 requires that a taxpayer, as a prerequisite to seeking relief from a tax assessment, must file with the assessor an annual account “specifying the value of every parcel of the real estate as of December 31 in the year of the last update or revaluation and personal estate as of December 31 of the tax year”; and

WHEREAS: as amended, §44-5-26 requires that the mandatory statutory form for appealing a tax assessment give a taxpayer a right to appeal an assessment “if your property is: (1) OVERVALUED (assessed value is more than the fair market value as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate for any reason, including clerical and data processing errors” and further requires the applicant to state the taxpayer’s “opinion” of the property’s value “as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate”; and

WHEREAS: on May 2, 2018, the Rhode Island Supreme Court issued an Opinion in *Michael A. Balmuth et al. v. David E. Dolce, in his capacity as Tax Assessor for the Town of Portsmouth*, Supreme Court Case Nos. 2017-6-A, 2017-8-A, 2017-9-A, 2017-11-A, and 2017-12-A

WHEREAS: in *Balmuth*, a group of Portsmouth taxpayers challenged their real estate tax assessments on December 31, 2008 (for tax year 2009) and on December 31, 2009 (for tax year 2010). The taxpayers conceded that the Assessor did not overvalue their properties on December 31, 2007, when he conducted a full revaluation of all real estate in the Town; rather, the taxpayers alleged that they were entitled to relief because their property values had fallen following the last revaluation due to a declining real estate market; and

WHEREAS: the Tax Assessor and the Tax Assessment Board of Review denied the taxpayers' appeals based on the provisions of R.I. Gen. Laws §44-5-15 and §44-5-26, as amended in 2001, because the properties were not overvalued as of the date of the last revaluation on December 31, 2007; and

WHEREAS: the taxpayers filed appeals to the Newport Superior Court which ultimately entered judgment for the taxpayers in five consolidated cases; and

WHEREAS: the Tax Assessor appealed from the Superior Court to the R.I. Supreme Court, seeking a *de novo* interpretation of the intent and effect of the 2001 amendments to R.I. Gen. Laws §44-5-15 and §44-5-26; and

WHEREAS: the Rhode Island League of Cities and Towns as Amicus Curiae submitted a brief to the Supreme Court which supported the Tax Assessor's statutory interpretation and positions; and

WHEREAS: on a vote of 3-2, the Supreme Court affirmed the Superior Court judgment for the taxpayers, ruling that the taxpayers were not confined to the property values established at the last revaluation of December 31, 2007 and were permitted to appeal their assessments for tax years 2009 and 2010 based on valuations of the properties as of December 31, 2008 and December 31, 2009; and

WHEREAS: the majority opinion found that it was unclear "whether plaintiffs are, as defendant argues, confined to the values of their properties as of December 31, 2007. Based on our thorough review of the language contained in Chapter 5 of Title 44, the only thing that appears clear to us now is just how unclear the conflicting language is.... [T]here is no shortage of doubt about whether the General Assembly intended to restrict plaintiffs to the values of their properties as of December 31, 2007, the year of the revaluation at issue. Unfortunately, neither the 2001 amendments to §44-5-15 and the form required by §44-5-26(b), adding the phrase 'in the year of the last update or revaluation[,] nor the legislative findings contained in §44-5-11.5 are determinative in discerning legislative intent.... [B]ecause we are confronted with a tax statute so plainly afflicted with significant ambiguity, we are firm in our view that we are best guided by the maxim which directs that 'taxing statutes are to be strictly construed' with doubts resolved in favor of the taxpayer;" and

WHEREAS: the dissenting opinion stated: "Our review of the relevant tax statutes leads us to conclude that real estate property taxpayers are not entitled to appeal the valuation of their

property each year, but may only challenge it ‘in the year of the last update or revaluation...’; and

WHEREAS: the dissenting opinion considered the “possible ramifications of the majority’s interpretation. Some taxpayers could seek a revaluation every year, requiring municipalities, such as defendant, to expend funds in justifying them. Interpreting the statute in that manner would unnecessarily burden already strained municipal budgets, ultimately passing the costs on to taxpayers. Likewise, loss of revenue, which occurred in this case, would leave cities and towns attempting to recoup their losses by, again, looking to remaining property owners. In these times when most owners do not have expendable income, we cannot fathom the General Assembly wanting to do that”; and

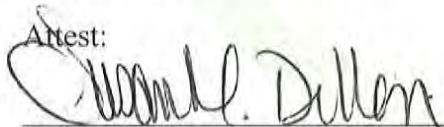
WHEREAS: the majority opinion noted the dissent’s “cautions of such a descent into fiscal disarray. Besides noting that appealing a tax assessment is in and of itself rather cost-prohibitive, we nonetheless conclude that such a policy concern is best addressed by the General Assembly, not this Court”;

NOW, THEREFORE, BE IT RESOLVED, that the Foster Town Council hereby urges the Rhode Island General Assembly to draft, introduce and pass legislation to amend the provisions of Chapter 5 of Title 44, as necessary, to address the ambiguities noted by the Supreme Court in *Balmuth*, in order to provide with clarity that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge the value in the year of the last update or revaluation, as indicated in the 2001 amendments to §44-5-15 and §44-5-26; and

BE IT FURTHER RESOLVED, that the Town Clerk submit a copy of this Resolution to the Town of Foster’s State Senators and Representatives, the Speaker of the House of Representatives, the President of the Senate, the Rhode Island Governor, and every Rhode Island municipality.

Adopted by the City Council: October 11, 2018

Attest:



Town Clerk of Foster, Rhode Island

Requested by:



Denise L. DiFranco
Town Council President

