



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, December 3, 2018
7:00 PM

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

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

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

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- A) Proclamation; review, discussion and/or potential action and/or vote
 - 1) No. 2018-09: Honoring Probate Judge J. Peter McGuirl

V. PUBLIC HEARINGS, LICENSES AND PERMITS

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

VI. OPEN FORUM

Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue

- A) Scheduled request to address
 - 1) Mary Lou Sanborn – congratulations to Members of the Town Council
- B) Non-scheduled request to address

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

- A) Town Administrator's Report: Andrew E. Nota
 - a) East Ferry Project Review
 - b) Town Council On-boarding Program
 - c) Preliminary Budget Work Session Schedule

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

- A) Upcoming meetings, work sessions, budget work sessions, workshops, and other sessions; review and discussion and/or potential action and/or vote
 - 1) Town Council Meeting date and time
 - 2) Board of Water and Sewer Commissioners Meeting date and time
 - 3) Annual Budget Work Session with Jamestown School Committee and School Department, pursuant to RIGL §16-2-21
 - 4) Town Council Tour of Town Facilities
- B) Town Council Liaison positions; review, discussion and/or potential action and/or vote
 - 1) Jamestown School Department Liaison
 - 2) Jamestown Philomenian Library Liaison
 - 3) Jamestown Conservation Commission Liaison
- C) Town Council Appointed positions:
 - 1) Town Solicitor/Prosecutor; review, discussion and/or potential action and/or vote
 - a) Letter of request from Peter D. Ruggiero of Ruggiero, Brochu and Petrarca for reappointment as Town Solicitor and Prosecutor, with background information
 - 2) Probate Judge; review, discussion and/or potential action and/or vote
 - 3) Town Sergeant; review and discussion and/or potential action and/or vote
 - 4) Bond Counsel; review and discussion and/or potential action and/or vote
- D) Town Council Rules and Procedures; review, discussion and/or potential action and/or vote
- E) Town Council Goals and Objectives; review, discussion and/or potential action and/or vote
- F) Review of the Open Meetings Act, Access to Public Records Act, and Code of Ethics by Town Solicitor Peter D. Ruggiero
- G) Review, discussion and/or potential action and/or vote regarding a Grant of Easement by and between the Town of Jamestown and The Narragansett Electric Company through a portion of Town property located on Battery

Lane designated as Plat 11 Lot 11 to provide electrical service to property located on Battery Lane designated as Plat 11 Lot 38, and authorization for signing by the Town Administrator

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Ordinances
 - 1) Presentation of certified initiative petition from Town Clerk concerning proposed adoption of Jamestown Sanctuary Ordinance, submitted pursuant to the relevant requirements of Sec. 219 of the Town of Jamestown Charter; review, discussion, and/or possible action to notice for public hearing and/or set down for submission to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.
- B) Vacancies; review, discussion and/or potential action and/or vote
 - 1) Jamestown Affordable Housing Committee (Three Vacancies - One vacancy with a three-year term ending date of May 31, 2021, One vacancy with an unexpired three-year term ending date of May 31, 2020, and One vacancy with an unexpired three-year term ending date of May 31, 2019); duly advertised
 - a) Letters of resignation
 - i) Edie Flynn
 - ii) Lydia Thomas
 - iii) William J. Piva, Jr. – elected to Town Council
 - b) Letters of interest for appointment
 - i) Sydney Keen – for full term
 - ii) Fred Pease – for unexpired term
 - 2) Jamestown Fire Department Compensation Committee (One vacancy with a three-year term ending date of May 31, 2021); duly advertised
 - a) Letter of resignation
 - i) Jerome Scott
 - b) Letter of interest for appointment
 - i) Sydney Keen
- C) Expiring Terms; review discussion and/or potential action and/or vote
 - 1) Beavertail State Park Advisory Board (One vacancy with a three-year term ending date of December 31, 2021); duly advertised
 - a) Term limit reached
 - i) Neil Blitz
 - b) Letter of interest for appointment
 - i) Linda Warner
 - 2) Jamestown Conservation Commission (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised

- a) Letter of resignation
 - i) Bill Reardon
 - b) Letter of interest for reappointment
 - i) Phil Larson
 - c) Letters of interest for appointment
 - i) Jessica Wurzbacher
 - ii) Sydney Keen
 - iii) Susan Shim Gorelick
- 3) Jamestown Harbor Management Commission (Three vacancies with three-year term ending dates of December 31, 2021); duly advertised
- a) Letters of interest for reappointment
 - i) Eric Lexow
 - ii) Wayne Banks
 - iii) Daniel Wurzbacher
 - b) Letter of interest for appointment
 - i) John Primiano
 - ii) Nicholas Radesca
- 4) Jamestown Housing Authority – Resident Commissioner (One vacancy with a five-year term ending date of December 31, 2023; duly advertised
- a) Letter of interest for reappointment
 - i) Kathy Powers
- 5) Jamestown Juvenile Hearing Board – Member (Two vacancies with three-year term ending dates of December 21, 2021); duly advertised
- a) Letter of resignation
 - i) Richard Mulcahey
 - b) Letter of interest for reappointment
 - i) Barbara Szepatowski
 - c) Letter of interest for appointment – to move up to Member from Alternate Member
 - i) Michael Lichtenstein
- 6) Jamestown Juvenile Hearing Board (Two alternate member vacancies with two-year term ending dates of December 31, 2020); duly advertised
- a) Letter of resignation
 - i) Cheryl Petrosinelli
 - b) Letter of interest for appointment
 - i) Sydney Keen
- 7) Jamestown Philomenian Library Board of Trustees (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised

- a) Letter of resignation
 - i) Marianne Kirby
- b) Letter of interest for reappointment
 - i) Mary Lou Sanborn
- 8) Jamestown Planning Commission (One vacancy with a four-year term ending date of December 31, 2022); duly advertised
 - a) Letter of interest for reappointment
 - i) Dana Prestigiacomio
 - b) Letter of interest for appointment
 - i) Richard Lynn
 - ii) Sydney Keen
 - iii) Erik Brine
- 9) Jamestown Traffic Committee – Member-at-Large (Two vacancies with three-year term ending dates of December 31, 2021); duly advertised
 - a) Letter of resignation
 - i) Melissa Mastrostefano
 - b) Letter of interest for reappointment
 - i) Vincent Moretti
 - c) Letter of interest for appointment
 - i) Valerie Southern
- 10) Jamestown Tree Preservation and Protection Committee (Four vacancies with One unexpired three-year term ending date of December 31, 2019 and Three three-year term ending dates of December 31, 2021); duly advertised
 - a) Letter of resignation (unexpired term)
 - i) Richard Lynn
 - b) Letters of resignation (full terms)
 - i) Peter Kallman
 - ii) Mark Girard
 - c) Letter of interest for reappointment
 - i) Elaine Peterson
- 11) Jamestown Zoning Board of Review – Member (One vacancy with a five-year term ending date of December 31, 2023); duly advertised
 - a) Term limit reached
 - i) Richard Boren
 - b) Letter of interest to be appointed to full Member
 - i) Lisa Hough – 2nd Alternate
- 12) Jamestown Zoning Board of Review – Alternate Member (Three vacancies with one-year term ending dates of December 31, 2019); duly advertised
 - a) Letter of interest to remain as Alternate Member
 - i) Judy Bell – 1st Alternate

- b) Letter of interest for appointment
 - i) Erik Brine

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) November 19, 2018 (special meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Harbor Commission (05/09/2018)
 - 2) Jamestown Harbor Commission (06/13/2018)
 - 3) Jamestown Harbor Commission (07/11/2018)
 - 4) Jamestown Harbor Commission (08/08/2018)
 - 5) Jamestown Harbor Commission (09/12/2018)
 - 6) Jamestown Library Board of Trustees (10/09/2018)
 - 7) Jamestown Library Building Renovation (10/02/2018)
 - 8) Jamestown Planning Commission (09/19/2018)
 - 9) Jamestown Planning Commission (10/03/2018)
 - 10) Jamestown Planning Commission (10/17/2018)
 - 11) Jamestown Zoning Board of Review (10/23/2018)
- C) CRMC Notices
 - 1) Semi-Monthly Meeting Agenda for November 27, 2018
 - 2) Official Finding and of Violation to Makenzie and Brittany Richards for mowing an emergent wetland for the property located at Arnold Avenue described as Plat 8 Lot 890
- D) Zoning Board of Review Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on November 27, 2018, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI, at 7:00 p.m. upon the following:
 - 1) Application of Angels Kitchen, whose property is located at 23 Narragansett Ave., and further identified as Assessor’s Plat 9, Lot 568 for a special use permit from Article 6, Section 82-601, Special Use Permits authorized by this ordinance, Article 3, Table 3.1 Restaurant with Alcohol, to serve beer & wine. Said property is located in a CL zone
 - 2) Application of Donata & Neill Barber, whose property is located at 108 Howland Ave., and further identified as Assessor’s Plat 9, Lot 516 for a variance & special use permit from Article 3, Section 82-302, Table 2 – setback requirements, Article 14, Section 82-1403-H-Detached AFDU, Article 6, Section 82-601 & 606 Special Use Permits, conditions for granting a variance. Request minimum relief per articles to allow for an existing approved AFDU that is .8 ft. from the rear lot line instead of the required 30 ft. Said property is located in a R20 zone and contains 16,500 sq. ft.

- 3) Application of Jamestown Beer Holdings LLC (Okema Prop. LLL, owner) whose property is located at 34 Narragansett Ave., and further identified as Assessor’s Plat 8, Lot 453 for a special use permit from Article 3, Section 82-301, Table 3-1 VIB Tavern/Bar, Article 6, Section 82-601 special use permit to operate a nano-brewery and taproom. Said property is located in a CD zone and contains 1,373 sq. ft.
- 4) Application of Paul Hamilton and Patricia Young whose property is located at 260 Beavertail Road, Jamestown, RI, and further identified as Tax Assessor’s Plat 12, Lots 42 and 212, for an appeal pursuant to the Zoning Ordinance, Article 82, Section 408 (“Appeal of a decision of the zoning enforcement officer”). Mr. Hamilton and Ms. Young appeal the Zoning Enforcement Officer’s decision not to take action on their formal, written request that he take action with respect to their neighboring property owner’s (Geoffrey Hamlin and Kristan Peters Hamlin, together, the “Hamlins”) tennis court structure (located at 0 Battery Lane, Tax Assessor’s Plat 11, Lot 38), specifically to:
 1. Require complete removal of the tennis court structure and regrading of the area to preconstruction elevations as reflected in the existing plans;
 2. Formally deny the November 6, 2017 Northeast Engineers & Consultants, Inc. drainage plan (entitled “Proposed Improvements in the Vicinity of Tennis Court”) submitted by the Hamlins, because, for one, it is an “after-the-fact” plan that is not appropriate under the soil erosion and sedimentation provisions of the Town Code; and
 3. Require the Hamlins to submit an appropriate drainage plan, if still necessary for the work proposed on the whole of the Hamlins’ property.

Paul Hamilton and Patricia Young’s property is located in an RR-80 zone and contains approximately 45.195 acres.

E) Abatements/Addenda of Taxes

Total Abatements: \$69,626.87 Total Addenda: \$73,966.00

1) Motor Vehicle Abatements to 2018 Tax Roll

Account/Abatement Amount

- | | | |
|----|-------------|-----------|
| a) | 07-1131-01M | \$ 35.50 |
| b) | 07-1131-02M | \$ 167.59 |

2) Real Estate/Tangible Property Abatements to 2018 Tax Roll

Account/Abatement Amount

- | | | |
|----|------------|-------------|
| a) | 01-0696-97 | \$ 3,498.94 |
| b) | 02-0317-50 | \$17,087.06 |
| c) | 03-1105-80 | \$11,291.53 |
| d) | 03-1302-52 | \$ 6,711.49 |

e)	03-1496-00	\$ 6,723.88
f)	04-0035-00	\$ 106.20
g)	08-0095-50	\$10,794.44
h)	08-0862-00	\$ 3,394.96
i)	16-0680-05	\$ 5.31
j)	19-0009-10	\$ 7,697.83
k)	20-0505-75	\$ 2,112.14
3)	Addenda to 2018 Tax Roll	
	<u>Account/Abatement Amount</u>	
a)	03-0590-60	\$ 612.76
b)	04-0015-52	\$ 1,566.34
c)	04-0668-30	\$ 6,723.88
d)	06-0302-70	\$ 1,750.18
e)	07-0592-73	\$ 3,544.96
f)	07-1034-00	\$17,087.06
g)	10-0364-10	\$11,291.53
h)	10-0410-10	\$ 2,112.14
i)	12-0901-85	\$10,944.44
j)	13-1734-00	\$ 274.45
k)	13-1780-55	\$ 7,847.83
l)	13-1965-50	\$ 3,498.94
m)	23-0556-00	\$ 6,711.49

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

A) Communications

- 1) Memorandum of Jamestown Conservation Commission re: Water Resource Protection Board and proposing WRPB operate independently from the Conservation Commission
- 2) Memorandum of Jamestown Conservation Commission re: proposed parking area for the Conanicut Island Sanctuary Trail, as developed by Trail Steward Chris Powell
- 3) Memorandum of Jamestown Conservation re: Jamestown Paper Streets and Citizen's access to water
- 4) Letter of Ann Gagnon requesting the Town move immediately to protect the remaining 34 lots in the Shores for groundwater protection and over development
- 5) Letter of the Barrington Town Council to the Middletown Town Council re: Superior Court decision concerning Flavored Tobacco Control Ordinance
- 6) Letter of Arnold-Zweir Post 22 American Legion and Veterans of Foreign Wars Post 9447 requesting the Town Council review the tax credit initiated by the previous Town Council

- 7) Email of Kenneth Nelson to Police Chief Mello requesting installation of a stop sign at the east/west intersection of Lawn Avenue and Watson Avenue to reduce vehicle speeding

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Budget Work Sessions for FY 2019-2020
- B) Veterans Exemption Review
- C) Discussion on Future Improvements to the public East Ferry boat ramp
- D) Discussion regarding formation of a separate Water Resources Protection Committee
- E) Discussion regarding “Excess” classification of the Beavertail Lighthouse Property and future State and Local interest in the property
- F) Authorization to proceed to 100% design and bid document development on the Golf Course Clubhouse project.

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 29, 2018



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: DECEMBER 2018 – INTERIM PROJECT AND BUSINESS UPDATE
DATE: November 30, 2018

The following business items are provided as part of an interim December 3, 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) **East Ferry Project Update:**

As we enter the month of December, there remains several aspects of the East Ferry Rehabilitation Project that were scheduled to be completed, some of which due to the weather may need to be rescheduled to Spring 2019. As many within the community have noticed in recent weeks, Cardi Corporation was able to install the binder coarse of asphalt on the full parking lot surface. The original plan was to have the entire parking area, curb stops and stripping completed by December and Cardi's work to be fully completed on this project. Based on the heavy rains that we saw during the month of November, which not only delayed and impacted in some cases the completion and quality of the sidewalk installation, it saturated the subsurface material beneath the parking area, which has now raised issues as to the optimal timing of the installation of the finish layer of asphalt. Due to the high probability of seeing some degree of failure in the binder course over the winter months, we are recommending that we leave the binder in place for the season, and reevaluate its durability and overall condition in the spring. This will allow for the Town to protect our investment and avoid the possibility of a complete failure or partial deterioration of the asphalt, subsequent repairs to be made to be binder should they be needed and for the finish layer of asphalt, curb stops and striping to be installed in late April, early May to complete this element of the project.

The Town staff are maintaining our original schedule to complete the other accessory elements of the work in the spring and to have the project fully complete in and around Memorial Day weekend. Below is provided a more detailed project summary of key project elements as general background for your review:

- The project is designed to mainly address the replacement of deteriorated sidewalks, curbing, asphalt surfacing, seawall/bulked repair and drainage systems, similar to what the Town does all throughout the community when such conditions warrant, in the maintenance of local public infrastructure.
- Phase I: Spring 2018 included, the installation of the majority of the granite curbing, repair and upgrade of the drainage system and repair of the seawall/bulked that was creating a sink hole,

- installation of electrical conduit and some of the electrical system, installation of stone walls and the full redesign of the triangle island and parking area.
- Phase II: Fall 2018: Finish sidewalk and (*parking lot asphalt installation, concrete tire stop installation, parking lot painting - changed to Phase 3*), remaining granite curb installation along storefront, stamped concrete crosswalk installations, finish electrical installations. Town to rebuild small pump-out shed in parking area.
 - Phase III: Spring 2019 – landscaping, site amenity installation including benches, receptacles, signage, and bike storage, steel railing repairs along the bulked, grinding of curb edge in parking lot and Town installation of sidewalk along northern parking area adjacent to bus shelter.
 - including private restoration of concrete approach adjacent to steel pier by CMS and grass restoration of veterans square as part of private fuel tank replacement.
 - Funding Elements and Private investment and upgrades also being made in the same area:
 - State of Rhode Island Commerce Corporation, Main Street Grant: \$65,000
 - RIDEM Grant for Pump-out Renovation: \$10,000
 - Waterfront Reserve Funds (generated by the lease of town waterfront property): \$325,000-\$350,000
 - Harbor Commission Capital Funds: \$30,000 (Concrete and Bulked Railing Improvements)
 - Town Capital Funds \$0
 - Total Project Costs, including all elements, depending on final quantities will be in the range of \$400,000 – \$450,000.

Private Elements coordinated with this project:

- CMS will install new conduit from the marina office (beneath parking area and sidewalk) to the future location of in-ground fuel tanks on the approach to the steel pier.
 - CMS will remove three (3) older 6000 gal. fuel tanks from beneath Veterans Square in Nov – Dec. 2018 and replace them with two (2) new 6,000 gal. tanks beneath concrete on the approach to the steel pier.
 - The Ferry Wharf Businesses has fully replaced the private sidewalk in front of their businesses and addressed drainage issues beneath the building in conjunction with the Town project. (A granite curb has been installed by the Town along the property line to separate the town parking area from the private concrete sidewalk)
- The project was publicly vetted over several years before the Planning Commission, Public informational sessions and before the Town Council.
 - The work schedule was modified to accommodate the 2018 peak summer business and boating season to allow for the local business community to avoid any potential hardship during the season. The alternative was to work through July and complete the majority of the project in summer 2018, impacting local business.
 - The Christmas Tree and Holiday Program will be located in the same traditional location, with steel sleeve installed, anchors for cables and electrical power for Dec. 2018.
 - The Public Art discussion will have no bearing on this project and the Whales Tail discussion to be led by an appointed town committee will consider a possible location of public art on the grass area to the North of the bus shelter, adjacent to the steel pier, not the triangle where the tree will be located.
 - Based on the redesign of the area, one (1) additional parking space was added to the parking lot, along with appropriate ADA parking spaces, widened sidewalks and crosswalks. No parking was lost due to this project as the redesign more efficiently utilizes the available space as noted on the preliminary and final plans approved for this project by the Town Council.
 - In the landscaping plan that was reviewed and vetted by the Planning Commission no shade trees are included in this project in order to prevent any conflict with public and private views.

B) Town Council Transition and Onboarding Program:

During periods of transition on the Town Council in and around each election, Town staff have developed an informal onboarding process that is offered to all Town Council members. What is Onboarding? Onboarding is a process by which new officials/employees are introduced to the community or organization. Materials are provided along with direct contact with professional staff, to familiarize new officials with local practices, staffing model, routine processes and services, and professional culture. In addition, the process assists with aligning community and organizational expectations and performance measures in providing new and existing Council members with the tools to be successful and to assimilate into this newly elected or continuing role with an easier and more supportive and familiar environment.

This process, designed to be helpful for new and existing members, includes structured opportunities for the Council to introduce or reintroduce themselves to their 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 has proven 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.

C) Budget Development Process:

- 1) Budget Development Process: As reported earlier in the month, the budget development process for the FY2019-2020 has begun with all Town Departments having been provided with supporting materials to begin the process. A formal budget memorandum (attached) was released to all departments earlier in November.

The schedule of preliminary department budget meetings is provided below:

December:

Meeting with School Committee: Tentatively scheduled for 6:00pm on December 17th, prior to the 7:00pm Town Council meeting.

January:

Internal meetings to be held by the Administrator with individual departments to discuss capital and operating budget proposals. This list of internal meetings will involve the following specific departments and Divisions:

Tax Assessor

Building and Zoning Official
Protective Service
Zoning

Town Clerks Office
Town Council
Probate Court
Elections

Police Department
Animal Control
EMA
Harbor Budget – (separate enterprise fund budget)

Parks and Recreation
Recreation
Parks
Fort Getty
Mackerel Cove
Senior Services

Planning Department

Fire Department/EMS

Public Works Department
Highway
Snow Removal
Engineering
Solid Waste/Transfer Station
Street Lighting
Tree Management
Public Buildings
Water and Wastewater (separate enterprise fund budget)

Finance
Information Technology
Tax collector
Audit
Personnel
Debt Service

Library Services



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

TO All Town Departments
FROM Andrew E. Nota, Town Administrator
SUBJECT Submission of FY 2019-2020 Operating and Capital Budget Requests
DATE November 14, 2018

In accordance with the Town Charter, the Town Administrator is responsible for the preparation of a proposed budget for submission to the Town Council, not later than 90 days preceding the date of the financial Town meeting. In order to accomplish this task, I am requesting your assistance in preparing budget documents in accordance with the procedures and instructions to be provided in the coming weeks. A schedule will be provided with further detail indicating due dates for budget submissions to the Town Administrator's office. Should the scheduled submission date for your department not be practicable and additional time is required, a request for extension should be made to the Administrator's office at least one week prior to the requested date.

A budget worksheet on which department directors will submit their FY 2019-2020 Operating and Capital budget requests will be available in the Finance office in December, although I am comfortable in accepting custom department submittals, after reviewing any proposed format beforehand. Information presented in this document will include a final spending history by object account for FY 2017-2018 and budget appropriations and actuals to date for FY 2018-2019. Department Directors will also be required to enter in this budget worksheet estimated year-end expenditures for FY 2018-2019 and proposed funding levels for FY 2019-2020. Also, to be provided are each individual department's salary projection sheets to be used in development of the department budget request. These documents will be formatted in a similar way as has been provided to the departments in recent years. Over the previous year, the Town has transitioned to a financial accounting software system that will provide for upgraded tools in managing the data associated with the budget development process.

A few general instructions relative to the FY 2019-2020 departmental requests are as follows:

1. All budgetary requests should be presented in whole dollars. In no case shall the requested FY 2019-2020 departmental funding level exceed **101 percent** of the adopted FY 2018-2019 department funding level **without sufficient justification provided and the advance approval of the Town Administrator.** *All departments should also be prepared to submit a supplemental budget document indicating what budgetary revisions would be required to reduce the FY 2019-2020 request to a 0% increase from the current year appropriation, should additional reductions become necessary.* It is noted that revenue enhancements generated by increased departmental revenue can be used to offset funding reductions.

2. Any requests for new or expanded programs and/or new personnel (full-time or part-time) must receive preliminary approval by the Town Administrator's office prior to incorporation into the FY 2019-2020 departmental program requests. All requests for new personnel must be submitted in writing to the Town Administrator for consideration no later than Friday, December 21, 2018, as a component of the department's overall submittal.
3. For those departments impacted, information to be used when budgeting for commodities for the 2019-2020 fiscal year will be provided in a memorandum that will be sent under separate cover in the coming weeks. It is noted that a 2-year actual volume history for each commodity should be included with the Department's budget request, which will be used should it become necessary to establish a commodities contingency.
4. It is incumbent on each Department to notify the Town Administrator's Office of all persons planning to retire or sever their relationship with the Town during the 2018-2019 or 2019-2020 fiscal year. A statement signed by the employee shall be required prior to the budgeting of severance pay for that individual.
5. Each department is required to submit with its departmental requests a detailed line item narrative description with any supporting tables and/or spreadsheets including data, indicating how final dollar amounts were determined for each object account. This information is very important in the development of the Town Administrator's budget and most important, in properly defending the Town Administrator's budget before the Town Council and the general public. In addition, I am seeking line item details broken-out in excel spreadsheet form, providing me with the detail that will not be reflected in the summary form or rolled-up line item totals. A few examples of this are included below and please contact me should you have any follow-up questions:
 - a. break out utility costs on a per building basis, versus providing one summary total, including type, cost per unit, and total estimated consumption;
 - b. provide detail on a per program/initiative basis, including staffing, supply and personnel costs;
 - c. provide vehicle fleet details broken out by replacement cycle, cost, age, type, etc.
6. Preliminary personnel salary information beginning on July 1, 2019, will be provided by the Finance Department in accordance with the following salary estimates: NAGE 68 at TBD%, NAGE 69 at TBD%, Non-union and Department Heads use TBD% and IBPO at 2.50%.
7. For all department's that include an individual line item for insurance costs in their budget submittal, a preliminary cost increase of 10% should be included as an early placeholder for this expense. As is normally the case subsequent updates will be provided that refine the accuracy of this figure.

8. For all departments including projected revenues in your budget materials, it is incumbent upon you to verify any such projections, if receiving local revenues, through an appropriate prior year or present-day trending of program participation, permit activity, or other appropriate criteria based on the projection. Should the projected revenue estimates be provided by an outside agency, sufficient communication should be made with said agency in order to verify their projections by using a fiscal detail such that a sufficient level of reliability can be achieved prior to using said figures in the budget document.

To ensure proper funding of your department, please provide as much budget justification as possible. It is extremely difficult to have requests re-instituted within the Town Administrator's budget once a preliminary decision has been made to reduce the overall program.

I look forward to working with you in developing a well-balanced and successful municipal spending program for the upcoming year. Please contact me should you have any initial questions or require clarification as to the information I am requesting. Thank you in advance for your cooperation.



**PRELIMINARY
TOWN OF JAMESTOWN
TOWN COUNCIL
ANNUAL MEETING
SCHEDULE
2019**

Town Council meetings begin at 7:00 PM on the First Monday of each month and at 6:30 PM on the Third Monday of each month, unless otherwise noted. In the event of a holiday on the First or Third Monday of the month, the Town Council will meet on Tuesday of that week, unless otherwise noted. Meetings are held at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, Jamestown. The Annual Financial Town Meeting is the First Monday in June at 7:00 PM at the Jamestown School Gymnasium at 55 Lawn Avenue, Jamestown.

January	7 (Monday) 6:30 PM 22 (Tuesday) 6:30 PM*	July	15 (Monday) 6:30 PM+
February	4 (Monday) 6:30 PM 19 (Tuesday) 6:30 PM*	August	19 (Monday) 6:30 PM+
March	5 (Monday) 6:30 PM 19 (Tuesday) 6:30 PM	September	3 (Tuesday) 6:30 PM* 16 (Monday) 6:30 PM
April	1 (Monday) 6:30 PM 15 (Monday) 6:30 PM	October	7 (Monday) 6:30 PM 21 (Monday) 6:30 PM
May	6 (Monday) 6:30 PM 20 (Monday) 6:30 PM	November	4 (Monday) 6:30 PM 18 (Monday) 6:30 PM
June	3 (Monday) 6:30 PM** 17 (Monday) 6:30 PM	December	2 (Monday) 6:30 PM 16 (Monday) 6:30 PM

Pursuant to RIGL §42-46-6 (a), (b) and (c), the Annual Notice and Notice of all Town Council Meetings are posted on the Secretary of State’s website, the Jamestown Town Hall, the Jamestown Philomenian Library, and the Jamestown Police Station. In addition to the above locations, notice is also posted 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, contact the Town Clerk by telephone at 401-423-9800, via facsimile to 401-423-7230, or by email to cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

*Tuesday meeting following Monday holiday
+One Meeting in July and August

**Annual Financial Town Meeting

BUDGET PROCESS – PRELIMINARY DATES/TIMEFRAMES

November 14, 2018	Town Administrator Memorandum to Town Departments for FY 2020 Budget Preparation
December 21, 2018	FY 2020 Budget Submission deadline to Town Administrator by Town Departments
December 17, 2019	Town Council/School Committee pre-budget work session;
January 2019	Harbor Budget review with Harbor Commission; Internal Administrative Meetings with Departments
February 2019	Preliminary review of upcoming budget work session dates;
March 4, 2019	Town Administrator provides summary of FY 2020 proposed budget; Budget work session and hearing dates reviewed; Town Administrator's Preliminary Budget Submission to Town Council;
March 2019	Town Capital Improvement Budget hearing and work session;
March 2019	Town Operating Budget hearing and work session Part I - Review of expenditures by department;
March 2019	Town Operating Budget hearing and work session Part II;
March/April 2019	School Operating and Capital Budget hearing and work session;
April 2019	Town and School Operating and Capital Budget review;
April/May 2019	Town Council Adoption of FY 2020 (July 1, 2019 to June 30, 2020); Town, School, and Capital Budget;
April/May 2019	Financial Town Meeting Warrant and Resolutions language adopted by Council;
May 20, 2019	Proposed FY 2020 Water and Sewer Budget presented to Council;
June 3, 2019	Financial Town Meeting;
June 17, 2019	Town Council as Board of Water & Sewer Commissioners adoption of FY 2020 Water & Sewer Budget.

TOWN COUNCIL TOUR
December 2018 or January 2019

Tour to begin at 8:00 a.m. in (one-day model provided below, a two-day option is available) Based on the familiarity of the Council members with certain facilities, this list can be reduced allowing for additional time and modification to the overall schedule.

Town Facilities:

➤ Town Hall	93	Narragansett Avenue	8:00 am
➤ Fire Department/EMS	50	Narragansett Avenue	8:30 am
➤ Police Department	250	Conanicus Avenue	9:15 am
➤ Highway Department	5	Freebody Drive	10:00 am
➤ Sewer/Waste Water Treatment Plant	1	Freebody Drive	10:30 am
➤ Recreation/Parks Department	41	Conanicus Avenue	11:15 am
➤ Lunch - Town Hall Conference Room (mid-day target)			12:15 pm
➤ Lawn School	55	Lawn Avenue	1:00 pm
➤ Melrose School	76	Melrose Avenue	1:40 pm
➤ Transfer Station	1218	North Main Road	2:15 pm
➤ Water Treatment Plant	236	North Main Road	2:45 pm
➤ Philomenian Library (late-day target)	26	North Main Road	3:15 pm

Tour to end at approximately 4:00 pm

RUGGIERO BROCHU & PETRARCA

ATTORNEYS AND COUNSELLORS AT LAW

Twenty Centerville Road
Warwick, Rhode Island 02886
Tel: 401-737-8700 Fax: 401-737-0735

Peter D. Ruggiero
Wyatt A. Brochu
David R. Petrarca, Jr.

November 26, 2018

Via E-Mail Only

JAMESTOWN TOWN COUNCIL
c/o Andy Nota, Town Administrator
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: Town Solicitor Re-Appointment Request and Background Information

Dear Honorable Town Council Members:

Attached are several documents which provide background information on my personal training, education and experience, along with the same information for Wyatt Brochu and David Petrarca, Jr., the other attorneys in our law practice group. I have also provided a law practice group biography for your information.

By way of this letter, I wish to indicate my desire to continue to serve the Jamestown Town Council and the Town of Jamestown as the Town Solicitor. If re-appointed, Mr. Brochu and Mr. Petrarca will also continue to assist the Town in their existing capacities and as needed. As you may already know, the position of Town Solicitor is a prerogative appointment of the Town Council and serves at the pleasure of the Town Council.

I was appointed an Assistant Town Solicitor beginning in 2003 and then later appointed Town Solicitor in 2007. At present, I have been assigned to provide general counsel services to the Town and legal coverage to the Planning Commission, the Zoning Board of Review, prosecution of police matters and providing general legal advice to other Town boards, commissions and staff. I attend Town Council meetings, while Mr. Brochu attends Planning Commission and Zoning Board meetings. Mr. Brochu also prosecutes Town Police Department matters. Mr. Petrarca has assisted in coverage assignments and special projects for the Town, including conducting the yearly tax sales for the Town. I have assisted the Town Administrator in negotiating several labor contracts containing substantial cost savings to taxpayers. I have also litigated and/or contested several issues on behalf of the Town and achieved noteworthy results in those cases. Mr. Brochu likewise defends decisions of the Planning Commission and Zoning Board in the Superior Court and has also achieved notable results.

My current rate of compensation is \$6,500 per month for general counsel services, including coverage of Town Council, Planning Commission, and Zoning Board of Review meetings, along with prosecution of police matters in R.I. District Court and the R.I. Traffic Tribunal. My office also provides coverage at various board and commission meetings and legal advice to Town staff upon request. This compensation rate will amount to a total annual cost to the Town for all these services of \$78,000. This monthly general counsel services compensation has not been increased since my original appointment in 2007. This amount is well below the annual cost comparable communities expend for general legal services. For litigation, negotiation and other non-retainer matters, an hourly rate of \$135.00 per hour applies. Again, this rate of compensation has not been increased since my original appointment. Our law practice group prides itself on cost containment to municipal clients and strives for efficiency to ensure that non-retainer costs are reasonable, necessary and at an absolute minimum. Over the many years of service to the Town, my total annual compensation for all my services provided to the Town has always been well within the budgeted allocation for legal services.

Town of Jamestown
November 26, 2018
Page Two

Since 2014, the coordinated provision of general counsel and police prosecution services to the Town by our law practice group has provided better overall service coordination, a higher quality of legal services and a more comprehensive and experienced service. In consideration of the forgoing, I am able to continue to provide these services as follows: a monthly retainer of \$6,500 for general counsel, attendance at two Town Council meetings, two Planning Commission meetings, one Zoning Board of Review meeting per month and monthly police prosecution efforts – this will amount to a total annual cost to the Town for all these services of \$78,000. This amount is well below the annual cost of comparable communities for general legal services. In addition, any labor negotiation, litigation matters or special projects outside the general monthly services will be billed at the rate of \$135.00 per hour. We will continue to be proficient to ensure that non-retainer costs are reasonable, essential and economical.

I am available to meet and answer any questions of the Town Council regarding my continued service to the Town and the level, capacity and cost of that service.

Sincerely,

/s/ Peter D. Ruggiero
Peter D. Ruggiero
PDR/ml

Enclosures

RUGGIERO, BROCHU & PETRARCA

ATTORNEYS AND COUNSELLORS AT LAW

Twenty Centerville Road
Warwick, Rhode Island 02886
Tel: 401-737-8700 Fax: 401-737-0735

Peter D. Ruggiero
Wyatt A. Brochu
David R. Petrarca, Jr.

Practice Group Profile

RUGGIERO, BROCHU & PETRARCA is a general practice law firm started in 2002 with extensive experience in land use, environmental, administrative, labor, real estate, estate planning, government and constitutional law. The practice group consists of **Peter D. Ruggiero, Wyatt A. Brochu** and **David R. Petrarca, Jr.**

Peter D. Ruggiero is an attorney and member of the American Institute of Certified Planners (“AICP”). Mr. Ruggiero is admitted to practice law in the states of Rhode Island and Massachusetts and the Federal Court system. Mr. Ruggiero attained a Master’s Degree in Community Planning and Area Development and a *Juris Doctor* Degree. Mr. Ruggiero’s professional career has spanned more than 38 years involving public service positions as a planner at the local, regional and state levels and numerous public and private sector legal services clients. Presently, Mr. Ruggiero serves several municipal clients as their solicitor and general counsel, assists planning boards, zoning boards, along with other boards, commissions and committees, prosecutes criminal matters, serves as alternate probate judge in three communities, and serves other quasi-government agencies, such as housing authorities and fire districts in their legal obligations. Mr. Ruggiero has successfully negotiated multiple public sector collective bargaining agreements attaining multi-million dollars in savings for municipalities and their taxpayers. Mr. Ruggiero also serves as general counsel to several large corporations and has overseen numerous multi-million dollar transactions for them. Mr. Ruggiero routinely appears in the State and Federal Court systems concerning client litigation matters.

Wyatt A. Brochu, Esquire is admitted to practice law in the states of Rhode Island and Massachusetts and the associated federal district and appellate courts. Attorney Brochu conducts a private law practice with a focus in municipal representation, criminal prosecution and defense, litigation and transactional business, corporate, small estate, land use and community planning, and real estate matters. Mr. Brochu is a former Assistant Chief Law Clerk for the Rhode Island Judiciary, and currently serves as an Assistant Solicitor and Prosecuting Solicitor for the Town of Jamestown, the Town of Charlestown, and the Town of Scituate. Attorney Brochu has also served as special counsel to several municipalities in Rhode Island, focusing on town council, planning, land use, and law enforcement matters. Additionally, Attorney Brochu counsels and represents private clients in Business Organization, Financing, Corporate Governance, and Compliance; Criminal Defense, DUI / Refusal, and Weapons matters; Real Estate Purchase and Financing; Municipal Law, Land Use Regulation and Development; and Wills, Guardianship, and Probate matters.

David R. Petrarca, Jr. engages in a general law practice with a focus in litigation and transactional business, estate planning, corporate, small estate, municipal, land use and community planning, and real estate matters. Mr. Petrarca is admitted to practice law in the states of Rhode Island, Massachusetts and Connecticut and the associated federal courts. Mr. Petrarca is the solicitor for the New Shoreham Water and Sewer Commissions and additionally serves as special counsel, focusing on town council, Open Meetings Act and Access to Public Records Act compliance, litigation, planning, and land use matters, for the City of Warwick, Town of Jamestown, Town of Charlestown, and Town of Exeter, as well as several municipal fire districts. He prosecutes and defends matters in the Rhode Island District and Superior Courts, as well as the Federal District Court of Rhode Island. Mr. Petrarca is also a Title Insurance Agent & Attorney for Connecticut Attorneys Title Insurance Company (CATIC).

Archer & Foppert, LLP

57 Narragansett Avenue, Jamestown, RI 02835
Fax: 401.423.9700
401.423.2329

Deborah A. Foppert, Esq.
Deb.Foppert@gmail.com

November 29, 2018

Cheryl Fernstrom, Town Clerk
Town Council of the Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: Town Solicitor

Dear Members of the Town Council,

Congratulations and thank you to each of you for your service on behalf of the Town of Jamestown. With the beginning of a new council term, I would like to request consideration for the position of Town Solicitor on behalf of our firm. As members of the Rhode Island Bar and residents of Jamestown for over thirty years, we feel our background, skills and dedication to the Town will serve us and the Council well in this position. It should be noted that a significant part of our motivation for seeking this position is to give back to the community in a way in which our skills can most benefit the town. I feel that our non-partisan background is a particular asset in the role of solicitor in order to provide the council with unbiased legal, rather than political, advice.

By way of background, I attach a brief firm resume, and to expand upon that I have served as the City of Warwick Zoning Board solicitor, have published an article on zoning issues in the Rhode Island Bar Journal and Suffolk Law Review, and have taught law courses at Providence College, University of Rhode Island and Salve Regina University over the years. I was the volunteer counsel for the Town of Jamestown during one of the Zoning Ordinance revisions in the early 1990's. Likewise, I have been involved in many community organizations over the years, including helping to found the Jamestown Community Farm, Inc. and currently serve as President of that non-profit entity.

As previously mentioned, part of our motivation is to give back to the Town of Jamestown, and in light of that, propose a fee that is based on that "community service" concept. Although the budgeted legal services line item in the 2018 is nearing \$100,000, we propose an annual fee for services of \$60,000 (or a flat fee of \$5,000 per month) for the routine work of solicitor. There would be no added expenditures for travel, attendance at meetings, communications or overhead associated with that service. This fee would allow

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for certainty in the solicitor transition period in that the Town would not have to bear the costs of the inevitable legal time that can go into a transition from one firm to another. Likewise, a flat fee allows for easier interaction between those in the town government or town departments who utilize the solicitor in that there is less worry about mounting legal fees. Assuming a typical year, that fee would cover all legal costs and thus save the Town over \$35,000 under the current budget. In the event of extraordinary legal needs (for example, extended litigation), then a cushion under the current budget would exist for those expenses. In the alternative, if you are more comfortable with an hourly rate for legal services, then we would be willing to offer a 40% reduction in our normal hourly rate and charge \$150 per hour for legal services (again, with no charges being imposed for travel or overhead costs).

I look forward to the opportunity to work with you in this capacity and welcome your inquiries and communications related to this proposal.

Sincerely,



Deborah A. Foppert

Archer & Foppert, LLP

57 Narragansett Avenue, Jamestown, RI 02835
Fax: 401.423-9700

Who we are:

Eric Archer graduated from Colgate University with a BA in Philosophy and Environmental Science, and was a member of the law review at University of Connecticut Law School. Upon graduation from law school in 1987, he started working at Edwards & Angell in Providence in the trust and estates department. He gradually made his way to Newport/Jamestown and opened his own practice in 1991 in Jamestown and now represents many of the local charities in Newport County on tax and compliance matters. Eric is the primary point of contact on estate planning and tax matters, and can be reached directly at **401.423.0083** or **efalaw@yahoo.com**.

Deb Foppert graduated from Bucknell University with a BA in Economics and Political Science, and from The University of Pennsylvania Law School. Upon graduation from law school in 1986, she started working at Edwards & Angell in the real estate and corporate lending department in Providence and then was one of three attorneys to open the Newport office of E&A. After nine years at E&A, Deb taught for a number of years at St. George's School, later rejoining Eric full time in 2013. Deb is the primary point of contact on all real estate conveyancing, zoning, planning and corporate matters and can be reached at **401.423.2329** or **Deb.Foppert@gmail.com**.



Town of Jamestown

Town Clerk's Office
Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-7200 • Fax 423-7230
email: cfernstrom@jamestownri.net

Cheryl A. Fernstrom, CMC
Town Clerk
Probate Clerk

July 1, 2018

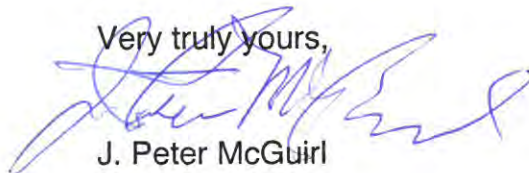
Honorable Jamestown Town Council
93 Narragansett Avenue
Jamestown, RI 02835-1199

Attention: Kristine S. Trocki, President

Dear Kristine:

This is to advise that I will not seek reappointment as Probate Judge. It has been my pleasure to have served the community for the past thirty years.

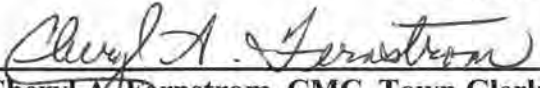
Very truly yours,



J. Peter McGuirl

As adopted by the Jamestown Town Council
At a meeting held March 20, 2017

Attest:


Cheryl A. Fernstrom, CMC, Town Clerk

JAMESTOWN TOWN COUNCIL RULES & PROCEDURES

Upon adoption, this document supercedes all other existing resolutions regarding Town Council procedures.

RULE 1

Charter Requirements

- 1.1 All requirements of the Town Charter with respect to the proceedings of the Town Council are to be strictly followed, and no rules shall be adopted by the Town Council that are in conflict with the Charter requirements.

RULE 2

Presiding Officer

- 2.1 The Town Council President is elected pursuant to section 204 of the Charter. In the event of the absence or the disability of the President, the Vice President shall perform such duties during such absence or disability.
- 2.2 The President shall take the chair at the hour designated for the meeting of the Council and shall promptly call the members to order. The President shall enforce, on all occasions, the observance and decorum among the members and people in attendance. The President shall decide all questions and points of order, subject to an appeal to the Town Council by one member. No other business shall be in order until the question or appeal on the point of order shall have been decided by a majority of the members present. The President may speak on points of order in preference to other members and may speak on general questions. The President shall distinctly state and put to a vote all ordinances, resolutions and questions.

RULE 3

Meetings

- 3.1 The first meeting of a newly elected Council shall be held on the first Monday following certification of the election of its members by the canvassing authority; thereafter the Town Council shall meet according to section 205 of the Charter.

- 3.2 All meetings of the Council, including special and emergency meetings and work sessions, shall be open to the public, except those exempted under the Rhode Island Open Meetings Law, G.L. 1956 § 42-46-1 et seq. All matters shall be voted upon by the Council at an open regular meeting or at an open, special or emergency meeting consistent with the State Open Meetings Act and section 207 of the Charter.

The regular meeting of the Town Council shall be held on the first Monday of the month. This shall be understood to be the meeting during which the council conducts its business. On the third Monday of the month, the council will meet to propose items for the agenda of the next monthly meeting. The council may also use the third Monday to conduct either a meeting or workshop reviewing particular, specific issues or the work or concerns of a specific town commission. Additional meetings or workshops may be arranged as necessary.

- 3.3 All regular and special meetings and their agenda must be posted in advance in accordance with the requirements of the State Open Meetings Act. Such advance notice is not required when an emergency meeting is called. Such emergencies would be those affecting public peace, health, safety, comfort and welfare of the inhabitants of the Town and for protections of persons and property. An emergency meeting must comply with the requirements described in the Open Meetings Act, as amended.

Rule 4

Developing the Agenda

- 4.1 The agenda is the mechanism by which the Town Council as a group or body communicates with the town, making evident the Council's priorities and policy initiatives as well as the administration's efforts to promote and support those priorities. In anticipation of the first meeting of the month, *understood to be the Town Council's regular meeting during which most of its business is conducted*, the Clerk of the Town Council shall prepare and/or cause to be prepared a docket or agenda on which there will be a definite statement or summary of all ordinances, resolutions, orders, reports, communications and other business to be considered at each meeting of the Town Council.

On the *third Monday* of a month, the Town Council may also meet for which a docket or agenda as described above shall also be prepared. This meeting shall include the agenda of the Town Council sitting as the Board of Water and Sewer Commissioners.

Town Councilors may also propose items for the agenda, but must do so to the Town Clerk and Town Administrator, at least five (5) days prior to the next meeting.

Should a Town Councilor object to an item that another Councilor has placed on the agenda a vote may be taken by the Council to determine if there should be discussion of the item. To prevent or inhibit discussion requires a minimum of a 4 to 1 vote in opposition to the item if a full Council is seated or 3 to 1 vote in opposition to the item if only 4 Councilors are seated. If less than 4 Councilors are seated, the Council should delay discussion of items that have provoked such controversy.

The Town Administrator shall place items on the agenda, which are the responses or plans of action for council initiatives, under Unfinished or Old Business. The Town Administrator shall propose new items or initiatives not previously discussed by the Council first by communicating them through his report and then, if the item warrants a Council vote, at a future Council meeting under Unfinished Business. This also applies to staff initiatives which should be presented or noted in either the Administrator's Report or a staff report first then at a subsequent meeting as Unfinished Business.

A citizen may seek to place an item on the agenda by putting the request in writing, where it will be placed under Communications. The Council will then vote whether to place the item on a future agenda. When a citizen appears in front of the Council under Open Forum, without any notice described on the agenda, and requests an item to be placed on the agenda, that request shall be transformed into a communication on the next agenda that can be voted on by the Council.

If possible Councilors, the Administrator and staff should note the policy initiative or goal or action plan described by the Council in their Goals and Objectives to which the agenda item is most closely aligned. This provides a clear connection between the goals and their successful fruition. If possible Councilors should note their authorship of any item they propose for New Business.

- 4.2 Memos for Town Council review or requests for action from any Board, Committee, or Commission of the Town or from any Department Head shall be listed under New or Unfinished business to be distinguished from simple correspondence or minutes. These items are subject to the deadlines described below.
- 4.3 Letter from constituents (*residents of Jamestown*) shall be the first items of correspondence included under the agenda heading of Correspondence, followed

by requests for action from other communities in Rhode Island or state agencies or officials.

- 4.4 No ordinance, resolution, order, report, communication, and other business shall be considered as having been introduced unless notice has been filed with the Clerk, and said ordinance, resolution, order, report, communication or other business appears on the prepared docket. The Clerk shall cause a copy of the docket to be posted in accordance with the RIGL §42-46-6 governing the Open Meetings Act Requirements for meeting postings.

RULE 5

Order of Business for Regular Meetings

- 5.1 The Order of Business at each meeting shall be:
1. Call to Order;
 2. Roll Call;
 3. Town Council Sitting as the Board of Water and Sewer Commissioners
 4. Acknowledgements, Announcements and Resolutions;
 5. Public Hearings, Licenses and Permits
 6. Open Forum
 7. Administrator, Department, Solicitor Reports
 8. Unfinished Business
 9. New Business
 10. Ordinances and Appointments
 11. Consent Agenda
 12. Communications and Petitions
 13. Executive Session
 14. Adjournment.
- 5.2 Attached to the agenda (electronically through the town website and physically in the packets provided to the Town Council) are the support materials relevant to the particular items listed on the agenda or the items (license applications, proposed ordinances, minutes, communications) themselves. It shall be listed on the agenda that “attachments are available to view on our website at <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2017-meetings-minutes-agendas>. It is recommended that the Town Council should not vote on any issue in New or Unfinished Business that may appear on the docket but lacks support information. Any and/or all agenda item(s) requiring or potentially requiring action by the Town Council should include, at the end of the listed item of business, the language “review and discussion and/or potential action and/or vote.” For agenda items that are continued or have additional and/or a larger volume of attachments, the language “for discussion documentation, please visit <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2017-meetings-minutes/2017-meetings->”

RULE 6

Public Hearings

- 6.1 The public hearing portion of the agenda shall be conducted as follows. The Town Council President will invite the applicant or applicant's representative to give a brief explanation of the item for the benefit of the Council and the public. Members of the public may then be permitted to speak on the item until all who wish to speak have had an opportunity to do so. Members of the Council shall reserve their questions and comments until after the public has spoken. The Council President may allow brief, clarifying questions by the Council or brief discussion when such will be likely to expedite the business of the Council. After the public discussion is finished and the Council has had discussion, the Council President will close the public hearing. At this point, a motion is made for a decision to approve, deny or table the item.
- 6.2 The Council shall not enact any ordinance or resolution that shall in any way affect the Zoning Ordinance; the physical development plan of the Town; the existing and proposed location and arrangement of the uses of the land; transportation routes; plans of streets and revisions of such plans; public facilities; public utility systems; deteriorating or blighting neighborhoods planned for redevelopment, rehabilitation, or other improvement; natural resources and historic sites to be preserved; disaster survival proposals; and land subdivision plans, without first submitting any such ordinance or resolution to the Town Planning Commission for its recommendation. Nothing, however, shall be construed to restrict or prevent the Council from acting on any ordinance or resolution contrary to or in the absence of a recommendation of the Commission. The Council must further adhere to the relevant and applicable requirements of State law in implementing this Rule.
- 6.3 It is recommended that the Town Council should not grant any license or permit that lacks either the signature or affirmation by the clerk that the signature is forthcoming of any town official required to sign the application for license or permit.

Rule 7

Open Forum

- 7.1 Open Forum offers citizens the opportunity to clarify any item on the agenda, to address items not on the agenda or to comment on any communication or item listed on the consent agenda.

Persons who wish to be heard on the agenda shall present such requests in writing to the Town Clerk no later than five (5) days prior to the Council meeting for which they wish their request to be considered. In preparing the meeting agenda, a

determination shall be made by the Town Clerk in conjunction with the Town Council President as to whether the request is an appropriate subject/topic for inclusion on the final agenda. There will be a 10-minute time limit for such requests. Extensions will be granted at the discretion of the Council President. Other persons wishing to speak without prior arrangement will be given an opportunity to do so during the "Open Forum."

- 7.2 If the subject of a scheduled request to address is provided on the agenda, Town Councilors may respond to that subject. Otherwise, Town Councilors may only respond to citizens in open forum to provide information or schedule the subject for another meeting. Comments from the floor under "Open Forum" on any subject not within the purview of the Town Council should not be discussed extensively, but rather, should be considered for inclusion as an agenda item at a subsequent meeting.
- 7.3 Town Councilors may not use open forum to bring up items themselves. If a town councilor wishes to present a subject to the Council and community, it must be listed on the agenda under New Business.

Rule 8 Reports

- 8.1 The Town Administrator's report shall be in writing and submitted in advance of the Town Council meeting.
- 8.2 On a revolving schedule, at least once a year, each Department head will provide a written report for their department.

Rule 9 New and Unfinished Business

- 9.1 Each item tabled or postponed by the Council at any regular meeting shall appear on the agenda of the next succeeding regular meeting, or on a subsequent date set by the Council as unfinished business, until acted upon or removed from the agenda.
- 9.2 Citizens may speak at the discretion of the Council President or a majority of Councilors during New or Unfinished Business.

RULE 10 Appointments to Boards & Commissions

- 10.1 The Town Council will consider all requests for appointment and will continue to urge interested residents to obtain and complete the volunteer application available at the Clerk's Office (also available at the Library and town website at

www.jamestownri.gov). Appointments of members to commissions, boards and committees shall be by a majority vote of the Council.

- 10.2 The Council will continue the practice of appointing the best qualified persons to boards, commissions and committees without regard to personal or political affiliations, except as may be otherwise required by State law. Once appointed to a board or commission, citizens shall conduct themselves in a manner respectful of fellow committee members and the public. Failure to do so may prompt the Council to remove the person who, by virtue of a majority vote of the other committee members, is alleged to have violated decorum and propriety appropriate for committees and boards in Jamestown. Committees shall be conducted in accordance with the Open Meetings Act and all other relevant legal and procedural requirements.
- 10.3 The chairperson of each individual board, commission or committee shall keep a record of the terms of its members, as provided by the Town Clerk, and shall notify the Clerk within 45 days prior to the expiration of any member's term. Said notification shall include meeting location and schedule for that board, commission or committee.
- 10.4 The Town Clerk will announce upcoming vacancies for 30 days prior to the term expiration dates, or date set for filling vacancies.
- 10.5 The Town Clerk will communicate with individuals whose terms will be expiring by letter to determine if the person wishes to be reappointed, if applicable. The Town Clerk will also request a two-year attendance record from the Chair of the applicable board, commission or committee.
- 10.6 Application for the vacancy shall be by letter from the applicant to the Town Clerk's office stating qualifications of the applicant. Persons wishing to be reappointed shall follow the same procedure.
- 10.7 The Council Members shall make nominations from the files of applicants provided by the Town Clerk.
- 10.8 Individuals seeking appointment or reappointment must be qualified electors of the Town of Jamestown and residents of the Town of Jamestown.
- 10.9 In the event a special advisory committee is formed, a written charge will be given to the committee by the President of the Town Council. The Town Council shall have the authority to discharge the committee or to recall the committee as necessary.

RULE 11

Consent Agenda

- 11.1 Consent Agenda. In order to expedite the public business and provide additional time for deliberation by the Town Council on matters requiring such deliberation, Consent Agenda items are those items of business that are of a routine and non-controversial nature.
- 11.2 If the Town Council President, Town Administrator or Town Clerk determines that any item of business which requires action by the Town Council is of a routine and non-controversial nature, they shall cause it to be presented at a regular meeting of the Council as part of the Consent Agenda.
- 11.3 Upon objection by any member of the Council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Agenda. Any item removed from the Consent Agenda shall be considered at the conclusion of the Consent Agenda to take the necessary action required.
- 11.4 The Consent Agenda shall be introduced by a motion "To approve the following listed items as the Consent Agenda" and shall be considered by the Council as a single item. There shall be a roll call vote after this motion.
- 11.5 There shall be no debate or discussion by any member of the Council regarding any item on the Consent Agenda beyond correcting typographical errors or asking questions for simple clarification.
- 11.6 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution or other item of business thereon exactly as if it had been acted upon separately.

RULE 12

Parliamentary Law

- 12.1 If there are any parliamentary practices, procedures, customs and rules not covered within these rules, the current edition of Robert's Rules of Order, Newly Revised, shall govern where it does not conflict with the applicable State or Town laws, ordinances, or the Home Rule Charter.

Rule 13

Participation in Discussion

- 13.1 The heads of Departments or Divisions thereof and members of Boards and Commissions, in matters relating to the functions of their offices, and any other

elected officials, shall have the right to appear before the Council for the purposes of expressing their views on matters pending before it. Any citizen or group of citizens shall have the right to petition the Council with regard to any matter within the jurisdiction of the Council, setting forth specifically the purpose of the petition and relief desired. The press shall be allowed on the floor of the Town Council chambers.

- 13.2 With the objective of facilitating prompt attention to Council Member concerns, any member of the Town Council who knows in advance of a meeting that the member wishes to obtain certain data, or have a question or questions answered, or wishes specific figures or expenditures, or budget balances, etc., should, insofar as possible, inform the Administrator in writing of the nature of the inquiry so that the Administrator will have the opportunity to have the answer available at such meeting.
- 13.3 The Town Council requests that members of the public follow a similar procedure wherever possible.
- 13.4 The Town Administrator shall submit reports to members of the Town Council in advance of a Town Council meeting.

RULE 14

Motions

- 14.1 When a motion is made and seconded it shall be stated by the Town Council President.
- 14.2 No motion shall be debated until it is seconded. Any motion may be withdrawn by the mover at any time before the taking of a vote thereon or before an amendment is made to such motion.

RULE 15

Motions of Precedence

- 15.1 When a question is before the Town Council, no motion shall be received, except to:
 1. Fix the time at which to adjourn;
 2. Adjourn;
 3. Take a recess;
 4. Raise a question of privilege;
 5. Call for the orders of the day;
 6. Lay on the table;
 7. Previous question;
 8. Limit or extend the limits of debate;

9. Postpone to a certain time;
10. Commit or refer;
11. Amend;
12. Postpone indefinitely;
13. Main motion

The last motion on the list ranks lowest and the first on the list ranks highest. When any of the above motions are immediately pending, the motions before it on the said list shall be acted on first, and the ones below shall be acted on in order. Motion #s 13, 12, 11, 10, and 9 are debatable. Motion #s 13, 11, 10, 9, 8, 3 and 1 are amendable. Motion #s 13, 11, 10, 9, 7 and 1 are subject to reconsideration.

RULE 16

Actions of Members of the Town Council

- 16.1 Any Council member wishing to speak shall address the President, and after the right to speak has been recognized, the member shall not be interrupted while speaking except by a call to order, or for the correction of a mistake, or yield to a member. The member shall confine remarks to the question under debate and refrain from personal comments. *No member shall speak more than once on the same question until all members desiring to speak thereon shall have done so.* There shall be no conversation among members while another member is speaking or while anyone else is speaking, while a roll call is being taken, while a paper is being read or while the President is stating a question.
- 16.2 The affirmative roll call vote of three (3) Council members shall be necessary for the passage of any ordinance. The vote upon any matter shall, upon the request of two Council members, be taken by roll call which shall be called for by the President. The “yeas” and “nays” of the Council members shall be called for individually by the Town Council President or presiding officer, in the event of a conflict, and shall be recorded on the records of the Town Council by the Clerk. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the President or any member of the Council for any reason whatsoever, including points of order, personal privilege or for a member to explain his or her vote. After the roll call and before the President announces the result, any member may change his or her vote. All roll calls shall be taken alphabetically, except that the name of the President of the Council shall be called last. In case of a tie vote, the motion is not carried or passed. A member may explain the vote only with the consent of the Council.
- 16.3 After the result of a vote is announced, a motion to reconsider is in order. A member who voted with the prevailing side must make the motion. Any member may second the motion. No ordinance, resolution, question or vote can be twice reconsidered.

- 16.4 Any member who realizes or anticipates a conflict of interest with respect to a matter before the Town Council for consideration should announce the intent to recuse themselves and to abstain from voting on the matter as soon as the conflict becomes apparent, and should thereafter refrain from further discussion of the matter.
- 16.5 Any member who believes they lack the information to make a proper vote may abstain from voting.

These rules and procedures shall take effect upon passage. The foregoing rules shall not be altered, amended, suspended or repealed at any time, except by a vote of the majority of the whole number of members elected to the Town Council.

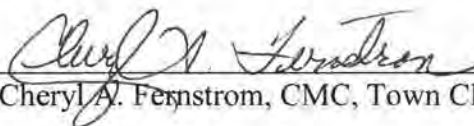
Adopted by the Jamestown Town Council at a meeting held February 4, 2013

Attest: _____
Cheryl A. Fernstrom, CMC, Town Clerk

Revised and Adopted by the Jamestown Town Council at a meeting held March 22, 2016

Attest: _____
Cheryl A. Fernstrom, CMC, Town Clerk

Revised and Adopted by the Jamestown Town Council at a meeting held March 20, 2017

Attest:  _____
Cheryl A. Fernstrom, CMC, Town Clerk

Summary Goals and Objectives:

- 1) Goal 1: To Promote Quality of Life in the Community
 - a. 8 – Objectives
 - i. Maintain Jamestown Rural Character;
 - ii. Protect Natural Resources;
 - iii. Promote Public Access to the Water, Water-based activities and Use of Jamestown’s Natural Resources;
 - iv. Recognize the Importance of the Village as the Town Center, the Focal Point for most community activities;
 - v. Support Cultural, Civic and Recreational Opportunities that Promote a Sense of Community;
 - vi. Promote a sustainable Jamestown;
 - vii. Ensure Housing Affordability and Provide a Range of Housing Choices for residents;
 - viii. Senior Citizen Programming and Services.

- 2) Goal 2: Ensure Effective and Accountable Town Government
 - a. 4 – Objectives
 - i. Improve Access to Local Government;
 - ii. Maintain the Towns Remarkable Sense of Fiscal Responsibility;
 - iii. Maintain and Improve Town Infrastructure;
 - iv. Pursue effective Local , State and Regional Partnerships.

- 3) Goal 3: Ensure Public Health and Safety
 - a. 7 – Objectives
 - i. Maintain an Effective and Responsive Community Policing Program;
 - ii. Maintain a safe and Secure Environment for Residents of all Ages;
 - iii. Continue to support Volunteer Fire Department and EMS Modernization and Improvements;
 - iv. Support Water System Improvements;
 - v. Support Continued Wastewater System Improvements;
 - vi. Maintain and Improve Town Roads and Facilities Used by the Public;
 - vii. Reduce Incidence of Tick Borne Disease.

TITLE 42

State Affairs and Government

CHAPTER 42-46

Open Meetings

§ 42-46-1. Public policy.

It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.

History of Section.

(G.L. 1956, § 42-46-1; P.L. 1976, ch. 330, § 2.)

§ 42-46-2. Definitions.

As used in this chapter:

(1) "Meeting" means the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.

(2) "Open call" means a public announcement by the chairperson of the committee that the meeting is going to be held in executive session and the chairperson must indicate which exception of § 42-46-5 is being involved.

(3) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government or any library that funded at least twenty-five percent (25%) of its operational budget in the prior budget year with public funds, and shall include all authorities defined in § 42-35-1(b). For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however, that no such meeting shall be used to circumvent the requirements of this chapter.

(4) "Quorum", unless otherwise defined by applicable law, means a simple majority of the membership of a public body.

(5) "Prevailing plaintiff" includes those persons and entities deemed "prevailing parties" pursuant to 42 U.S.C. § 1988.

(6) "Open forum" means the designated portion of an open meeting, if any, on a properly posted notice reserved for citizens to address comments to a public body relating to matters affecting the public business.

History of Section.

(G.L. 1956, § 42-46-2; P.L. 1976, ch. 330, § 2; P.L. 1982, ch. 352, § 1; P.L. 1984, ch. 372, § 1; P.L. 1995, ch. 297, § 1; P.L. 1998, ch. 379, § 1; P.L. 2005, ch. 103, § 1; P.L. 2005, ch. 134, § 1; P.L. 2006, ch. 453, § 1; P.L. 2007, ch. 129, § 1; P.L. 2007, ch. 180, § 1; P.L. 2008, ch. 475, § 11.)

§ 42-46-3. Open meetings.

Every meeting of all public bodies shall be open to the public unless closed pursuant to §§ 42-46-4 and 42-46-5.

History of Section.

(G.L. 1956, § 42-46-3; P.L. 1976, ch. 330, § 2.)

§ 42-46-4. Closed meetings.

(a) By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.

(b) All votes taken in closed sessions shall be disclosed once the session is reopened; provided, however, a vote taken in a closed session need not be disclosed for the period of time during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to discussions conducted under § 42-46-5(a).

History of Section.

(G.L. 1956, § 42-46-4; P.L. 1976, ch. 330, § 2; P.L. 1988, ch. 84, § 29; P.L. 1988, ch. 659, § 1, P.L. 1990, ch. 201, § 1; P.L. 1998, ch. 379, § 1; P.L. 2007, ch. 340, § 37.)

§ 42-46-5. Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct.

(a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

(6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.

(8) Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

(10) Any discussion of the personal finances of a prospective donor to a library.

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.

(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 and:

(i) Cannot attend meetings of that public body solely by reason of his or her disability; and

(ii) Cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication in accordance with the process below.

(4) The governor's commission on disabilities is authorized and directed to:

(i) Establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) Grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) Any waiver decisions shall be a matter of public record.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

History of Section.

(G.L. 1956, § 42-46-5; P.L. 1976, ch. 330, § 2; P.L. 1982, ch. 352, § 1; P.L. 1988, ch. 659, § 1; P.L. 1995, ch. 265, § 1; P.L. 1998, ch. 379, § 1; P.L. 2000, ch. 330, § 1; P.L. 2000, ch. 463, § 1;

P.L. 2005, ch. 91, § 1; P.L. 2005, ch. 98, § 1; P.L. 2005, ch. 103, § 1; P.L. 2005, ch. 134, § 1; P.L. 2006, ch. 602, § 1; P.L. 2007, ch. 433, § 1.)

§ 42-46-6. Notice.

(a) All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (f).

(b) Public bodies shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours, before the date. This notice shall include the date the notice was posted; the date, time, and place of the meeting; and a statement specifying the nature of the business to be discussed. Copies of the notice shall be maintained by the public body for a minimum of one year. Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. School committees may, however, add items for informational purposes only, pursuant to a request, submitted in writing, by a member of the public during the public comment session of the school committee's meetings. Said informational items may not be voted upon unless they have been posted in accordance with the provisions of this section. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

(c) Written public notice shall include, but need not be limited to, posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (f); however, nothing contained herein shall prevent a public body from holding an emergency meeting, upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of state pursuant to subsection (f) and, upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours in accordance with subsection (b) of this section and only discuss the issue or issues that created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter.

(d) Nothing within this chapter shall prohibit any public body, or the members thereof, from responding to comments initiated by a member of the public during a properly noticed open forum even if the subject matter of a citizen's comments or discussions were not previously

posted, provided such matters shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official. Nothing contained in this chapter requires any public body to hold an open-forum session to entertain or respond to any topic nor does it prohibit any public body from limiting comment on any topic at such an open-forum session. No public body, or the members thereof, may use this section to circumvent the spirit or requirements of this chapter.

(e) A school committee may add agenda items not appearing in the published notice required by this section under the following conditions:

(1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (f), and is posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting in accordance with subsection (b) of this section;

(2) The new agenda items were unexpected and could not have been added in time for newspaper publication;

(3) Upon meeting, the public body states for the record and minutes why the agenda items could not have been added in time for newspaper publication and need to be addressed at the meeting;

(4) A formal process is available to provide timely notice of the revised agenda to any person who has requested that notice, and the school district has taken reasonable steps to make the public aware of this process; and

(5) The published notice shall include a statement that any changes in the agenda will be posted on the school district's website and the two (2) public locations required by this section and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of the meeting in accordance with subsection (b) of this section.

(f) All notices required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations that shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of notices with the secretary of state shall take effect one year after this subsection takes effect.

(g) If a public body fails to transmit notices in accordance with this section, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

History of Section.

(G.L. 1956, § 42-46-6; P.L. 1976, ch. 330, § 2; P.L. 1981, ch. 182, § 1; P.L. 1984, ch. 372, § 1; P.L. 1988, ch. 659, § 1; P.L. 1998, ch. 379, § 1; P.L. 2001, ch. 360, § 1; P.L. 2003, ch. 305, § 1; P.L. 2003, ch. 362, § 1; P.L. 2006, ch. 328, § 1; P.L. 2006, ch. 453, § 1; P.L. 2006, ch. 458, § 1; P.L. 2011, ch. 151, art. 12, § 1; P.L. 2017, ch. 214, § 1; P.L. 2017, ch. 333, § 1.)

§ 42-46-7. Minutes.

(a) All public bodies shall keep written minutes of all their meetings. The minutes shall include, but need not be limited to:

(1) The date, time, and place of the meeting;

(2) The members of the public body recorded as either present or absent;

(3) A record by individual members of any vote taken; and

(4) Any other information relevant to the business of the public body that any member of the public body requests be included or reflected in the minutes.

(b)(1) A record of all votes taken at all meetings of public bodies, listing how each member voted on each issue, shall be a public record and shall be available to the public at the office of the public body within two (2) weeks of the date of the vote. The minutes shall be public records and unofficial minutes shall be available to the public at the office of the public body within thirty-five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except where the disclosure would be inconsistent with §§ 42-46-4 and 42-46-5 or where the public body by majority vote extends the time period for the filing of the minutes and publicly states the reason.

(2) In addition to the provisions of subsection (b)(1), all volunteer fire companies, associations, fire district companies, or any other organization currently engaged in the mission of extinguishing fires and preventing fire hazards, whether it is incorporated or not, and whether it is a paid department or not, shall post unofficial minutes of their meetings within twenty-one (21) days of the meeting, but not later than seven (7) days prior to the next regularly scheduled meeting, whichever is earlier, on the secretary of state's website.

(c) The minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4 and 42-46-5.

(d) All public bodies shall keep official and/or approved minutes of all meetings of the body and shall file a copy of the minutes of all open meetings with the secretary of state for inspection by the public within thirty-five (35) days of the meeting; provided that this subsection shall not apply to public bodies whose responsibilities are solely advisory in nature.

(e) All minutes and unofficial minutes required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations that shall be promulgated by the secretary of state. If a public body fails to transmit minutes or unofficial minutes in accordance with this subsection, then any aggrieved person may

file a complaint with the attorney general in accordance with § 42-46-8.

History of Section.

(P.L. 1976, ch. 330, § 2; P.L. 1984, ch. 372, § 1; P.L. 1985, ch. 373, § 1; P.L. 1989, ch. 431, § 1; P.L. 1995, ch. 165, § 1; P.L. 2003, ch. 305, § 1; P.L. 2003, ch. 362, § 1; P.L. 2013, ch. 333, § 1; P.L. 2013, ch. 359, § 1; P.L. 2017, ch. 214, § 1; P.L. 2017, ch. 333, § 1.)

§ 42-46-8. Remedies available to aggrieved persons or entities.

(a) Any citizen or entity of the state who is aggrieved as a result of violations of the provisions of this chapter may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general determines that the allegations of the complaint are meritorious he or she may file a complaint on behalf of the complainant in the superior court against the public body.

(b) No complaint may be filed by the attorney general after one hundred eighty (180) days from the date of public approval of the minutes of the meeting at which the alleged violation occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred eighty (180) days from the public action of a public body revealing the alleged violation, whichever is greater.

(c) Nothing within this section shall prohibit any individual from retaining private counsel for the purpose of filing a complaint in the superior court within the time specified by this section against the public body which has allegedly violated the provisions of this chapter; provided, however, that if the individual has first filed a complaint with the attorney general pursuant to this section, and the attorney general declines to take legal action, the individual may file suit in superior court within ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.

(d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff, other than the attorney general, except where special circumstances would render such an award unjust. The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars (\$5,000) against a public body or any of its members found to have committed a willful or knowing violation of this chapter.

(e) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

(f) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner.

(g) The attorney general shall consider all complaints filed under this chapter to have also been filed under § 38-2-8(b) if applicable.

History of Section.

(P.L. 1978, ch. 146, § 2; P.L. 1981, ch. 279, § 1; P.L. 1984, ch. 372, § 1; P.L. 1985, ch. 373, § 1; P.L. 1988, ch. 659, § 1; P.L. 1998, ch. 379, § 1.)

§ 42-46-9. Other applicable law.

The provisions of this chapter shall be in addition to any and all other conditions or provisions of applicable law and are not to be construed to be in amendment of or in repeal of any other applicable provision of law, except § 16-2-29, which has been expressly repealed.

History of Section.

(P.L. 1976, ch. 330, § 2; P.L. 1977, ch. 111, § 1.)

§ 42-46-10. Severability.

If any provision of this chapter, or the application of this chapter to any particular meeting or type of meeting, is held invalid or unconstitutional, the decision shall not affect the validity of the remaining provisions or the other applications of this chapter.

History of Section.

(G.L. 1956, § 42-46-10; P.L. 1976, ch. 330, § 2.)

§ 42-46-11. Reported violations.

Every year the attorney general shall prepare a report summarizing the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

History of Section.

(P.L. 1988, ch. 659, § 2.)

§ 42-46-12. Notice of citizen's rights under this chapter.

The attorney general shall prepare a notice providing concise information explaining the requirements of this chapter and advising citizens of their right to file complaints for violations of this chapter. The notice shall be posted in a prominent location in each city and town hall in the state.

History of Section.

(P.L. 1988, ch. 659, § 2.)

§ 42-46-13. Accessibility for persons with disabilities.

(a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition

plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

(g) The provisions of §§ 45-13-7 – 45-13-10, inclusive, shall not apply to this section.

History of Section.

(P.L. 1989, ch. 487, § 1; P.L. 1997, ch. 150, § 14.)

§ 42-46-14. Burden of proof.

In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the meeting in dispute was properly closed pursuant to, or otherwise exempt from the terms of this chapter.

History of Section.

(P.L. 1998, ch. 379, § 2.)

TITLE 38

Public Records

CHAPTER 38-2

Access to Public Records

SECTION 38-2-1

§ 38-2-1. Purpose.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1998, ch. 378, § 1.)

§ 38-2-2. Definitions.

As used in this chapter:

- (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to: any department, division, agency, commission, board, office, bureau, authority; any school, fire, or water district, or other agency of Rhode Island state or local government that exercises governmental functions; any authority as defined in § 42-35-1(b); or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.
- (2) "Chief administrative officer" means the highest authority of the public body.
- (3) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in

connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A)(I)(a) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files.

(b) Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects that are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state, municipality, employment contract, or public works contractor or subcontractor on public works projects work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section "remuneration" shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems, as well as all persons who become members of those retirement systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this section, shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings; (b) would deprive a person of a right to a fair

trial or an impartial adjudication; (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution that furnished information on a confidential basis, or the information furnished by a confidential source; (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records that would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records that disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

(H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant to chapter 46 of title 42.

(K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.

(L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all

proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

(O) All tax returns.

(P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken, provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(R) Requests for advisory opinions until such time as the public body issues its opinion.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law or rule of court.

(T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(U) Library records that, by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(V) Printouts from TELE – TEXT devices used by people who are deaf or hard of hearing or speech impaired.

(W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.

(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.

(Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

(Z) Any individually identifiable evaluations of public school teachers made pursuant to state or federal law or regulation.

(AA) All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1980, ch. 269, § 1; P.L. 1981, ch. 353, § 5; P.L. 1982, ch. 416, § 1; P.L. 1984, ch. 372, § 2; P.L. 1986, ch. 203, § 1; P.L. 1991, ch. 208, § 1; P.L. 1991, ch. 263, § 1; P.L. 1995, ch. 112, § 1; P.L. 1998, ch. 378, § 1; P.L. 1999, ch. 83, § 85; P.L. 1999, ch. 130, § 85; P.L. 2002, ch. 65, art. 13, § 29; P.L. 2007, ch. 73, art. 18, § 3; P.L. 2011, ch. 363, § 41; P.L. 2012, ch. 423, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1; P.L. 2012, ch. 482, § 1; P.L. 2013, ch. 153, § 1; P.L. 2013, ch. 223, § 1; P.L. 2013, ch. 342, § 1; P.L. 2013, ch. 411, § 1; P.L. 2017, ch. 48, § 1; P.L. 2017, ch. 54, § 1.)

§ 38-2-3. Right to inspect and copy records – Duty to maintain minutes of meetings – Procedures for access.

(a) Except as provided in § 38-2-2(4), all records maintained or kept on file by any public body, whether or not those records are required by any law or by any rule or regulation, shall be public records and every person or entity shall have the right to inspect and/or copy those records at such reasonable time as may be determined by the custodian thereof.

(b) Any reasonably segregable portion of a public record excluded by subdivision 38-2-2(4) shall be available for public inspection after the deletion of the information which is the basis of the exclusion. If an entire document or record is deemed non-public, the public body shall state in writing that no portion of the document or record contains reasonable segregable information that is releasable.

(c) Each public body shall make, keep, and maintain written or recorded minutes of all meetings.

(d) Each public body shall establish written procedures regarding access to public records but shall not require written requests for public information available pursuant to R.I.G.L. § 42-35-2 or for other documents prepared for or readily available to the public.

These procedures must include, but need not be limited to, the identification of a designated public records officer or unit, how to make a public records request, and where a public record request should be made, and a copy of these procedures shall be posted on the public body's website if such a website is maintained and be made otherwise readily available to the public. The unavailability of a designated public records officer shall not be deemed good cause for failure to timely comply with a request to inspect and/or copy public records pursuant to subsection (e). A written request for public records need not be made on a form established by a public body if the request is otherwise readily identifiable as a request for public records.

(e) A public body receiving a request shall permit the inspection or copying within ten (10) business days after receiving a request. If the inspection or copying is not permitted within ten (10) business days, the public body shall forthwith explain in writing the need for additional time to comply with the request. Any such explanation must be particularized to the specific request made. In such cases the public body may have up to an additional twenty (20) business days to

comply with the request if it can demonstrate that the voluminous nature of the request, the number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the public body.

(f) If a public record is in active use or in storage and, therefore, not available at the time a person or entity requests access, the custodian shall so inform the person or entity and make an appointment for the person or entity to examine such records as expeditiously as they may be made available.

(g) Any person or entity requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. Any public body which maintains its records in a computer storage system shall provide any data properly identified in a printout or other reasonable format, as requested.

(h) Nothing in this section shall be construed as requiring a public body to reorganize, consolidate, or compile data not maintained by the public body in the form requested at the time the request to inspect the public records was made except to the extent that such records are in an electronic format and the public body would not be unduly burdened in providing such data.

(i) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer.

(j) No public records shall be withheld based on the purpose for which the records are sought, nor shall a public body require, as a condition of fulfilling a public records request, that a person or entity provide a reason for the request or provide personally identifiable information about him/herself.

(k) At the election of the person or entity requesting the public records, the public body shall provide copies of the public records electronically, by facsimile, or by mail in accordance with the requesting person or entity's choice, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The person requesting delivery shall be responsible for the actual cost of delivery, if any.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1984, ch. 372, § 2; P.L. 1997, ch. 326, § 168; P.L. 1998, ch. 378, § 1; P.L. 2011, ch. 363, § 41; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1; P.L. 2016, ch. 512, art. 1, § 24.)

38-2-3.1. Records required.

All records required to be maintained pursuant to this chapter shall not be replaced or supplemented with the product of a "real-time translation reporter".

History of Section.

(P.L. 2000, ch. 430, § 1.)

§ 38-2-3.2. Arrest logs.

(a) Notwithstanding the provisions of subsection 38-2-3(e), the following information reflecting an initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours after receipt of a request unless a request is made on a weekend or holiday, in which event the information shall be made available within seventy-two (72) hours, to the extent such information is known by the public body:

- (1) Full name of the arrested adult;
- (2) Home address of the arrested adult, unless doing so would identify a crime victim;
- (3) Year of birth of the arrested adult;
- (4) Charge or charges;
- (5) Date of the arrest;
- (6) Time of the arrest;
- (7) Gender of the arrested adult;
- (8) Race of the arrested adult; and
- (9) Name of the arresting officer, unless doing so would identify an undercover officer.

(b) The provisions of this section shall apply to arrests made within five (5) days prior to the request.

History of Section.

(P.L. 2012, ch. 448, § 2; P.L. 2012, ch. 454, § 2.)

§ 38-2-3.16. Compliance by agencies and public bodies.

Not later than January 1, 2013, and annually thereafter, the chief administrator of each agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entities access to records under this chapter have been provided orientation and training regarding this chapter. The attorney general may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations necessary to implement the requirements of this section.

History of Section.

(P.L. 2012, ch. 448, § 2; P.L. 2012, ch. 454, § 2.)

§ 38-2-4. Cost.

(a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval. For the purposes of this subsection, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body upon request, shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1986, ch. 416, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

§ 38-2-5. Effect of chapter on broader agency publication – Existing rights – Judicial records and proceedings.

Nothing in this chapter shall be:

(1) Construed as preventing any public body from opening its records concerning the administration of the body to public inspection;

(2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an individual who is the subject of a record to the information contained herein; or

(3) Deemed in any manner to affect the status of judicial records as they existed prior to July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state.

History of Section.

(P.L. 1979, ch. 202, § 1.)

§ 38-2-6. Repealed.

History of Section.

(P.L. 1979, ch. 202, § 1; Repealed by P.L. 2012, ch. 448, § 3, effective September 1, 2012; P.L. 2012, ch. 454, § 3, effective September 1, 2012.)

§ 38-2-7. Denial of access.

(a) Any denial of the right to inspect or copy records, in whole or in part provided for under this chapter shall be made to the person or entity requesting the right in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body.

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended in accordance with the provisions of subsection 38-2-3(e) of this chapter. All copying and search and retrieval fees shall be waived if a public body fails to produce requested records in a timely manner; provided, however, that the production of records shall not be deemed untimely if the public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

(c) A public body that receives a request to inspect or copy records that do not exist or are not within its custody or control shall, in responding to the request in accordance with this chapter, state that it does not have or maintain the requested records.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

§ 38-2-8. Administrative appeals.

(a) Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the custodian of the records or the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1981, ch. 279, § 2; P.L. 1998, ch. 378, § 1; P.L. 2006, ch. 378, § 1; P.L. 2006, ch. 472, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

§ 38-2-9. Jurisdiction of superior court.

(a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court.

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of any party, or sua sponte by the court made in accordance with the rules of civil procedure of the superior court.

(d) The court shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars (\$1,000) against a public body found to have recklessly violated this chapter and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the records at no cost to the prevailing party; provided, further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not be a prerequisite to obtaining an award of attorneys' fees and/or costs if the court determines that the defendant's case lacked grounding in fact or in existing law or a good faith argument for extension, modification or reversal of existing law.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1988, ch. 87, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

§ 38-2-10. Burden of proof.

In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.

History of Section.

(P.L. 1979, ch. 202, § 1.)

§ 38-2-11. Right supplemental.

The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies.

History of Section.

(P.L. 1979, ch. 202, § 1.)

§ 38-2-12. Severability.

If any provision of this chapter is held unconstitutional, the decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, the decision shall not affect other applications of this chapter.

History of Section.

(P.L. 1979, ch. 202, § 1.)

§ 38-2-13. Records access continuing.

All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

History of Section.

(P.L. 1986, ch. 345, § 1.)

§ 38-2-14. Information relating to settlement of legal claims.

Settlement agreements of any legal claims against a governmental entity shall be deemed public records.

History of Section.

(P.L. 1991, ch. 263, § 2; P.L. 1998, ch. 378, § 1.)

§ 38-2-15. Reported violations.

Every year the attorney general shall prepare a report summarizing all the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

History of Section.

(P.L. 1998, ch. 378, § 2.)

§ 38-2-16. 38 Studios, LLC investigation.

Notwithstanding any other provision of this chapter or state law, any investigatory records generated or obtained by the Rhode Island state police or the Rhode Island attorney general in conducting an investigation surrounding the funding of 38 Studios, LLC by the Rhode Island economic development corporation shall be made available to the public; provided, however:

(1) With respect to such records, birthdates, social security numbers, home addresses, financial account number(s) or similarly sensitive personally identifiable information, but not the names of the individuals themselves, shall be redacted from those records prior to any release. The provisions of § 12-11.1-5.1 shall not apply to information disclosed pursuant to this section.

History of Section.

(P.L. 2017, ch. 304, § 1; P.L. 2017, ch. 310, § 1.)

State of Rhode Island: Ethics Commission

Rhode Island Constitution

Article III, Section 7 – Ethical conduct.

The people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage. Such persons shall hold their positions during good behavior.

Article III, Section 8 – Ethics commission – Code of ethics.

The general assembly shall establish an independent non-partisan ethics commission which shall adopt a code of ethics including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure. The assent of two-thirds (2/3) of the members appointed shall be required for the adoption for every rule or regulation. All elected and appointed officials and employees of state and local government, of boards, commissions and agencies shall be subject to the code of ethics. The ethics commission shall have the authority to investigate alleged violations of the code of ethics, including acts otherwise protected by Article VI, Section 5, and to impose penalties, as provided by law. Any sanction issued against any party by the ethics commission shall be appealable to the judicial branch as provided by law. The commission shall have the power to remove from office officials who are not otherwise subject to impeachment, or expulsion as provided by Article VI, Section 7.

Notes: The two constitutional provisions ("the Ethics Amendments") above, were originally approved by Rhode Island voters on November 4, 1986. Article III, Section 8, along with the "Speech in Debate Clause," reproduced below, were amended by the voters on November 8, 2016 to clarify that members of the General Assembly fall under the jurisdiction of the Ethics Commission.

Article VI, Section 5 – Immunities of general assembly members.

* * * For any speech in debate in either house, no member shall be questioned in any other place, except by the ethics commission as set forth in Article III, Section 8.

Rhode Island Code of Ethics in Government

The Code of Ethics is comprised of a set of statutory and regulatory provisions which regulate the ethical conduct of elected and appointed public officials as well as state and municipal employees. To access specific sections of the Code, including those provisions regarding prohibited conduct, nepotism, gifts, and revolving door, see the table of contents below. For other statutory and regulatory provisions concerning the Ethics Commission, including the composition and powers of the Ethics Commission, financial disclosure, procedural regulations, and prohibitions regarding state vendors, use the links on the right.

[Declaration of Policy](#)

[Definitions](#)

[Persons Subject to the Code of Ethics](#)

[Prohibited Activities](#)

[Access to Commission Records](#)

[Additional Circumstances Warranting Recusal](#)

[Limitations on Recusal](#)

[Nepotism](#)

[Employment from Own Board](#)

[Prohibition on State Employment](#)

[Acting as Agent or Attorney for Other than State or Municipality](#)

[Prohibited Activities – Gifts](#)

[Prohibited Activities – Honoraria](#)

[Prohibited Activities – Transactions with Subordinates](#)

[Prohibited Activities – Restrictions on activities relating to Public Boards](#) [Prohibited Activities – Members of the General Assembly](#) [Restrictions on activities relating to Public Boards](#)

Statement of Conflict of Interest
Reasonable Foreseeability
Governmental Decision
Interest in Conflict with Discharge of Duties
Public Forum Exceptions

RHODE ISLAND GENERAL LAWS, § 36-14-1 et seq.,

R.I. Gen. Laws § 36-14-1 Declaration of Policy.

It is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage.

R.I. Gen. Laws § 36-14-2 Definitions.

- (1) "Any person within his or her family" means a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother or halfsister.
- (2) "Business" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized in law through which business for profit or not for profit is conducted;
- (3) "Business associate" means a person joined together with another person to achieve a common financial objective;
- (4) "Employees of state and local government, of boards, commissions and agencies" means any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission or corporation;
- (5) "Governmental function" means any action that is public in nature and is performed for the common good of all the people;
- (6) "Open and public process" means the open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded;
- (7) "Person" means an individual or a business entity;
- (8) (i) "State agency" means any department, division, agency, commission, board, office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the Rhode Island general assembly, or any agency or committee thereof, the judiciary, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions other than in an advisory nature;
(ii) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature;
- (9) "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government;
- (10) "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;
- (11) A person's natural child, adopted child, or stepchild is his or her "dependent child" during a calendar year if the person provides over fifty percent (50%) of the child's support during the year;
- (12) A person "represents" him or herself before a state or municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;
- (13) A person "represents" another person before a state or municipal agency if he or she is authorized by that other person to act, and does in fact act, as the other person's attorney at law or his or her attorney in fact in the

presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;

(14) "Major decision-making position" means the executive or administrative head or heads of a state agency, whether elected or appointed or serving as an employee and all members of the judiciary, both state and municipal. For state agencies, a "major decision-making position" shall include the positions of deputy director, executive director, assistant director and chief of staff.

Regulation 36-14-2 (1) "State or municipal elected official" means any person duly elected to or holding any elective public office pursuant to a general or special election.

Regulation 36-14-2001 (Additional Definitions).

(1) Complainant: A person or persons who files a sworn statement with the Commission against a person subject to the statute containing allegations of prohibited activities.

(2) Respondent: A person against whom a complaint has been filed.

(3) Business subject to direct state or municipal regulation: A business which is directly regulated by a state or municipal agency as defined herein other than in a de minimus manner. This includes a business funded with state or municipal funds or federal funds disbursed by a state or municipal agency. If a specific regulatory body exists to control or supervise the business, and such body regulates and monitors the business' activities, it is a business subject to direct regulation. Utilities, insurance companies and regulated financial institutions are included. A business is not directly regulated because it is subject to general laws, tax or health laws for example, applicable to all businesses or, the fact that a business requires a license to operate, or a professional license is obtained. Businesses regulated by professional boards and occupational boards are excluded.

(4) Cash value interest: Cash value interest is an ownership interest or a financial interest in the nature of an investment such as bonds, notes, debentures, mortgages and similar business investment interests. Deposits in any financial institution, savings and checking accounts, shares in a credit union or a cooperative bank, life insurance policies and annuities are not included.

(5) Doing business: Engaging in a financial transaction, about which the public official has actual or constructive knowledge, which transaction constitutes a loan, purchase, sale or other type of transfer or exchange of money, goods, other property, or services for value. Doing business does not include the retail purchase of consumer goods bought primarily for personal, family or household purposes, and financial transactions of a personal nature, such as personal loans and individual insurance transactions.

(6) Income: Any money or thing of value received or to be received as a claim on future services whether in form of a fee, salary, expenses, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense that constitutes income under the Federal Internal Revenue Code.

(7) Ownership interest: An interest in stock, assets, net profits, or losses of a business. The value of an ownership interest is determined at its highest fair market value in the calendar year.

(8) Persons within the third degree of consanguinity: Persons within the third degree of consanguinity include any of the following relations: Brothers, sisters, parents, sons, daughters, grandparents, great grandparents, grandchildren, great grand-children, uncles, aunts, brothers and sisters-in-law, mothers and fathers-in-law, nieces and nephews, grandsons and granddaughters-in-law, and sons and daughters-in-law.

(9) State or municipal agency: Shall also include any group of persons, or corporations, organization, or other entity, however created, which:

(a) exercises governmental functions other than in an advisory nature, and expends public funds in excess of \$10,000 yearly, or;

(b) those entities whose directors or other governing members are appointed by or through the governing body or highest official of state or municipal government.

(10) Political party officials: Elected or appointed officers in a state, county, town or city political party organization are not elected or appointed officials subject to this act.

Regulation 36-14-2002 Additional Definitions (see R.I. Gen. Laws 36-14-2)

(1) "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;

(2) "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed to an office specified by the constitution or a statute of this state or a charter or ordinance

of any city or town or who is appointed by, through or with the advice and consent of a governing body, or any court, in state or municipal government, or highest official of state or municipal government;

(3) "Employees of state and local government, of boards, Commissions and agencies" means:

(a) any individual receiving a salary from a state or municipal agency, whether elected or not, on a full-time or part-time basis;

(b) any individual in the classified, non-classified and unclassified service of the judicial, executive and legislative branches of state government;

(c) any individual in the classified, non-classified and unclassified service of any municipality within the state;

(d) any individual receiving a salary from any public or quasi-public state or municipal board, commission, corporation, or other public or quasi-public agency however named; and,

(e) any state or municipal appointed official who receives a salary or stipend for their appointed service.

(4) (a) "State agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority within the executive branch of the state government of Rhode Island, either branch of the Rhode Island general assembly, or any agency or committee thereof, the judiciary, or any other department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority that is in any branch of the Rhode Island state government and which exercises governmental functions other than in a purely advisory nature;

(b) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency, and whether comprised of officials and employees from a single or multiple municipalities, and any other agency that is in any branch of municipal government and which exercises governmental functions other than in a purely advisory nature.

R.I. Gen. Laws § 36-14-3 Code of Ethics.

Sections 36-14-4 through 36-14-7 of this chapter shall constitute the Rhode Island Code of Ethics in government.

R.I. Gen. Laws § 36-14-4 Persons subject to the Code of Ethics.

The following persons shall be subject to the provisions of the Rhode Island Code of Ethics in government:

(1) State and municipal elected officials;

(2) State and municipal appointed officials; and

(3) Employees of state and local government, of boards, Commissions, and agencies.

R.I. Gen. Laws § 36-14-5 Prohibited Activities.

(a) No person subject to this Code of Ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, as defined in section 36-14-7.

(b) No person subject to this Code of Ethics shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(c) No person subject to this Code of Ethics shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or employment or use any such information for the purpose of pecuniary gain.

(d) No person subject to this Code of Ethics shall use in any way his or her public office or confidential information received through his or her holding any public office to obtain financial gain, other than that provided by law, for him or herself or any person within his or her family, any business associate, or any business by which the person is employed or which the person represents.

(e) No person subject to this Code of Ethics shall:

- (1) Represent him or herself before any state or municipal agency of which he or she is a member or by which he or she is employed. In cases of hardship the Ethics Commission may permit such representation upon application by the official and provided that he or she shall first:
 - (i) Advise the state or municipal agency in writing of the existence and the nature of his or her interest in the matter at issue, and
 - (ii) Recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue, and
 - (iii) Follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.
- (2) Represent any other person before any state or municipal agency of which he or she is a member or by which he or she is employed.
- (3) Act as an expert witness before any state or municipal agency of which he or she is a member or by which he or she is employed with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him, or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents.
- (4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2) or (e)(3) of this section for a period of one year after he or she has officially severed his or her position with said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter of public record in a court of law.
- (f) No business associate of any person subject to this Code of Ethics shall represent him or herself or any other person or act as an expert witness before the state or municipal agency of which the person is a member or by which the person is employed unless:
 - (1) He or she shall first advise the state or municipal agency of the nature of his or her business relationship with the said person subject to this Code of Ethics; and
 - (2) The said person subject to this Code of Ethics shall recuse him or herself from voting on or otherwise participating in the said agency's consideration and disposition of the matter at issue.
- (g) No person subject to this Code of Ethics or spouse (if not estranged) or dependent child or business associate of the person or any business by which the person is employed or which the person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the person would be influenced thereby.
- (h) No person subject to this Code of Ethics and or any person within his or her family or business associate of the person or any business entity in which the person or any person within his or her family or business associate of the person has a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.
- (i) No person shall give or offer to any person covered by this Code of Ethics, or to any candidate for public office, or to any person within his or her family or business associate of any such person, or to any business by which said person is employed or which the person represents, any gift, loan, political contribution, reward or promise of future employment based on any understanding or expectation that the vote, official action or judgment of said person would be influenced thereby.
- (j) No person shall use for any commercial purpose information copied from any statements required by this chapter or from lists compiled from such statements.
- (k) No person shall knowingly and willfully make a false or frivolous complaint under this chapter.
- (l) No candidate for public office or any person within his or her family or business associate of the candidate or any business by which the candidate is employed or which the candidate represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action or judgment of the candidate would be influenced thereby.
- (m) No person subject to this Code of Ethics, shall, either directly, or indirectly, through any government agency, or through a business associate, or through any other person, threaten or intimidate any complainant or witness or any family member of any complainant or witness in any proceeding before the state Ethics Commission.

(1) In addition to any rights a complainant or witness may have under the Rhode Island Whistleblower Act, chapter 50 of title 28 or under any other statute, a complainant or witness may bring a civil action in superior court for appropriate injunctive relief, or actual damages, or both and attorney's fees within three (3) years after the occurrence of the alleged violation of section (m) above.

(2) The initiation of litigation by a complainant or witness pursuant to section (m)(l) shall not constitute a violation of any confidentiality provisions of this chapter.

(n) (1) No state elected official, while holding state office and for a period of one (1) year after leaving state office, shall seek or accept employment with any other state agency, as defined in section 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the time of enactment of this subsection, except as provided herein.

(2) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any state elected official to a senior policy-making, discretionary, or confidential position on the general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions herein prohibit any state elected official from seeking or accepting a senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(3) Nothing contained herein shall prohibit a state elected official from seeking or being elected for any other constitutional office.

(4) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

(o) (1) No person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly shall seek or accept any other employment by any state agency as defined in section 36-14-2(8)(i), while serving as such policy-making, discretionary, or confidential staff member and for a period of one (1) year after leaving such state employment as a member of the state elected official's or of the general assembly's senior policy-making, discretionary, or confidential staff.

(2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary, or confidential staff position who has a minimum of five (5) years of uninterrupted state service shall be exempt from the provisions of this section. "State service" as used herein means service in the classified, unclassified and nonclassified services of the state, but shall not include service in any state elective office.

(3) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any such senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly to any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions hereof prohibit any senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly from seeking or accepting any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(4) Nothing contained herein shall prohibit a person holding such a senior policy-making, discretionary, or confidential staff position from seeking or being elected for any constitutional office.

(5) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

Regulation 36-14-5001 Access to Commission records.

(1) All Commission records, other than those listed within R.I. Gen. Laws § 38-2-2(d) (Access to Public Records) and those relating to investigations of Complaints, shall be open to public inspection at reasonable times. Those persons wishing to shall be entitled to review said information during normal Commission hours, and upon prior notice and request. Copies of such public material shall be available to all persons subject to the payment of costs as provided for in R.I. Gen. Laws § 38-2-4.

(2) This amendment shall take effect December 18, 1991, and shall relate to any complaint filed with the Commission on or after December 18, 1991.

Regulation 36-14-5002 Additional circumstances warranting recusal. (amended, effective June 3, 2012)

(a) A person subject to this Code of Ethics must also recuse himself or herself from participation in accordance with R.I. Gen. Laws § 36-14-6 when any of the following circumstances arises:

(1) Any person within his or her family, or a household member, appears or presents evidence or arguments before his or her state or municipal agency.

(2) His or her business associate or employer appears or presents evidence or arguments before his or her state or municipal agency.

(3) His or her business associate, employer, household member or any person within his or her family authorizes another person, on his or her behalf, to appear or to present evidence or arguments before his or her state or municipal agency.

(b) A person subject to this Code of Ethics is not required to recuse himself or herself pursuant to this or any other provision of the Code when:

(1) The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency, solely in an official capacity as a duly authorized member or employee of another state or municipal agency, to participate in non-adversarial information sharing or coordination of activities between the two agencies, provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

(2) The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency during a period when public comment is allowed, to offer comment on a matter of general public interest, provided that all other members of the public have an equal opportunity to comment, and further provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

Regulation 36-14-5003 Limitations on recusal.

The notice and recusal provisions of sections 36-14-5 (e)(l) and 36-14-5(f) shall not be interpreted so as to permit a person subject to this chapter to make use of such provisions on a regular basis. If such actions occur with such frequency as to give the appearance of impropriety, the person subject to this chapter may be deemed to have violated the provisions of this chapter, unless such actions are necessitated by circumstances beyond the control of such person and are the only legal course of action available to such person in order to protect a vested property interest.

Regulation 36-14-5004 Prohibited Activities - Nepotism .

(a) **Definitions.** For the purposes of applying the provisions of this regulation, the following definitions apply:

(1) **"Household member"** means a person having legal residence or living in a public official's or public employee's place of residence.

(2) **"Any person within his or her family"** means, in addition to any other definition, any person who is related to any public official or public employee, whether by blood, marriage or adoption, as any of the following: spouse, father, step-father, father-in-law, mother, step-mother, mother-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandfather, step-grandfather, grandfather-in-law, grandmother, step-grandmother, grandmother-in-law, grandson, step-grandson, grandson-in-law, granddaughter, step-granddaughter, granddaughter-in-law, uncle, step-uncle, uncle-in-law, aunt, step-aunt, aunt-in-law, niece, step-niece, niece-in-law, nephew, step-nephew, nephew-in-law, first cousin, step-first cousin and first-cousin-in-law.

(b) **Prohibitions.** In addition to any other provisions of the Code of Ethics the following prohibitions relating to nepotism shall apply:

(1) **Nepotism Generally.** No person subject to the Code of Ethics shall participate in any matter as part of his or her public duties if he or she has reason to believe or expect that any person within his or her family, or any household member, is a party to or a participant in such matter, or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.

(2) Advocacy/Supervision Regarding Family/Household Members.

(A) No person subject to the Code of Ethics shall participate in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family or a household member, in the state or municipal agency in which the official or employee is serving or over which he or she exercises fiscal or jurisdictional control, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

(B) No person subject to the Code of Ethics shall delegate to a subordinate any tasks relating to the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family or household members, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

(3) Participation in Budgets.

(A) **General Prohibition.** No person subject to the Code of Ethics shall participate in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation or benefits of any person within his or her family or a household member.

(B) **Specific Line Items.** Notwithstanding the prohibition set forth in subsection 3(A), a person subject to the Code of Ethics may, only in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion, participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation or benefits of any person within his or her family or a household member as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

(C) **Vote on Entire Budget.** Notwithstanding the prohibition set forth in subsection 3(A), a person subject to the Code of Ethics may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his or her family or household member is impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

(4) Participation in Collective Bargaining/Employee Contracts.

(A) **Negotiations.** No person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his or her family or a household member.

(B) **Vote on Entire Contract.** Notwithstanding the prohibition set forth in subsection 4(A), a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that the person within his or her family or household member is impacted by the contract or agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

Regulation 36-14-5005 Nepotism.

The prohibitions contained herein which relate to the spouse or dependent child of a person subject to this Code of Ethics, except as to that activity described in Section 5(h), shall also pertain to any of the following relatives of such person, whether by blood, marriage or adoption: Parents, grandparents, adult children, siblings, grandchildren, uncles, aunts, nieces, nephews and first cousins.

Regulation 36-14-5006 Employment From own Board.

No elected or appointed official may accept any appointment or election that requires approval by the body of which he or she is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one (1) year after termination of his or her membership in or on such body, unless the Ethics Commission shall give its approval for such appointment or election, and, further provided, that such approval shall not be granted unless the Ethics Commission is satisfied that denial of such employment or position would create a substantial hardship for the body, board, or municipality.

Regulation 36-14-5007 Prohibition on State Employment

No member of the General Assembly shall seek or accept state employment, not held at the time of the member's election, while serving in the General Assembly and for a period of one (1) year after leaving legislative office. For purposes of this regulation, "employment" shall include service as defined in R.I. Gen Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

Regulation 36-14-5008 Acting as Agent or Attorney for Other than State or Municipality.

(a) No state appointed or elected official or employee, who exercises fiscal or jurisdictional control over any state agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the state has an interest or is a party, unless:

(1) such representation is in the proper discharge of official duties; or

(2) such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees; or

(3) such appearance is before a state court of public record; or

(4) the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

(b) No municipal appointed or elected official or employee, who exercises fiscal or jurisdictional control over any municipal agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the municipality has an interest or is a party, unless:

(1) such representation is in the proper discharge of official duties; or

(2) such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees, or

(3) such appearance is before a state court of public record; or

(4) the particular matter before the municipal agency requires only ministerial acts, duties or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

(c) For purposes of this Regulation, "fiscal control" shall include, but is not necessarily limited to, authority to approve or allocate funds or benefits for the applicable state or municipal entity.

(d) For purposes of this Regulation, "jurisdictional control" shall include, but is not necessarily limited to, appointing authority, appellate review, or other substantive control in connection with the operation of the applicable state or municipal entity.

Regulation 36-14-5009 Prohibited Activities - Gifts.

(a) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift of cash, forbearance or forgiveness of indebtedness from an interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

(b) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift(s) or other thing(s) having either a fair market value or actual cost greater than twenty-five dollars (\$ 25), but in no case having either an aggregate fair market value or aggregate actual cost greater than seventy-five dollars (\$ 75) in any calendar year including, but not limited to, gifts, loans, rewards, promises of future employment, favors or services, gratuities or special discounts, from a single interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

(1) For purposes of this regulation a "single interested person" shall include all employees or representatives of an individual, business, organization or entity.

(2) The prohibitions in this section do not apply if the gift or other thing of value is:

(a) a campaign contribution as defined by the laws of the state;

(b) services to assist an official or employee in the performance of official duties and responsibilities, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents; or,

(c) a plaque or other similar item given in recognition of individual or professional services in a field of specialty or to a charitable cause;

(c) "Interested person," for purposes of this section, means a person or a representative of a person or business that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties.

(d) The prohibitions in this section do not apply if the gift or thing of economic value is given:

(1) because of the recipient's membership in a group, a majority of whose members are not persons subject to the Code of Ethics, and an equivalent gift is given or offered to other members of the group; or,

(2) by an interested person who is a person within the family of the recipient, unless the gift is given on behalf of someone who is not a member of said family.

(e) For purposes of this regulation, a gift or other thing of value is considered received when it comes into the possession or control of the person subject to the Code of Ethics, or his or her spouse or dependent child, and is a gift or other thing of value subject to the requirements of this regulation unless it is immediately returned to the interested person or given to a bona fide charitable organization without benefit accruing to the person subject to the Code of Ethics.

Regulation 36-14-5010 Prohibited Activities - Honoraria.

No person subject to the Code of Ethics shall accept an honorarium, fee or reward or other compensation for any activity which may be considered part of or directly relates to said person's official duties and responsibilities unless (1) the source of the honorarium, fee, reward or other compensation is an individual or entity for which the official or employee is not vested with decision making authority within his or her official duties and responsibilities; and (2) the official or employee, when engaging in or preparing for the activity, uses his or her own time and does not make improper use of state or municipal materials or resources.

Regulation 36-14-5011 Prohibited Activities - Transactions with Subordinates.

(a) No person subject to the Code of Ethics shall engage in a financial transaction, including participating in private employment or consulting, and giving or receiving loans or monetary contributions, including charitable contributions, with a subordinate or person or business for which, in the official's or employee's official duties and responsibilities, he or she exercises supervisory responsibilities, unless (1) the financial transaction is in the normal course of a regular commercial business or occupation, (2) the subordinate or person or business described above offers or initiates the financial transaction, or (3) the financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a state or municipal agency through official action by a governing body or the highest official of state or municipal government.

(b) No person subject to the Code of Ethics shall solicit or request, directly or through a surrogate, political contributions, from a subordinate for whom, in the official's or employee's official duties and responsibilities, he or she exercises supervisory responsibilities. This does not prohibit or limit the First Amendment rights of a subordinate, as defined in this section, to make political contributions.

(c) For purposes of this regulation, "subordinate" means an employee, contractor, consultant, or appointed official of the official's or employee's agency.

Regulation 36-14-5013 Prohibited Activities - Restrictions on activities relating to Public boards.

(1) No member of the General Assembly, while serving as a member of a Public Board, shall:

(a) ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of economic value from any person, business or other entity having a financial interest, direct or indirect, in a contract or proposed contract in which the member has participated or intends to participate or vote, and in which the Public Board on which he or she serves, is an interested party. The Prohibition in this subsection shall apply during the term of any such Contract and for a period of 12 months thereafter.

(b) ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of economic value from any employee, or applicant for employment of that Public Board; or,

(c) while serving as an appointed member of an executive, public or quasi-public board, authority, corporation, commission or agency, and for a period of one (1) year after leaving that office, seek or accept employment, or act as an agent, attorney, professional service provider, professional consultant, or consultant for, any business or other entity which had a financial interest, direct or indirect, in any contract or proposed contract in which the Public Board was an interested party and which was in effect at any time during his or her service on the Public Board; and

(d) The prohibitions contained in section 5013(1) shall not apply to or prohibit political contributions.

(2) No member of the General Assembly, while serving on a Public Board shall:

(a) ask, demand, solicit, accept, receive or agree to receive any political contribution from any person, business or other entity ("Vendor") having a financial interest, direct or indirect, in a contract in which the member of the General Assembly has participated or voted as a member of said Public Board. This prohibition shall apply to any Vendor from which the member of the General Assembly has received any political contribution within 12 months prior to his or her participation or vote, and, in the event said member is otherwise permitted to participate or vote, he or she shall be prohibited from accepting any such political contribution from any Vendor after such participation or vote, during the term of the contract, and for a period of 12 months thereafter.

i. The prohibitions of Section 5013(2) shall also apply to political contributions through any Political Action Committee, or similar political funding entity, owned or controlled by such Vendor.

ii. A Vendor under Section 5013(2) shall include, but not be limited to, (a): individuals, (b): partners, (c): managers and officers of a limited liability company, and members owning a five percent or greater interest in said limited liability company, (d): directors and officers of a corporation, and shareholders of a corporation owning a five percent or greater interest in said corporation; or

(b) directly or indirectly ask, demand, or solicit any political contribution from any employee, or applicant for employment of that Public Board.

(3) The restrictions and prohibitions of Section 5013 shall not apply to matters representing arms length, bona fide contracts for which due and fair consideration has been paid and received by the parties.

(4) For purposes of this regulation, "Public Board" means all public bodies within the executive branch of the state government and all state executive, public and quasi-public authorities, corporations, commissions, councils, or agencies, provided, however, that the foregoing definition shall not apply to any such entity which (i) functions solely in an advisory capacity, or (ii) exercises solely legislative functions.

(5) This regulation shall be effective upon filing.

Regulation 36-14-5014 - Prohibited Activities - Municipal Official Revolving Door.

(a) No municipal elected official or municipal school committee member, whether elected or appointed, while holding office and for a period of one (1) year after leaving municipal office, shall seek or accept employment with any municipal agency in the municipality in which the official serves, other than employment which was held at the time of the official's election or appointment to office or at the time of enactment of this regulation, except as provided herein.

(1) For purposes of this regulation, "employment" shall include service as defined in R.I. Gen Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to any municipality or municipal agency, whether as an individual or a principal of an entity performing such service.

(2) For purposes of this regulation, "municipal agency" shall include any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature.

(b) Nothing contained herein shall prohibit a municipal elected official or municipal school committee member, whether elected or appointed, from seeking or being elected to any elective office.

(c) The Rhode Island Ethics Commission may authorize exceptions to this regulation where such exceptions would not create an appearance of impropriety.

Regulation 36-14-5015 - Prohibited Activities - State Executive/Administrative Revolving Door.

(a) No person holding or fulfilling a position in the Governor's Office or the Department of Administration who in the course of and by reason of his or her official duties has substantial involvement in matters involving a state agency, as defined herein in subsection (a)(5), shall:

(1) Represent him or herself, as defined in Regulation 36-14-5016(a), before the state agency with which he or she has substantial involvement unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:

(A) The Ethics Commission is satisfied that denial of such representation would create a hardship, and

(B) the person shall first:

(i) Advise the Governor's Office or the Department of Administration and the state agency in writing of the existence and the nature of his or her relationship with the agency and his or her interest in the matter at issue;

(ii) recuse him or herself from participating in the state agency's consideration and disposition of the matter at issue; and

(iii) follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.

(2) Represent any other person, as defined in Regulation 36-14-5016(b), before the state agency with which he or she has substantial involvement in the course of and by reason of his or her official duties.

(3) Engage in any of the activities prohibited by subsection (a)(1) or (a)(2) of this regulation for a period of one year after he or she has officially severed his or her position with the Governor's Office or the Department of Administration, unless:

(A) Such representation is in the proper discharge of his or her official duties; or

(B) the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

(4) For purposes of this regulation "substantial involvement" shall include, but is not necessarily limited to, substantial control or substantial influence over and/or substantial participation in matters involving budget, communications, legal, legislative, or policy matters. Positions exercising such involvement shall include, but are not limited to, Budget Officer, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of Administrative Services, Director of Policy, and Director of Legislative Affairs.

(5) For purposes of this regulation a state agency shall include, but is not necessarily limited to, any agency, board, bureau, commission, committee, department, division, governmental entity, office, or quasi-public authority in the executive branch of state government, or any agency or committee thereof, that exercises governmental functions and is not part of another constitutional office.

(6) For purposes of this regulation a person holding a position in the Governor's Office shall include, but is not necessarily limited to, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of Administrative Services, Director of Policy, and Director of Legislative Affairs.

(b) No director or head of a state department, enumerated in R.I. Gen. Laws § 42-6-1 and as may be amended from time to time, and including directors and heads of divisions within the Department of Administration who are appointed by the Governor and/or the Director of the Department Administration, shall:

(1) Represent him or herself, as defined in Regulation 36-14-5016(a), before the Governor's Office or the Department of Administration unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:

(A) The Ethics Commission is satisfied that denial of such representation would create a hardship; and

(B) the person follows any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.

(2) Represent any other person, as defined in Regulation 36-14-5016(b), before the Governor's Office or the Department of Administration.

(3) Engage in any of the activities prohibited by subsection (b)(1) or (b)(2) of this regulation for a period of one year after he or she has officially severed his or her position, unless:

(A) Such representation is in the proper discharge of his or her official duties; or

(B) The particular matter before the Governor's Office or Department of Administration requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.

Regulation 36-14-5016 Representing Oneself or Others, Defined.

In addition to any other definition or provision of the Code of Ethics:

(a) A person will "represent him or herself before a state or municipal agency" if:

(1) He or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;

(2) pursuant to his or her authorization and/or direction, another person participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her favor; or

(3) he or she engages in the conduct described in subsections (a)(1) or (a)(2) before another agency for which he or she is the appointing authority or a member thereof.

(b) A person will "represent any other person before a state or municipal agency" if:

(1) He or she is authorized by that other person to act, and does in fact act, as the other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;

(2) he or she acts as an expert witness with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents; or

(3) he or she engages in the conduct described in subsection (b)(1) or (b)(2) before another agency for which he or she is the appointing authority or a member thereof.

Regulation 36-14-5017 Prohibited Activities - Revolving Door, "Employment" Defined.

For purposes of R.I. Gen. Laws §§ 36-14-5(n) and 36-14-5(o), "employment" shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

Regulation 36-14-5018 Transition from State Employment

Notwithstanding the prohibitions set forth within R.I. Gen. Laws § 36-14-5(o)(1), a person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly may, upon leaving said position, serve as an independent contractor or consultant to his or her former agency for a period not to exceed ninety (90) days to assist in the transition of his or her former duties.

R.I. Gen. Laws § 36-14-6 Statement of Conflict of Interest.

Any person subject to this Code of Ethics who, in the discharge of his or her official duties, is or may be required to take an action, make a decision or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to said person, or spouse (if not estranged) or any dependent child of said person, or business associate or any business by which said person is employed or which said person represents, shall, before taking any such action or refraining therefrom:

(1) Prepare a written statement sworn to under the penalties for perjury describing the matter requiring action and the nature of the potential conflict; if he or she is a member of a legislative body and he or she does not request that he or she be excused from voting, deliberating or taking action on the matter, the statement shall state why, despite the potential conflict, he or she is able to vote and otherwise participate fairly, objectively and in the public interest; and

(2) Deliver a copy of the statement to the Commission, and:

(i) If he or she is a member of the general assembly or of any city or town legislative body he or she shall deliver a copy of the statement to the presiding officer of the body, who shall cause the statement to be recorded in the journal of the body and, upon request of the member, may excuse the member from votes, deliberations or any other action on the matter on which a potential conflict exists; or

(ii) If said person is not a legislator, his or her superior, if any, shall, if reasonably possible, assign the matter to another person who does not have a Conflict of Interest. If he or she has no immediate superior, he or she shall take such steps as the Commission shall prescribe through rules or regulations to remove himself or herself from influence over any action on the matter on which the Conflict of Interest exists.

Regulation 36-14-6001 Reasonable foreseeability.

A public official has reason to believe or expect a Conflict of Interest exists when it is "reasonably foreseeable". The probability must be greater than "conceivably", but the Conflict of Interest need not be certain to occur.

Regulation 36-14-6002 Governmental decision.

A public official makes a governmental decision when the public official acting within the authority of his or her office:

1. votes on a matter;
2. appoints a person;
3. obligates a state or municipal agency to a course of action;
4. enters into any contractual agreement on behalf of a state or municipal agency, or;
5. determines not to act within the meaning of 1, 2, 3, or 4 because of a potential Conflict of Interest.

R.I. Gen. Laws § 36-14-7 Interest in conflict with discharge of duties.

(a) A person subject to this Code of Ethics has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, if he or she has reason to believe or expect that he or she or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.

(b) A person subject to this Code of Ethics does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him or her or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents, as a member of a business, profession, occupation or group, or of any significant and definable class of persons within the business, profession, occupation or group, to no greater extent than any other similarly situated member of the business, profession, occupation or group, or of the significant and definable class of persons within the business, profession, occupation or group.

Regulation 36-14-7001 Reasonable foreseeability.

A public official has reason to believe or expect a Conflict of Interest exists when it is "reasonably foreseeable". The probability must be greater than "conceivably", but the Conflict of Interest need not be certain to occur.

Regulation 36-14-7002 Governmental decision.

A public official makes a governmental decision when the public official acting within the authority of his or her office:

1. votes on a matter;
2. appoints a person;
3. obligates a state or municipal agency to a course of action;
4. enters into any contractual agreement on behalf of a state or municipal agency, or;
5. determines not to act within the meaning of 1, 2, 3, or 4 because of a potential Conflict of Interest.

Regulation 36-14-7003 Public forum exceptions.

No violation of this Chapter or regulations shall result by virtue of any person publicly expressing his or her own viewpoints in a public forum on any matter of general public interest or on any matter which directly affects said individual or his or her spouse or dependent child.

Regulation 36-14-7004 - Officers of Public Agencies.

Notwithstanding any other provision of the Code of Ethics, it shall not be a violation of this chapter for an appointed or elected member of a state or municipal agency to participate in a vote of the agency during an open meeting to elect him/herself to a position of officer of that agency, provided that if such position carries with it any form of compensation, reimbursement or stipend that is greater than that provided to non-officer members, such additional compensation, reimbursement or stipend must either have been in effect at the time of the vote pursuant to a valid provision of constitution, statute, regulation, charter or ordinance, or be waived.

Rhode Island Ethics Commission

Ethics Commission – Establishment
Public Forum Exceptions
Additional Officers
Administrative Powers of the Commission
Annual Report Requests
Education Powers of the Commission
Advisory Powers of the Commission
Investigative Powers of the Commission
Adjudicative Powers of the Commission
Removal Powers of the Commission
Judicial Review

R.I. Gen. Laws § 36-14-8 Rhode Island Ethics Commission - Establishment-Members - Vacancies - Quorum - Compensation and quarters.

(a) There is hereby established an independent and nonpartisan Rhode Island ethics commission composed of nine (9) members appointed by the governor. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, and the minority leader of the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the governor a list of names of at least five (5) individuals. The governor shall, within forty (40) days of July 21, 1992, appoint one individual from each of the lists so submitted and four (4) individuals without regard to the lists submitted by the legislative leaders.

(b) Members of the commission shall serve for terms of five (5) years, except that, of the members first appointed:

(1) The individual appointed from the list submitted by the majority leader of the house of representatives shall serve for one year;

(2) The individuals appointed from the lists submitted by the minority leader of the senate and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for two (2) years;

(3) The individual appointed from the list submitted by the minority leader of the house of representatives and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for three (3) years;

(4) The individual appointed from the list submitted by the president of the senate and one of the individuals appointed from the list submitted by the minority leader of the house of representatives shall serve for four (4) years; and

(5) The individual appointed from the list submitted by the speaker of the house of representatives and one of the individuals appointed from the list submitted by the minority leader of the senate shall serve for five (5) years.

(c) No member shall be appointed for more than one full five (5) year term; provided, however, that each member shall continue to serve until his or her successor is appointed and qualified; and, provided further, that if, at the time of the expiration of any member's term, that member is actively engaged in the adjudication of a complaint, he or she shall continue to serve in that capacity until the commission has completed its responsibilities with respect to that complaint.

(d) The governor shall, at the time of the initial appointments to the commission, designate one member to act as chairperson of the commission for a period of one year and another to act as vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.

(e) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment within thirty (30) days of the vacancy occurring.

(f) No individual, while a member or employee of the commission, including any legal counsel engaged by the commission, shall:

(1) Hold or campaign for any other public office;

(2) Hold office in any political party or political committee;

(3) Participate in or contribute to any political campaign;

(4) Directly or indirectly attempt to influence any decision by a governmental body, other than as the duly authorized representative of the commission on a matter within the jurisdiction of the commission;

(5) Have held elective public office or have been a candidate for elective public office for a one year period prior to appointment.

(6) Have any equity interest or ownership interest in, or be employed by a business entity that derives any of its revenue or income by engaging in lobbying, as defined in chapter 22-10 and chapter 42-139.

(g) The governor shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection (f) of this section. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30) days in the manner in which that position was originally filled.

(h) For any action to be taken under the terms of this chapter by the full commission, five (5) members of the commission shall constitute a quorum.

(i) Commission members shall not be compensated for attendance at meetings of the commission or of any investigating committee or adjudicative panel of the commission.

(j) All departments and agencies of the state or of any city or town or political subdivision within this state shall furnish such advice or information documentary or otherwise, to the commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this chapter.

(k) The director of administration is hereby authorized and directed to provide suitable quarters for the commission.

(l) When commission members act in good faith within the scope of their authority and in their official capacities they shall be afforded protection against civil liability as provided in § 9-1-31.1.

Regulation 36-14-8001 Public forum exceptions.

The prohibitions contained in R.I. Gen. Laws § 36-14-8(f) and regulations thereto shall in no way be construed to limit or prevent any individual who is a member or employee of the Commission from publicly expressing his or her own viewpoints in a public forum on any matter of general public interest or on any matter which directly affects said individual or his or her spouse or dependent child, unless otherwise specifically prohibited by this chapter.

Regulation 36-14-8002 Additional officers.

There shall be a secretary elected in accordance with section 36-14-8(d) herein.

In the event of the absence of both the chairperson and the vice chairperson, the secretary shall preside. An assistant secretary pro tem shall act as secretary in the event of the secretary presiding at the meeting or in the event of the secretary's absence.

R.I. Gen. Laws § 36-14-9 Administrative powers of the Commission.

(a) The Commission is hereby empowered to:

(1) Engage the services of an executive director and of such other legal, secretarial, and investigative employees, who shall be bound by the prohibitions contained in section 36-14-8 (f), and to make such other expenditures as are necessary for the effective performance of its functions;

(2) Separately retain the services of independent legal counsel, who shall be bound by the prohibitions contained in section 36-14-8(f) and who shall remain independent of the executive director and other Commission employees.

(3) Prescribe and publish, after notice and public hearings, rules and regulations to carry out the provisions of this chapter;

(4) Prescribe forms for statements and reports required to be filed by this chapter and furnish such forms to persons required to file such statements and reports;

(5) Prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required to file statements and reports by this chapter;

(6) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(7) Compile and maintain an index of all reports and statements filed with the Commission to facilitate public access to the reports and statements;

(8) Prepare and publish quarterly and annually summaries of statements and reports filed with the Commission;

(9) Review all statements and reports filed with the Commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(10) Preserve statements and reports filed with the Commission for a period of five (5) years from date of receipt;

(11) Prepare and publish special reports and technical studies to further the purposes of this chapter; and

(12) Prepare and publish, prior to April 1st of each year, an annual report summarizing the activities of the Commission, including but not limited to the:

(i) Number of disclosure statements filed;

(ii) Subjects of advisory opinions requested and issued;

(iii) Number of complaints filed, investigated and/or adjudicated;

(13) Have a seal and the members and executive director and assistant clerks thereof shall have authority and power to administer oaths and affirmations;

(14) Educate public officials, employees and citizens on ethical standards as embodied in the Code of Ethics by holding regular workshops, seminars, and the like, focusing on the specifics of the Code of Ethics and compliance therewith;

(15) Create publications to explain the ethical conduct expected of officials and employees.

(b) The rulemaking power conferred by subsection (a) (3) of this section shall be subject to, and shall be exercised in conformity with, sections 42-35-2 through 42-35-7, inclusive, entitled "Administrative Procedures."

(c) Unless specifically prohibited, the Commission shall make statements and reports filed with the Commission available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

Regulation 36-14-9001 Annual report requests.

On or before the last Friday in December of each year, the Commission shall cause to be mailed, by first class mail, postage prepaid, an inquiry and roster from the then current records of the Commission to the clerk of each city and town and the state. Said inquiry shall include the definitions of those persons subject to the Code of Ethics (section 36-14-2 (1), (2), and (3)), and shall direct the clerk to furnish the title, names and address of those persons subject to the Code of Ethics for each town who do not appear on said roster, and to furnish said information for replacement of any additional persons subject to the code during the next succeeding twelve (12) month period.

R.I. Gen. Laws § 36-14-10 Education powers of the Commission.

(a) The Commission is hereby empowered to establish and implement an education program for the purpose of educating public officials and employees and the general public about the ethical standards embodied in the Rhode Island Code of Ethics in government, which program may include the preparation and dissemination of brochures and other publications and the conduct of workshops and seminars.

(b) The education program authorized by this section shall be established by the Commission in the exercise of the rulemaking authority conferred by section 36-14-9(a)(3) of this chapter.

(c) The Commission may, by rule or regulation, delegate to its executive director (or other designated employee) such authority as it may deem necessary for the implementation of the educational program authorized by this section.

36-14-10.1. Continuing ethics education -- The commission shall periodically provide a continuing education program on the Rhode Island code of ethics and related laws for major state decision-makers. The program shall be provided at least twice annually and shall consist of continuing education units as established by commission rule and which may be offered through an interactive web-based format. The commission shall provide participants with certificates showing the date and number of continuing education units completed.

Regulation 36-14-10001.

The Commission shall, within 180 days of the adoption of this regulation, establish and appoint a subcommittee of the Commission appointed by the chairperson composed of five (5) Commission members (and the executive director, who shall serve in an ex officio capacity) to implement an appropriate educational program or programs as provided for in this section.

R.I. Gen. Laws § 36-14-11 Advisory powers of the Commission.

(a) The Commission is hereby empowered to issue, at the request of any person covered by the Rhode Island Code of Ethics in Government, advisory opinions on the requirements of this chapter.

(b) Any advisory opinion rendered pursuant to this section must be approved, prior to issuance, by a majority of the members of the Commission.

(c) Any advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, shall be binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion.

R.I. Gen. Laws § 36-14-12 Investigative powers of the Commission.

(a) The Commission is hereby empowered to investigate allegations of violations of the provisions of this chapter and, in furtherance of any such investigation, the Commission shall have the power to:

(1) Compel the attendance of witnesses and require the production of evidence; and

(2) Take oral or written evidence under oath or affirmation.

(b) Any person, including any member of the Commission, may file with the Commission a complaint alleging a violation of this chapter. Any such complaint filed with the Commission shall be a statement in writing under oath which shall include the name of the person alleged to have committed the violation and which shall set forth in detail the specific act or acts complained of. The Commission shall, within seventy-two (72) hours of the filing of any complaint, cause a copy of that complaint to be served, by certified mail, return receipt requested, upon any person alleged in the complaint to have committed a violation of this chapter.

(c) Upon receipt of a written complaint alleging a violation of this chapter, the Commission shall within one hundred eighty (180) days of receipt of the written complaint complete its investigation; provided, that the Commission may, for good cause shown, grant no more than two (2) extensions of sixty (60) days each.

(1) If the Commission determines that the verified complaint does not allege facts sufficient to constitute a knowing and willful violation of any of the provisions of this chapter, it shall dismiss the complaint and notify the complainant and the respondent of such dismissal. The contents and substance of any complaint so dismissed and any answer thereto and the notice of dismissal shall be made public.

(2) If the Commission determines that the verified complaint alleges facts sufficient to constitute a violation of any of the provisions of this chapter, the Commission shall promptly investigate the allegations contained in the complaint and make a finding on the complaint and any amendment thereto.

(3) If the Commission finds after its preliminary investigation that probable cause does not exist to support the allegations of the complaint, the Commission shall dismiss the complaint and notify the complainant and the respondent of such dismissal. The contents and substance of any complaint so dismissed and any answer thereto and the notice of dismissal shall be made public.

(4) If the Commission finds that probable cause does exist to support the allegations of the complaint, it shall prepare written findings which shall state in detail the violations complained of and the manner in which they occurred and shall fix a time for hearing on the matter; provided, however, that, before it issues any findings, the Commission shall permit the respondent to submit a written statement and/or to appear in person or by counsel for the purpose of presenting arguments and/or written evidence in response to the allegations against him or her. The respondent shall be entitled to examine and make copies of all evidence in the possession of the Commission relating to the complaint. Upon the issuance of any such findings, the Commission shall notify the complainant and the respondent of its action.

(5) If the Commission, during the course of its investigation, has probable cause to believe that violations of this chapter, other than those contained in the complaint, have been committed, it may upon its own motion, amend the complaint to include such violations. The Commission shall, within seventy-two (72) hours of any such amendment, cause a copy of the amended complaint to be served, by certified mail, return receipt requested, upon any person alleged in the amended complaint to have committed a violation of this chapter. Any person alleged by such an amended complaint to have committed a violation of this chapter shall be afforded a reasonable opportunity to respond to the allegations contained therein.

(6) Nothing in this section shall be construed to authorize the Commission to make any of its investigatory records public.

(d) The commission upon a finding pursuant to this section that there fails to exist probable cause for a violation of this chapter shall issue an order dismissing the complaint, and if it finds the complaint to be frivolous, unreasonable, or groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars (\$5,000), all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expenses of defense.

Regulation 36-14-12001 Preliminary Investigations.

Pursuant to its constitutional authority to investigate violations of the State's Code of Ethics (R.I. Const., art. III, sec. 8) and its statutory empowerment to investigate allegations of violations of the provisions of R.I. Gen. Laws § 36-14-1, et seq. (R.I. Gen. Laws § 36-14-12(a)), the Rhode Island Ethics Commission adopts the following procedures for the preliminary investigation of allegations of violations of the Code of Ethics.

(a) Upon a determination by the Executive Director of the Commission that information provided to and/or in the possession of the Commission and/or its staff establishes a reasonable basis to believe that a state or municipal official or employee, as those terms are defined in R.I. Gen. Laws § 36-14-1, et seq., may have violated provisions of R.I. Gen. Laws § 36-14-1, et seq., the State's Code of Ethics, the Executive Director, within a reasonable time, shall provide the Commission with written notification that a preliminary investigation has been initiated including the date the preliminary investigation file was opened, the subject(s) and/or subject matter of the preliminary investigation, and the nature and source(s) of the information that establishes a reasonable basis that a state or

municipal official or employee may have violated provisions of R.I. Gen. Laws § 36-14-1, et seq., the State's Code of Ethics.

(b) All files, documents or other materials relating to a preliminary investigation, including but not limited to written notifications, pleadings, records of counsel and investigators, subpoenas and pleadings requesting the issuance of subpoenas, documentary evidence, and records of witness statements, whether written or recorded by other means, shall remain confidential, except as follows:

(1) the Commission, itself or through its Executive Director, may at any time grant access to any information related to and/or obtained during a preliminary investigation to any federal, state or municipal law enforcement agency;

(2) the Commission, itself or through its Executive Director or his/her designee, may in a complaint filed with the Commission pursuant to R.I. Gen. Laws § 36-14-12(b) disclose information related to and/or obtained during a preliminary investigation; and,

(3) the Commission, itself or through its Executive Director or his/her designee, shall disclose information related to and/or obtained during a preliminary investigation in accordance with the provisions of R.I. Gen. Laws § 36-14-12(c)(4).

(c) In accordance with R.I. Gen. Laws § 36-14-12(a)(1) the Commission, its Executive Director or his/her designee, through the issuance of subpoenas, may compel the attendance of witnesses and require the production of documents as follows:

(1) no subpoenas may issue until written notification of the initiation of a preliminary investigation is made to the Commission pursuant to subsection (a) of this regulation; and,

(2) issuance of a subpoena(s) as part of a preliminary investigation shall be in accordance with the provisions of Commission Regulation 36-14-1009.

(d) No later than sixty (60) days from the initiation of a preliminary investigation the Executive Director or his/her designee shall complete the preliminary investigation and shall file a report with the full Commission detailing the results of said investigation, including whether or not the Executive Director or his/her designee intends to file a complaint with the Commission pursuant to R.I. Gen. Laws § 36-14-12(b) as a result of said investigation. Upon a showing of good cause the Commission may grant an extension of time for the filing of said report.

(e) The only decision made by the Commissioners during the preliminary investigation stage is whether there is good cause for an extension of time. The Commission shall not engage in any review of the substance of the complaint relating to the merits of the complaint.

(f) The Executive Director or designee shall provide the Commission with quarterly reports identifying all open preliminary investigations.

(g) The Executive Director or designee shall provide the Commission with notice when a preliminary investigation is closed without the filing of a complaint.

Regulation 36-14-12002 Time for Investigations.

Pursuant to R.I. Gen. Laws § 36-14-12(c), upon receipt of a written complaint alleging a violation of this chapter, the Commission shall within one hundred eighty (180) days of the receipt of the written complaint complete its investigation; provided, that the Commission may, for good cause shown, grant no more than two (2) extensions of sixty (60) days each, as follows:

(a) Requests to the Commission for extensions of sixty (60) days to complete investigations shall be submitted in writing to the full Commission by the Executive Director or his/her designee at least fifteen (15) days prior to the expiration of the initial one hundred eighty day (180) period or of an initial sixty (60) day extension, as the case may be.

(b) Requests to the Commission pursuant to subsection (a), above, shall be submitted ex parte to the Commission and determinations of good cause shown shall be made upon a review and consideration of the full record before the Commission at the time the request is made.

(c) All proceedings before the Commission relating to requests for extensions of time pursuant to subsections (a) and (b), above, shall be stenographically transcribed.

(d) Upon completion of the investigation of a complaint, and prior to proceedings by the Commission as to a finding of probable cause regarding allegations of the complaint, all records relating to any determination(s) of extensions for good cause shown, including any stenographic transcripts made pursuant to subsection (c), above, shall be available to the subject of a complaint and/or his/her counsel.

R.I. Gen. Laws § 36-14-13 Adjudicative powers of the Commission.

(a) The Commission is hereby empowered to adjudicate the merits of allegations of violations of the Rhode Island Code of Ethics.

(1) At such a hearing the Commission shall have the power to compel the attendance of witnesses and require the production of evidence and to take oral or written evidence under oath or affirmation.

(2) Each party shall have the right to be represented by legal counsel; to conduct discovery pursuant to rules, adopted by the Commission in the exercise of its rulemaking authority, which shall provide for the prompt and early exchange of relevant information and otherwise protect each party from unfair surprise during the course of the proceedings; to compel attendance of witnesses; to examine and cross examine opposing witnesses; to introduce exhibits and otherwise to present any matters to the Commission relevant to the complaint;

(3) Oral evidence shall be taken only on oath or affirmation;

(4) There shall be a presumption of innocence on the part of any person alleged to have violated the provisions of this chapter, and the burden of proving that the person has violated the provisions of this chapter shall be upon those who allege the violation or violations;

(5) The hearing shall be open to the public.

(6) Objections to the introduction of evidence may be made and shall be noted in the record.

(7) A stenographic record shall be made of all hearings conducted under the provisions of this section.

(8) At the conclusion of proceedings concerning an alleged violation, the Commission shall immediately begin deliberations on the evidence and then proceed to determine whether there has been a knowing and willful violation of this chapter;

(9) No persons, other than members of the Commission, and independent legal counsel for the limited purpose provided for herein, shall be present during the deliberations of the Commission following any hearing conducted under this section. Counsel may not participate in deliberations of the Commission. Counsel's sole function shall be to respond to questions of law posed by Commission members. A written record shall be maintained of the questions posed to counsel and counsel's responses, which shall become part of the record of proceedings.

(b) In order for the Commission to hold a hearing there must be a quorum of five (5) members. For every two (2) members who must recuse themselves from taking part in a hearing, due to a conflict, the number needed for quorum shall be reduced by one (1).

(c) In order for the Commission to find that there has been a knowing and willful violation of this chapter it shall be necessary that a majority of those Commissioners who attended all hearings, but in no case fewer than three (3) of the members of the Commission, shall vote in the affirmative to so find.

(d) The Commission, upon a finding pursuant to this section that there has been a violation of this chapter, shall issue an order by which it may:

(1) Require that the violator cease and desist violating of the provisions of this chapter; and/or

(2) Require that the violator file any report, statement, or other information as required by this chapter; and/or

(3) Require that the violator pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation of this chapter and the pecuniary value of any unjust enrichment realized by the violator as the result of his or her violation of this chapter; and/or

(4) Refer the entire record of its proceedings to the attorney general; and/or

(5) Remove such violator from his or her office or position in accordance with the provisions of section 36-14-14 of this chapter, provided such violator is not subject to impeachment.

(e) The Commission shall, in the exercise of the rulemaking authority conferred by section 36-14-9(a)(3), promulgate rules and regulations, consistent with the provisions of this section, for the conduct of adjudicative hearings before any adjudicative panel of the Commission.

(f) Except in those cases referred to the attorney general pursuant to subsection (d)(4) of this section, a final decision of the Commission and the record of proceedings before the Commission upon which the final decision is based shall be made public by the Commission within thirty (30) days after the final decision is rendered.

(g) The commission, upon a finding pursuant to this section that there has not been a violation of this chapter, shall issue an order dismissing the complaint and if it finds the complaint to be frivolous, unreasonable or

groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars (\$5,000) all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expense of defense.

R.I. Gen. Laws § 36-14-14 Removal powers of the Commission.

(a) The Commission is hereby empowered to remove from office any state or municipal elected official or any state or municipal appointed official not subject to impeachment, in accordance with the provisions of subsections (b) through (d) of this section.

(b) Any state or municipal elected official and any state or municipal appointed official not subject to impeachment may be removed from office if:

(1) The Commission has found, after an adjudicative hearing conducted in accordance with section 36-14-13 of this chapter, that said official has been guilty of a serious, knowing and willful violation of section 36-14-5(c), section 36-14-5(d) or section 36-14-5(g) of this chapter; and

(2) The Commission determines that the violation was committed by the violator either with (i) fraudulent intent to secure the unjust enrichment of himself or another person or (ii) malicious intent to inflict pecuniary or other substantial injury upon another person.

(c) If it determines that such a violation has been committed, it shall conduct a hearing at which the executive director of the Commission or his designee and the respondent or his or her counsel shall be permitted to present additional evidence and arguments relevant to (i) the presence or absence of the specific intent required by subsection (b)(2) of this section as a prerequisite to removal of an official from office and (ii) the presence or absence of aggravating or mitigating circumstances of which the Commission should be aware in rendering its final decision.

(d) The removal power conferred by this section may be exercised only by the affirmative vote of two-thirds (2/3) of the membership of the Commission eligible to participate, but in no case fewer than five (5) affirmative votes.

R.I. Gen. Laws § 36-14-15 Judicial review.

Any action by the Commission made pursuant to this chapter shall be subject to review pursuant to Chapter 35 of Title 42.

Financial Disclosure

Financial Statement to Be Filed
Continuing Duty to File a Financial Statement after Leaving Office
Content of Financial Statement
Occupational Income
Executive Positions
Real Estate Interest
Trust Income
Business Positions
Doing Business with a State or Municipal Agency
Business Interest
Disclosure of Regulated Business Interests
Penalties

R.I. Gen. Laws § 36-14-16 Financial statement to be filed.

(a) On or before the last Friday in April of each year, the following officials and employees subject to this code of ethics shall file with the commission a financial statement complying with the requirements of this chapter:

(1) all state elected officials;

(2) all state appointed officials;

(3) all state appointed officials and employees who hold a major decision-making position in a state agency;

(4) all municipal elected officials; and

(5) all municipal appointed officials whose official duties and responsibilities include exercising decision-making authority over the expenditure of more than fifty thousand dollars (\$50,000) in public funds in any fiscal or calendar year, and expressly including solicitors and assistant solicitors, police chiefs, fire chiefs, superintendents of schools, principals, superintendents and administrators of charter schools, board members of charter schools, principals, superintendents and administrators of state schools, board members of state schools, building

inspectors, members of planning boards, zoning boards, licensing boards and tax appeal boards. This subsection shall also include all municipal appointed officials whose official duties and responsibilities include nominating, appointing or hiring any persons that will receive compensation of more than fifty thousand dollars (\$50,000) in public funds in any fiscal or calendar year.

(b) In the case of the appointment of state and municipal appointed officials on and after January 1, 1988, the appointee shall file the financial statement within thirty (30) days after the date of his or her appointment or the date he or she qualifies for the office; provided, however that in the case of the appointment of officials that require senate confirmation, the appointee shall file the financial statement with the appropriate senate committee prior to the institution of those confirmation proceedings.

(c) Within thirty (30) days after the filing deadline, every person who is a candidate for an office as an elected officer, except those candidates for moderator and clerk of a voting district of the cities and towns, shall file the financial statement as required by this chapter. Filings of candidates for general office shall include information as required in subdivision 36-14-17(b)(2). The commission shall grant an extension for good cause shown of not more than fifteen (15) days, provided a request for the extension is received prior to the filing deadline for the financial statement.

(d) Except as otherwise provided in this chapter, at least thirty (30) days before the deadline date for the filing of a financial statement by each individual required to file, the commission shall mail to the individual a copy of the financial statement form. In the case of candidates other than those covered by subsection (f) of this section, the forms shall be mailed within ten (10) days after the filing deadline date. In the case of appointed officers covered by this section, the forms shall be mailed within seven (7) days after the date of the appointment.

(e) If a person has filed a financial statement as required by one subsection of this section covering the preceding calendar year, he or she is not required to file a financial statement as required by another subsection if, before the deadline for filing under the other subsection, he or she notifies the commission in writing that he or she has already filed a financial statement under the subsection specified.

(f) A person required to file a financial statement under subsection (a) of this section may request the commission to grant an extension of time of not more than sixty (60) days for filing the statement. The commission shall grant an extension of not more than sixty (60) days if the request is received prior to the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. Not more than one extension may be given to a person in one year except for good cause shown.

(g) The deadline for filing any statement required by this section is 5:00 p.m. of the last day designated in the pertinent subsection of this section for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday, the deadline for filing is extended to 5:00 p.m. of the next day which is not a Saturday or Sunday or holiday. Any statement required by any provision of this section to be filed within a specified time period shall be deemed to be timely filed if it is placed in the United States post office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that such statement was deposited with the post office or carrier. The person filing the statement may show by competent evidence that the actual date of posting was to the contrary.

Regulation 36-14-16001 Commission mailings.

The time periods for the mailing of financial statement forms by the Commission to an individual under this section shall be extended in the event the Commission has not received official written notice of the individual's appointment or eligibility until the Commission receives such notice.

Regulation 36-14-16004 Continuing duty to file a financial statement after leaving office.

When a public official who is required to file a financial disclosure statement leaves office, such official shall have a continuing duty to file a timely financial statement covering the last calendar year during any part of which the office was held, unless the official's tenure expired prior to the end of January in the particular year.

R.I. Gen. Laws § 36-14-17 Content of financial statement.

(a) The financial statement required herein shall be on a form prescribed by the Commission and shall include the account of the financial activity of the person required to file the statement by this chapter and the financial activity of his or her spouse (if not estranged) and any dependent children for the preceding calendar year.

(b) The account of financial activity referred to in subsection (a) of this section shall consist of:

(1) If he or she or any person enumerated in subsection (a) of this section or a business entity in which he or she or any person enumerated as aforesaid held a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest at any time during the calendar year for which the statement is required

has done business with a state or municipal agency or a business which is subject to direct regulation greater than of a de minimus nature by a state or municipal agency, and if so, the date and nature of the business;

(2) A list of all sources of occupational income identified by employer, or if self-employed, by the nature of occupation or profession, and if income was received from a state or municipal agency, the name and address of such agency and the nature of the services rendered; however, general officers, as defined in section 17-2-1, shall list all sources and amounts of income in excess of two hundred dollars (\$200) according to the following categories:

- (i) not more than \$1000
- (ii) greater than \$1000 but no more than \$10,000
- (iii) greater than \$10,000 but no more than \$25,000
- (iv) greater than \$25,000 but no more than \$50,000
- (v) greater than \$50,000 but no more than \$100,000
- (vi) greater than \$100,000 but no more than \$200,000
- (vii) greater than \$200,000 but no more than \$500,000
- (viii) greater than \$500,000 but no more than \$1,000,000
- (ix) greater than \$1,000,000

(3) A listing of all real property in which a financial interest was held; however, this section shall not apply to real property used exclusively as his or her principal residence;

(4) Identification of any interested person from whom the person or his or her spouse (if not estranged) or any dependent child received a gift or contribution of money or property in excess of one hundred dollars (\$100) in value or a series of gifts or contributions of money or property, the total of which exceeds one hundred dollars (\$100) in value received from the same source, and a description of each gift or contributions, except those received from persons related to the person at any time within the third degree of consanguinity or affinity and campaign contributions which were reported as required by law, for purposes of this subsection, "interested person", means a person or a representative of a person or business that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties;

(5) Identification of the source of all income received as beneficiary of a trust and identification of each asset, if known to the beneficiary, from which income was received by the beneficiary in excess of one thousand dollars (\$1,000);

(6) A list of all boards of directors of which the person is a member and the executive positions which he or she holds in any business entity, stating the name and address of each such business entity;

(7) The name and address of any business entity in which he or she or any person enumerated in subsection (a) of this section held a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest at any time during the calendar year for which the statement is required; and

(8) (i) Identification of any person, business entity, financial institution or other organization to whom the person was indebted at any time during the calendar year for which the statement is required in an amount in excess of one thousand dollars (\$1,000) other than

(A) Any person related to the person at any time within the third degree of consanguinity or affinity or

(B) Any transactions involving credit cards, or

(C) Any indebtedness to a financial institution, licensed and regulated by any state or by the United States, which is secured solely by a mortgage of record on real property used exclusively as the principal residence of the person required to file the statement.

(ii) This section does not require the reporting of the amount or amounts of indebtedness or the payment record of the loans.

(c) The financial statement shall be sworn to under oath.

Regulation 36-14-17001 Occupational income.

The name and address of any employer from which the public official, his or her spouse or dependent child, (individually or collectively) received one thousand dollars (\$1,000) or more gross income must be listed. If self-employed, any occupation or profession from which the public official his or her spouse, or dependent child (individually or collectively) received one thousand dollars (\$1,000) or more gross income. If the employer is a state or municipal agency or if self-employed and services for in excess of two hundred and fifty dollars (\$250) were rendered to a state or municipal agency, the period of employment or dates services were rendered and the specific nature of the services must be listed.

Regulation 36-14-17002 Executive positions.

The name and address of any business as defined in R.I. Gen. Laws § 36-14-2(5) which the public official, his or her spouse or dependent child is a director, officer, partner, trustee, or holds a supervisory management position must be listed.

Regulation 36-14-17003 Real estate interest.

A financial interest in real estate shall include direct as well as indirect ownership through a trust or other entity, mortgages, options to buy, sell, or lease for a long term, and other interests in real estate, held individually or collectively by persons under section 36-14-17(a).

Regulation 36-14-17004 Trust income.

Disclosure of income as beneficiary of a trust shall include identification of the particular trustee, and asset or assets which generated such income.

Regulation 36-14-17005 Business positions.

Membership in a business entity necessitating disclosure shall include status as a member of a board of directors, officer, partner, trustee, or the holding of any other similar executive position in a business.

Regulation 36-14-17006 Doing business with a state or municipal agency.

Transactions reportable under R.I. Gen. Laws § 36-14-17(b)(1) shall include any transaction or transactions which together exceed two hundred fifty dollars (\$250) at any time during the calendar year.

Regulation 36-14-17007 Business interest.

Disclosure of business interest under section 36-14-17(b)(1) shall include an ownership interest of ten percent (10%) or greater, or a cash value interest amounting to five thousand dollars (\$5,000) or greater, individually or collectively relating to all persons under section 36-14-17(a), at any time during the calendar year.

Regulation 36-14-17008 Leadership Positions with Not-For-Profit Organizations

The financial statement required to be filed pursuant to R.I. Gen. Laws § 36-14-16 shall include, in addition to any other requirements, a list of all boards of directors, trustees or equivalent fiduciary positions of which the person is a member, and all executive officer positions which the public official holds, in any not-for-profit organization. This disclosure shall include a listing of each entity or organization, its address and the position held.

Regulation 36-14-17009 Out-of-state Travel (adopted November 20, 2012)

(a) Any public official or employee who is required to file a yearly financial statement pursuant to section 36-14-16 (a) shall disclose the source, value and description of any out-of-state travel and related transportation, lodging, meals and entertainment having an aggregate fair market value or actual cost greater than two hundred fifty dollars (\$250) provided by any person or entity, other than the state or municipal agency of which he or she is a member or by which he or she is employed or his or her regular private employer, if under the totality of the circumstances it is more likely than not that the person or entity would not have provided the travel but for the official's or employee's public office or position.

(b) Circumstances indicating that the person or entity would not have provided the travel but for the official's or employee's public office or position may include, but are not limited to, one or more of the following:

- (1) The official or employee became acquainted with the provider through his or her public agency;
- (2) The official or employee was offered the out-of-state travel and related transportation, lodging, meals and entertainment through a communication sent to or through the public official's or employee's agency;
- (3) Other officials or employees in the same agency are offered, or have been offered, out-of-state travel and related transportation, lodging, meals and entertainment from the provider;

- (4) The official's or employee's counterparts in other public agencies or jurisdictions have been offered similar out-of-state travel and related transportation, lodging, meals and entertainment by the provider;
- (5) The provider is affiliated with any "interested person," as defined by Regulation 36-14-5009, or has allowed an interested person to underwrite expenses associated with the out-of-state travel and related transportation, lodging, meals and entertainment;
- (6) The provider is an entity whose membership is limited to, or is largely comprised of, public officials;
- (7) The official or employee had not received out-of-state travel and related transportation, lodging, meals and entertainment from the provider prior to attaining his or her public office or employment;
- (8) If the out-of-state travel and related transportation, lodging, meals and entertainment involves attendance at an event, any written references by the provider or affiliated persons relative to the public official's or employee's attendance or participation refer to his or her public office, duties or agency.
- (9) If the travel involves a conference or seminar, the subject matter of the conference or seminar directly pertains to the public official's or employee's official duties.

R.I. Gen. Laws § 36-14-18 Disclosure of regulated business interests.

(a) Every person who is required to file a financial statement pursuant to this chapter and who has, acquires, or divests him or herself of ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest in a business entity which is subject to direct regulation, greater than of a de minimus nature, by a state or municipal agency, or which does any business with a state or municipal agency, shall file with the Commission at the times specified by this chapter, an affidavit:

- (1) Identifying him or herself and stating the capacity in which he serves or is about to serve which occasions the filing of the affidavit;
- (2) Identifying the business entity (or each business entity);
- (3) Identifying the regulatory agency or agencies;
- (4) Stating the nature of his or her interest in the business entity;
- (5) Describing the manner in which the business entity is subject to regulation; and
- (6) Stating whether the interest is held, or was acquired or divested, and if acquired or divested, when.

(b) The nature of an interest in a business entity shall be described in specific language.

(c) Every state or municipal official to which this section applies who holds office on January 1, 1988, and, who has any interest required to be reported pursuant to this section, shall file the affidavit within ninety (90) days after January 1, 1988.

(d) If a state or municipal official to which this section applies, acquires or divests him or herself of an interest, required to be reported pursuant to this section, he or she shall file the affidavit within thirty (30) days after the date the interest was acquired or divested.

(e) In the case of appointments made after January 1, 1988, a state or municipal official who has any interest required to be reported pursuant to this section shall file the affidavit within thirty (30) days after the date of his or her appointment or the date he qualifies for the office.

R.I. Gen. Laws § 36-14-19 Penalties.

Any person who knowingly and willfully violates the provisions of this chapter shall, in addition to the civil penalties provided herein, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) and/or imprisonment for no longer than one (1) year.

R.I. Gen. Laws § 36-14-20 Construction.

The provisions of this chapter shall be construed to be in addition to and not in substitution of any other provision of law not inconsistent herewith.

R.I. Gen. Laws § 36-14-21 Severability.

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the application of such provisions to other persons and circumstances shall not be affected thereby.

Regulation 36-14-21001 Severability of Regulations.

If any provision of these regulations, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of these regulations and the application of such provisions to other persons and circumstances shall not be affected thereby.

State Vendors Providing Goods or Services to Public Officials

Definitions

Prohibited Conduct – Exceptions

Civil Penalty

Enforcement

R.I. Gen. Laws § 36-14.1-1. Definitions

As used in this chapter:

(1) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit is conducted.

(2) "Procurement official" means an elected or appointed state official or employee who has the authority to make decisions concerning the purchasing of goods or services for a state agency or who has supervisory authority over the person empowered to make decisions concerning the purchase of goods or services for the state agency.

(3) "State agency" means a branch, department, division, agency, commission, board, office, bureau, or authority of the government of the state of Rhode Island.

(4) "State vendor" means:

(i) A person or business entity that sells goods or provides services to any state agency,

(ii) A person or business entity which has an ownership interest of ten percent (10%) or more in a business entity that sells goods or provides services to any state agency, or

(iii) A business entity that is a parent or subsidiary of a business entity that sells goods or services to any state agency.

R.I. Gen. Laws § 36-14.1-2. Prohibited conduct-Exceptions

(a) No state vendor shall provide goods or services for less than fair market value for the personal use of a procurement official of a state agency if the vendor has sold goods and services during the preceding twenty-four (24) months to the state agency or if the vendor knows or has reason to know he or she will be submitting a bid or making a proposal for the sale of goods or services within the succeeding twenty-four (24) months to the state agency.

(b) No procurement official of a state agency shall accept goods or services for his or her personal use for less than fair market value from a state vendor who has sold goods or services to the agency during the preceding twenty-four (24) months or who the procurement official knows or has reason to know will be submitting a bid or making a proposal for the sale of goods or services to the agency within the succeeding twenty-four (24) months.

(c) The prohibition set forth in subsection (a) of this section shall not apply to goods or services having a fair market value of less than one hundred dollars (\$100).

R.I. Gen Laws § 36-14.1-3. Civil penalty

Every state vendor and every procurement official that knowingly and willfully violates the provisions of this chapter shall be subject to a civil penalty of not more than two thousand dollars (\$2,000) per offense.

R.I. Gen Laws § 36-14.1-4. Enforcement

(a) The Rhode Island Ethics Commission is hereby empowered to investigate and adjudicate allegations of violations of this chapter in accordance with the provisions of § 36-14-13 (a) through (f). Upon a finding of violation of this chapter, the adjudicatory panel of the ethics commission may issue an order requiring the violator to pay a civil penalty in accordance with § 36-14.1-3.

(b) Nothing contained in this section shall be construed to limit the authority of the attorney general to enforce the provisions of this chapter.

Rhode Island Ethics Commission Procedural Regulations

Preliminary Review of Information
Filing of Complaint
Limitations Period on Filing Complaint
Limitation on Pre-election Complaints
Review of Complaint
Initial Determination of Complaint
Investigation of Complaint
Filing a Response
Finding of Probable Cause
Amendment of the Complaint by the Commission
Discovery
Subpoena
Taking of Oral or Written Evidence Under Oath
Informal Disposition
Prehearing Motions
Continuances
Scheduling of Hearings
Commission Deliberations
Hearing to Determine Violation of the Code of Ethics
Rules of Evidence; Standard of Proof
Issuance of Decision
Quorum Requirement
Continuance for Commissioner Unavailability
Enforcement
Request for New Hearing or Modification of Decision
Judicial Review
Procedure for Complaints Relating to Financial Disclosure
Advisory Opinions
Declaratory Ruling by Commission
Petition for Adoption of Regulations
Adoption of Commission Policy and General Commission Advisory Opinions
Commission Records
Information Voluntarily Supplied

Regulation 1000 - Preliminary Review of Information.

The Executive Director or designee may review any information which indicates a possible violation of the Rhode Island Code of Ethics with the Commission in Executive Session and may thereupon conduct a preliminary investigation. The Executive Director or designee shall report to the Commission regarding such preliminary investigation.

Regulation 1001 - Filing of Complaint.

(a) The Rhode Island Ethics Commission shall investigate allegations of violation of the Rhode Island Code of Ethics. The Commission may proceed to investigate allegations of violations by:

(1) accepting any information which indicates a possible violation of the Rhode Island Code of Ethics. The Executive Director or designee shall be responsible for the review and processing of such information in order to determine whether to conduct a preliminary investigation which may form the basis of a Commission Complaint, which the Commission may file on its own initiative.

(2) accepting the filing of a Complaint by any person, business, state or municipal agency, or any other public body, which alleges a violation of the Code of Ethics. Such Complaint should be signed under oath and should set forth the name of the person who has allegedly violated the Code of Ethics, and should state in detail the specific acts which form the basis of the Complaint. Any such Complaint filed with the Commission should be made on a form provided by the Commission at no cost to the Complainant.

(b) Any Complaint filed with the Commission and all documents in the Commission's official Complaint file relating to such Complaint shall be a public record, except as provided in subparagraph (c) of this Regulation.

(c) All documents or other material related to the investigation of the Complaint, including but not limited to records of counsel and investigators, and interviews of witnesses, whether written or recorded by other means, shall remain confidential, provided that nothing herein shall prohibit the Commission from granting access to the above-described investigative documents or materials to law enforcement agencies.

(d) Any person or entity which files such Complaint is not a party in interest to any action taken by the Commission. The people of the State of Rhode Island and the Respondent shall be the parties in interest. Notice by a Complainant that he or she wishes to withdraw a Complaint shall in no way affect the continuing jurisdiction of the Commission over the Complaint.

Regulation 1001.1 - Limitations Period on Filing of Complaint . (Adopted June 4, 2013)

Any Complaint shall be filed with the Ethics Commission no later than six (6) years from the date of the alleged violation of the Rhode Island Code of Ethics.

Regulation 1001.2 - Limitation on Pre-election Complaints. (Adopted July 19, 2016)

The Ethics Commission shall not accept any complaint against an individual who has filed a valid declaration of candidacy for elective office, during the period of time beginning ninety (90) days prior to the general or special election in which the individual is a candidate, and ending the day after the election. Provided, however, that this restriction shall not apply to investigations or complaints initiated by the Ethics Commission.

Regulation 1002 - Review of Complaint.

(a) Any Complaint filed shall be reviewed as to form. If the Complaint is defective as to form, it shall be returned to the Complainant for correction. If it is not returned to the Commission by the Complainant within twenty (20) days of mailing by the Commission, the Complaint shall not be processed as filed.

(1) Notwithstanding subparagraph (a) of this Regulation, if the Executive Director or designee determines that the facts stated in a defective Complaint are sufficient to allege a violation of the Code of Ethics, the Executive Director or designee may initiate a preliminary investigation, regardless of any defects as to form, or the failure of the Complainant to refile the Complaint.

(2) If the Complaint contains no defect as to form, it shall be reviewed by the Executive Director or designee to determine whether or not the Complaint alleges facts sufficient to constitute a knowing and willful violation of the Code of Ethics, who shall forward the Complaint to the Commission for review at an initial determination.

(b) Subsequent to receipt of a Complaint in proper form, within three (3) working days, the Complainant and Respondent shall be mailed a copy of the Complaint, Notification of Receipt of Complaint, and a copy of the Code of Ethics and any Regulations promulgated thereto.

Regulation 1003 - Initial Determination of Complaint.

(a) At the initial determination, the Commissioners must review the complaint and decide whether or not the facts alleged, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics. The Commissioners will not review any additional information or engage in any fact finding. The Commissioners are to examine the alleged facts within the four (4) corners of the complaint, without making any judgment as to credibility or examination of any collateral information.

(b) If the Commission determines that the Complaint fails to allege facts sufficient to constitute a knowing and willful violation of the Code of Ethics, the Complaint shall be dismissed and the Respondent and Complainant shall be mailed a written notification of the dismissal within three (3) working days.

(c) If the Commission determines that the Complaint alleges facts sufficient to constitute a knowing and willful violation of the Code of Ethics, the Commission shall promptly investigate the allegations contained therein. The Respondent and Complainant shall also be sent a written notification regarding such initial determination by the Commission within three (3) working days.

Regulation 1004 - Investigation of Complaint.

(a) Upon determining that the Complaint states facts sufficient to constitute a knowing and willful violation, the Commission shall have the power to investigate any and all alleged violations of the Code of Ethics. In furtherance of said investigation, the Commission shall have the power to:

(1) compel the attendance of witnesses and require the production of documentary evidence; and

(2) take oral or written evidence under oath or affirmation. Each Commissioner, the Executive Director or designee, and investigators shall have the authority and power to administer oaths and affirmations.

(b) Upon receipt of a written Complaint alleging a violation of the Code of Ethics, the Commission shall complete its investigation within one hundred eighty (180) days of receipt of the written Complaint, provided that the Commission may grant no more than two (2) extensions of sixty (60) days each, for good cause shown.

Regulation 1005 - Filing a Response.

The Respondent shall be mailed a copy of the Commission's Initial Determination that the Complaint properly alleges a knowing and willful violation of the Code of Ethics, which will be investigated by the Commission. The Respondent shall be further notified of the right to file a response under oath within twenty (20) days of the mailing date on forms provided by the Commission.

Regulation 1006 - Finding of Probable Cause.

(a) The Executive Director or designee shall submit a written report to the Commission summarizing the results of the investigation. The Executive Director or designee may make a recommendation as to the existence or non-existence of probable cause. A copy of this written report shall be sent to the Respondent and/or counsel no less than fourteen (14) days before the scheduled hearing regarding the existence of probable cause. A copy of any report, and written response thereto, so submitted shall be made public and a part of the official Commission Complaint file, upon the issuance by the Commission of either a Finding of Probable Cause or a Dismissal of the Complaint.

(b) The Commission shall permit the Respondent and/or counsel to submit a written statement and/or to appear for the purpose of presenting arguments and/or written evidence in response to the allegations against him or her.

(c) The Commission shall consider the Complaint, any amendment thereto, the written report submitted by the Executive Director or designee, and recommendation, if any, and any response submitted by the Respondent and/or counsel, in addition to any arguments or statements made thereupon by the Executive Director or designee and the Respondent and/or counsel, in finding the existence of probable cause. The Commission shall conduct its hearing regarding probable cause in Executive Session as an investigative proceeding, pursuant to R.I. Gen. Laws § 42-46-5(a)(4).

(1) If the Commission finds that probable cause does not exist, the Complaint shall be dismissed with prejudice and the Respondent and the Complainant, if any, shall be sent a copy of the Dismissal of the Complaint within three (3) working days of such issuance. A Complaint dismissed for lack of probable cause shall not be entertained again by the Commission unless new facts are discovered which materially add to the Complaint.

(2) If the Commission finds that probable cause exists to support the allegations of the Complaint, its findings shall state in detail such violations complained of and the manner in which they occurred. A copy of the Finding shall be mailed to the Respondent and the Complainant, if any, within three (3) working days of such issuance. The Commission shall schedule an adjudicative hearing on the matter. The Finding of Probable Cause constitutes the official Commission Complaint upon which the hearing shall be held.

Regulation 1007 - Amendment of the Complaint by the Commission.

If the investigation reveals probable cause exists to believe that violations of the Code of Ethics have been committed, other than those contained in the Complaint, the Commission may amend the Complaint to include such other violations. Any amended Complaint shall be mailed to the Respondent and Complainant, if any, within three (3) working days of such issuance. The Respondent shall have twenty (20) days from the date such amended Complaint is mailed to file a response thereto. Any action by the Commission on such amendment shall be made part of the Commission's findings.

Regulation 1008 - Discovery.

(a) No discovery between the Executive Director or designee and the Respondent shall be permitted prior to the issuance of the Commission's Finding of Probable Cause, provided, however, that this limitation on discovery shall in no way limit the authority of the Commission or staff to conduct its investigation or to subpoena required documents or witnesses as reasonably necessary. No adjudicative hearing shall be scheduled until such time as the Executive Director or designee and the Respondent and/or counsel are afforded a reasonable opportunity to conduct discovery pursuant to this Regulation.

(b) The Respondent and/or Respondent's counsel and the Executive Director or designee may request discovery only in accordance with this Regulation.

(c) Within twenty (20) days after receiving a request, the party to whom the request is directed shall furnish the requesting party with:

(1) the names, addresses and official positions, if any, of all individuals who are known to have information which is relevant to the allegations contained in the Finding of Probable Cause;

(2) a copy of all documents which are known to be relevant to the allegations contained in the Finding of Probable Cause.

(d) The obligation to provide discovery as specified in this Regulation shall be a continuing duty to disclose, and, if subsequent to compliance with the obligation to provide discovery either the Executive Director or designee or the

Respondent and/or counsel discovers additional material which is subject to disclosure or has been requested under this Regulation, such disclosure shall be promptly made as required herein.

(e) If at any time during the course of the proceedings the Commission finds that the Executive Director or designee, or the Respondent and/or counsel, has failed to comply with this Regulation, it may prohibit introduction into evidence of the material or the testimony which was not disclosed.

(f) Except as provided for in this Regulation, no other discovery shall be permitted, including interrogatories, depositions or any other discovery mechanism, unless allowed by the Commission upon good cause shown.

Regulation 1009 - Subpoena.

Subject to the provisions of Regulation 1008, the Executive Director or designee, or the Respondent and/or Respondent's legal counsel, may issue a subpoena to compel the production of evidence or the attendance of witnesses regarding any matter pending before the Commission upon the filing of an affidavit detailing the specific persons or documents to be subpoenaed and their relevance to the matter at issue. Said affidavit shall be accepted and filed by the Commission staff and placed in the Commission's relevant complaint file. In addition, at the adjudicative hearing any Commission member shall be authorized to issue a subpoena.

Regulation 1010 - Taking of Oral or Written Evidence Under Oath.

Any member of the Commission shall have the authority to take oral or written evidence and administer oaths in any matter pending before the Commission.

Regulation 1011 - Informal Disposition.

(a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.

(b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.

(c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-46-5(a)(4). The approved informal disposition of the Complaint shall become a public record.

(d) If the Complaint at issue has been filed by a Complainant, he or she shall be notified of the date upon which the Commission will consider the proposed informal disposition, shall be notified of any actions taken by the Commission regarding said informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

Regulation 1012 - Prehearing Motions.

Unless good cause is shown, all prehearing motions shall be filed in writing no later than five (5) days prior to the date set for any hearing held pursuant to these Regulations. The motion shall be disposed of by order of the Commission with or without oral argument in the Commission's discretion. Nothing herein shall prevent or require the filing of a written objection to any such motion. All hearings conducted by the Commission related to any motion filed pursuant to this Regulation, subsequent to the issuance of a Finding of Probable Cause, shall be open to the public.

Regulation 1012.1 - Stenographic Recording of Commission Proceedings

(a) The respondent to any complaint pending before the Ethics Commission may, at his or her own expense, arrange for the creation of a stenographic recording of those portions of the Ethics Commission proceedings to which the respondent has a right of participation or attendance. The respondent shall provide the Ethics Commission with a transcript of any such recording.

(b) The respondent shall, not less than two (2) business days prior to the proceeding to be transcribed, provide the Ethics Commission with written notice of intent to create a stenographic record.

(c) The Commission may, at its sole option, proceed with any matter in the absence of a stenographer if any of the above conditions are not met, if the stenographer is not prepared to begin at the scheduled time, or if the Commission determines that the creation of the stenographic recording will in any way delay or interfere with the orderly conduct of the proceeding.

Regulation 1013 - Continuances.

Except in emergency cases or by agreement of counsel, any continuance shall be requested in writing stating the reasons therefore and received by the Commission at least two (2) days prior to the hearing. Oral arguments thereupon shall be within the discretion of the Commission, and the period of the continuance shall extend any time period in which the Commission may be otherwise required to act.

Regulation 1014 - Scheduling of Hearings.

Unless good cause is shown, the Respondent shall be given at least fifteen (15) days notice prior to any scheduled adjudicative hearing by the Commission. Failure by any counsel to appear must be documented on the record by proof of actual engagement in Superior or Federal Court or the Supreme Court of Rhode Island.

Regulation 1014.1 -- Commission Deliberations

(a) At any hearing held in executive session pursuant to R.I. Gen. Laws § 42-46-5 of the Open Meetings Act, the Commission may privately deliberate on the matter under consideration without the presence of any other person or party.

(b) During the private deliberations authorized by this section, if the Respondent to a pending complaint has been excluded, then the Commission shall also exclude all Commission prosecutors, investigators and other members of the Commission staff.

(c) Notwithstanding the requirements of subsection (b), the Commission may allow the presence of its own independent legal counsel to respond to questions of law and procedure posed by Commission members.

(d) There shall be no motions made, nor votes taken, during private deliberations.

Regulation 1015 - Hearing to Determine Violation of the Code of Ethics.

(a) Adjudicative hearings shall be conducted consistent with these Regulations. The Chair of the Commission, or the Chair's designee, shall act as the presiding officer. All hearings conducted by the Commission subsequent to the issuance of a Finding of Probable Cause shall be open to the public, except for any hearing conducted by the Commission to review an informal disposition prior to its approval and issuance, pursuant to Regulation 1011. Any such hearing shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-5(a)(4).

(b) The Executive Director or designee shall present the case against the Respondent.

(c) The Respondent may either represent himself or herself or appear through counsel.

(d) Unless waived by the Respondent, the presiding officer shall read aloud the Finding of Probable Cause. The Respondent shall then either admit or deny such Finding of Probable Cause.

(e) The Executive Director or designee may make an opening statement. The Respondent and/or counsel may next make an opening statement or delay such statement until the presentation of the Respondent's case.

(f) Oral evidence shall be taken only on oath or affirmation.

(g) The Executive Director or designee and the Respondent and/or counsel shall have the right to compel attendance of witnesses, to compel the production of documents, to examine witnesses and cross-examine opposing witnesses, to introduce exhibits and otherwise to present matters to the Commission relevant to the Complaint.

(h) Commission members may ask questions of each witness during the hearing.

(i) The Respondent and/or counsel may make a closing statement followed by the closing statement of the Executive Director or designee.

(j) A stenographic record shall be made of all evidentiary hearings conducted pursuant to this Regulation. If the Respondent desires a copy of the stenographic record, he or she must make arrangements with the stenographer and bear all costs. The original stenographic record shall be filed with the Commission.

Regulation 1016 - Rules of Evidence; Standard of Proof.

(a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in administrative proceedings shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible under strict rules of evidence may be admitted, if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs, and generally admissible in administrative proceedings.

(b) The Commission shall give effect to the rules of privilege recognized by law. Objections to the introduction of evidence may be made and shall be noted on the record and the Commission may permit offers of proof to be made. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

(c) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given the opportunity to compare the copy to the original.

(d) Notice may be taken of judicially cognizable facts. The civil standard of proof, preponderance of the evidence, shall apply.

Regulation 1017 - Issuance of Decision.

(a) At the conclusion of all evidentiary hearings concerning the alleged violation, the Commission shall immediately begin deliberations on the evidence in Executive Session and proceed to determine whether there has been a knowing and willful violation of the Code of Ethics.

(b) Legal Counsel to the Commission may not participate in the deliberations of the Commission. Counsel shall respond to questions of law posed by Commission members.

(c) In order for the Commission to issue a decision that there has been a knowing and willful violation of the Code of Ethics, it shall be necessary that a majority of members who have attended all hearings, but in no case fewer than three (3) members of the Commission, shall vote in the affirmative to so find.

(d) The written decision shall contain findings of fact and conclusions of law, and shall be reviewed by all members participating in the deliberations. The decision is rendered on the date on which the presiding officer affixes his signature.

Regulation 1018 - Quorum Requirement.

For any action of the Commission to be taken by the Commission, there shall be a quorum of five (5) members present. For every two members who recuse themselves from participation in a particular hearing, the number required for quorum shall be reduced by one (1).

Regulation 1019 - Continuance for Commissioner Unavailability.

If the quorum requirements set forth in Regulation 1017 are not satisfied at any scheduled proceeding of the Commission, said proceeding shall automatically be continued to the next available hearing date when a sufficient number of Commission members will be present.

Regulation 1020 - Enforcement.

The Commission, upon a finding that there has been such a violation of the Code of Ethics, shall issue an order that may:

(a) require such violator to cease and desist such violation of the provisions of the Code of Ethics; and/or

(b) require such violator to file any report, statement, or other information as required by the Code of Ethics; and/or

(c) require such violator to pay a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) for each such violation of the Code of Ethics and the pecuniary value of any unjust enrichment realized by the violator as the result of his or her violation of the Code of Ethics; and/or

(d) remove such violator from office who is not subject to impeachment, provided that such removal may only occur upon the affirmative vote of two-thirds (2/3) of those members of the Commission participating in the issuance of the decision and order, and further, that such removal shall be conditioned upon a finding by the Commission that the conduct of the violator was a knowing, willful, wanton and reckless violation of the prohibited activities provisions of the Code of Ethics;

(e) refer the entire record of its proceedings to the Attorney General, or any appropriate law enforcement agency. Such referral shall not affect any continuing jurisdiction of the Commission over the matter.

Regulation 1021 - Request for New Hearing or Modification of Decision.

(a) A request for a new hearing or modification of a decision of the Commission may only be made by the Executive Director or designee or the Respondent and/or counsel within fourteen (14) days of the date on which the decision is mailed.

(b) Such request shall be in writing and shall state the reasons for the requested new hearing or modification of the decision. Any such request shall be handled as a priority matter by the Commission. No oral arguments shall be heard unless requested by the Commission.

(c) In order for the Commission to order a new hearing or modification of the decision, it shall be necessary that a majority of the members who attended all hearings, but in no case fewer than three (3) of said members, shall so vote.

(d) The Respondent, and Complainant, if any, shall be notified of the Commission's action regarding the request for a new hearing or modification of the decision.

(e) If a new hearing is granted, the Respondent, and Complainant, if any, shall be notified of the new hearing date. If the request is denied, appeal may be taken pursuant to R.I. Gen. Laws § 42-35-15.

Regulation 1022 - Judicial Review.

Any final decision of the Commission may be subject to judicial review pursuant to R.I. Gen. Laws § 42-35-15.

Regulation 1023 - Procedure for Complaints Relating to Financial Disclosure.

Complaints which solely relate to alleged violations of the Code of Ethics regarding either delinquent or deficient financial disclosure statements, shall be processed pursuant to the procedures set forth in this Regulation, unless otherwise determined by the Commission.

(a) The Commission shall adopt, by a majority vote, a schedule of fines and penalties to which a Respondent shall be subject if he or she consents to the entry of a finding of a violation for failure to file a financial disclosure statement which complies with the requirements of the Code of Ethics, in violation thereof. Such schedule shall not apply to any adjudicative hearing as described in subparagraph (e) of this Regulation.

(b) Whenever records of the Commission reveal that a person required to file a financial disclosure statement has not complied with the requirements of the Code of Ethics, the Executive Director or designee may file a Complaint against said person, accompanied by an affidavit specifying the basis upon which the Respondent is required to file such statement, and setting forth in detail any non-compliance.

(c) Upon the filing of any Complaint described above in Regulation 1023(b), a copy of the Complaint and copies of all documents supporting such Complaint shall be mailed to the Respondent by certified mail, along with a copy of the Code of Ethics, Commission Regulations, waiver of right to appear, stipulation and agreement, and the schedule of fines and penalties adopted pursuant to this Regulation.

(d) If the Respondent agrees to the waiver of his or her right to appear and pays the appropriate fine as determined by the above-described schedule, and properly files any delinquent or deficient financial disclosure statement, and stipulation and agreement, no hearing on the matter will be required.

(e) If the Respondent contests the Complaint described above in Regulation 1023(b), the Commission shall conduct a proceeding regarding probable cause, pursuant to Regulation 1006, and, should a Finding of Probable Cause issue, the Commission shall conduct a hearing thereupon, pursuant to Regulation 1015.

Regulation 1024 - Advisory Opinions.

(a) A person subject to the Code of Ethics may request an advisory opinion relative to the provisions of the Code which may affect him or her. An entity subject to the Code may request an advisory opinion relative to the provisions of the Code which may affect all members of the entity, or a majority thereof. The request shall be in writing, include a complete statement of the facts, disclose the reasons for requesting the opinion and state any time period for Commission action which may be significant. The request shall be signed by the person requesting the opinion or by his or her representative.

(b) Upon receipt of the request for an advisory opinion, the Commission shall acknowledge the request and the right to submit supporting data.

(c) The Commission shall notify the person or entity requesting the opinion of the date the Commission intends to consider the request. All requests for advisory opinions shall be considered by the Commission in Open Session.

(d) The Commission, in its discretion, may invite the person or entity requesting an opinion, counsel, or any other interested person, to make a written or oral presentation.

(e) Any advisory opinion rendered by the Commission regarding provisions of the Code of Ethics must be approved, prior to issuance, by a majority of the members of the Commission.

(f) Any advisory opinion rendered by the Commission, until amended or revoked by a majority of the Commission, shall be binding on the Commission in any subsequent proceeding concerning the person or entity who requested

the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated in the request for the opinion.

(g) Advisory opinions are based upon the representations made by, or on behalf of the person or entity requesting the opinion, and are not the result of adversary or investigative proceedings.

(h) The Commission may issue general advisory opinions and emergency advisory opinions in such form and under such circumstances as the Commission shall deem appropriate.

Regulation 1025 - Declaratory Ruling by Commission.

Any interested person may petition the Commission for a declaratory ruling as to the applicability of any provision of the Code of Ethics or of any regulation or order of the Commission. The Commission shall promptly respond to each such petition. Any ruling disposing of petitions shall have the same status as Commission orders in contested cases.

Regulation 1026 - Petition for Adoption of Regulations.

(a) Any interested person may petition the Commission for the promulgation, amendment, repeal or adoption of any regulation. The petition shall be signed by the petitioner and shall state the specific reasons for the request. The Commission shall thereafter acknowledge receipt of the petition and advise the petitioner of the right to submit supporting data.

(b) Within thirty (30) days of receipt of the petition, the Commission shall either deny the petition in writing (stating its reasons for the denial) or initiate rule-making procedures in accordance with R.I. Gen. Laws § 42-35-3.

(c) The Commission shall notify the petitioner of the date the Commission intends to consider the petition and may, at its discretion, invite the petitioner or other interested parties to make oral or written presentation.

Regulation 1027 - Adoption of Commission Policy and General Commission Advisory Opinions.

Final adoption of any policy or general Commission advisory opinion shall require an affirmative vote at two separate meetings of the Commission. The initial vote may occur at any public meeting of the Commission. The second or final vote shall only be taken after the proposed policy or general advisory opinion has been incorporated by specific reference on a public meeting notice relating to an open and public meeting of the Commission, thereby providing an opportunity for public comment on any proposed policy or general advisory opinion. Specifically excluded from these policies are any proposed regulations which are subject to promulgation pursuant to R.I. Gen. Laws § 42-35-3.

Regulation 1028 - Commission Records.

(a) All Commission records, other than those referenced in R.I. Gen. Laws § 38-2-2(d) (Access to Public Records) and those relating to the investigations of complaints, shall be open to public inspection at reasonable times. Such records shall include, but are not limited to, pending Complaints and advisory opinion requests.

(b) Any person wishing to review Commission records shall be entitled to examine said information during Commission business hours and upon reasonable notice and request. Copies of such public material shall be available to all persons, subject to the payment of costs as provided in R.I. Gen. Laws § 38-2-4, except those costs required to be paid by the Respondent in Regulation 1015(j).

Regulation 1029 - Information Voluntarily Supplied.

(a) A public official or employee who is not required to file a financial disclosure statement pursuant to the Code of Ethics may voluntarily choose to file such statement, or any other document otherwise required, with the Commission. The Commission shall accept such documents which shall be treated in the same manner as documents received from persons required to submit them.

(b) A person subject to the Code of Ethics may choose to submit information in excess of that which is required under the Code. Such information shall be treated in the same manner as information required to be filed. The Commission will not, however, accept any document in lieu of appropriately completed forms.

GRANT OF EASEMENT

THE TOWN OF JAMESTOWN, a Municipal corporation with a usual place of business at 93 Narragansett Ave, Jamestown, RI 02835 (“Grantor”) for consideration paid, grants to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation having a principal place of business at 280 Melrose Street, Providence, Rhode Island 02907, (“Grantee”), its successors and assigns, with Quitclaim Covenants, a perpetual right and easement as described in Section 1 below (“Easement”) in, under, through, over, across, and upon the Grantor’s land, as described in Section 2 below (“Grantor’s Land”).

Section 1 – Description of Easement

The “Easement” granted by the Grantor to the Grantee consists of the perpetual right and easement:

- a) To install, construct, reconstruct, repair, replace, add to, maintain and operate an underground distribution system (“Distribution System”) for the distribution of electric current to include an Underground Conduit, together with all the necessary wires, cables, conduits, transformers, handholes, pedestals, switches, anchors, guys, equipment, fixtures and appurtenances installed therein and attached thereto, in, under, through, over, across and upon the Grantor’s land, as may from time to time be required for the purpose of supplying residential electric service to Jamestown Assessor’s Plat 11, Lot 38.
- b) To clear and keep cleared from time to time the portions of the Grantor’s Land wherein the Distribution System is located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces as may in the opinion and judgment of the Grantee, its successors and assigns, interfere with the safe and proper operation of the Distribution System;
- c) To make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System. But the Grantee shall properly backfill any excavation and restore the surface of the Grantor’s Land in as good condition as before the excavation was made; and
- d) To pass over and across the Grantor’s Land as reasonable and necessary for all the purposes described in this Section.

Section 2 – Description of Grantor’s Land

The “Grantor’s Land” consists of a portion of land situated on the southerly side of Battery Lane in the Town of Jamestown, County of Newport, State of Rhode Island, designated as a portion Lot 11, Jamestown Tax Assessor’s Map 11, that certain tract or parcel of land conveyed to the Grantor by deed duly recorded with the Records of Land Evidence in Jamestown on October 9, 1963, in Book 54, Page 531 and said easement area being more particularly described in Section 3 below.

WR#26118114

Address of Grantee:
Narragansett El., 280 Melrose Street, Providence, RI 02907

After recording return to:
Christina Klein
National Grid USA
Service Company, Inc.
280 Melrose St.
Providence, RI 02907

Section 3 – Location of the Distribution System

The “Distribution System” shall be located within that certain portion of Grantors’ Land further described as “Driveway” in that Easement Maintenance Agreement recorded with the Jamestown Land Evidence Records in Book 856, Page 127, with an easement area around the conduit Ten (10) feet wide, and shall extend in a general southerly direction through the “Driveway” to Land of Geoffrey and Kristan Hamlin, as approximately shown on a sketch entitled “Easement Sketch; Date: 9/24/18; Drawn By: RJN; WR26118114,” a reduced copy of said sketch is attached hereto as “Exhibit A” and recorded herewith, copies of which are in the possession of the Grantor and the Grantee herein. Final definitive locations of said “Distribution System” shall become established by the installation and erection thereof by the Grantee. Said Distribution System shall be located in a location on the Grantor’s Land mutually satisfactory to the Grantor and to the Grantee and such location shall become established by and upon the installation thereof by the Grantee. The Grantor, for itself, its successors and assigns, and the Grantee, for itself, its successors and assigns, covenant that this Grant of Easement and the location of the Underground System may not be changed, expanded, enlarged, or modified without the mutual consent of the Grantor and the Grantee, their successors and assigns, which consent may be withheld by the Grantor or the Grantee each in their sole discretion.

Section 4 – Distribution System Ownership

It is agreed that the Distribution System shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns shall pay all taxes assessed thereon.

IN WITNESS WHEREOF, THE TOWN OF JAMESTOWN has caused these presents to be signed by its proper officer for that purpose duly authorized this ____ day of _____, 2018.

In the presence of:

TOWN OF JAMESTOWN

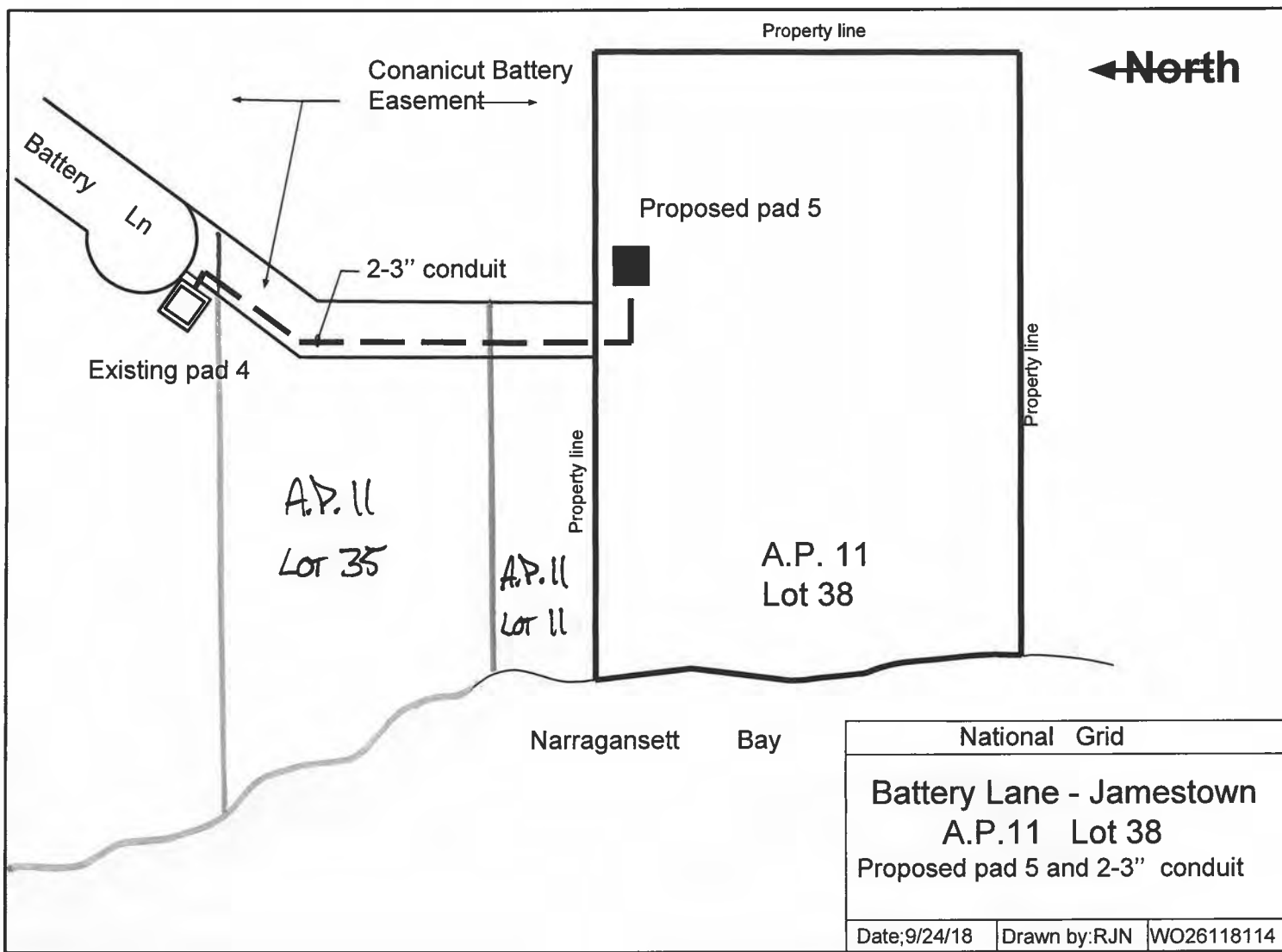
By: Andrew E. Nota
Its: Town Administrator

STATE OF _____
COUNTY OF _____

In _____ in said County on the ____ day of _____, 20__, before me personally appeared the above named Andrew E. Nota, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed, individually and in said capacity, and the free act and deed of THE TOWN OF JAMESTOWN.

Notary Public
Printed Name: _____
My Commission expires: _____

EXHIBIT 'A'
NOT TO SCALE
 The exact location of said Facilities to be established by and upon the installation and erection thereof.



EASEMENT MAINTENANCE AGREEMENT

This Agreement is made this 4th day of October, 2015, by and between DAN CIAMPA and ELAINE CIAMPA (hereinafter the "Ciampas") and the TOWN OF JAMESTOWN, a municipality existing under the laws of the State of Rhode Island (hereinafter the "Town").

WHEREAS, The Ciampas are owners of certain property located off Battery Lane in the town of Jamestown, state of Rhode Island, designated as Lot 38 on Jamestown Tax Assessor's Plat 11 (hereinafter the "Ciampa Property"). See Exhibit A-legal description.

WHEREAS, The Town is the owner of certain property abutting the northerly boundary of the Ciampa Property, designated as Lot 11 on said Tax Assessor's Plat No. 11 (hereinafter the "Town Property"). See Exhibit B-legal description.

WHEREAS, Foot and vehicular access to the Ciampa Property is provided over a 50 foot wide easement crossing certain property owned by The Washington Trust Company and Archibald B. Kenyon, Jr., as Co-Trustees of the Gladys G. Geib Trust dated April 7, 1989 (hereinafter the "Trustees"), which property is designated as Lot 35 on Tax Assessor's Plat No. 11 (hereinafter the "Geib Property") and Town Property. This Agreement (hereinafter the "Town Agreement") is entered into to provide for the improvement, use and maintenance of the easement as it crosses the Town Property. See Exhibit C-HPF 315 A.

WHEREAS, The location of the easement extends from the southerly terminus of Battery Lane, crossing the Geib Property and the Town Property, to the Ciampa Property (the "Easement Area"). The location of said Easement Area is set forth in the recorded deed to the Ciampas in Book 362 at Page 255 of the Jamestown Land Evidence Records. The Easement Area is also set forth and referenced in the deeds to Frederick J. Geib and Gladys G. Geib (Book 71, Page 1082) and to the Town (Book 54, Page 531).

WHEREAS, The Town desires to preserve the structure and historical context of the Revolutionary War earthwork known as the Conanicut Battery and listed on the National Register of Historical Places (hereinafter "Battery"), which includes maintaining a clear view of the West Passage of Narragansett Bay across the Town-owned land west of the Battery.

WHEREAS, The Town desires to screen the driveway from the view of visitors to the Conanicut Battery Historic Park (hereinafter "Park") with native vegetation while maintaining a clear view of the West Passage of Narragansett Bay from the interior of the Battery.

WHEREAS, The Town desires to have the eastern side of the vegetative screen maintained to appear natural, not manicured or landscaped.

WHEREAS, The Town desires to provide for future access to the portion of the Park west of the driveway (a designated right-of-way to the waterfront) by visitors to the Park.

WHEREAS, The Ciampas, as owners of Plat 11, Lot 38 are desirous of clarifying their rights and obligations in connection with the use of the Easement Area, at least in so far as it crosses the Town Property and being adjacent to Town Property. The Town is in agreement with the following terms and conditions of the Ciampas' use and maintenance of the Easement Area.

Therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, the Ciampas and the Town agree as follows:

1. The driveway laid out across the Easement Area shall be located in the approximate location as shown on the plan attached hereto (Exhibit D), and shall maintain a width not more than fifteen (15) feet within the Easement Area. The driveway shall be laid out and maintained using permeable materials that will be appropriate for utility, durability, maintenance and attractiveness within the context of a Historic Park setting, which materials shall be acceptable to the Town as well as the Jamestown Fire Department for the purposes of emergency vehicle access. Any cut and fill shall be approved by the Town, , said approval not to be unreasonably withheld, and shall not have a negative impact or degrade the integrity of the Battery. No excavation east of the current driveway cut shall take place, either for the driveway or for the "grass driveway edge". However, if excavation is needed for the installation of utilities, such excavation will be allowed with Town approval, said approval not to be unreasonably withheld.. Minimum disturbance required for planting approved vegetation shall be permitted. With regards to the Easement, the Ciampas agree to preserve the structure and historical context of the Battery and to maintain a clear view of the West Passage of Narragansett Bay across the Town-owned land west of the Battery from the interior of the battery with respect to the additional plantings. Additionally, the Ciampas agree to utilize native vegetation in landscaping and planting and to design and maintain the eastern side of the vegetative screen so that is has a natural appearance and does not appear manicured or landscaped.
2. There shall be no lighting located on or directed at any portion of the driveway crossing the Town Property. Any installation of low-level lighting on the remainder of the easement area from the southerly end of the paved portion of Battery Lane to the northerly boundary of the Town Property shall be "dark sky" compatible. The intensity of such lighting shall be maintained at a low level and shielded away from Town Property so as not to disturb the Town Property.
3. The Ciampas shall be entitled to erect a suitable low height wood safety barrier, no more than 27" high, of acceptable design and location agreeable to the Town along the west side of the driveway within the Easement Area for vehicular safety. Any portion of Town Property that is fenced off shall have a gate or access point no less than 4'6" wide to allow for passage through the Easement Area to Town Property west of the easement, of acceptable design and location agreeable to the Town.
4. The Ciampas shall be entitled to improve the Easement Area along the easterly side of the driveway with landscaping and plantings, in accordance with the Town approved landscape plan attached hereto, from the southerly end of the paved portion of Battery Lane to the northerly boundary of the Ciampa Property delineating the easterly line of the

driveway, and to ensure privacy and safety. All landscaping, plantings, and vegetation shall be maintained free of weeds and invasive species, by the Ciampas, and at a height not to exceed six (6) feet from the base of the vegetation, in order to preserve and protect the view shed of the Battery. The easternmost 4 feet of plantings shall be maintained with a natural appearance, avoiding a sharp or manicured appearance. A temporary wood or wire fence shall be permitted around or in between the plantings until the plantings are established; no longer than two growing seasons. The Town hereby agrees that the Town or any of its employees, agents, or assignees shall not undertake any maintenance or revisions to any of the above mentioned landscaping, plantings, and vegetation without providing the Ciampas ten (10) days' written notice and an opportunity to be heard. The Town of Jamestown has the ability to maintain the planting area until such time as the plantings are installed. The plantings along the Town property from the southerly end of the paved portion of Battery Lane to the northerly boundary of the Town Property shall not at any time extend beyond the easement area onto Town Property. The stone wall in the easement area shall not be disturbed, and the stones immediately north of the wall may only be moved to repair or extend the wall.

5. The Ciampas shall have the sole right and responsibility for all costs and expenses for installation and maintenance of the driveway area improvements, landscaping, plantings, and any and all required permits. No other persons using the driveway within the Easement Area shall have any right or obligation in connection with installation or maintenance of the driveway area, improvements, landscaping, or plantings.
6. This Agreement shall be binding upon the parties hereto, and their heirs, successors, and assigns in perpetuity, shall run with the Ciampa land, and may be amended only in writing and as agreed to by all parties hereto or their heirs, successors, and assigns, and shall be recorded in the Jamestown Land Evidence Records.

IN WITNESS WHEREOF the undersigned have hereunto set their hands and seals this 4th day of OCTOBER, 2015.

Dan Ciampa
Dan Ciampa

Andrew E. Nota
The Town of Jamestown
BY:

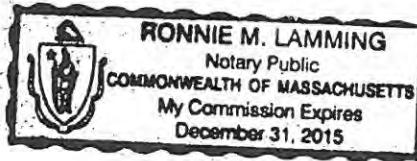
Elaine Ciampa
Elaine Ciampa

Andrew E. Nota, Town Administrator

STATE OF MASSACHUSETTS
COUNTY OF SUFFOLK

On this 4th day of October, 2015, before me, the undersigned notary public, personally appeared Dan Ciampa and Elaine Ciampa, personally known to the notary or proved to the notary through satisfactory evidence of identification which was MA. DRIV. LIC, to be the parties whose names are signed on the preceding or attached document and they acknowledged to the notary that they signed it voluntarily for its stated purpose.

Ronnie M. Lamming
NOTARY PUBLIC
Print name: Ronnie Lamming
My Commission Expires: 12-31-15



STATE OF RHODE ISLAND
COUNTY OF Newport

On this 4 day of Oct, 2015, before me, the undersigned notary public, personally appeared Andrew E Nota of The Town of Jamestown, a municipality existing under the laws of the State of Rhode Island, personally known to the notary or proved to the notary through satisfactory evidence of identification which was RI License, to be the person whose name is signed on the preceding or attached document and he acknowledged to the notary that he signed it voluntarily for its stated purpose.

Karen Montoya
NOTARY PUBLIC
Print name: Karen Montoya
My Commission Expires: 07-01-2018

KAREN MONTOYA
NOTARY PUBLIC-RHODE ISLAND
ID #43174
MY COMMISSION EXPIRES 07-01-2018

EXHIBIT A

PARCEL 1

All that certain lot or parcel of land located in the Town of Jamestown, County of Newport, State of Rhode Island, bounded and described as follows:

commencing at a bound set in the northeasterly corner of the hereinafter described parcel;

thence running southerly a distance of 383.43' to a point, bounded easterly by land now or formerly of Robert M. Clarke;

thence turning an interior angle of 90°-06'-20" and running westerly a distance of 578' more or less to the mean high water line of Narragansett Bay, bounded southerly by land now or formerly of Beavertail Real Estate Corp.;

thence running northerly in the mean high water line of Narragansett Bay a distance of 385' more or less;

thence running easterly a distance of 600' more or less to the point and place of beginning, bounded northerly by land now or formerly of the Town of Jamestown;

the first and last courses forming an interior angle of 90°; said parcel containing 5.19 acres.

Be all said measurements more or less, or however otherwise the same may be bounded or described.

Being Lot No. 7 on that certain plat entitled "Plan of land of ROBERT M. CLARKE, Lots 7 and 8 at Conanicut Reserve, a portion of Lot 5, AP 11, Jamestown, R.I., Scale 1"= 100', December 1980, by Island Engineering, 2 Narragansett Ave., Jamestown, R.I. 02835", which said plan is on file in the office of the Town Clerk of the Town of Jamestown.

PARCEL 2

Together with the non-exclusive, permanent right, privilege and easement appurtenant to the above-described Parcel 1 for ingress and egress by foot or motor vehicle, including construction equipment, and for the purpose of using, installing, operating, repairing, reconstructing, replacing and maintaining electric, water, sewer, telephone, gas and other utilities, conduits, pipes below the land located off Battery Lane, Jamestown, Rhode Island, and more particularly described as follows:

Commencing at a concrete bound set at the intersection of the northerly line of Battery Lane and the easterly line of property of the Town of Jamestown;

thence running easterly in said northerly line of Battery Lane a distance of 170.00' to a point;

thence turning an interior angle of $64^{\circ}-53'-51''$ and running northwesterly a distance of 259.29' to a point, bounded northeasterly by land now or formerly of Thomas Collins;

thence turning an interior angle of $115^{\circ}-06'-09''$ and running westerly a distance of 278.93' to a point bounded northerly by land now or formerly of Catherine M. Wright;

thence turning an interior angle of $127^{\circ}-00'-00''$ and running southwesterly a distance of 275.47' to a point, bounded northwesterly by land now or formerly of Ernest Ardente;

thence turning an interior angle of $182^{\circ}-45'-18''$ and continuing southwesterly a distance of 520.30' to a point, bounded northwesterly in part by land now or formerly of said Ardente and in part by land now or formerly of Donald Salmanson;

thence turning an interior angle of $177^{\circ}-14'-42''$ and continuing southwesterly a distance of 138.28' to a point, bounded northwesterly by land now or formerly of Frank DiZoglio;

thence running southwesterly and southeasterly in a curved line a distance of 130.09' to a point, said curved line having a radius of 50.00', and an interior angle of $149^{\circ}-04'-20''$, bounded westerly by land now or formerly of said DiZoglio;

thence running southwesterly a distance of 128.91' to a point, bounded northwesterly by land now or formerly of Frederick Geib;

thence turning an interior angle of $143^{\circ}-00'-00''$ and running southerly a distance of 152.73' to a point, bounded westerly by land now or formerly of said Geib;

thence turning an interior angle of $180^{\circ}-00'-00''$ and continuing southerly a distance of 110.00', bounded westerly by land of the Town of Jamestown;

thence turning an interior angle of $90^{\circ}-00'-00''$ and running easterly a distance of 50.00' to a point, bounded southerly by Parcel 1;

thence turning an interior angle of $90^{\circ}-00'-00''$ and running northerly a distance of 246.00' to a point, bounded easterly by land of the Town of Jamestown;

thence turning an interior angle of $217^{\circ}-00'-00''$ and running northeasterly a distance of 1114.00' to a point, bounded southeasterly by land of the Town of Jamestown;

thence turning an interior angle of 233°-00'-00" and running easterly a distance of 194.00' to a point, bounded southerly by land of the Town of Jamestown;

thence turning an interior angle of 270°-00'-00" and running southerly a distance of 184.80' to the point and place of beginning;

the first and last courses forming an interior angle of 90°-00'-00".

Subject to and together with all rights, easements, restrictions, covenants, agreements and charges of record.

Meaning and intending to convey the same premises conveyed to these grantors by deed of Elizabeth D'Amico, dated October 27, 1993 and recorded in Book 220 at Page 298.

Received for record in Jamestown, R.I.
On Aug 20 at 2:35 P
Salvo D. Kaloniki Town Clerk
30

Exhibit B

A certain tract of land with the buildings and improvements thereon situated in the Town of Jamestown, County of Newport and State of Rhode Island, more particularly bounded and described as follows:

Beginning at a concrete monument in the northeasterly corner of the herein described parcel of land, 50 feet southerly from the south line of land now or formerly of the Estate of Thomas Sherman and 580 feet westerly from the west line of land now or formerly of the Estate of J. Bertram Lippincott;

Thence south, 1018.0 feet to a concrete monument; thence s 46° 35' 23.00" w, 401.15 feet to a concrete monument; thence west, 344.0 feet to a concrete monument; thence north, 158.0 feet, more or less, to the high water line of Narragansett Bay, passing through an intermediate concrete monument located 229.0 feet west of the point of beginning of this course; thence in a general northerly direction along the line of mean high water of Narragansett Bay, 110 feet, more or less, to a point; thence east, 343 feet, more or less, to a concrete monument, said monument bearing north, and beginning 110 feet distant from the intermediate concrete monument described in the second next above-described course; thence north, 136.0 feet to a concrete monument; thence N 37° E, 114.0 feet to a concrete monument; thence east, parallel with the said south line of land now or formerly of the Estate of Thomas Sherman, 194.0 feet to the point of beginning.

Containing 17.971 acres of land;

The above described tract of land comprises Parcels I and II on a plan entitled "Prospect Hill, Jamestown Portion of Conanicut Reserve Land Proposed to be acquired by the United States", prepared by the U.S. Engineer's Office, Providence, Rhode Island, and bearing No. G-4, Case A, Drwg. 2 is attached hereto as Exhibit A and made a part hereof.

Together with a right of way to be used for travel on foot or vehicles, lines of communication, water, sewer or other pipes in and through the following described parcel of land, 20 feet in width, extending from the east line of the above-described tract of land to the west line of Beavertail Road, the centerline of said right of way being described as follows:

Beginning at a point in the westerly line of said Beavertail Road 10 feet south of and measured at right angles to the south line of land now or formerly of the Estate of J. Bertram Lippincott; thence west parallel with the south line of said land now or formerly of the Estate of J. Bertram Lippincott and with the southerly line of land now or formerly of the Estate of Thomas Sherman, 1000 feet, more or less, to the east boundary line of the above described tract of land. Containing 0.459 acres of land, more or less.

SCALE: 1" = 40' Horiz.
1" = 4' Vert.

PETER L. RYAN
 REGISTERED
 PROFESSIONAL ENGINEER
 NO. 3372



N/2 TOWN OF JAMESTOWN

Doc# 00049612
Bk: 856 Pg: 135

Lot 5
AP 11

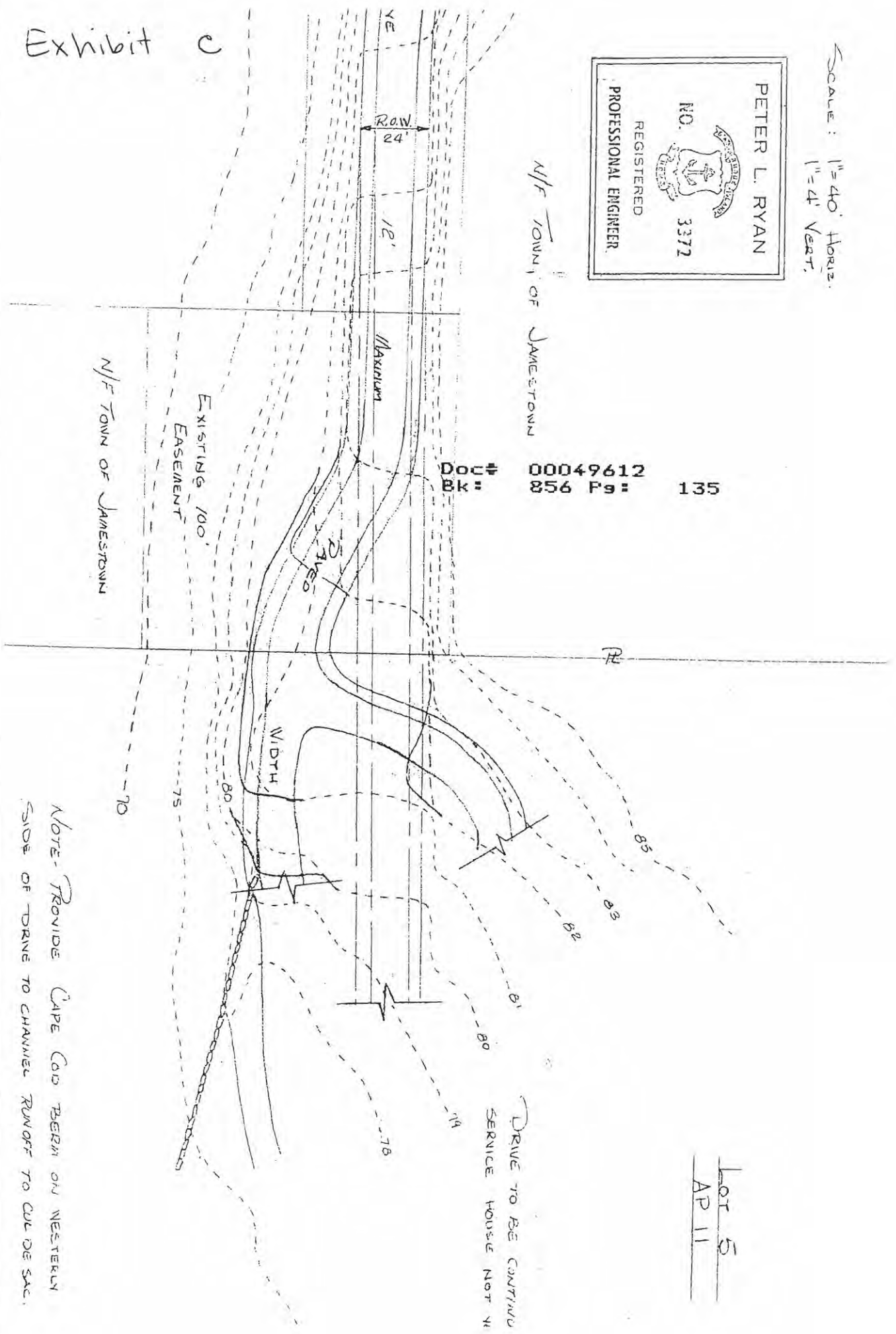


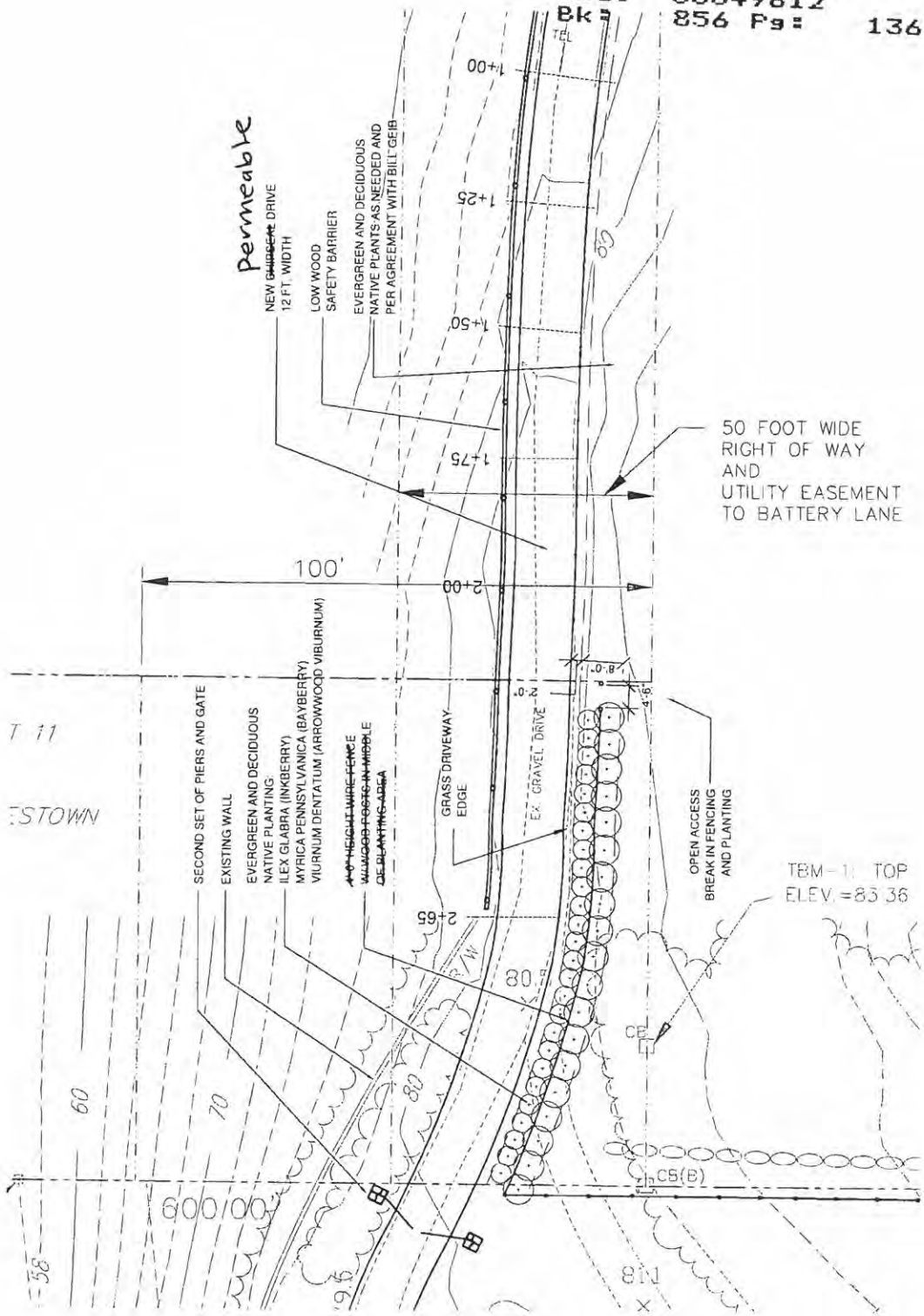
Exhibit C

NOTE: PROVIDE CAPE COD TERN ON WESTERN
SIDE OF DRIVE TO CHANNEL RUNOFF TO CUT DE SAC.



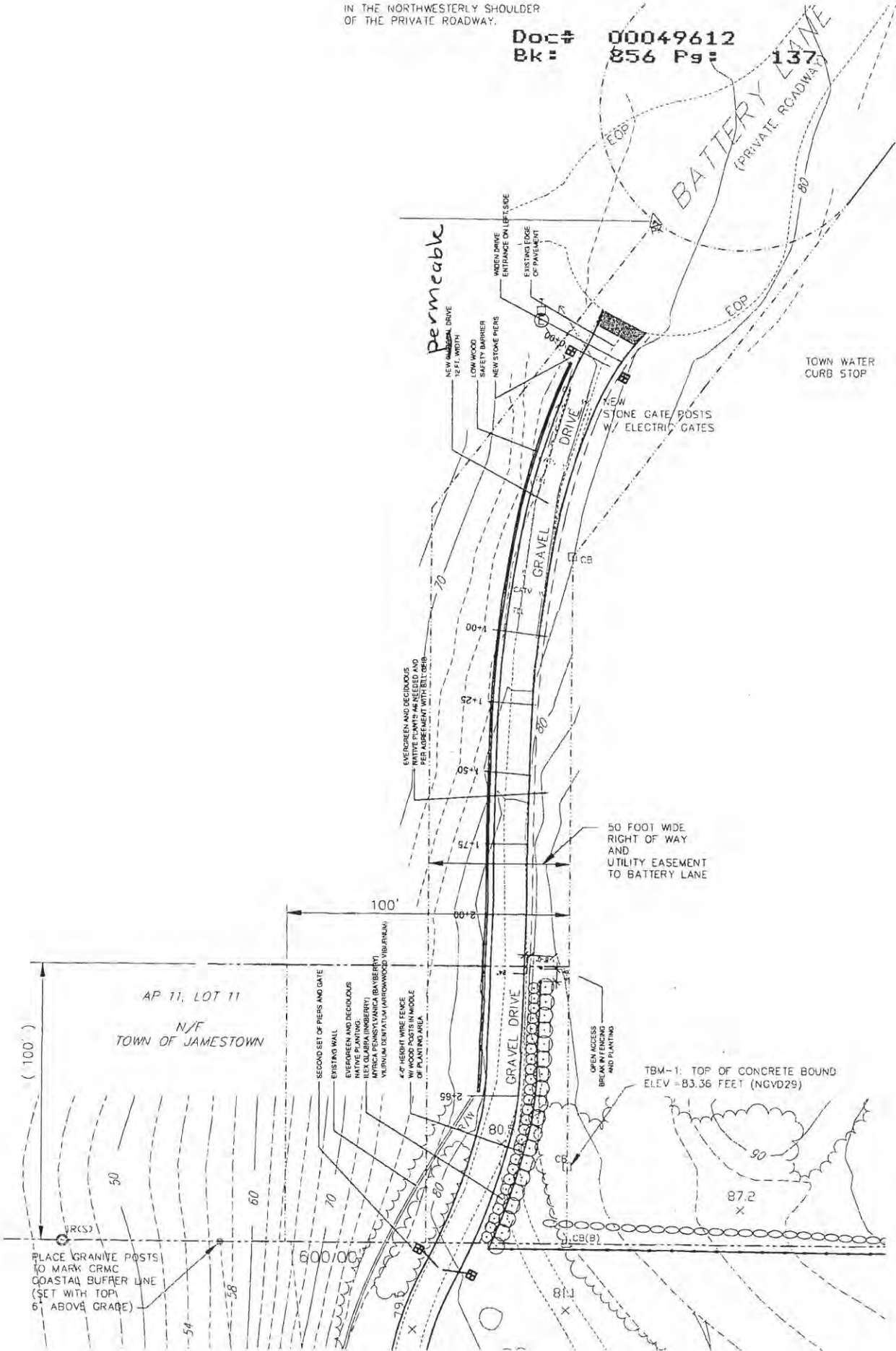
Exhibit D

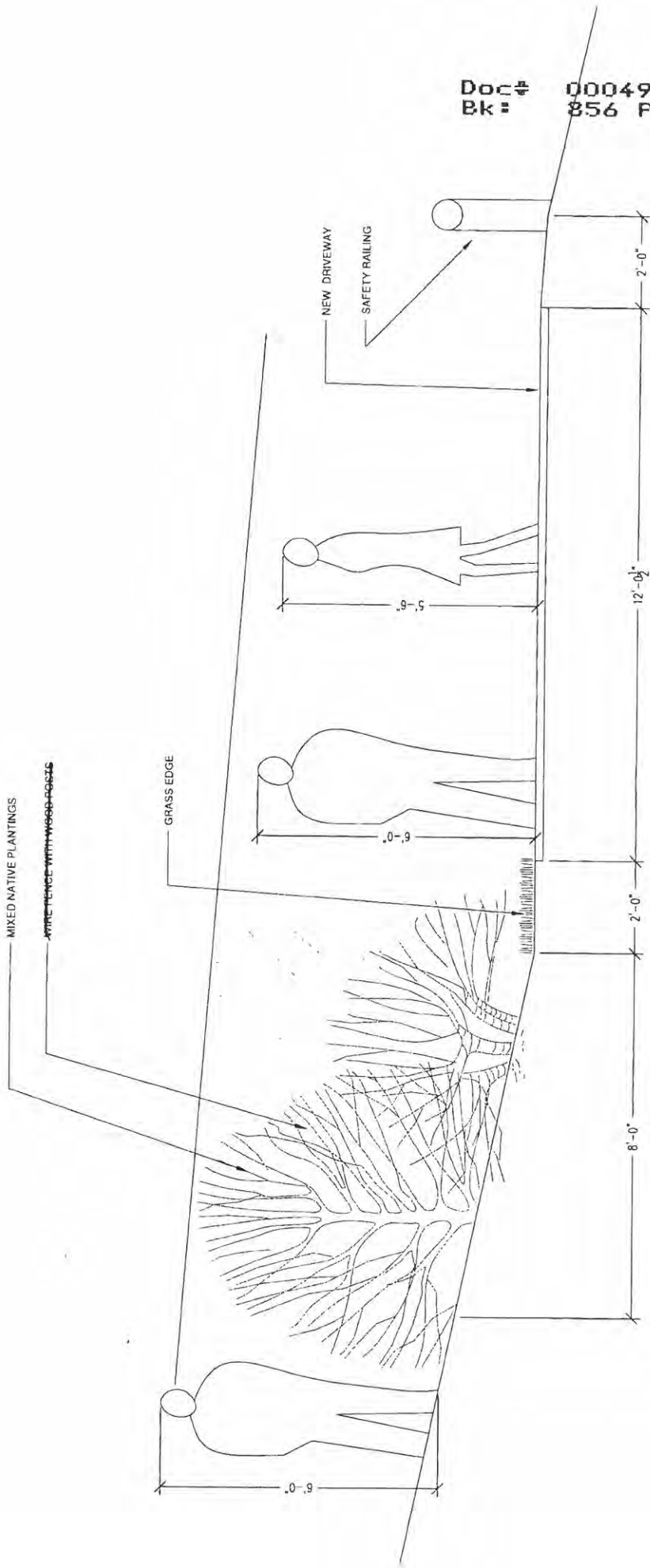
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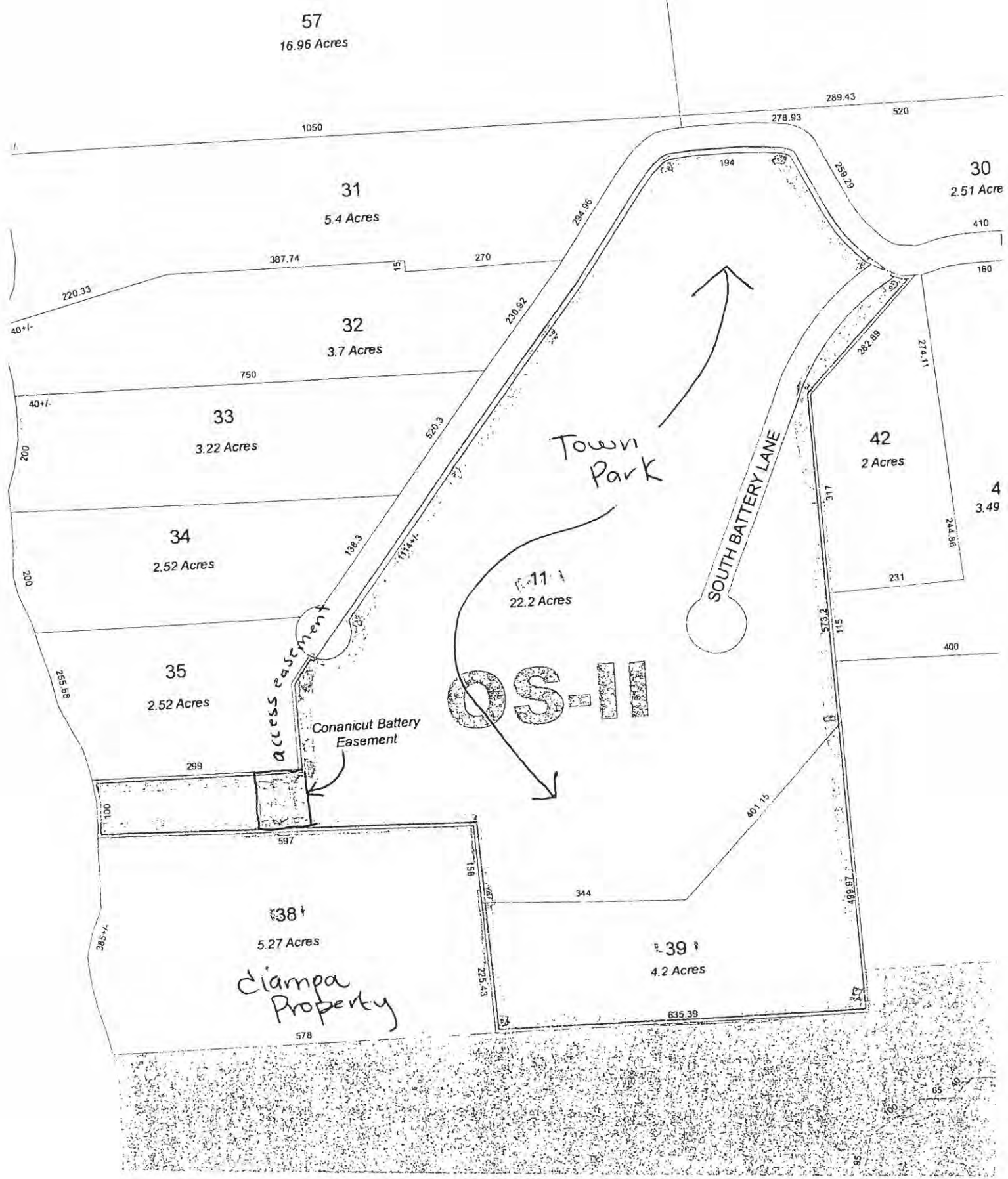


IN THE NORTHWESTERLY SHOULDER
OF THE PRIVATE ROADWAY.

Doc# 00049612
Bk: 856 Pg: 137









Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-7200 • Fax 423-7230
email: cfernstrom@jamestownri.net

Cheryl A. Fernstrom, CMC
Town Clerk
Probate Clerk

Office of the Town Clerk

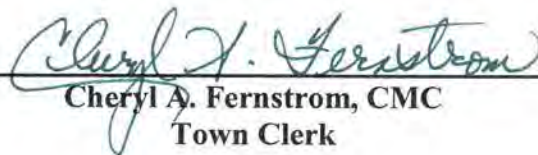
CERTIFICATE

I, Cheryl A. Fernstrom, CMC, Town Clerk of the Town of Jamestown, County of Newport, State of Rhode Island, having by law the custody of the Seal and all the records, books, documents, and papers pertaining to said office, hereby certify the following:

At a meeting of the Jamestown Board of Canvassers held on November 27, 2018 the signatures brought forward by Conanicut Sanctuary on their Petition for an Immigrant Protection Ordinance as submitted to the Jamestown Town Council on May 21, 2018 were certified, pursuant to Sec. 219 of the Jamestown Town Charter. Based on the 4,543 eligible voters for the 2016 General Election, a total of 454 qualified signatures is required (10% of the eligible voters), and a total of 455 signatures of the 531 signatures on the said Petition were certified.

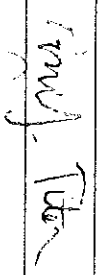

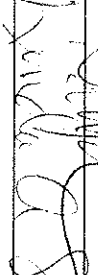
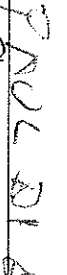








In attestation whereof I have hereunto set my hand, and have affixed the Seal of said Town, this 30th day of November, 2018.




Cheryl A. Fernstrom, CMC
Town Clerk







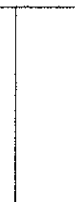
In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation: and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	Emily Titon	57 Parkerton Ave, 02835	Amysp@comcast.net	
	Debra Carrin	185 Waverly St, 02835	debra@cox.net	
	Linda O. Sutton	28 Rosemary Lane	l@suthndesign.com	
	Paul Mc Gowan	7 Bolow St.		
	Cathy Kaiser	85 Knowles Ct, Unit 101	cathkai@cox.net	
	Mike White	53 Conners Ave	myblanca@cox.net	
	Ed Greenwald	30 Metrose Ave	EGREENWA@GMAIL.COM	
	Rosemary Furrer	44 LAUREL ST		
	Amber Loren	3 Bayberry Pls	ambloren@cox.net	
	Dawn H. Wood	8 Meadow Hill Ave		
	Lisa Kavanagh	911 CARDINAL	lrc@hcmj.com	
	Chris Walsh	15 Rosemary Lane	walshcw@GMAIL.COM	

In order to protect immigrant members of our society from unwarranted fear, discrimination and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigration Protection Ordinance.

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
	Beth Deimert	(15 Washington St) P.O. Box 475	beth.deimert@live.	
	Laura Deitrick	13 Lawn Ave	LDeitrick74@icloud.com	
	Paul G. Conin	234 Nazza Avenue	PaulConinStudio3@gmail.com	
	Carol Conin	234 Nazza Avenue	carolconin@gmail.com	
	Judith DeAlto	155 Seaside Dr	ND	
	Lauren Moriarty	132 Beach Ave	MoriartyFarm@gmail.com	
	STACY KNAPHERE	51 BEACH AVE	STACYKNAPHERE@COX.NE1	
	Michael Ranzger	473 Beach Ave	ND	
	KEVIN LANPHERE	51 BEACH AVE	ND	
	Jane Sigal	23 Ave. B	—	
	Patricia Magner	12 Douglas St.	ND	
	Polly Attensa	100 Walnut Ave	ND	
	Susan Kora	138 Hartigan St	ND	
	S. Messinger	Colt St	None	
	Giuse Basso	73 Concord Ave	—	
	Rick DiGiovanni	129 Kensington Ave	—	

In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	Blanche H. A. Bryer	90 Prospect Ave 02835	—	
	Wayne Gresser	64 Grinnell St 02835	—	
	Michael J. Sutton Michael J. Sutton	28 Rosewood Ave 02835	—	
	Deborah Foxworth	477 Wehmann Rd 02835	—	
	Brian D. Boyer	20 Prospect Ave 02835	—	

In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation: and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>Richard Allen</i>	Boughton R. Allen	418 East Shore Rd / 02835	rallen@townofjamestown.com	✓
<i>Lauren Allen</i>	LAUREN ALLEN	410 E Shore Rd / 02835	lsallen@gmail.com	✓
<i>Anna Zartler</i>	Anna Zartler	30 Juniper / 02835	azartler@gmail.com	✓
<i>Laura Totter</i>	Laura Totter	20 Columbia Lane / 02835	LTotter@cox.net	
<i>Bart Totter</i>	Bart Totter	20 Columbia Lane / 02835	BTotter@cox.net	
<i>Carol Crafts</i>	Carol Crafts	25 N Main / 02835		















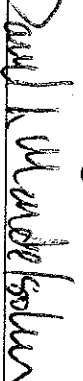

In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance. Attorney Gregory Kelly, K. State Police Sgt. Anderson

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
Michael A. Limberg	Michael A. Limberg	18 Constance Williams	Michael.Knox@gmail.com	
Bill Sirok	B. H. Sirok	28 C. Costello St. Wm	B. H. Sirok@gmail.com	
Steven Liebhase	Steven Liebhase	409 Columbia Lane	stevliehase@gmail.com	
M. R. Rasmussen	M. R. Rasmussen	109 Columbia Lane	MRRASMUSSEN@cox.net	
Christina Lutes	CHRISTINA LUTES	96 Columbia Lane	CHRISTINA.LUTES@gmail.com	
John O'Brien	JOHN O'BRIEN	0		
Helean O'Halley	Helean O'Halley	75 Grinnell St 03833	hohal@verizon.net	
Margaret K. Kozel	Margaret K. Kozel	175 American Way	rkozel3@cox.net	
Melissa Kozel	Melissa Kozel	175 American Way	mkozel3@gmail.com	
Randy B. Kozel	Randy B. Kozel	175 American Way	rkozel3@cox.net	
Dolores Ranaudi	Dolores Ranaudi	109 Columbia Lane	MDRANAUDI@COX.NET	
Derek Keller	Derek Keller	79 Columbia Lane	derekeller@hotmail.com	
Sabhi M. Vinters	Sabhi M. Vinters	79 Columbia Lane	cafairied@gmail.com	
Carl Vaccaro	Carl Vaccaro	4 Ranger Ct.	CarlVaccaro@aol.com	

In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation, and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>John</i>	John Romano	3 Hawthorn St	john@robkling.org	<input checked="" type="checkbox"/>
<i>Brendy Gallin</i>	Edward Gillis	126 Norcross St		
<i>Suzanne Woods</i>	SUZANNE WOODS	17 WARDEN AVE	SANESSIMUNDOSE@YAHOO.COM	
<i>Mark Holland</i>	Mark Holland	18 Ireland Ln		
<i>Gregory Ryan</i>	GEORGE GEARYSON	18 IRELAND LN	gregsonphoto@road.com	
<i>Angie Smith</i>	Suzanne Siskind	1091 Pennsylvania	Smiths@road.com	
<i>Judith Gastonde</i>	Linda Gastonde	153 LITLEDIP LN	LindaBrazilGastonde@gmail.com	
<i>Margaret Gastonde</i>	MARGARET GASTONDE	153 IRELAND LN	margaretgastonde@gmail.com	
<i>Tom North</i>	Tom North	49 Clinton Ave	norths5@cox.net	
<i>Ryan Baker</i>	Ryan Baker	711 E Shore Rd #2835	Rybaker@me.com	
<i>Rebecca A. Weston</i>	Becky Westall	37 Starboard Ave	RKW13@aol.com	
<i>Nancy Berg</i>	Nancy Berg	54 Clinton Ave	Thunde@col.com	
<i>Christian Driver</i>	CHRISTIAN DRIVER	P.O. BOX 34	CHRISTIAN.DRIVER@gmail.com	
<i>John Kincaid</i>	John Kincaid	119 Hawland Ave	kincaid@johnson	
<i>Gina Wallis</i>	Gina Wallis	605 F Street		

In order to protect immigrant members of our society from unwarranted fear, discrimination and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigration Protection Ordinance.

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
	Carol Anderson	432 East Shore	carolanderson@gmail.com	
	Evan R Foyte	39 Pierce	evsworld@yahoo.com	
	JAMES SIMMONS	17 MAPLE AVE	james-simmons@nksd.net	
	Jerome German	414 Maple Drive	jeromegerman@gmail.com	
	Barbara Reilly	50 Maple Ave		
	Susan Matthews	175 Narragansett	smcadelm@gmail.com	
	Elizabeth Collins	149 Narragansett	collins.elizabeth@gmail.com	
	Gail B Chase	305 N. Road		
	Elizabeth C Pinto	39 Pierce Ave	elizabethc@yahoo.com	
	Julie Held	14 Westwood Rd	jheld@cox.net	
	Ken Schaefer	22 Court St	kschaefer@msn.com	
	James M. Wright	210 Narragansett Ave.	mwright@cox.net	
	Dan Anderson	126 Narragansett Ave	dxapaint@gmail.com	
	MARY SAWYER	90 South West		
	Melissa Coble	113 Narragansett Ave	mecoble2@gmail.com	
	DAVID MELANSON	24 Main St	dmelanson@gmail.com	

In order to protect immigrant members of our society from unwarranted fear, discrimination and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigration Protection Ordinance.

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
	Joseph K Lumb	409 Felcourt Ave 02835	JoeLumb@jamesstnvt.com	NO
	MATTHEW VASQUEZ	5335 Shore Rd	Matthe9@Hotmail.com	
	Maria Lebrun	109 Columbiane	Mlebrun@ex.net	
	Victoria Hillard-Mark	117 Seabrook Shm	fvh@wellsville.gov	
	Yvonne Williams	85 Cape St	msyounl.mccormack@jamesstnvt.com	
	Aaron Clark	409 Felcourt	mlumb@jamesstnvt.com	
	Jenna Cannon	442 Felcourt Ave		
	Jamie Krause	449 Felcourt Ave	jamie.krause@jamesstnvt.com	
	Amy Smith	137 American Way	amysmith1008@gmail.com	
	MICHAEL SCHWARTZ	36 CLARKE ST 02835	MICHAEL.SCHWARTZ@YAHOO.COM	
	Sabo/Seale	33 Clarke St	rsabo@jamesstnvt.com	
	LISA BOYLE	416 Carr Lane	lrb@jamesstnvt.com	
	Fabrice Fabrice	18 Luther St	efabrice@jamesstnvt.com	
	Julie Andrews	3 Plymouth Rd	songbird104@hotmail.com	
	Judith Dawson	41 Plymouth Rd		

1) In order to protect immigrant members of our society from unwarranted fear, discrimination, and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
Joyce Falsberg	Joyce Falsberg	8 Luther St 02835	colleen.schnack@jama.com	
Nancy Cresser	Nancy Cresser	64 Grinnell St		
Dana Powers	Dana Powers	71 Grinnell St		
David Powers	DAVID POWERS	71 GRINNELL ST		
Ann McEntee	Ann McEntee	75 GRINNELL ST		
Brian Patten	Brian Patten	71 Coronado St.		
Beth Herman	Beth Herman	95 Longfellow Rd.		
Dorah Lichterstein	Dorah Lichterstein	45 Coronado St	dolitherstein@gmail	
Glen Dossa	Glen Dossa	33 Coronado St.	GlenDossa@ymail.com	
Jack Christie	Jack Christie	"		
Colleen Schnack	Colleen Schnack	36 Clarke St.	colleenschnack@yahoo.com	

In order to protect immigrant members of our society from unwarranted fear, discrimination and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigration Protection Ordinance.

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
Debra Larkin				
Dawn Lall	Debra Larkin	186 Managawett Ave 01835	dbraga@cox.net	
Stephan Belle	Lynne Bell	23 Ocean Ave 01835	StephanBelle@gmail.com	
Victor Bell	Victor Bell	23 Ocean Ave 01835	vbell@psu.edu	
Susan Finn	Susan Finn	26 Ocean Ave	SUSFIN@aol.com	
Ken Neuman	Ken Neuman	23 Avenue B, Jamestown	KennethNeuman	<input checked="" type="checkbox"/>
J Barber	Jillian Barber	228 Navy Dr.	LadyLay7@hotmail.com	
Margie Goding	Margie Goding	209 Narragansett		
Jody Schaefer	Jody Schaefer	9 Marine Ave		
Alison Flath	Alison Flath	7 Helrose	alberflath77@msn.com	
Jill A. Primiano	Jill A. Primiano	14 Melrose	JayPrimiano@cox.net	
Norma J. Bunnell	Norma J. Bunnell	20 Melrose Ave	Normajb@cox.net	
David Bunnell	David Bunnell	20 Melrose Ave	Davidmb@cox.net	
Kelly Cowan	Kelly Cowan	19 Melrose Ave	wishiwascleaning@gmail.com	
Sandra Burns	Sandra Burns	124 Main St.	SANDRA BURNS	
Jean A. Dupree	Jean A. Dupree	124 Main St	Jean A. Dupree	

Jay Primiano & Cox.net

earthlink.net

In Order to Protect immigrant members of our society from unwarranted fear, discrimination, and deportation: and to protect the Jamestown Police from, being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigrant Protection Ordinance.

Name	Jamestown Street Address	Email	Yes I will help
RICHARD HITT	450 Schooner Ave	RICHARDHITTECOX.NET	✓
MARCIÉ LINDAY	10 Castle Aton	marcie.knox@gmail.com	✓
CHRIS WALSH	15 ROSEMARY	WALSHCM@gmail.com	
Keith Stavely	212 Capstan St.	kstavely@cox.net	
Darcy Magratten	100 Clinton Ave	dmagrattene@gmail.com	✓
Nell O'Grady	450 Schooner Ave	hogrady3@gmail.com	✓
Karen Rafanelli	156 Intrepid Lane	KrafaNelli@COX.NET	
Marcia Sallum	7 High St.	ajrafanelli@cox.net	
Janet Larson	15 Melrose Ave	marcia.sallum@yahoo.com	✓
Robert Booth	59 NEPTUNE ST	janetlarsonygc@gmail.com	
Hand Baxer	59 Neptune St.	ROBERTBOOTH@HOTMAIL.COM	
Josephine Rafanelli	20 Larry Street	HandBaxer@aol.com	
Matthew Rafanelli	156 Intrepid Lane	SORAFANELLI@COX.NET	
Doriana Carella	35 Gondola Ave.	Mattraffy@aol.com	
ANDREA COLOGNESE	35 GONDOLA AVE	villageheartin@gmail.com	
Jaila Colognese	35 Gondola Avenue	VILLAGEHEARTH@GMAIL.COM	
Michela Colognese	35 gondola AVE.	Jailacolognese@gmail.com	
Jennifer Caswell	6 Felucca Ave	MichelaColognese@gmail.com	
Bill Caswell	6 Felucca Ave	jlcaswell@cox.net	
		" "	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>[Signature]</i>	Richard Lynn	15 Seafarer Ct 02835	Rlywstudio@gmail.com	
<i>[Signature]</i>	ANTHONY CAUSE	780 N. MAIN RD 02835	45C423@cox.net	
<i>[Signature]</i>	JURATE DINA CAUSE	780 N. MAIN RD 02835	JURATEC@yahoo.com	
<i>[Signature]</i>	Bruce J Whitman	61 Spindrift St. 48 Top Oth. Park Dr.	bydmsw@ gmail.com bstsmall48@cox.net	
<i>[Signature]</i>	Elizabeth Small	48 Top Oth. Park Dr.	bstsmall48@cox.net	
<i>[Signature]</i>	Melody Dmuck	10 UNION	melody.dmuck@gmail.com	
<i>[Signature]</i>	Jane Harris	10 UNION	janies@cox.net	
<i>[Signature]</i>	Jane E Signal	23 Avenue B	janee@janesignal.com	
<i>[Signature]</i>	Ken Peterson	23 Avenue B	ken@kenpeterson.com	Yes I would help
<i>[Signature]</i>	Ten Parrier Green	933 East State St. Jamaica	Tgreen418@AOL.com	
<i>[Signature]</i>	Paul Paternon	35 Bow St. JTN		
<i>[Signature]</i>	Frank	35 Bow St. JTN		
<i>[Signature]</i>	Louise Peterson	58 Bow St. Lawrence	larrylaine4@outlook.com	
<i>[Signature]</i>	Alexandra H Davigan	604 W. Reading	nope@davigan.com	
<i>[Signature]</i>	Catherine Bowen	21 Calvert Pl	cathbowen@charwinbrphy.com	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>By</i> <i>Magorice</i> <i>Magorice</i>	Magorice A. Magorice	21 Parkerton Ave #202	—	—
<i>Shirley May Hall</i>	Shirley May Hall	21 Parkerton Ave	—	—
<i>Albert A Kendall</i>	ALBERT T. HOWARD	21 Parkerton Ave #201	—	—
<i>ATLANTA</i> <i>ATLANTA</i> <i>ATLANTA</i>	ATLANTA	21 Parkerton Ave	—	—
<i>Rose Marie Smith</i>	Rose Marie Smith	21 Parkerton Ave #203	SMITH, RoseMarie 21@spark.com	—
<i>Carolyn Ruffo</i>	CAROLYN RUFFO	1400 Newmarket St.	CRUFFO1@COX.NET	—
<i>John</i>	JAMES STASOVI	160 Market Street	James.Stasov@Brown.edu	—
<i>Peter Converse</i>	Peter Converse	162 " "	pcconverse@202	—
<i>Alice I. Harris</i>	ALICE I. HARRIS	75 Hawthorn Ave.	lsharvnisize@gmail.com	✓
<i>Susan</i>	Susan	26 Ocean Ave	sufio@earthlink.net	—
<i>Abby</i>	Abby Litman	26 Ocean Ave	—	—
<i>David</i>	David Buckell	20 McKee Ave	dbuckell@cox.net	?
<i>Carol</i>	Carol Nelson-Lee	23 Buoy St	—	✓
<i>Kate Smith</i>	Kate Smith	15 Sparker St.	—	—
<i>Don Savoy</i>	Don Savoy	7 Sparker St	—	—
<i>Melissa Savoy</i>	Melissa Savoy	7 Sparker St	—	—

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	P. J. Scelitta	P.O. Box 281	no signature required	
	W. W. Smith III	244 Hillcrest Rd	williams3@fireandcampfire.com	
	IAN O'DWYER	450 Beacon Ave		
	Nancy Zeitler	444 Beaver Tail	WMZEITLER@gmail.com	
	Kate Pelate	1005 Fort Beth Rd	KatePelate@gmail.com	
	Jenn MacMillan	955 Fort Beth Rd	jennmac@cox.net	
	JACK BARRY	26 Verdell Ave	shropes230@gmail.com	
	Hugh O'Neill	193 Beaver Tail Rd	honi94@gmail.com	
	Lisa O'Neill	" "	honiell46@gmail.com	
	Tracy Hammond	260 Ashworth Ave	BYHAMMIL@townofjamestown.com	
	Mrs Musler	PO Box 596		
	Per Petersen	POB 596		
	Per Petersen	282 Beaver Tail Rd.	Per Bengt 1@cox.net	"
	Linda Peterson	188 Beaver Tail Rd		
	Constance B. Thomas	320 Beaver Tail Rd		






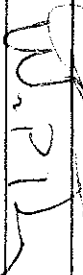

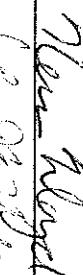
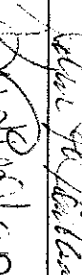


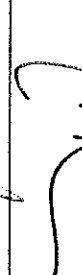



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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
Harby Lee	Harby Lee	441 Spaulding St		
Jane Paulsen	Lisa URBAN	444 Spaulding St.		
Walter Paulsen	Jackie HATFIELD	74 Beech St		
Walter Paulsen	Bob HARRIS	74 Beech St.		
Thomas A. DeWalt	Tom DeWalt	13 Starboard		
Carole King	Paula King	135 Starboard		
Dimitria Koumouf	Dimitria Koumouf	105 Garbard St.		
Ann Zangich	Ann Zangich	433 Seaside Drive.		
Rosemary John Woodard	Rosemary John Woodard	23 Skyway Ct		
Ann Zangich	Isabella Zangich	433 Seaside Drive		
George Zangich	George Zangich	433 Seaside Dr		
Bruce McIntyre	Bruce McIntyre	103 UMIARK		
Liz Byrne	Liz Byrne	50 Umiark	Lizabyrne@cox.net	
Eric DeWalt	Eric DeWalt	48 Felice Ave.	ericandbob@yahoo.com	
John Greco	John Greco	50 Umiark	John_Greco@cox.net	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
Nancy Heagerty Eleanor Chase	Nancy Heagerty Eleanor Chase	395 Sandala Ave 430 Goodletts Ave		
MART HUNNIS Cody D. Spence	MARENDA HARRIS ARTHUR A. HARRIS	209 BEGOLD 1500 BEGOLD AVE		
DORIS LUND DORIS	DORIS LUND Tom Stephen Owen	8 BALKSTAY ST 29 Bury St		
MICHELLE Pete Seal	Michelle Stephen Owen PATRICIA SILVARETTI	29 Bury St 1537 MARENDA ST.		
HELEN VAN CLEEF Judy Stearns	HELEN VAN CLEEF Kuey STEARNS	138 Engata St. 77 Engata St		
DORIS LUND DORIS	DORIS LUND SIRI PERNER	25 SPRYER ST		

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Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
	LISA SULLIVAN	23 Jeffersonville 02835	lisa-sullivan@comcast.com	
	Amanda Michalik	293 E. Smead Rd.	AmandaMichalik@aol.com gmmatt.com	
	Peter Travisano	200 E Shore Rd		
	Joseph Pennington	10 Halls Ct.		
	Chris Hart	41 Deane Ave		
	Clifton Hart	41 Deane Ave		
	William Perry	29 Deane Ave	wperry@gmail.com	
	Bernard Conner	34 Deane Ave	725conner@aol.com	
	Kevin Lloyd	67 Mt. Hope Ave	kwlloyd@aol.com	
	John Hubbard	27 Pennsylvania Ave	jackhubb@aol.com	
	Kristina Lapina	5 Center St.	kristina.lapina@northmail.com	
	Timothy Dwyer	21 Bold Ave	timothydwyer@gmail.com	
	Greg Rice	75 Bar View Dr	grice41@gmail.com	
	Jon Fortin	61 Bar View Dr		
	Patricia Senek	84 Bay View Dr	pseneka@msn.com	

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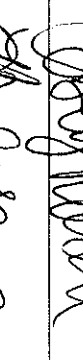




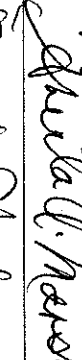

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
<i>Eveline G. Bayette</i>	Eveline G Bayette	98 Bow St 02835		
<i>Michelle G. Bayette</i>	Michelle G Bayette	37 Sessville Dr		
<i>Elizabeth R. Richter</i>	Elizabeth Richter	21 Beach Ave		
<i>Carol Morris</i>	Carol Morris	10 Helm St		
<i>Shane G. Richter</i>	Shane Richter	20 Ferns Lt		
<i>Kate Lambert</i>	Kate Lambert	108 Fern off		
<i>Gregg C. Lambert</i>	Gregg C Lambert	19 Sol St. 02835		
<i>HARRIET BROTHERS</i>	HARRIET BROTHERS	8 DECK ST		
<i>Barbara Bennett</i>	Barbara Bennett	16 Row St 02835		
<i>Beth Cregg</i>	Beth Cregg	151 Cedar Hill Dr		
<i>Mark Hubbard</i>	Mark Hubbard	1 Stern Street		
<i>TERRI TAMASE</i>	TERRI TAMASE	1 Stern St		
<i>Max Hubbard</i>	Max Hubbard	1 Stern Street		
<i>Alex Hubbard</i>	Alex Hubbard	1 Stern Street		
<i>KATHLEEN FITZGERALD</i>	KATHLEEN FITZGERALD	212 Capstan St		
<i>KEITH STAVELY</i>	KEITH STAVELY	212 Capstan St		

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Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
Alyce Dwyer	Alyce Dwyer	21 Bulard Ave	alycedwyer@gmail.com	
Lorraine Grassy Powell	Larroll Grassy Powell	135 Conantius Ave	lgrp135@yahoo.com	
CEAHS WATSON	CEAHS WATSON	211 CONANTIVS AV	Craig@conantius.com	
Julia Lucid	JULIA LUCID	67 MT HOPE AVE		
SWIK BENSON	SWIK BENSON	193 CONANTIVS AVE	nubstern@gmail.com	
BETTY HUBBARD	BETTY HUBBARD	274 PA. AVE,	blhubbard@aol.com	
Richard J. Ruell	Richard J. Ruell	195 Conantius Ave	richardruell@yahoo.com	
Jillie Moulto	Jillie Moulto	18 Calvert Place	poppy101@gmail.com	
Carol (Diana)	Carol (Diana)	61 Bayview Dr	cdemurcompny@aol.com	
Nancy Lush	Nancy Lush	17 Bay St	nush@lge.com	
PAUL D. JENSEN	PAUL D. JENSEN	211 Conantius Ave.	PRWITZ@ATTN:DESIGN.COM	
KEITH ALDEN	KEITH ALDEN	20 Stern St		
PAUL D. JENSEN	PAUL D. JENSEN	JAMES TOWN		
EVERETT RICHARDS	EVERETT RICHARDS	415 Beach Ave	grembit@seabrookjps.com	
KAREN MORCLES	KAREN MORCLES	88 Bow St		

Karen Morcles
Potter

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	John A. Thomas	16 Felice Ave 02835		
	Michael Fowler	39 Triphelp St		
	Elizabeth Lopez	64 Fingale St	reid.lopez@yahoram	✓
	Robert Shein	64 FRIGATES	Rshein@nic.edu	✓
	PAUL JONES	11 GARDEN AVES		✓
	Brian J. O'Hara	22 Sampson Ave		✓
	E.H. Flaherty	12 Schooner AVE		
	Casey Nelson	456 SIMONEL AVE.		
	Heather Insana	461 Schooner Ave	heatherinsana@hotmail	
	SCOTT RAPP	490 Schooner Ave	erjdr@cox.net	
	Edward J. Beaulieu	408 Schooner Ave		
	Rosia Beaulieu	408 Schooner Ave		
	Sheila Marsh	400 Schooner Ave		
	David Wilson	461 Sampson Ave		
	Jean Bottom	425 Sampson Ave		

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>Justin J. McInnis</i>	Kristen Michalik	20 Clinton Ave	kristen.michalik@jpm.com	Yes
<i>Robert Rodgers</i>	Robert Rodgers	57 Clinton Ave	roddgers@uri.edu	
<i>Richard Kingstley</i>	Richard Kingstley	85 Clinton Ave	rickingsley@gmail.com	
<i>MARIA ROMASH</i>	MARIA ROMASH	34 CLINTON AVE	MARIAROMASH@gmail.com	
<i>Mark Alexander</i>	Mark Alexander	34 Clinton Ave.	alexandermark@gmail.com	
<i>Mark Batzer</i>	Mark Batzer	2 Babelair	mbatzer@netnet.us.cer	
<i>Justin Smith</i>	JUSTIN SMITH	34 GREEN	STOUTDESTON@gmail.com	
<i>Chris Smith</i>	CHRISTOPHER SORLINO	123 Howland	chris.sorlino@gmail.com	
<i>David Falces</i>	David Falces	3 Hammett Ct #5	Falces@gmail.com	
<i>Emily Falces</i>	Emily Falces	3 Hammett Ct #5		
<i>Naoh Franjishah</i>	Naoh Franjishah	34 Hammett Ct #5	ehygneth@hotmail.com	
<i>USA Saltee</i>	USA Saltee	20 Lincoln St.	isthabnba@aol.com	
<i>Frank Saltee</i>	Frank Saltee	20 Lincoln St.	islandba@aol.com	
<i>Frank Saltee</i>	Frank Saltee	32 Elizabeth St	saltee@saltee.com	
<i>Frank Saltee</i>	Frank Saltee	75 High St	saltee@saltee.com	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>John S. Winters</i>	JOSEPH WINTERS	51 BRUCE RD 02835		
<i>Bob Norton</i>	DOROTHY B. NORTON	51 HOWLAND AVE.		
<i>Eric Mitchell</i>	ERIC MITCHELL	67 HOWLAND AVE		
<i>Glenn Mitchell</i>	GLENN MITCHELL	67 HOWLAND AVE		
<i>Nellie Mitchell</i>	NELMIE MITCHELL	67 HOWLAND AVE		
<i>Suzanne Agyazian</i>	Suzanne Agyazian	76 Howland Ave		
<i>Sheila M. Nixon</i>	SHEILA M. NIXON	81 Howland Ave.		
<i>Jane Letina</i>	Jane Letina	26 Ora Avenue	STHMAN@T.COM	
<i>Tom Frazee</i>	TOM FRAZEE	41 Walnut Ave	tfrazee@comcast.net	
<i>Lisa Barsumian</i>	LISA BARSUMIAN	"	barsumian@comcast.net	
<i>Nicole Koutis</i>	NICOLE KOUTIS	415 Saragansett	nkoutis@comcast.net	
<i>Edith F. Flynn</i>	EDITH F. FLYNN	9 Union Street, 02835	edwardpeter@aol.com	
<i>Donna Mignella</i>	DONNA MIGNELLA	12 Union St 02835	dmignella@gmail.com	
<i>Christopher Smeraldi</i>	Christopher Smeraldi	12 Union St 02835	smeraldic@gmail.com	
<i>M. Myles</i>	M. Myles	7 Relucea Ave		
<i>Mary E. Timms</i>	MARY E. TIMMS	16 Felver Ave.		





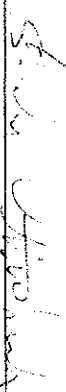



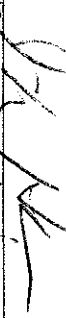
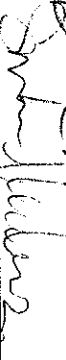




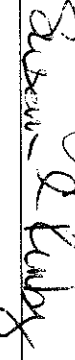
In order to protect immigrant members of our society from unwarranted fear, discrimination and deportation; and to protect the Jamestown Police from being deputized to enforce civil immigration law, we call on our Jamestown Town Council to adopt an Immigration Protection Ordinance.

Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
<i>James Brothers</i>	Lauren Brothers	20 ^{Sumner} Park St 02835	LMST02838@gmail.com	Yes
<i>Ray B. P.</i>	Say Brothers	20 Park St. Jamestown	Yacob.broad@ycbro.com	No
<i>L. M. Ferris</i>	Lindsay Meenan	47 ^{Jamestown} 1st St. Rte 133	lindsaymeenan@gmail.com	No
<i>Blomminger</i>	Lois Perez	500 Seaside Dr	lperez4862@gmail.com	No
<i>Blomminger</i>	Skylar Couvure	182 Sunset Ave.	bcouvure.com.net	?
<i>Blomminger</i>	J. Bussiere	83 Spadina St	-	-
<i>Blomminger</i>	A. Gabriele	16 Foley St	-	-
<i>Blomminger</i>	Shawn Tai	111 Garboard St	-	-
<i>Blomminger</i>	Kevin Parro	5 Mizraha Ave	-	-
<i>Blomminger</i>	Anders Aulson	47 Mt St	andersa@psps.com	-
<i>Blomminger</i>	James Hechler	76 West Street	-	-
<i>Blomminger</i>	Dawn Fuller	44 Seaside Dr	dawnmfp@aol.com	-
<i>Blomminger</i>	Elizabeth Clark	19 Seaside St.	lizp@psps.com	-

15
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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>Annalya Lynch</i>	ANNA POMFRET	20 BENEY BLVD	Pom.Prefrance@gmail.com	<input checked="" type="checkbox"/>
<i>David B Tomlin</i>	DAVID POMFRET	206 GRET COLE	"	<input checked="" type="checkbox"/>
<i>James C. Gianni</i>	Jane E. Rucci	48 Clarkes Village Rd	wisjerr@comcast.net	<input checked="" type="checkbox"/>
<i>Michelle Rucci</i>	Michelle Rucci	43 Clarkes Village	"	<input checked="" type="checkbox"/>
<i>Mr. P</i>	Mackenzie Damon	37 Clarkes Village	Mackenzie.damon44@gmail.com	<input checked="" type="checkbox"/>
<i>Bob Dutton</i>	Bob Dutton	15 Clarkes Village	"	<input checked="" type="checkbox"/>
<i>Frank Tarrantino</i>	Frank Tarrantino	7 Clarkes Village	franktara71@gmail.com	<input checked="" type="checkbox"/>
<i>V. Royan Karentz</i>	V. Royan Karentz	22 Charles Vill Ln	epic@juno.com	<input checked="" type="checkbox"/>
<i>Sherrisse H. Spink</i>	Sherrisse H. Spink	2 Clarkes Village Rd	"	<input checked="" type="checkbox"/>
<i>Paul Devin</i>	Paul Devin	50 Clarkes Village	"	<input checked="" type="checkbox"/>
<i>Richard Roman</i>	Richard Roman	22 Clarkes Village	mtym355@gmail.com	<input checked="" type="checkbox"/>
<i>April A. Leonard</i>	April A. Leonard	340 Lakeside Village Rd	aleonard34@att.net	<input checked="" type="checkbox"/>
<i>James A. Saucier</i>	James A. Saucier	46 Carter's Village	ajsaucier@comcast.net	<input checked="" type="checkbox"/>
<i>Paul Spaulier</i>	Paul Spaulier	46 Clarkes Village	ajsaucier@comcast.net	<input checked="" type="checkbox"/>



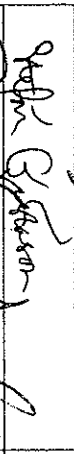
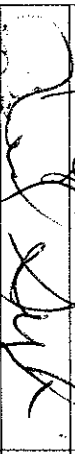





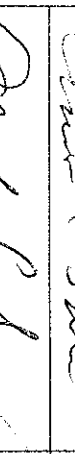




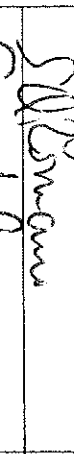
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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	Robyn Mann	30 Westpoint 02835		
	PETER MARCUS	52 Ocean AVE		
	STEVEN PUZONI	56 Ocean AVE		
	Brian Eckman	253 Seaside Dr		
	Shirley Citteri	194 Seaside Dr		
	PETER DiBISCIE	155 Seaside Dr		
	AMANDA DiBisce	185 Seaside		
	Sue Barker	31 Standish St	Suebarker@cox.net	
	John Kefferman	262 Seaside Dr.	sandy.jm@cox.net	
	Sandra Skellern	262 Seaside Dr.	sandy.johnkeffer.net	
	Mona Kelly	133 Beach Ave.	mkelly545@aol.com	
	Margaret Marcus	52 Ocean Ave	charlyseeko@gmail.com	
	Robyn Borges	66 Reservoir Cir	robymborges@cox.net	
	Richard Borges	66 Reservoir Cir	richborges@cox.net	
	Steven E Kenbigas	50 Reservoir Cir		

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Signature	Name	Address/Zip Code	EMAIL	Yes I would Help
<i>Deborah A Jablonski</i>	Deborah A Jablonski	31 Reservoir Circle 02835	deborah_jablonski@yahoo.com	
<i>Judd Silve</i>	Judd Silve	15 Reservoir Cir		
<i>Meredith Silvin</i>	Meredith Silvin	15 Reservoir Cir		
<i>Anthony Traub</i>	Anthony Traub	14 Halls Court	antrub959@gmail.com	
<i>CHRISTINA PAULINO</i>	CHRISTINA PAULINO	68 E. Shore Rd	cpaulino@gmail.com	
<i>Michael D. Angelo</i>	Michael D. Angelo	68 E. Shore Rd		
<i>Nancy Pofish</i>	Nancy Pofish	200 E Shore Rd	npofish@gmail.com	
<i>RIZANNE CORSE</i>	RIZANNE CORSE	3750 Shore Rd	scorse@comcast.net	
<i>MAE STANFORD</i>	MAE STANFORD	373 E. Shore Rd	MA	
<i>GREGORY K ZEEK</i>	GREGORY K ZEEK	11 MERRY WEDDEN 02835		
<i>Dianne I Zeek</i>	Dianne I Zeek	11 Merry Warden Ct		
<i>Madeleine R Zeek</i>	Madeleine R Zeek	//		
<i>Nicole Fortenberry</i>	Nicole Fortenberry	29 Arnold Ave.		
<i>Anna LeDoin</i>	Anna LeDoin	14 Halls Court	alredoin2@cox.net	✓
<i>Elizabeth Mansfield</i>	Elizabeth Mansfield	22 Reservoir Circle 02835	lizmunsfeld@gmail.com	
<i>Marcie McDonald</i>	Marcie McDonald	22 Reservoir Cir	Rmandolay@aol.com	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
	OLAVUR GISLASON	392 BEAVERTAIL RD JAMESTOWN, VT 02835	thor1994@cox.net	
	KATHERINE GISLASON	392 BEAVERTAIL RD JAMESTOWN, VT 02835	gislason@cox.net	
	SEFAN GISLASON	392 BEAVERTAIL RD.	stefngislason@gmail.com	
	Rick Sullivan	4017 RD 533B	2 WHALE ROCK RD	
	Dean D'Amico	401-585-4645	13 WHALE ROCK RD Newtown	
	Melle Williams	28 W Hale Rock Rd.		
	George T Boyer	53 W Hale Rock	gtrboyer@ymail.com	
	Fernis A Sullivan	377 W Hale Rock Rd		
	Anita C Fitz	9 Watorx Rd.		
	Donald Creed	520 BEAVER TAIL		
	ALBERT PROVENTORN	21 GOREY GULL RD	ALPROVENTORN@COX.NET	
	Linda Connors	17 Gray Wolf Rd.	LCONNORS@COX.NET	
	Mike Spear	2 Gray Wolf Rd.		
	Susan Romano	27 Clarks Hill Rd	SROMAN@COX.NET	
	Amanda Rowan	27 CLARKS VILLAGE RD		

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>[Signature]</i>	Albert Sambie	25 Sampson Avenue Jamestown, R.I. 02835		
<i>[Signature]</i>	Robini Costello	25 Sampson Ave Jamestown RI, 02835		
<i>[Signature]</i>	MARTA GONZA	819 N Main St, J10883		
<i>[Signature]</i>	Cirio Infante	885 North Main St Jamestown RI 02835	proyphores @jamestownri.com	
<i>[Signature]</i>	Joanne John	14 Sampson		
<i>[Signature]</i>	Marie Carrella	120 Bayview Drive	jamestown	yes!
<i>[Signature]</i>	Shelika HARKI	655 Gandela Ave	Jamestown	
<i>[Signature]</i>	Susan baby	23 Frisgale		
<i>[Signature]</i>	Amina Brown	55 Gandela		
<i>[Signature]</i>	Shella Haggerty	675 N Main		
<i>[Signature]</i>	PAUL HOUSSELL	"		
<i>[Signature]</i>	HANNE CA	856 N Main	hca@calena.org	NET
<i>[Signature]</i>	STEVEN WICKERHUISINGA	783 N Main	steven.wickerhuisinga@jamestownri.com	YES!
<i>[Signature]</i>	Patricia Quimette	983 N. Main Rd.		YES
<i>[Signature]</i>	ARLENE KETNER	445 Seaford Ave		
<i>[Signature]</i>	Darlene Reay	440 Seaford Ave		

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Name	Jamestown Street Address	Email	Yes I will help
Janet Cooper	2 BOOM ST.	janet613@cox.net	
Lola Magnani	15 Rosemary Ln	jmtz RI 02835	
Susan W.K.	138 NARRAGANSETT ST	Jamestown RI 02835	✓
Susan W.K.	138 B Narragansett	SusanWKE@COL.NE1	
Tracie Shea	53 Coronado St	m_shea@Brown.edu	
Patty Alfonso	100 Walcott	pya100@hotmail.com	
Carolyn Goodrich	900 East Shore Rd.	carolyn.goodrich@me.com	✓
Colin Walsh	183 Narragansett Ave	cmwalsh82@yahoo.com	
Karene Augusteussen	44 High St	karene@kareneattorney.com	
Linda J Brown	7 Antham St.	Lnbrow@aol.com	✓
JANET PRIP	38 ROSEMARY LANE	janetprrip@gmail.com	
Elizabeth Lynn	15 Seferov Ct	ereidlynn@gmail.com	
Joan Breakell	49 Ginnell St	joandbreakell@gmail.com	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
Don Winkler	Don Winebers	351 Bennett Rd.	dwineber@excite.com	
Paul Berger	Paul Berger	2 Barbering Rd.	paul@p-ws.com	
Elisabeth Helgeson	ELSBETH HELGESON	18 Ridge way		
Debra Page	Debra Page	208 Hill Cove Farm		
Stephen Page	Stephen Page	208 Hill Cove Farm	medreg@cox.net	
Cornelia Connelly	Cornelia Connelly	255 Hill Cove Farm		
Aimee Condon	Aimee Condon	255 Hill Cove Farm	stpat1957	
TESSA KENNEDY	TESSA KENNEDY	255 Hill Cove Farm RD		
MAARIE CONDON	MAARIE CONDON	"		
Kiana Lussier	Kiana Lussier	"		
Cynthia Condon	Cynthia Condon	"	condoncynthia@gmail.com	
RICHARD ALPHANI	RICHARD ALPHANI	21 BONNET VIEW	rwallphin@gmail.com	
NANCY W. BENNETT	NANCY W. BENNETT	48 Bonnet View Dr.	nbennett13@me.com	
Deborah Strang	Deborah Strang	21 Rip tide st.	destrang@gmail.com	
Paul Hemp	Paul Hemp	2 Arnold St.	phemp@hcl.com	

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Signature	NAME	Address/Zip Code	EMAIL	Yes I would help
<i>[Signature]</i>	MARIONNE KIRBY	83 BRACKEN DR.	MK1213@gmail.com	
<i>[Signature]</i>	Edward J Kelly	401 Whit Ave,	Edkelly1717@aol.com	
<i>[Signature]</i>	Bos Wright	412 Felice Ave	EWRIGHT306@yahoo.com	
<i>[Signature]</i>	Kate Holman	925 Sloop	kathol@comcast.net	
<i>[Signature]</i>	JILL HARRISON	219 Sloop St.	JHARRISON@earthlink.net	
<i>[Signature]</i>	Kathleen Williams	136 Sloop St	kewilliams@yahoo.com	
<i>[Signature]</i>	Bill Flaherty	119 Sloop St	billflaherty@earthlink.net	
<i>[Signature]</i>	M U DIEM	200 Gendola	-	-
<i>[Signature]</i>	Denise O'Dwyer	450 Beacon Ave	deniseodwyer@gmail.com	
<i>[Signature]</i>	CATHERINE NORTHROP	386 Beacon Ave	CNORTHROP@cox.net	
<i>[Signature]</i>	HARRY STEVENS	386 BEACON AVE		
<i>[Signature]</i>	LORIS CAMPBELL	211 WICK DR 02835	lcampbell22@cox.net	
<i>[Signature]</i>	Ann S. McINTYRE	103 LUMPK-00835		
<i>[Signature]</i>	TORONTO CIVIC 10	433 School st	TORONTOCIVIC@comcast.net	
<i>[Signature]</i>	Jane Kelleher	991 North Main Rd	janemolloy123@aol.com	

MUNICIPAL IMMIGRANT PROTECTION ORDINANCE
FOR RHODE ISLAND CITIES AND TOWNS

PREAMBLE

WHEREAS, the Town of Jamestown is dedicated to providing all of its residents fair and equal access to services, opportunities and protections; and

WHEREAS, the Town of Jamestown respects, upholds, and values equal protection and equal treatment for all of our residents, regardless of immigration status; and

WHEREAS, fostering a relationship of trust, respect, and open communication between municipal employees and municipal residents is essential to the Town of Jamestown's core mission; and

WHEREAS, public safety in the Town of Jamestown is best promoted when victims and witnesses of crime feel safe in cooperating with law enforcement officials; and

WHEREAS, the purpose of this Ordinance is to foster respect and trust between law enforcement and residents, to protect limited resources, to encourage cooperation between residents and town officials, especially law enforcement, and to ensure community security and due process for all,

The Town of Jamestown Hereby Ordains:

1. Limitation on activities solely for the purpose of enforcing federal immigration laws.

(a) The Jamestown Police Department shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:

(1) Actual or suspected immigration or citizenship status; or

(2) A civil immigration warrant (as defined in section 14), administrative warrant (as defined in section 14), or an immigration detainer (as defined in section 14) in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

(b) The Jamestown Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police

seeking assistance, unless necessary to investigate criminal activity that is unrelated to the enforcement of civil immigration law.

(c) Neither the Town of Jamestown nor the Jamestown Police Department shall enter into any agreements to enforce, or otherwise voluntarily engage in the enforcement of, federal immigration law or to perform federal immigration functions pursuant to 8 U.S.C. §1357g or any other federal law, regulation, or policy.

2. Conditions for honoring ICE or CBP detainer requests.

(a) Except as provided in subsection (b), the Jamestown Police Department may respond affirmatively to a civil immigration detainer from ICE (as defined in section 14) or CBP (as defined in section 14) to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours, only if the request is supported by a judicial warrant (as defined in section 14).

(b) Notwithstanding subsection (a), the Jamestown Police Department may detain a person for up to 48 hours on a civil immigration detainer in the absence of a judicial warrant if there are exigent circumstances preventing ICE or CBP from obtaining a warrant and there is probable cause to believe that the individual has or is engaged in terrorist activity as defined in 8 U.S.C. §1182(A) (3)(B).

3. Limitations on honoring ICE or CBP requests for certain non-public, sensitive information.

(a) Except as provided in subsection (b), the Jamestown Police Department may respond affirmatively to an ICE or CBP request for non-public information about an individual, including but not limited to non-public information about an individual's release, home address, or work address, only if the request is accompanied by a judicial warrant or a court order enforcing a subpoena.

(b) Notwithstanding subsection (a), nothing in this ordinance limits the Town of Jamestown or the Jamestown Police Department from:

(1) disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise authorized by state law or required by court order; or

(2) disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise authorized by state law or required by court order.

(c) The Jamestown Police Department shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform the Jamestown Police Department's agency duties.

4. Limitations on ICE or CBP access to individuals in custody for immigration enforcement questioning purposes.

The Jamestown Police Department shall not provide ICE or CBP with access to an individual in their custody or the use of agency facilities to question or interview such individual if ICE or CBP's sole purpose is enforcement of federal civil immigration law, unless such enforcement is pursuant to a federal judicial order.

5. Due process for persons about whom federal immigration enforcement requests have been made.

(a) The Jamestown Police Department shall not delay bail and/or release from custody upon posting of bail solely because of

(1) an individual's immigration or citizenship status,

(2) a civil immigration warrant, or

(3) an ICE detainer request or any other ICE or CBP request for the purposes of immigration enforcement, or for notification about, transfer of, detention of, or interview or interrogation of that individual.

(b) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Jamestown Police Department shall provide a copy of that request to the individual named therein and inform the individual whether the Jamestown Police Department will comply with the request before communicating its response to the requesting agency.

(c) Individuals in the custody of the Jamestown Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

6. Ban on use of resources to facilitate a federal registry based on race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin. The Town of Jamestown shall not use agency or department monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the establishment, maintenance or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin.

7. Limitation on the collection of immigration-related information; provision of nondiscriminatory access to benefits and services.

(a) The Town of Jamestown personnel shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits is contingent by law upon verification of one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws.

(b) The Town of Jamestown and the Jamestown Police Department shall have a formal Language Assistance Policy for individuals with Limited English Proficiency and provide interpretation or translation services at no cost consistent with that policy.

8. Limits on Political Surveillance. Jamestown Police Department shall not collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, corporation, business or partnership or other entity unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the particular subject of the information, whether an individual or other entity, is involved in criminal conduct.

9. Protecting Immigrant Victims of Crime.

(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is or has been subjected to a qualifying criminal activity for a nonimmigrant T or U visa under 8 U.S.C. §1101(a)(15)(T) or 8 U.S.C. §1101(a)(15)(U), or for continued presence under 22 U.S.C. §7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall, subject to the presumption in subsection (b), provide to the individual a signed certification Form I-914B or Form I-918B.

(b) There shall be a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of qualifying criminal activity if the victim has not unreasonably refused or failed to assist with the investigation as requested by Jamestown Police Department.

(c) The Jamestown Police Department shall process the appropriate form under this section within 45 days of the request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within fourteen (14) days of the request.

(d) If the Jamestown Police Department determines that an individual does not meet the requirements for the issuance of a certification under this section, the Jamestown Police Department shall inform the individual in writing of the specific reasons. The written denial shall also advise the individual that he or she may make another request under subsection (a) of this section by submitting additional evidence that he or she has been subjected to a qualifying criminal activity and/or that the presumption established by subsection (b) has been satisfied or not properly rebutted. The denial shall also include a list of organizations that provide services to immigrants whom the individual may contact for additional assistance.

(e) The Jamestown Police Department shall provide an annual report to the Jamestown Town Council of how many requests were made to the Jamestown Police Department under subsection (a) and how many were denied.

10. Protecting the Rights of Students.

In order to protect the rights of students, the school district shall, within 120 days of enactment of this ordinance, adopt a policy establishing procedures for handling interactions with immigration officials seeking information about, or requesting to talk with any student about, their immigration status; providing for cooperating with such requests only to the extent required by law; and barring the collection and disclosure of students' citizenship status except to the extent required by federal law.

11. Collection of aggregate data regarding ICE and CBP requests.

(a) The Jamestown Police Department shall record, solely to create the reports described in subsection (b) below, the following for each immigration detainer, notification, transfer, interview, or interrogation request received from ICE or CBP:

- (1) The subject individual's race, gender, and place of birth;
- (2) Date and time that the individual was taken into the Jamestown Police Department custody, the location where the individual was held, and the arrest charges;
- (3) Date and time of the Jamestown Police Department's receipt of the request;
- (4) The requesting agency;
- (5) Immigration or criminal history indicated on the request form, if any;
- (6) Whether the request was accompanied by any documentation regarding immigration status or proceedings, e.g., a judicial warrant;
- (7) Whether a copy of the request was provided to the individual and, if yes, the date and time of notification;
- (8) Whether the individual consented to the request;
- (9) Whether the individual requested to confer with counsel regarding the request;
- (10) The Jamestown Police Department's response to the request, including a decision not to fulfill the request;
- (11) If applicable, the date and time that ICE or CBP took custody of, or was otherwise given access to, the individual; and

(12) The date and time of the individual's release from the Jamestown Police Department's custody.

(b) The Jamestown Police Department shall provide semiannual reports to the Jamestown Town Council regarding the information collected in subsection (a) above in an aggregated form that is stripped of all personal identifiers. The reports shall be a public record.

12. Enforcement.

An aggrieved individual or an organization that is chartered for the purpose of combating discrimination, promoting the rights of immigrants, or safeguarding civil rights shall be entitled to seek and obtain injunctive and declaratory relief, damages and attorneys' fees for any violation of this ordinance.

13. Affirmation of Compliance with Federal Law.

Pursuant to 8 U.S.C. §1373 or 8 U.S.C. §1644, nothing in this ordinance is intended, or shall be construed, to prohibit or restrict in any way the Jamestown Police Department or the Town of Jamestown from maintaining, exchanging, sending, or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual with any federal, State or local government entity.

14. Definitions.

(a) "CBP" means United States Customs and Border Protection.

(b) "Civil immigration detainer" or "civil immigration warrant" means a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar request from ICE or CPB for detention of a person suspected of violating federal immigration law.

(c) "ICE" means United States Immigration and Customs Enforcement.

(d) "Judicial warrant" means a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant, or other document signed only by ICE or CBP officials.

15. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

JAMESTOWN TOWN CHARTER

Sec. 219. - Initiative procedure.

Any proposed ordinance may be submitted to the town council by a petition signed by qualified electors of the town equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular town election. Whenever the town council receives a certified initiative petition from the town clerk, it shall proceed at once to consider the proposed ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than 30 days following receipt of the petition from the town clerk. If the town council shall fail to pass an ordinance thus proposed by initiative petition, or shall pass it in altered form, the said ordinance as originally proposed by the petitioners shall be submitted to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

TOWN COUNCIL MEETING
November 19, 2018

I. CALL TO ORDER AND ROLL CALL

The Clerk called the special meeting of the Jamestown Town Council to order at 6:35 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue.

Newly-elected Town Council Members present:

Michael G. White
Mary E. Meagher
Nancy A. Beye
Randall White
William J. Piva, Jr.

Newly-elected School Committee members present:

Sheila M. Reilly
Kristine A. Lapierre
Keith J. Roberts

Newly-elected Town Moderator present:

John A. Murphy

Also present:

Andrew E. Nota, Town Administrator
Edward A. Mello, Police Chief
Christina D. Collins, Finance Director
Lisa W. Bryer, Town Planner
James R. Bryer, Jr., Fire Chief
Andrew J. Wade, Parks and Recreation Director
Fred Pease, Town Sergeant
Jean Lambert, GIS Coordinator
Kenneth A. Duva, School Superintendent
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. PLEDGE OF ALLEGIANCE

The Clerk led the Pledge of Allegiance.

**III. ADMINISTRATION OF THE OATH OF OFFICE TO NEWLY ELECTED
TOWN COUNCIL MEMBERS, SCHOOL COMMITTEE MEMBERS, AND
TOWN MODERATOR: Honorable Francis J. Darigan, Jr.**

Judge Darigan congratulated the newly-elected officials for Town and State offices, and I am honored to be a part of this evening's ceremony. Judge Darigan thanked the Council, School Committee, and Town Moderator for their services and stated I am glad that we have such a warm and welcoming community and good people who are interested in serving others here in Jamestown. Judge Darigan thanked all those who ran for office for doing so and keeping this democracy strong by their participation.

Judge Darigan called the Town Council-elect to come forward to be sworn in.

- 1) Town Council:
 - 1) Michael G. White
 - 2) Mary E. Meagher
 - 3) Nancy A. Beye
 - 4) Randall White
 - 5) William J. Piva, Jr.

The Oath of Office was administered to the newly-elected Town Council Members by Judge Darigan. Certificates were also presented. [Applause]

Judge Darigan called the School Committee-elect to come forward to be sworn in.

- B) School Committee:
 - 1) Sheila M. Reilly
 - 2) Kristine A. Lapierre
 - 3) Keith J. Roberts

The Oath of Office was administered to the newly-elected School Committee Members by Judge Darigan. Certificates were also presented. [Applause]

Judge Darigan called the Town Moderator-elect to come forward to be sworn in.

- C) Town Moderator
 - 1) John A. Murphy

The Oath of Office was administered to the newly-elected Town Moderator by Judge Darigan. A Certificate was also presented. [Applause]

IV. NOMINATION AND SELECTION OF TOWN COUNCIL PRESIDENT AND VICE PRESIDENT

The Clerk called for nominations for Town Council President.

A motion was made by Councilor Meagher with second by Councilor Piva to nominate Michael White for Town Council President.

Discussion. Councilor Meagher noted Mike White was the highest vote getter, but that is not a requirement for the job. His victory is testimony to why Mike is suited for this role. Mike's affability and equanimity are well known and those are very good traits to have on the Town Council, but he is also a principled man who understands government's role in helping the lives of those it serves. Mike has sacrificed mightily in the service of his country, but that sacrifice hasn't stopped him from continuing to serve the community he has lived in for nearly thirty years. As good natured as Mike is, he is not afraid to speak his mind when he finds it necessary to critique ideas and their presentation when he finds them not serving the best interests of our citizens. I can tell you personally that when he offers his support, it is not a hollow proposition of words but the real thing, a considered judgement that can bolster a cause or your spirits. We have disagreed at times but after disagreeing, Mike goes right on being the same friendly, good guy he was before, and always will be. And so I nominate Michael White to be Council President.

Back to the vote on the motion. **Councilor Meagher, Aye; Councilor Beye, Aye; Councilor R. White, Aye; Councilor Piva, Aye; Councilor M. White, Aye.** [Applause]

The meeting was turned over to President White by the Clerk. President White stated the next order of business is to elect a Vice President.

A motion was made by Councilor R. White with second by Councilor Beye to nominate Mary Meagher for Town Council Vice President.

Discussion. Councilor Randall White stated Mary has served on the Council for the last three terms, serving as Vice President in the 2012 and 2014 terms. She has been an able and distinguished Vice President and Member, and also served on the Council in the 90's. It is a true honor as my first official act to place into nomination Mary Meagher for Vice President.

Back to the vote on the motion. **President White, Aye; Councilor Beye, Aye; Councilor R. White, Aye; Councilor Piva, Aye; Councilor Meagher, Aye.** [Applause]

V. INTRODUCTION OF DISTINGUISHED GUESTS

President White thanked Judge Darigan for presiding this evening and acknowledged Representative Deb Ruggiero of District 74 and the House of Representatives Citations for outgoing Council members, Senator Dawn Euer of District 13, Attorney General-elect Peter Neronha, outgoing Council members, and Democratic Town Committee Chair Anne Livingston. President White also thanked Town staff members School Superintendent Ken Duva, Police Chief Ed Mello, Town Sergeant Fred Pease, Parks and Recreation Director Andy Wade, Finance Director Christina Collins, Town Planner Lisa Bryer, Fire Chief Jim Bryer, Public Works Director Mike Gray, GIS Coordinator Jean Lambert, Senior Programs Coordinator Betsey Anderson, Board of Canvassers Chair Carol Nelson-Lee, Town Administrator Andy Nota, and Town Solicitor Peter Ruggiero. Thank you so much for attending. [Applause]

VI. NEW BUSINESS

A) 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.

- 1) Victualing License Renewal; review, discussion and/or potential action and/or vote
 - a) **Ace's Pizza, Inc. dba: Ace's Pizza**
1 Clarke Street

A motion was made by Vice President Meagher with second by Councilor White to approve the Victualing License renewal for Ace's Pizza. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

VII. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor Piva son to adjourn the meeting. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

The special meeting was adjourned at 6:48 p.m. President White invited all in attendance to join the Reception. [Applause]

X. RECEPTION: The newly-elected Town Officials will adjourn for pictures, congratulations and refreshments (in the Town Council Chambers)

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
Town Administrator
Finance Director
Town Solicitor



Jamestown Harbor Office
250 Conanicus Avenue
Jamestown, RI 02835
401-423-7190

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the May 9, 2018 Meeting of the Jamestown Harbor Commission
Amended and Approved: 6/13/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, May 9, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Vice-Chairman Harsch called the meeting to order at 6:00 PM with roll call:

Present:

William Harsch, Vice-Chairman
Wayne Banks, Commissioner
Dan Wurzbacher, Commissioner
James Heagney, Commissioner
Steven Bois, Commissioner
Eric Lexow, Commissioner

Absent:

David Cain, Chairman

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, April 11, 2018

Commissioner Banks moved to approve the minutes of the April 11, 2018 Jamestown Harbor Commission meeting; Commissioner Lexow seconded. So voted; 5 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

Captain Erik Patton gave a power point presentation detailing the clean-up efforts on Gould Island by the Army Corps of Engineers (ACOE). The Navy transferred the southern two thirds of the island back to the State of Rhode Island for use as a wildlife preserve.

(Commissioner Heagney arrives 6:05).

Vice-Chairman Harsch asked that the Jamestown Harbor Commission forwards a resolution to the town council stating that Gould Island is closed to the public and asking for signs to be posted stating such.

Executive Director Chief Mello sated that he has sent a request to DEM for the same type of signage at Dutch Island but the request has not been met.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello reported that the missing stairs at the West Ferry outhauls have been replaced.

Executive Director Chief Mello informed the Jamestown Harbor Commission that he and Harbormaster Campbell have been meeting with Volvo race organizers on the logistics of the race.

Executive Director Chief Mello stated that one condition outlined in the CRMC approval letter was that the screw type anchors be used for the conservation moorings. This type of anchor does not work for moorings in Jamestown waters so we have written approval from CRMC to use a block anchor and we will communicate that to mooring installers. Executive Director Chief Mello stated that we also have to confirm the eelgrass map with CRMC.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell reported that both boats are in the water and the new truck worked well to launch the Harbormaster vessels.

Harbormaster Campbell informed the Jamestown Harbor Commission that the pumpouts will be commissioned tomorrow and additional pumpout work will happen later.

Harbormaster Campbell also reported that the No Wake and Conservation buoys at Head's Beach and Sheffield Cove are in for the season.

Executive Director Chief Mello added that there is a third pumpout station at East Ferry that needs to be maintained as outlined by DEM and that pumpout station will be commissioned this year as a stipulation of the ratio between moorings and operations pumpouts.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

The budget was reviewed by the Jamestown Harbor Commission.

VII. SUB-COMMITTEE REPORTS

A. Budget- Review, discussion and/or potential action and/or vote

Commissioner Heagney had nothing to report.

B. Facilities- Review, discussion and/or potential action and/or vote

Commissioner Banks and Commissioner Wurzbacher had nothing to report.

C. Mooring Implementation- Review, discussion and/or potential action and/or vote

Chairman Cain was absent.

D. Traffic Committee- Review, discussion and/or potential action and/or vote

Chairman Cain was absent.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza stated that the group spearheading the push for additional kayak racks at more locations will present their findings to the town council on Monday.

IX. OLD BUSINESS

There was no Old Business to discuss.

X. CORRESPONDENCE

There was no Correspondence.

XI. NEW BUSINESS- Review, discussion and/or potential action and/or vote

A. Meeting time - Review, discussion and/or potential action and/or vote

Commissioner Wurzbacher moved to change the meeting time to 6:30PM for the balance of the year; Commissioner Heagney seconded. So voted; 6 ayes, 0 nays.

B. Signage at East Ferry - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello stated that there will be new signs installed at East Ferry that are very similar to the ones at West Ferry. The signs are to welcome visitors and to make clear the regulations and uses of the town docks. Samples of the signs will be available at the next meeting.

C. Comprehensive Harbor Management Plan – CRMC Approval and Conditions, specifically the type of moorings required to and the relocation of moorings in the Conservation Area at Zeek’s Creek - - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello stated that one condition CRMC stipulates in the Comprehensive Harbor Management Plan approval letter speaks to the relocation of the moorings in Zeek’s Creek Conservation Area to a location outside of the conservation zone whenever any part of the mooring needs to be replaced. Executive Director Chief Mello stated that he is not asking the Jamestown Harbor Commission to make a decision tonight on this matter, but he will provide options on how to address the CRMC stipulations.

Executive Director Chief Mello stated that we will notify all of the mooring permit holders in the Zeek’s Creek Conservation Area of the CRMC condition before the next meeting, because the opinion of the mooring permit holders who will be affected should also be taken into consideration before a decision is made on how to proceed.

Executive Director Chief Mello presented to the Jamestown Harbor Commission a power point that showed a map of the moorings in the Zeek’s Creek Conservation Area and where the CRMC conservation Area and the town Conservation Area lines are.

Executive Director Chief Mello stated that the town Conservation area extends to 1000’ and the CRMC Conservation Area extends to 500’ from the mean high tide mark on shore. If the Jamestown Harbor Commission votes to adopt the CRMC Conservation Area line we will only have three moorings that need to be moved out of the conservation area.

Executive Director Chief Mello recommended that the Jamestown Harbor Commission continue this matter until the next meeting, when the permit holders have been notified and the current and former Conservation Commission chair, through George, is invited to attend.

Executive Director Chief Mello stated that with the town conservation zone line 13 moorings are affected and if we go by the CRMC conservation zone line there are only three or four moorings affected.

Executive Director Chief Mello recommended a couple of things to the Jamestown Harbor Commission:

- 1 – To continue the matter until the next meeting
- 2 – The staff will notify all of the mooring holders in this area that will be impacted by this agenda item
- 3 – A moratorium be issued in this area that prohibits any new moorings being installed, no boat size changes, and no moorings moved; nothing that was not requested prior to the February 26th date of the CRMC letter, until this issue is resolved.

Executive Director Chief Mello stated that, going forward, a couple of options are:

- 1 – To abide by the condition put in place by CRMC and adhere to the 1000’ conservation zone line and begin moving moorings outside of the Conservation Area.
- 2 – To appeal the condition and try to get an explanation from CRMC as to why this conservation area was addressed, because we do have moorings in other conservation areas that were not addressed in the approval letter
- 3 – To appeal to CRMC, after hearing from our local Conservation Commission as to why the line is at 1000’ and if you are satisfied that perhaps the line should have been at 500’, to adopt the 500’ conservation zone line and appeal to CRMC to allow that change to occur within the plan and ordinance.

A discussion ensued.

Vice-Chairman Harsch moved to accept all of Executive Director Chief Mello’s recommendations.

Further discussion ensued.

Mr. Chris Museler objected to the moratorium being issued by the Jamestown Harbor Commission.

Vice-Chairman Harsch stated that, under the Harbor Management Ordinance, Executive Director Chief Mello has discretion on many things and does not require the approval of the Jamestown Harbor Commission.

Vice-Chairman Harsch amended his motion to accept all of Executive Director Chief Mello’s recommendations except for the moratorium; Commissioner Banks seconded. So voted; 6 ayes, 0 nays.

D. Construction of the East Ferry floating dock as voted on by the Jamestown Harbor Commission on 2/14/2018 - Review, discussion and/or potential action and/or vote

Mr. Bill Munger emailed Chairman Cain and asked that this matter be continued until next month.

Executive Director Chief Mello stated that the replacement dock and pilings are a significant investment and that the old dock lacked the functionality to be a usable space. Executive Director Chief Mello stated that he hopes to install an ADA friendly gangway, if the pitch of the ramp allows.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote

Mr. Chris Museler addressed the Jamestown Harbor Commission regarding his concerns about his mooring and his interpretation of the CRMC approval letter.

Mr. Jim McCooley asked what the reason is that CRMC wants to move the moorings out of Zeek's Creek Conservation Zone.

Executive Director Chief Mello stated that we are trying to gain clarification on that issue.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote

Commissioner Banks moved to adjourn at 7:17 PM, Commissioner Lexow seconded. So voted; (6 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk



Jamestown Harbor Office
250 Conanicus Avenue
Jamestown, RI 02835
401-423-7190

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the June 13, 2018 Meeting of the Jamestown Harbor Commission
Approved: 7/11/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, June 13, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 6:30 PM with roll call:

Present:

David Cain, Chairman
William Harsch, Vice-Chairman
Wayne Banks, Commissioner
Dan Wurzbacher, Commissioner
James Heagney, Commissioner
Steven Bois, Commissioner
Eric Lexow, Commissioner

Absent:

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, May 9, 2018

Commissioner Banks amended the minutes on page 2, item V. Harbormaster report as follows: "Harbormaster Campbell reported also reported that the buoys at Heads Beach, and Sheffield Cove and Mackerel Cove are in for the season." and moved to approve the minutes of the April 11, 2018 Jamestown Harbor Commission meeting; Commissioner Lexow seconded. So voted; 7 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

There were no Non-Scheduled requests to address.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello had nothing to report.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell reported that all of the pumpouts are operational; two at West Ferry and three at East Ferry, and the outboard pumpout has been moved to the inboard side of the floating dock to offer more protection from being hit by boats.

Harbormaster Campbell also reported that the mooring fields are approximately 50% full and the season is off to a slow start again due to weather.

Harbormaster Campbell reported that he has been working on bat size change requests and relocation of mooring requests and that a number of riparian moorings have been installed.

Harbormaster Campbell reported that he offered support for the Volvo race, the air show, and that he will be helping out with the Newport/Bermuda race, as well.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

The budget was reviewed by the Jamestown Harbor Commission.

VII. SUB-COMMITTEE REPORTS

A. Budget- Review, discussion and/or potential action and/or vote

Commissioner Heagney had nothing to report.

B. Facilities- Review, discussion and/or potential action and/or vote

Commissioner Banks and Commissioner Wurzbacher had nothing to report.

C. Mooring Implementation- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

D. Traffic Committee- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza had nothing to report.

IX. OLD BUSINESS

A. Mr. Stephen Murphy – Appeal of late fees; 9/5/2017 - Review, discussion and/or potential action and/or vote

Mr. Stephen Murphy, 56 East Shore Road, addressed the Jamestown Harbor Commission regarding his appeal of late fees from last season.

Mr. Murphy stated that he thought his brother paid the fee, as the renewals were going to his brother. Their mooring was tagged by the Harbormaster for non-payment and he paid the mooring fee and \$300 in late fees. Mr. Murphy stated that he is asking the fees be waived or applied as a credit to his account.

The Jamestown Harbor Commission discussed the options.

Commissioner Banks moved to reduce the penalty by 50%; Commissioner Wurzbacher seconded. So voted; 7 ayes, 0 nays.

B. Comprehensive Harbor Management Plan – CRMC Approval and Conditions, specifically the type of moorings required and the relocation of moorings in the Conservation Area at Zeek’s Creek- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello summarized the Harbor Management Ordinance and Comprehensive Harbor Management Plan approval letter and showed the slides of the maps with the town and CRMC Conservation Zone lines. Executive Director Chief Mello stated that the town and CRMC’s interpretation of one of the stipulations in the letter – that the moorings in the Zeek’s Creek Conservation Area – would have to be moved outside of the Conservation Area within the next five years. Executive Director Chief Mello stated that a member of the public is implying that the moorings would not have to move until five years from the CRMC approval date.

Executive Director Chief Mello stated that at the last meeting he asked the Jamestown Harbor Commission for direction on how to proceed with this stipulation of the CRMC approval letter and provided the Jamestown Harbor Commission with three suggestions:

1 – To abide by the condition put in place by CRMC and adhere to the 1000’ conservation zone line and begin moving moorings outside of the Conservation Area.

2 – To appeal the condition and try to get an explanation from CRMC as to why this conservation area was addressed, because we do have moorings in other conservation areas that were not addressed in the approval letter

3 – To appeal to CRMC, after hearing from our local Conservation Commission as to why the line is at 1000' and if you are satisfied that perhaps the line should have been at 500', to adopt the 500' conservation zone line and appeal to CRMC to allow that change to occur within the plan and ordinance.

Executive Director Chief Mello stated that he met with the Conservation Commission last night and the Conservation Commission is asking for more information to make an informed decision. Executive Director Chief Mello will gather further information with his staff and will go back to the Conservation Commission and ask them whether we should try to pursue moving the town conservation line to match the CRMC line. This would require an ordinance change and the town council and CRMC would have to approve the change.

Executive Director Chief Mello stated that, based on the response by CRMC, it would be in our best interests to maintain the moorings we have there and not allow any changes in the area until this issue is resolved.

Mr. Randy Ross, 2 West Passage Drive, asked where the moorings would be moved to if the line stays the same.

Executive Director Chief Mello stated that they would move to the north of the mooring area line and to the west of the conservation zone line.

Mr. Ross stated that he is confused as to why the oyster farms are allowed to remain in the conservation area and are not involved in the discussion.

Executive Director Chief Mello stated that aquaculture is approved directly by CRMC and does not have to be approved by the town or permitted by the Jamestown Harbor Commission.

Mr. Ted Sybertz stated that his family swims out to their boats and that if they have to move the moorings it will be inconvenient. Mr. Sybertz requested that the Jamestown Harbor Commission supports them in maintaining their moorings at the current location. Mr. Sybertz also asked the Jamestown Harbor Commission who will pay for the moorings to be moved, because they were placed there by the former Harbormaster.

Ms. Robin Main, 30 Westwind Drive, encouraged the Jamestown Harbor Commission to look into the placement of the yellow (town conservation) line and the reason it is where it is. Ms. Main stated that she questions the technical basis of the yellow (town conservation) line in today's situation and that there are competing uses in the area.

Mr. Quentin Anthony stated that he disagrees with the town's interpretation of the CRMC letter, stating that it is clear that we (the town) have the five year approval of the plan and it is in the next iteration of the plan that we (the town) have to address the stipulations.

Vice-Chairman Harsch asked Executive Director Chief Mello if he has any comments.

Executive Director Chief Mello stated that his email exchange with Kevin Cute from CRMC that is included in the packet clearly defines CRMC's stance on the matter. Executive Director Chief Mello stated that he is asking the Jamestown Harbor Commission for direction on how to move forward with a situation where we have riparian property owners that were issued riparian moorings without the water in front of their property to support a mooring.

Vice-Chairman Harsch stated that he can see how the letter could be interpreted as we don't have to do anything until 2023 and we should not do anything until we talk to the town solicitor.

Vice-Chairman Harsch moved to talk to the town solicitor about the matter; Commissioner Banks seconded. So voted; 7 ayes, 0 nays.

Executive Director Chief Mello stated that he was seeking direction from the Jamestown Harbor Commission to work with town staff and take the matter in whichever direction the Jamestown Harbor Commission felt was best, but if the Jamestown Harbor Commission would rather let the town counsel take up the matter that is fine, as well.

Commissioner Heagney moved to carry the matter over to the next meeting; Commissioner Banks seconded. So voted; 7 ayes, 0 nays.

C. Construction of the East Ferry floating dock as voted on by the Jamestown Harbor Commission on 2/14/2018 - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello asked the Jamestown Harbor Commission to continue the agenda item to the next meeting, as the town and Mr. Munger are trying to resolve the matter.

Chairman Cain moved to continue New Business item C to the next meeting; Vice-Chairman Harsch seconded. So voted; 7 ayes, 0 nays.

X. CORRESPONDENCE

- A. Appeal – Mr. Stephen Murphy; re: Appeal of late fees; 9/5/2017 - Review, discussion and/or potential action and/or vote**
- B. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 - Review, discussion and/or potential action and/or vote**
- C. Mr. Bill Munger; re: Seaward visitors float replacement concern; 5/8/2018 - Review, discussion and/or potential action and/or vote**

XI. NEW BUSINESS- Review, discussion and/or potential action and/or vote

- A. Appeal – Mr. Chris Museler; re: Mooring location - Review, discussion and/or potential action and/or vote**

Chairman Cain moved to continue the item to the next meeting; Vice-Chairman Harsch seconded. So voted; 7 ayes, 0 nays.

B. Public signage at East Ferry

Executive Director Chief Mello stated that a sample of the new signs to be installed at the floating docks at East Ferry is included in the packets.

C. Updated Qualified Mooring Installer and Inspector list

Chairman Cain moved to accept the updated mooring installer and inspector list; Commissioner Bois seconded. So voted; 7 ayes, 0 nays.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote

Commissioner Bois asked the Jamestown Harbor Commission can direct Executive Director Chief Mello to reach out to CRMC and let them know we are interested in pursuing changing the town conservation line to match the CRMC line at 500'; Commissioner Wurzbacher seconded. So voted; 7 ayes, 0 nays.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote

Commissioner Banks moved to adjourn at 7:43 PM, Vice-Chairman Harsch seconded. So voted; (7 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk



Jamestown Harbor Office
250 Conanicus Avenue
Jamestown, RI 02835
401-423-7190

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the July 11, 2018 Meeting of the Jamestown Harbor Commission
Approved: 8/8/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, July 11, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 6:30 PM with roll call:

Present:

David Cain, Chairman
William Harsch, Vice-Chairman
Wayne Banks, Commissioner
Dan Wurzbacher, Commissioner
James Heagney, Commissioner
Steven Bois, Commissioner
Eric Lexow, Commissioner

Absent:

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk
Conservation Commission Liaison Souza

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, June 13, 2018

Commissioner Wurzbacher moved to approve the minutes of the June 13, 2018 meeting; Commissioner Lexow seconded. So voted; 6 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

There were no Non-Scheduled requests to address.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello had nothing to report.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell reported that since the last meeting he has supported the Newport to Bermuda race, and the 4th of July fireworks. Harbormaster Campbell reported that the July 4th was a busy day but everyone was well behaved and there were no incidents.

Harbormaster Campbell also reported that both boats are operational, but that the Yamaha motor on the Freedom needed a new relay switch for the engine tab and that has been fixed.

Harbormaster Campbell reported that the lighted channel marker in East Ferry is out and a replacement was shipped out

today and will be installed as soon as it arrives.

Harbormaster Campbell reported that the mooring fields are filling up and are at approximately 80% capacity.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello reported that the budget will be available at the next meeting.

VII. SUB-COMMITTEE REPORTS

A. Budget- Review, discussion and/or potential action and/or vote

Commissioner Heagney had nothing to report.

B. Facilities- Review, discussion and/or potential action and/or vote

Commissioner Banks and Commissioner Wurzbacher had nothing to report.

C. Mooring Implementation- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

D. Traffic Committee- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza was not in attendance at the time this agenda item was addressed.

IX. OLD BUSINESS

A. Comprehensive Harbor Management Plan – CRMC Approval and Conditions, specifically the type of moorings required and the relocation of moorings in the Conservation Area at Zeek’s Creek- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello reported that at the last meeting the directive from the Jamestown Harbor Commission was to determine whether the Conservation area line can be moved from the town’s designation at 1000’ to the CRMC’s designated line at 500’. Executive Director Chief Mello stated that most of the moorings affected by the CRMC stipulation lie within the 500’ discrepancy area between the town’s line and the CRMC line.

Executive Director Chief Mello stated that he met with the Conservation Commission and will meet with them again to see if there is a way to come to a consensus to move the town’s line to match the CRMC line. Executive Director Chief Mello stated that this will be a long process and it is not something that will happen in the near future. If the consensus is that the line should match the CRMC line the Harbor Management Ordinance will have to be amended and the town council and CRMC will have to approve the ordinance change.

(6:37PM Vice-Chairman Harsch arrived.)

Ms. Sharon Purdie from Westwind Drive stated that at the last meeting there was an attorney present who said that the way the CRMC letter was worded that this wouldn’t take effect until five years from now, and the Jamestown Harbor Commission said that they would clarify that with them and Ms. Purdie is wondering if that happened.

Executive Director Chief Mello stated that the attorney was Mr. Anthony who was representing a resident on an appeal under another agenda item and that his assertion was that the five year approval letter stipulations did not have to be met until 2023. Executive Director Chief Mello stated that he clarified the meaning of the stipulations in the letter with CRMC and CRMC stated that the stipulations should begin to be met immediately.

Executive Director Chief Mello stated that Mr. Anthony stated that the directive on the interpretation of the letter did not come from the signatory of the letter and that we should not follow that directive.

Executive Director Chief Mello stated that CRMC is clarifying their directive that the stipulations must begin immediately.

(Conservation Commission Liaison Souza arrived 6:39.)

Commissioner Bois asked Executive Director Chief Mello if he has been in touch with CRMC regarding moving the town’s conservation line.

Executive Director Chief Mello stated that, no, he has not because he is still in talks with the Conservation Commission.

B. Construction of the East Ferry floating dock as voted on by the Jamestown Harbor Commission on 2/14/2018 - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello stated that in February the Jamestown Harbor Commission approved the replacement of the damaged float with a 10'x40' float. Mr. Munger appeared before the Jamestown Harbor Commission and asked that they reconsider their decision.

Executive Director Chief Mello stated that he, Public Works Director Mike Gray and Mr. Munger have met to discuss other options and are also looking at funding for the project, the total project cost and how much insurance money will be paid out for the damage.

Commissioner Banks moved to continue the item until the next meeting; Commissioner Lexow seconded. So voted; 7 ayes, 0 nays.

C. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 – Review, discussion and/or potential vote
Chairman Cain stated that Mr. Museler asked that his appeal be continued until the August meeting.

Commissioner Banks moved to continue Mr. Museler's appeal until the August meeting; Commissioner Wurzbacher seconded. So voted; 7 ayes, 0 nays.

Executive Director Chief Mello stated that at the last meeting, for the board members that were present, the legal argument that Mr. Anthony had suggested Mr. Harsch had asked him to submit that it writing and we have yet to receive that from Mr. Anthony.

X. CORRESPONDENCE

There was no Correspondence.

XI. NEW BUSINESS

There was no New Business.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote
There was no Open Forum discussions continued.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote
Vice-Chairman Harsch moved to adjourn at 7:15 PM, Commissioner Lexow seconded. So voted; (7 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk



Jamestown Harbor Office
250 Conanicus Avenue
Jamestown, RI 02835
401-423-7190

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the August 8, 2018 Meeting of the Jamestown Harbor Commission
Amended: 9/12/2018 Approved: 9/12/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, August 8, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 6:30 PM with roll call:

Present:

David Cain, Chairman
William Harsch, Vice-Chairman
Wayne Banks, Commissioner
James Heagney, Commissioner
Steven Bois, Commissioner
Eric Lexow, Commissioner

Absent:

Dan Wurzbacher, Commissioner
Chief Mello, Executive Director

Also in attendance:

Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk
Conservation Commission Liaison Souza

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, July 11, 2018

Commissioner Wurzbacher moved to approve the minutes of the July 11, 2018 meeting; Commissioner Lexow seconded. So voted; 6 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

There were no Non-Scheduled requests to address.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello was not in attendance.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell reported that he has supported a few events since the last meeting; the folk festival, the jazz festival and the Save the Bay swim. The last event that he will be supporting this summer is the Fools Rules regatta.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

Vice-Chairman Harsch moved to accept the budget; Commissioner Lexow seconded. So voted; 6 ayes, 0 nays.

VII. SUB-COMMITTEE REPORTS

A. Budget- Review, discussion and/or potential action and/or vote

Commissioner Heagney had nothing to report.

B. Facilities- Review, discussion and/or potential action and/or vote

Commissioner Banks and Commissioner Wurzbacher had nothing to report.

C. Mooring Implementation- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

D. Traffic Committee- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza reported that at the August 14 meeting the Conservation Commission will be discussing the Zeek's Creek Conservation Zone.

Chairman Cain asked if someone from the Conservation Commission will be attending the Gould Island restoration meeting.

Conservation Commission Liaison Souza stated that, yes, there will be a representative from the Conservation Commission at the meeting

IX. OLD BUSINESS

A. Comprehensive Harbor Management Plan – CRMC Approval and Conditions, specifically the type of moorings required and the relocation of moorings in the Conservation Area at Zeek's Creek- Review, discussion and/or potential action and/or vote

Chairman Cain reported that there is no update for this agenda item and we are still waiting on information from CRMC.

B. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 – Review, discussion and/or potential vote; Continued from July 11, 2018

Mr. Quentin Anthony submitted a written request to the Jamestown Harbor Commission requesting that Mr. Museler's appeal be continued.

X. CORRESPONDENCE

There was no Correspondence.

XI. NEW BUSINESS

A. Appeal – Mrs. Charlene Gill; re: Denial of 2018 Grace Period request due to being granted a Grace Period in 2017 – Review, discussion and/or potential vote

Mrs. Gill stated that she and her husband have had this mooring for 40 years and that her husband got sick in 2017. She stated she was going to launch the boat this year but her husband has since passed away and the boat needs some work.

Chairman Cain moved to grant the appeal; Vice-Chairman Harsch seconded. So voted; 6 ayes, 0 nays.

Harbormaster Campbell stated that the only reason he did not approve the request is because he doesn't have the authority to do so.

Chairman Cain moved to add an agenda item "B" under New Business, to establish a sub-committee for the Gould Island restoration advisory board; Commissioner Banks seconded.

Chairman Cain stated that the charge would be to attend those meetings and report back to the committee. Chairman Cain stated that the restoration will be a multi-year project and it is important to have some continuity and so the Jamestown Harbor Commission understands how this may or may not impact the Harbor Management Ordinance and our responsibilities on activities on the water.

So voted; 6 ayes, 0 nays.

B. Gould Island Restoration Committee – Review, discussion and/or potential vote

Chairman Cain stated that himself, Commissioner Bois and Commissioner Banks are all members of the committee and that the Jamestown Harbor Commission should establish a sub-committee for the duration of the project. Chairman Cain moved to add item "E" under the Sub-Committee agenda.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote

There was no Open Forum discussions continued.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote

Vice-Chairman Harsch moved to adjourn at 6:42 PM, Commissioner Lexow seconded. So voted; (6 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk



Jamestown Harbor Office
250 Conanicus Avenue
Jamestown, RI 02835
401-423-7190

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the September 12, 2018 Meeting of the Jamestown Harbor Commission
Approved: 10/10/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, September 12, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 6:30 PM with roll call:

Present:

David Cain, Chairman
Wayne Banks, Commissioner
James Heagney, Commissioner
Eric Lexow, Commissioner
Dan Wurzbacher, Commissioner

Absent:

William Harsch, Vice-Chairman
Steven Bois, Commissioner

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk
Conservation Commission Liaison Souza
Wyatt Brochu, Town Solicitor

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, August 8, 2018

Chairman Cain moved to amend the minutes as follows:

B. Gould Island Restoration Committee – Review, discussion and/or potential vote

Chairman Cain stated that himself, Commissioner Bois and Commissioner Banks are all members of the committee and that the Jamestown Harbor Commission should establish a sub-committee for the duration of the project. Chairman Cain moved to add item "E" under the Sub-Committee agenda.

Chairman Cain moved to approve the minutes; Commissioner Heagney seconded. So voted; 5 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

There were no Non-Scheduled requests to address.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello had nothing to report.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell reported that the Freedom is in the shop with engine problems and will be repaired. The

pumpout and dock at East Ferry were hit and we are working to get that fixed ASAP.

Harbormaster Campbell reposted that we have sent out forfeiture letters for moorings that haven't been used.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

The budget was not available.

VII. SUB-COMMITTEE REPORTS

A. Budget - Review, discussion and/or potential action and/or vote

Commissioner Heagney had nothing to report.

B. Facilities - Review, discussion and/or potential action and/or vote

Commissioner Banks and Commissioner Wurzbacher had nothing to report.

C. Mooring Implementation - Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

D. Traffic Committee - Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

E. Gould Island Restoration Committee - Review, discussion and/or potential action and/or vote

Chairman Cain reported that there has not been a meeting and the group will not meet until November.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza had nothing to report.

IX. OLD BUSINESS

A. East Ferry Touch and Go Replacement - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello presented a power point to the Jamestown Harbor Commission of a summary of the East Ferry touch and go dock that they voted to replace. The previous touch and go dock, gangway and pilings were damaged in a storm last year. The broken pilings were removed and the gangway was recovered. At the same time, the Jamestown Harbor Commission voted to replace the previous 8'x40' touch and go dock with a 10'x40' dock.

After the Jamestown Harbor Commission voted on the replacement dock and the engineering for the project had already begun, the Jamestown Harbor Commission was approached by a member of the public asking them to reconsider their vote and to reduce the size of the dock to 8'x40'.

Executive Director Chief Mello stated that project was then placed on hold, with an amount of \$24,400 being spent on the project. There are now four options for replacing the floating dock that the Jamestown Harbor Commission will have to choose from, if they decide they want to continue with the project. There is also the option to not replace the dock and whether or not to make the ramp ADA accessible.

The four options are:

- 1 – 8'x40' floating dock straight off of the end of the wood pile pier (facing east)
- 2 – 10'x40' floating dock straight off of the end of the wood pile pier (facing east)
- 3 – 8'x40' floating dock angled to the northeast, parallel with the existing floating dock
- 4 – 10'x40' floating dock angled to the northeast, parallel with the existing floating dock

Mr. Bill Munger addressed the Jamestown Harbor Commission with his opinion on the best option for the floating dock. Mr. Munger stated that his new ferry dock, which will involve the relocation and reconfiguration of the town inboard float, will be ADA accessible and it is redundant to have two ADA accessible docks within the same facility. With the history of the dock and the current uses and needs Mr. Munger feels that the best option is the 8'x40' angled floating dock.

Commissioner Wurzbacher asked if the 80' touch and go dock is full most of the time.

Harbormaster Campbell responded that sometimes on the weekends it gets full but that most of the time there is space available.

Commissioner Banks stated that he would like the item to be continued so he can look at the site. Commissioner Wurzbacher agreed.

Commissioner Wurzbacher moved to continue the discussion until the next meeting; Commissioner Banks seconded. So voted; 5 ayes, 0 nays.

B. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 – Review, discussion and/or potential vote; Continued from August 8, 2018

Mr. Quentin Anthony requested that the Jamestown Harbor Commission continue Mr. Museler's appeal until Vice-Chairman Harsch and Commissioner Bois were in attendance. Mr. Anthony stated that he wanted the entire Jamestown Harbor Commission present for the appeal.

The item was continued until an unspecified time when a special meeting can be arranged.

X. CORRESPONDENCE

A. Letter from the Conservation Commission; re: Zeek's Creek Conservation Zone

Executive Director Chief Mello stated that the Conservation Commission is in agreement on everything stated in the letter and that there is a meeting with CRMC tomorrow to hopefully gain some clarification on some issues.

XI. NEW BUSINESS

A. Updated Mooring Service Provider List

Commissioner Heagney moved to approve the updated mooring service provider list; Commissioner Banks seconded. So voted; 5 ayes, 0 nays.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote

There was no Open Forum discussions continued.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote

Commissioner Heagney moved to adjourn at 7:22 PM, Commissioner Banks seconded. So voted; (5 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk

JAMESTOWN PHILOMENIAN LIBRARY
26 North Main Road, Jamestown, RI 02835
Board of Trustees Meeting Minutes
Tuesday, October 9, 2018

Residents of Jamestown and visitors to the library are informed, connected to the community, culturally enriched and supported as life-long learners in a safe and welcoming environment.

A. Call to Order:

The meeting was called to order at 5:02 pm by board chair Sanborn. In attendance were Jennifer Cloud, Chris Walsh, Donna Fogarty, Paul Housberg, Mary Lou Sanborn, and Christian Infantalino.

B. Executive Session - The Library Board of Trustees may seek to go into Executive Session to discuss the following item:

1 Pursuant to RIGL §42-46-5(a) Subsection (10) - Any discussion of the personal finances of a prospective donor to a library.

A motion was made by board member Housberg to move into executive session at 5:03; seconded by board member Cloud . Motion passed unanimously.

A motion by board member Infantolino to move out executive session at 6:02; seconded by Housberg. Motion passed unanimously.

Board member Infantolino departed from the meeting at 6:02PM.

C. 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.

1. **Minutes from September 11, 2018 LBOT Monthly Meeting Minutes and June 25, 2018 Building Committee Meeting Minutes**
2. **Financial Reports:**
 - a. **Library**
 - b. **Trustee**
3. **Progress and service report of the Library Director**

A motion was made by board member Walsh to approve consent agenda as presented, seconded by board member Housberg. The motion passed unanimously.

D. Friends of Library Report: Both library director, Donna Fogarty, and board chair Sanborn attended the October 3rd meeting of the Friends of the Library. The current approved **building renovation schematic drawings were explained to the “Friends”. The approved**

Strategic Plan was also reviewed with the “Friends”. The “Friends” reviewed their membership drive timeline, programs for the next several months, and financial report.

E. Unfinished Business:

1. Board of Trustees sub-committees update:
 - a. Finance/Budget: Rhode Island Foundation financial report will be presented at the November meeting.
 - b. Policy: An initial review and discussion took place for LBOT policies A1 –B3. Review and discussion will continue at the November meeting.
 - c. Facilities: Two quotes are being requested from landscape contractors. Fall cleanup will take place when these are received. Board chair Sanborn and Library Director Fogarty have requested the DPW remove the shrubs on the other side of the fence and grass be planted to allow for additional parking.

2. Library Renovation Project:
 - a. Building Committee: Building committee chair, Housberg, updated the LBOT on the October 2nd Building Renovation Committee meeting. He **mentioned the “building is working harder than ever” and needs** repair, upgrading and more flex space. The next meeting of the Building Renovation Committee is scheduled for November 8th.
 - b. Fundraising: Board members Walsh and Cloud mentioned the recommended marketing campaign for fundraising and long range public relations has been contacted but is being postponed at this time because of issues within the company. Board chair Sanborn once again expressed concern of the project costs and the immediate need for fundraising.
 - c. Project Outline: Design Development completed by December 2018. Construction documents, bidding and negotiations beginning in January and completed by June 2019.

3. Board Process Review: No comments.

4. Playground Renovation Committee: Board member Cloud presented to the LBOT a draft letter to be sent to Director of Park and Rec, Andy Wade, and also to Town Administrator, Andy Nota regarding issues with the opening of the new playground and how it has affected the library. A motion as made by board member Walsh, seconded by board member Housberg to accept the letter as presented with minor revisions. The motion passed unanimously.

5. Jamestown Philomenian Library Foundation: A meeting of the JPL Foundation is scheduled for October 25th. A report will be made to the LBOT at the November meeting.

6. November Library Bond Referendum: A Public Information Session was held by the Town Council and Town Administrator at its October 1st meeting. Another public Information session will be scheduled for later in October. It was discussed and decided that an email blast would be sent from the LBOT regarding the Library bond issue and that sandwich boards placed on the outside of the library building would

ask voters to support the library bond on November 6th. Bookmarks designed by board member Housberg were distributed. These bookmarks will be given to each library patron when a book is checked out. A motion was made by board member Walsh, seconded by board member Cloud to include an ad in the November 1st edition of the Jamestown Press not to exceed \$500. The motion passed Unanimously. Betsy Grenier will be asked to provide input to both the email blast and Jamestown Press ad.

7. Letter to Town Council Regarding LBOT vacancies: This agenda item was postponed until the November meeting.

F. New Business:

1. JPL Annual Report: Library Director, Donna Fogarty, reviewed the 2017-2018 Annual Report that is submitted to the state. The format of the report has changed from the previous year. Statistics from the report were used for the new bookmark.
2. JPL Debit Card: **Discussion took place regarding the library director's request to have a debit card issued** to use to purchase certain Amazon films and miscellaneous materials for the library. More information is needed before a decision will be made by the LBOT.

G. Future Agenda Items: None

H. Public Comment: None

I. Adjournment and date of next meeting:

A motion was made by board member Cloud, seconded by board member Housberg to adjourn the meeting at 7:23 pm. The motion passed unanimously.

Date of next meeting: Tuesday, November 13, 2018.

Respectfully submitted,
Mary Lou Sanborn

MEETING MINUTES
JAMESTOWN PHILOMENIAN LIBRARY
Library Renovation Building Committee
26 North Road, Jamestown, RI 02835
Sydney Wright Museum Room
Tuesday, October 2, 2018

I. Call to order: Building Renovation Committee Chair, Paul Housberg) , called the meeting to order at 5:02PM. In attendance were: Lisa Bryer, Jennifer Cloud, Jack Evans, Mohamad Farzan, Bob Flath, Donna Fogarty, Paul Housberg, Duncan Pendlebury, Mary Lou Sanborn

II. Approval of June 25, 2018 Meeting Minutes A motion was made by Duncan Pendlebury, seconded by Bob Flath to approve the June 25, 2018 meeting minutes as presented. The motion passed unanimously.

III. Review/update on preliminary schematic design and associated costs and design development documents: Mohamad Farzan and Jack Evans reviewed each schematic drawing for any suggested revisions from the Building Committee. The revisions will include a review of the library's front door and meeting room doors for replacement and an increased solar array. The elevator and compact shelving are currently identified as "placeholders" in the project. The basement egress may be slightly moved to the north from its current location. The documents will now be released to the appropriate engineers for further design detail.

Discussion took place regarding the longevity of the current plan versus the previous one. Donna Fogarty indicated that unless libraries change considerably, this design should be effective for the next 15-20 years.

IV. Schedule future meeting: The next meeting of the Library Renovation Building Committee will be held on Thursday, November 8, 2018 at 5:00PM

V. Public Comment: None

VI. Adjournment: A motion was made by Jennifer Cloud, seconded by Duncan Pendelbury to adjourn the meeting at 5:57PM. The motion passed unanimously.

Respectfully submitted,

Mary Lou Sanborn

Approved As Written
PLANNING COMMISSION MINUTES
Sept 19, 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
Rosemary Enright – Secretary	Mick Cochran
Dana Prestigiacomio	Michael Smith

Not present – Bernie Pfeiffer

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu Esq. – Town Solicitor
Nate Kelly – Horsley Witten Consultant
Jeff Davis – Horsley Witten Consultant

II. Approval of Minutes Sept 5, 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 – nothing at this time

IV. Citizen’s Non-Agenda Item

V. Reports

1. Town Planner’s Report – Purchase and Sales of 91 Carr Lane to Church Community Housing Corp. was authorized at the Town Council meeting Monday night. They will be proposing 3 single family homes and 3 rental units.

Council created a Public Art committee they would like several planning commissioners on the committee. They talked about 2 members of commission. Duncan and Mick Volunteered.

The Planning Commission canceled the meeting on November 21 since it is the day before Thanksgiving. They canceled the December 19th meeting since the Planner will be gone. They will decide whether another meeting in November or December makes sense as time gets closer. Possibly November 14.

Ms. Bryer discussed the upcoming TRC meetings on Friday and Wednesday to let the Planning Commission know what might be coming up.

2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

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

a. High Groundwater Table Ordinance – Section 314

Nate Kelly from Horsley Witten began discussing the HGWTO and Overlay. What they tried to do was make the ordinance more readable for those that do not work with it everyday. They tried to make it flow better and there are a few technical issues they tried to correct. He will walk the commission through the changes.

It was not clear where the map was located. They believe it should be with the ordinance. They have taken the previous language of “development” and clarified it in the applicability. They made no changes to the applicability of whether a lot is in Sub District A and Sub District B. One of the issues is determination of the Sub-district. Town will presume you are in A unless you present field testing.

Town Planner Lisa Bryer gives the consultants a lot of credit for tackling this. She thinks it flows better now.

The Planning Commission is not interested in reducing the requirements.

Commissioner Swistak said if any new development you need a new septic. If I have a lot greater than 40K sq. ft. maybe we should make a requirement for those on larger lots need to go through this ordinance. Bryer said when we first developed the ordinance, it was based on protecting groundwater and stormwater issues in neighborhoods that include multiple neighborhoods of small lots upon small lots. Swistak brought up Reservoir Circle; he thinks they should be included; maybe expanding the district to those lots.

Lisa said that many of the existing conventional systems are reaching their useful life span and that DEM is most likely going to require innovative denitrification systems for all of these lots at that time. So they may be replaced eventually anyway.

Commissioner Swistak said internal review was discussed previously should that be in the ordinance? There may be many things that could be reviewed administratively. Maybe this should be part of Development Plan Review Nate Kelly said.

They discussed that the stormwater plans should be review by a professional P.E.

Commissioner Swistak brought up the letter from the Zoning Chair. Wyatt Brochu said some kind of notification even just a letter from Planning to the abutters would allow public comment in the early stages. Now Zoning relies on the Planning Commission review to make their decision. That

is when the neighbors come out and its almost too late at that point so if they are notified during planning they can give their opinions. This is not uncommon for Development Plan Review. Draft stands at certified mail for High Groundwater at DPR.

Commissioner Swistak said there is a state document that talks about drainage problems and 10 year storm. Should it be greater? Bryer said yes it should be but these small lots can only accommodate so much storage. This was the engineering recommendation when we adopted the ordinance. And they have to store that amount not just retain it.

Commissioner Swistak asked about the cost of a new system being a financial burden to the applicant. Mr. Kelly said there could be a disclaimer and make them aware that if their system fails they will have to put a new one in. You could require a septic inspection and report to planning. They may find at that point they have to get a new one. We require a basic inspection every 3 years now and maybe we could require a more functional test than what we require now.

b. Development Plan Review

There was a discussion about applications that are administrative and those that go to Planning Commission.

Smaller – Administrative

Larger – Planning Commission

You need to define exactly what the criteria or threshold is. Mr. Kelly read through a list of suggestions for what needs to be included.

A discussion ensued regarding the suggestions that were made by the consultant. Swistak said he thinks that anything smaller than 1,000 sq. ft in the Special Development Village District should be reviewed by the Planning Commission. This applies everywhere including the Village District or HGWTO.

Wyatt Brochu said it applies to 2 family but why not apply it to a house too. This would significantly increase staff work load. Mr. Kelly noted that this process is done already today, but informally between department heads. Maybe that is how you still want to proceed.

Nate Kelly asked about TRC they are voting to say yes or no? Yes, Lisa Bryer said they are voting for administrative actions. Bryer feels the TRC has worked very well in her experience, she thinks it is a broader perspective. It makes the decision more defensive in Swistak's opinion.

Bryer said today development applications speak to Chris Costa informally and then he brings them down to Planning and it is discussed and decide procedure. If every construction project over a certain square footage is automatically sent to TRC, this will increase the amount of TRC meetings and we may need to schedule them on a regular basis. Nate said to list the different things you want to review.

Cochran said this is where we invoke the Comp Plan. Nate said this discussion gives us a start. We should maybe dive into the village district next and then give more direction to Development Plan Review.

Notification of abutters is in this draft. It gives the timeline for review also. Where to put DPR, Nate Kelly said it should be in the subdivision and land development regulations. Put it in the ordinance or the regulations? They recommend putting it in the regulations. The Planning Commission can set their own timelines with regards to how long it takes to review etc.

Nate Kelly asked Lisa Bryer if she thinks it should go in Zoning or Subdivision/Land Development Regulations. Bryer says if it is all in one place it seems easier, she is in favor of having it in Zoning. The Planning Commission can still be the permitting authority. If there are no other questions we should stop here.

VII. New Business – nothing at this time

VIII. Adjournment

A motion to adjourn at 9:05 was made by Commissioner Enright and seconded by Commissioner Pendlebury. So unanimously voted.

Attest:

Lisa Bryer
Town Planner

Approved As Amended
PLANNING COMMISSION MINUTES
October 3, 2018
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00 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
Deb Foppert – Attorney
Dan Cotta – PE – American Engineering
Andrew Kushner - Applicant
Krista Morevec– Horsley Witten

II. Approval of Minutes Sept 19, 2018; review, discussion and/or action and/or vote

A motion was made by Commissioner Pendlebury and seconded by Commissioner Enright to accept the minutes As Written. So unanimously voted.

III. Correspondence – nothing at this time

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

V. Reports

1. Town Planner’s Report – November 7th we will have zoning on for the meeting. We will decide then on the 14th if needed. There will be one meeting in December. I will be attending a Food Composting seminar tomorrow in Providence. US EPA goal is to reduce food loss by 50% by 2030.
2. Chairpersons report
3. Town Committees
4. Sub Committees

VI. Old Business

1. Andrew Kushner former application of Eric Bottaro – Plat 15 Lot 215 Seaside Dr. – Section 314 High Groundwater Table and Impervious Overlay District Sub -district A application – Zoning Board subsequently approved October 28,2014

Deb Foppert said they are here tonight to get relief for the high groundwater table and impervious overlay and a variance from zoning. They went to Zoning with an administrative approval for the changes and the Zoning Board sent them back to Planning.

A motion was made to accept Dan Cotta a P.E as an expert witness. So moved by Commissioner Cochran and seconded by Commissioner Pendlebury. All in favor.

Mr. Cotta explained the plan to the planning board. This was a previous application where they addressed the concerns of the neighbors and placed the rain garden to handle the runoff and it will handle a 10-year storm. The driveway is pervious.

They are asking for less variances and less relief this time around since the house is smaller and set different on the lot which is an odd shaped triangular lot. The well has been installed and tested.

Commissioner Pendlebury asked to be reminded of the setback variances in the original proposal. The “front” yard has changed from Seaside to Beach Avenue. Commissioner Pendlebury asked about the intent of zoning and the setbacks. Chris Costa addresses which road is to be used as frontage. It is a unique lot and how do you treat a lot that has 3 alignments? In his mind it is a lot like this has 3 fronts.

The applicant Andrew Kushner said they placed the house that way to have a view from the back decks towards the water.

Commissioner Pfeiffer said given the amount of setbacks and the shape of the property there is not a whole lot that can be done with it and the house is downsized from the last plan. He thinks he will go with the applicants drawing. Smith said the changes are good.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to recommend to the Jamestown Zoning Board, approval of the application of Andrew Kushner, Plat 15 Lot 215, Seaside Drive, owner Eric Bottaro. The Planning Commission reviewed this application under Zoning Ordinance Section 314 High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plans by American Engineering, Inc. entitled Drainage Plan for Andrew Kushner Located at Pole 27, Seaside Drive, Jamestown, Rhode Island. The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact

1. The applicant is proposing to construct a three-bedroom dwelling and a one-bedroom studio on a 25,014 SF vacant lot.
2. The RIDEM OWTS approval is for a 4-bedroom dwelling therefore no deed restriction is required.

3. There are no wetlands on the subject property nor are there any wetlands within 150 feet from the applicable components of the OWTS per Zoning Ordinance Section 82-308.
4. Based on soil evaluation reports, the subject lot is in sub-district A.
5. Jean Lambert has met with the applicant's architect to insure the application meets the criteria of the ordinance.
6. The proposal requires a setback variance for the main house, distance from house to Beach Avenue is proposed to be 27.9 feet, where 40 feet are required.
7. This application has received a well variance from RIDEM for being 30 feet from the road where 50 feet is required. The well is installed and was tested.
8. A list of Rain Garden and Driveway Notes have been provided as an Exhibit.
9. A Memorandum (attached) dated August 22, 2018 to Town Planner Lisa Bryer and Building Official Chris Costa, provided by Jean Lambert, PE notes that the proposal meets the requirements of the Ordinance as follows:
 - a. This application is proposing 7.8 percent impervious coverage. This is below the allowable impervious coverage limit of 10% and also below the 2,000 square foot cap permitted by Ordinance.
 - b. This application is seeking a dimensional variance for front yard setbacks. Because this is a triangular shaped lot, the corner yard setback is along Seaside Drive and requires 40'. The required front yard setback along Beach Avenue 30 feet where 27.9 feet are requested; Spirketing is also a corner yard and requires 30 ft.
 - c. The proposed 4 bedroom SeptiTec OWTS and bottomless sand filter leach field provides advanced treatment, and meets the requirements of this ordinance. The applicant has provided a copy of the RIDEM OWTS Approval permit #0515-1456;
 - d. The proposed rain garden exceeds criteria of the Ordinance to accommodate the increase in runoff for a 10 year storm. The applicant has agreed to mitigate the runoff for 1,937 sf of proposed roof area. The rain garden has a storage volume of 699 cubic feet.

Conditions of Approval

1. Due to the nature of the proposal being two units on one lot with a bedroom and studio style kitchen features in the studio garage unit, it is required that this unit be prohibited from renting as a separate dwelling unit except as permitted in Zoning as an Accessory Family Dwelling Unit or Affordable Unit.
2. The Exhibit which includes Rain Garden and Driveway maintenance requirements shall be recorded with the Zoning Board Approval
3. The Operation and Maintenance Agreement for the approved OWTS shall be recorded in the Office of the Town Clerk as required by RIDEM approval.
4. The existing shed shall be removed as noted on the plan.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiaco - Aye

2. Sustainable Jamestown; review, discussion and/or action and/or vote

Krista Moravec presented the changes to the web-site. Commissioner Swistak asked about the indicators and how are we going to get this economic data. The economic data might be hard to get so Lisa said we will look at it at the time. We may end up changing our indicators as time goes on.

Commissioner Swistak asked is the website done? That is up to the planning commission. Commissioner Enright said she spent time this afternoon she was looking at it from her phone. If you want to start in 2019 collecting data, is every year too often? Probably. Certain things are recorded every year. It was agreed that 2020 should be the first recordings.

A discussion regarding Green Construction ensued and Commissioner Smith said how can we require 50%? Smith said LEED is very limiting and there are other programs out there and he thinks it should be taken out of there.


Krista Moravec will make a few more changes and then we are done. Swistak said what happens when done. Ms. Bryer said it will go out to the public. Commissioner Swistak said we will bring the Town Council in here and do a presentation. Lisa Bryer said in January may work best.

VII. New Business – nothing at this time

VIII. Adjournment

A motion to adjourn was made by Commissioner Cochran and seconded by Commissioner Enright at 8:26 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe

Approved As Amended
PLANNING COMMISSION MINUTES
October 17, 2018
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:00 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
William Tuttle
Tom McNiff
Chip Bartlein
Elena McCarthy

II. Approval of Minutes October 3, 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 with the change in spelling for Deb Foppert
As written. So unanimously voted.

III. Correspondence

1. FYI – Memo to ZB – Kushner – HGWTO. Received
2. FYI – Letter final Administrative Subdivision – Mains’l Properties – Dutch Harbor. Received

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

V. Reports

1. Town Planner’s Report – the town council will look at public arts committee again at next meeting and decide on appointments to the committee.
Zoning will be on for our next meeting. Enright would like to look at a whole copy.
Lisa Bryer said she thinks things will be approved in phases.
2. Chairpersons report

3. Town Committees
4. Sub Committees

VI. Old Business – nothing at this time

VII. New Business

1. **Jamestown Beer Holdings, LLC, William Tuttle and Tom McNiff – New Use in the Village Special Development District – Nanobrewery and taproom at the Bomes Theatre Mall, 34 Narragansett Avenue, Plat 8 Lot 453 – Development Plan Review, Recommendation to the Zoning Board of Review – review, discussion and/or action and/or vote**

Tom McNiff introduced William Tuttle and himself. He explained to the Commission what a nano brewery is which is basically a small brewery. They will have about 5 batches per week which will be 5 barrels. No commercial sales. They will have a taproom. That is the gist of the enterprise. Under the terms of the current legislation they will be allowed to sell growlers to take off premise.

Commissioner Swistak asked about their space needs. Mr. McNiff said it is 2 shops combined. Conanicut Brewery will be consolidated and account for 30% of the space, which is home based material sales for brewing.

Commissioner Enright asked the what the square footage is. It is 1373 and brewery will be roughly 1000 sq. ft. so the leftover will be for the home brewery business. Commissioner Swistak asked if they originally intended for this type of business when he opened. No, he did not. It happened organically after he was approached by Tom McNiff to open a brewery and decided this might be a good spot for it. They are both live in Jamestown.

Commissioner Swistak asked Lisa to give the history of the Bomes Theater Mall. Do we discuss this business separately or look at the Mall as a whole. Lisa Bryer said that we need to look at the Mall as a whole.

Back in the 70's it converted from a movie theater to a multi-use facility. In 1983 they were granted a 25 parking spaces variance by the Zoning Board. When Chip Bartlein and Elena McCarthy came to us back in 2016 they did not know at that point who their tenants would be. At that time, it was decided it was not going to be any more parking requirements since many of the uses over the years were similar to what it is today; restaurants, retail, service. Lisa Bryer said the proposed parking need is 14 spaces now.

Mike Swistak noted that at the TRC, Chris Costa said once you are granted variances they never go away and they run with the land. There are 10 spaces off site, deeded spaces. If you follow Lisa's memo there were 34 spaces. We have to defend our opinion to zoning. We have to make sure we are following the ordinance. Can we really count the spots on Narragansett Ave. Yes, that is permitted in the ordinance Bryer noted. Out of the total of 5650 sq. ft in the building, it was assumed that 5100 sq. ft. is usable space on the 2016 plans.

Commissioner Pendlebury asked is the calculation based on the seats? Yes. 1373 includes the total square feet of the two units they have. When she took 70% that includes some space that is not public.

Mr. Tuttle said the brewery space would be approx. 370 sq. ft. for retail and 400 sq. ft for the brewing.

Commissioner Pfeiffer said getting back to Chris Costas comment, are we saying going forward that the 21 spaces are there and will run with the building? Is it time to memorialize that number? Commissioner Pfeiffer said he thinks we should determine the amount of parking. Commissioner Swistak said we need to come to a conclusion.

Smith wants to know how many real parking places exist? There is an easement that runs with Narragansett Ave. for 10 spots at 34 Narragansett Avenue. Commissioner Smith asked if there are any spaces next to them to the west. No, that is owned by Perotti and no spaces are available for the Mall building. There are 5 spaces in the back but there is no way to access those spaces. Lisa said the Bomes Theater building takes up the whole lot width practically. Solicitor Brochu If they do not get the variance for spaces they will lose the opportunity here for the business.

Commissioner Pendlebury said in reality there are 13 physical spaces and we need 15. We would be counting on 2 spaces rooted in a variance over history. A discussion ensued on how many spaces they currently have. They put a walkway the length of the building and their neighbor continued the fence the length of the property so the back is not accessible.

They have to decide in their recommendation to zoning do they want to use 21 or 31? Solicitor Brochu said this discussion is confusing, it is important to separate the actual spaces that exist. It is an exclusive easement. This case is different because it is an easement. Smith said they get credit for the 3 public spaces on Narragansett Ave.

Mr. Tuttle and Mr. McNiff said Micro breweries are becoming more and more popular. We want to be a destination and then have our customers go to one of the fantastic restaurants in this area. Their hours of operation will be noon to 8 pm. The beer will come directly from the kegs. They have a strategy for reducing the water use. They will limit the water use and waste, they will be using a glycol based brewing process. Submersion is a waste of water where you lose a lot of gallons, they will be using glycol to activate and chill the water down in a closed loop system. Very little water is going down the drain. The used grains will be donated. There will be a bi-weekly pick up and they will be enclosed and stored outside. Will has lived on north end of island for 20 years and knows about the water issues both there and downtown.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Cochran to approve the Development Plan of Jamestown Beer Holdings, LLC for 34 Narragansett Avenue, Plat 8 Lot 453. This application was reviewed by the Planning Commission under Zoning Ordinance Article 11, as a change in use in the Jamestown Village Special Development District for the multi-use Bomes Theatre building. The Planning Commission also discussed the request for a Special Use Permit to serve beer. This will also need a liquor license from the Town Council sitting as the Alcohol Licensing Review Board. The recommendation for approval is based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact – Development Plan Review

1. The applicant proposes to open a 28 seat “nano-brewery” as an additional use in the space that is currently occupied by Conanicut Brewing in the Mall at 34 Narragansett Avenue. This has been determined to be a new use that requires Development Plan Review;
2. The TRC met on September 26, 2018 and October 5 to discuss this application. The minutes are attached;
3. The following Variances for parking have been granted by the Zoning Board of Review:
 - a. February 15, 1983 Bernard Dutra – Parking Variance for 25 parking spaces conditioned that he provide 10 spaces at 24 Narragansett Avenue or closer.
 - b. March 11, 1985 John Dennis Flynn (Town Council approval for victualing and restaurant license) – also Special Use permit granted for liquor at the café in the mall with a condition that 5 spaces be developed in back of the building.
Note: This use never went in to operation and it is undetermined if the spaces were ever developed.
 - c. March 23, 1993 – Parking Variance granted for a 15-seat restaurant because it was a change in use that needed greater parking spaces than the previous use; this use received a variance for 4 spaces.
4. Therefore a total of 29 parking spaces have been granted by variance since 1983 for multiple uses with the initial condition that 10 spaces be provided at 24 Narragansett Avenue or closer. A permanent parking easement was provided at 24 Narragansett Avenue in favor of 34 Narragansett Avenue that provides up to 10 parking spaces. 3 additional public spaces exist for the use of the Bomes Theatre building on Narragansett Avenue.
5. The existing building is 5,650 square feet in size. The proposed business will occupy approximately 961 square feet of the total 1373 square feet occupied currently by Conanicut Brewing Company. Based on this, it has been calculated that the proposed use of a 28 seat “tavern” requires 3.5 parking spaces and the retail use requires approximately 1.05 parking spaces for a total of 5. The total building requires 14 spaces for the existing and proposed uses combined.
6. Development Plans have been reviewed for the building at 34 Narragansett Avenue as follows:
 - a. April 10, 2009 – Administrative Development Plan Review and approval for exterior renovations to the façade. Included removing clapboard and returning back to the brick façade underneath. Also included new signage and lighting.
 - b. June 23, 2016 – primarily interior changes to the building with minor exterior changes to the side of the building entrances for separate spaces. This was reviewed administratively under the provision that any significant change in use may be subject to further Development Plan Review.
7. The Planning Commission concluded that available parking at Narragansett Avenue is 32 spaces as follows:
 - Parking Variance granted in 1983 – 15 spaces
 - Parking Variance granted in 1993 - 4 spaces
 - Public Spaces on Narragansett Ave – 3 spaces
 - and

An easement for 10 spaces at 24 Narragansett Avenue.

8. The current tenant configuration of the building includes 5 office spaces, 1 yoga studio, 1 business incubator/retail space and the applicant operating as a brewing supply retail store. Total square footage of the building is approximately 5,650 sq. ft and current Parking requirement – including the new nano-brewery operation is 15 spaces.
9. The Planning Commission approval is based on the testimony of the applicant related to the planned scope of business and hours of operation.
10. The applicant testified that a denial of the application would force the business to seek a facility outside of Jamestown.

Findings of Fact – Special Use Permit

1. The applicant testified that microbreweries are becoming popular and can be a destination venue.
2. The applicant testified that the nano-brewery would add to the economic vitality of the village commercial district.
3. The applicant testified that the business expects to be open from 12 to 8 pm; 5 to 7 days per week. Retail sales of home brewing supplies will continue.
4. The applicant testified that they will use advanced technology to minimize water use and will donate/recycle a substantial percentage of the food waste from the brewing process.
5. In alignment with the Planning Commission’s responsibility to encourage Economic Development – the Planning Commission recommends approval of the Special Use Permit required to serve alcohol.

So unanimously voted:

Michael Swistak – Aye
Rosemary Enright – Aye
Bernie Pfeiffer - Aye
Michael Smith - Aye

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

VIII. Adjournment

A motion was made by Commissioner Pendlebury and seconded by Commissioner Smith to adjourn the meeting at 8:09 p.m. So unanimously voted.

Planning Commission Minutes

October 17, 2018

Page 6

Attest:

A handwritten signature in cursive script that reads "Cinthia L. Reppe".

Cinthia L. Reppe

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the October 23, 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
Terence Livingston, Member
Edward Gromada, 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 September 25, 2018

A motion was made by Edward Gromada and seconded by Dean Wagner to accept the minutes of the September 25, 2018 meeting as presented.

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.

Terence Livingston arrived after roll call and Marcy Coleman was absent.

CORRESPONDENCE

A letter from the Town Clerk re: Richard Boren's term expiring.

NEW BUSINESS

Wildacre

A motion was made by Dean Wagner and seconded by Edward Gromada to continue the application of WILDACRE ALLAGASH, LLC (ERIC BOTTARO, OWNER) to the November 27, 2018 meeting at the request of Debra Foppert, attorney for the applicant.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Marcy Coleman was absent.

Gooding

A motion was made by Dean Wagner and seconded by Edward Gromada to grant the request of The Vaughn G. Gooding, Jr. Trust-2017, whose property is located at 15 Marine Ave., and further identified as Assessor's Plat 9, Lot 544 for a variance from Article 3, Section 302, Table 3-2 for lot coverage to construct an 8' x 6' bathroom to an existing accessory structure which would result in an increase in total lot coverage to: 30.6% (25% maximum permitted under statute).

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/condition(s):

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

There shall be no short-term rental of the accessory structure separate from the house.

Short-term is hereby defined as less than 1 month. (Referring to the shed only)

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 6,750 sq. ft.
2. The addition of the proposed bathroom will allow for safer passage to a bathroom at night.
3. The addition is not visible from the street.
4. There is adequate screening with hedges, trees and fences on all sides.
5. There were 6 neighbors who wrote letters in favor of the application.
6. Only one abutter spoke in opposition.
7. Two neighbors spoke in favor.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Marcy Coleman was absent.

Wurman

A motion was made by Edward Gromada and seconded by Terence Livingston to continue the request of Vanessa Wurman to the November 27, 2018 meeting to provide more information.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Marcy Coleman was absent.

Cronin

A motion was made by Terence Livingston and seconded by Dean Wagner to grant the request of Susan D. et James L. Cronin Jr., whose property is located at 51 Columbia Ave., and further identified as Assessor's Plat 9, Lot 606 for a variance from Article 3, Section 82-302 Table 2 setbacks and Article 6, Section 82-605 variances to replace existing nonconforming shed with a 14 x 16 shed. Resulting in a 2½' side yard setback and a 3½' rear yard setback.

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/condition(s):

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 13,200 sq. ft.
2. Two neighbors approved and there were none against.
3. The proposed shed will be smaller than the existing shed.
4. The current shed is in disrepair and non-conforming.
5. The proposed shed will be less non-conforming by approximately 1½ ft.

The motion carried by a vote of 5 -0.

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

Lisa Hough was not seated and Marcy Coleman was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:20. 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

AGENDA

**Semi-Monthly Meeting – Full Council
Tuesday, November 27, 2018; 6:00 p.m.
Administration Building; Conference Room A
One Capitol Hill, Providence, RI 02908**

**Approval of the minutes of the previous meeting – November 13, 2018
Subcommittee Reports
Staff Reports**

- 1. DECISION REGARDING POTENTIAL AMENDED AGREEMENT BETWEEN CRMC AND VINEYARD WIND TO STAY CRMC COASTAL ZONE MANAGEMENT ACT CONSISTENCY REVIEW**
- 2. RATIFY CONSISTENCY DECISION FOR VINEYARD WIND COASTAL ZONE MANAGEMENT ACT CONSISTENCY CERTIFICATION – 2018-04-055**



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

November 14, 2018

Mackenzie and Brittany Richards
55 Janna Court
North Kingstown, RI 02852

FINDING & NOTICE OF VIOLATION

Dear Mr. & Mrs. Richards:

Under the regulations of the Rhode Island Coastal Resources Management Program (RICRMP), any construction, grading, or filling activities or other alterations within 200 feet of coastal feature associated with tidal waters or coastal ponds of the state or in CRMC's freshwater wetlands in the vicinity of the coast jurisdiction, requires plans for the proposed work be submitted to the Coastal Resources Management Council (CRMC) for review, evaluation, and comment prior to the proposed activity. Failure to do so is a violation of the RICRMP. After evaluation of the plans by CRMC staff, their comments and the requirements for the proposed activities are forwarded to the applicant.

It has come to the attention of the CRMC that you or your agent have undertaken mowing of an emergent wetland and 50 foot perimeter/buffer in conformance with CRMC Assent W2017-03-076 at your property located at Arnold Avenue, Jamestown, Plat 8, Lot 890 without benefit of a CRMC assent or in violation of a Council Order.

This activity is in violation of the Rhode Island Coastal Resources Management Program. You are hereby issued an Official Finding and Notice of Violation number 18-0170, dated November 14, 2018. You must contact this office within ten (10) days of the date of this letter to resolve this violation.

Failure to comply with this order shall be a violation of a duly adopted Council regulation, and shall be followed by the issuance of a Cease and Desist Order which shall be registered in the land evidence records for the above property.

Sincerely,

Brian Harrington, Sr. Environmental Scientist
Coastal Resources Management Council

/ajt

USPS Tracking Number
70180360000081798701

Town of Jamestown as an abutter.

Town Property: Plat 8, Lot 573 & plat 9, Lot 252

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING NOVEMBER 27, 2018, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of Angels Kitchen, whose property is located at 23 Narragansett Ave., and further identified as Assessor's Plat 9, Lot 568 for a special use permit from Article 6, Section 82-601, Special Use Permits authorized by this ordinance, Article 3, Table 3.1 Restaurant with Alcohol, to serve beer & wine. Said property is located in a CL zone.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

Town of Jamestown as an abutter.

Town Property: Plat 9, Lot 152

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING NOVEMBER 27, 2018, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of Donata & Neill Barber, whose property is located at 108 Howland Ave., and further identified as Assessor's Plat 9, Lot 516 for a variance & special use permit from Article 3, Section 82-302, Table 2 – setback requirements, Article 14, Section 82-1403-H-Detached AFDU, Article 6, Section 82-601 & 606 Special Use Permits, conditions for granting a variance. Request minimum relief per articles to allow for an existing approved AFDU that is .8 ft. from the rear lot line instead of the required 30 ft. Said property is located in a R20 zone and contains 16,500 sq. ft.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

Town of Jamestown as an abutter.

Town Property: Plat 8, Lots 161, 479, & 573

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING NOVEMBER 27, 2018, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of Jamestown Beer Holdings LLC (Okema Prop. LLL, owner) whose property is located at 34 Narragansett Ave., and further identified as Assessor's Plat 8, Lot 453 for a special use permit from Article 3, Section 82-301, Table 3-1 VIB Tavern/Bar, Article 6, Section 82-601 special use permit to operate a nanobrewery and taproom. Said property is located in a CD zone and contains 1,373 sq. ft.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

Town of Jamestown as an abutter.

Town Property: Plat 9, Lots 11 & 39

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING NOVEMBER 27, 2018, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT 7:00 P.M. UPON THE FOLLOWING:

Application of Paul Hamilton and Patricia Young whose property is located at 260 Beavertail Road, Jamestown, RI, and further identified as Tax Assessor's Plat 12, Lots 42 and 212, for an appeal pursuant to the Zoning Ordinance, Article 82, Section 408 ("Appeal of a decision of the zoning enforcement officer"). Mr. Hamilton and Ms. Young appeal the Zoning Enforcement Officer's decision not to take action on their formal, written request that he take action with respect to their neighboring property owner's (Geoffrey Hamlin and Kristan Peters Hamlin, together, the "Hamlins") tennis court structure (located at 0 Battery Lane, Tax Assessor's Plat 11, Lot 38), specifically to:

1. require complete removal of the tennis court structure and regrading of the area to preconstruction elevations as reflected in the existing plans;
2. formally deny the November 6, 2017 Northeast Engineers & Consultants, Inc. drainage plan (entitled "Proposed Improvements in the Vicinity of Tennis Court") submitted by the Hamlins, because, for one, it is an "after-the-fact" plan that is not appropriate under the soil erosion and sedimentation provisions of the Town Code; and
3. require the Hamlins to submit an appropriate drainage plan, if still necessary for the work proposed on the whole of the Hamlins' property.

Paul Hamilton and Patricia Young's property is located in an RR-80 zone and contains approximately 45.195 acres.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.



**Town of Jamestown
Tax Assessor**

**93 Narragansett Avenue
Jamestown, RI 02835**

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

To: COUNCIL PRESIDENT WHITE, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR THE **December 3, 2018** MEETING

MOTOR VEHICLE ABATEMENTS TO 2018 TAX ROLL

07-1131-01M Guyette, Amy	Motor Vehicle- soldier / sailor exempt	\$35.50
07-1131-02M Guyette, Jeremy	Motor Vehicle- soldier / sailor exempt	\$167.59

REAL PROPERTY/TANGIBLE ABATEMENTS TO 2018 TAX ROLL

01-0696-97 Aubin, Russell	Plat 3, Lot 90 transferred on 11-02-2018 to Account 13-1965-50	\$3,498.94
02-0317-50 Bayview Properties, LLC	Plat 8, Lot 265 transferred on 11-16-2018 to Account 07-1034-00	\$17,087.06
03-1105-80 Collins, John & Holly	Plat 9, Lot 574 transferred on 11-16-2018 to Account 10-0364-10	\$11,291.53
03-1302-52 Corsi, Peter J.	Plat 1, Lot 12 transferred on 11-26-2018 to Account 23-0556-00	\$6,711.49
03-1496-00 Craven, Bruce T.	Plat 10, Lot 104 transferred on 11-02-2018 to Account 04-0668-30	\$6,723.88
04-0035-00 Dale, Kenneth & Fern	Town purchased at tax sale	\$106.20
08-0095-50 Hanners, Michael & Frances	Plat 7, Lot 123 transferred on 11-19-2018 to Account 12-0901-85	\$10,794.44
08-0862-00 Hull, Doris M (estate)	Plat 15, Lot 342 transferred on 11-01-2018 to Account 07-0592-73	\$3,394.96
16-0680-05 Petrarca, Kristen & Jeffrey	Plat 16, Lot 223, field card update	\$5.31
19-0009-10 Salafia, James J. Trustee	Plat 14, Lot 11 transferred on 11-09-2018 to Account 13-1780-55	\$7,697.83
20-0505-75 Spunzo, Donna T.	Plat 14, Lot 386 transferred on 11-08-2018 to Account 10-0410-10	\$2,112.14

ADDENDA TO 2018 TAX ROLL

03-0590-60 Charpentier, Kristin L.	Plat 5, Lot 516 – New Construction – Prorated 234 days – New Value \$602,200	\$612.76
04-0015-52 Dacquino, Mary & David	Plat 9, Lot 288 – New Construction – Prorated 88 days – New Value \$2,106,800	\$1,566.34
04-0668-30 Doherty, John & Caroline	Plat 10, Lot 104 transferred on 11-02-2018 from Account 03-1496-00	\$6,723.88
06-0302-70 Flood, Jane & Samuel	Plat 11, Lot 25 – New Construction – Prorated 206 days – New Value \$2,384,400	\$1,750.18

07-0592-73 Goldstein, Donna Hull	Plat 15, Lot 342 transferred on 11-01-2018 from Account #08-0862-00	\$3,544.96
07-1034-00 Grubb, David & Caroline E.	Plat 8, Lot 265 transferred on 11-16-2018 from Account 02-0317-50	\$17,087.06
10-0364-10 Jordan, Jeffrey & Brenna	Plat 9, Lot 574 transferred on 11-16-2018 from Account 03-1105-80	\$11,291.53
10-0410-10 Junge, Michael	Plat 14, Lot 386 transferred on 11-08-2018 from Account 20-0505-75	\$2,112.14
12-0901-85 Lucier, Maria & David	Plat 7, Lot 123 transferred on 11-19-2018 from Account 08-0095-50	\$10,944.44
13-1734-00 Miozzi, Thomas E.	Plat 1, Lot 388 – New Construction – Prorated 35 days – New Value \$678,300	\$274.45
13-1780-55 MJME, LLC	Plat 14, Lot 11 transferred on 11-09-2018 from Account 19-0009-10	\$7,847.83
13-1965-50 Moran, Kevin E	Plat 3, lot 90 transferred on 11-02-2018 from Account 01-0696-97	\$3,498.94
23-0556-00 West, Daniel J. & Casandra A.	Plat 1, Lot 12 transferred on 11-26-2018 from Account 03-1302-52	\$6,711.49

TOTAL ABATEMENTS	\$ 69,626.87
TOTAL ADDENDA	\$ 73,966.00

RESPECTFULLY SUBMITTED,

Christine Brochu

CHRISTINE BROCHU
TAX ASSESSOR



JAMESTOWN CONSERVATION COMMISSION

To: Jamestown Town Council; Jamestown Town Administrator, Andy Nota

From: Jamestown Conservation Commission, Anne Kuhn-Hines, JCC Chair

Date: November 15, 2018

Re: Water Resource Protection Board

As you know there has been renewed and reenergized interest in water quantity and quality issues island-wide, especially outside the Town water district. The recently recommissioned Water Resource Protection Board (WRPB) operating as a subcommittee under the JCC, has been working diligently to identify, categorize and prioritize current water quality and quantity issues, while gathering data and information from previous studies done on the island's water resources. The members of the WRPB, Jack Hubbard, Carol Nelson-Lee, and Jim Turenne, have extensive experience and expertise in water resource issues, and have been making progress on a number of water resource related initiatives focused on water quality and quantity issues outside the Town water district. The JCC gratefully recognizes their efforts, dedication and public service to Jamestown.

Given the increased public awareness, renewed interest and recognition of the urgency and importance of the island's water resources, the JCC recognizes the need for a more transparent and streamlined communication process among the WRPB, Town administrator, Town public works staff, and Town Council. To facilitate a more direct and efficient chain of communication, the JCC proposes that the WRPB operate independently of the JCC, reporting to and working directly with the Town Administrator and Town Council. The JCC also recommends that the Town Council expand and appoint new members to the WRPB as needed to build capacity and expertise. The JCC would also like to propose the appointment of a JCC liaison to the WRPB so that there is an efficient mechanism for communication, feedback and input from the JCC with the WRPB.

Respectfully,
The Jamestown Conservation Commission



JAMESTOWN CONSERVATION COMMISSION

To: RI Department of Environmental Management, Chief of Planning Development, Megan DiPrete

From: Jamestown Conservation Commission, Anne Kuhn-Hines, JCC Chair

Date: November 16, 2018

Re: proposed parking area for the Conanicut Island Sanctuary Trail

At the most recent Jamestown Conservation Commission meeting (11/15/18) the JCC unanimously voted to support the proposed plan to create a small parking area adjacent to the Conanicut Island Sanctuary Trail in Jamestown, RI. This parking plan was developed by the JCC's Trail Steward, Chris Powell, who has supervised the protection and maintenance of the Conanicut Island Sanctuary Trail for many years. Chris has communicated with and presented this plan to the Jamestown Town Administrator, Andy Nota, the Jamestown Town Planner, Lisa Bryer and the Director of Jamestown Public Works, Mike Grey. These town officials have approved and support the proposed plan to create a small parking area for the Conanicut Island Sanctuary trail.

We believe this proposed parking area will enhance public access to the Conanicut Island Sanctuary Trail and provide a safer way to access the trailhead. Please contact me at if you have any questions about this proposed plan of if there is anything we can do to further support this proposed plan.

Thank you for your consideration,

Anne Kuhn-Hines, Jamestown Conservation Chair

401-423-0731

westferry@cox.net

cc: Jamestown Town Council, Conanicut Island Trail Steward, Chris Powell; Jamestown Town Council, Jamestown Town Administrator, Andy Nota; Jamestown Director of Public Works, Mike Gray



JAMESTOWN CONSERVATION COMMISSION

To: Jamestown Town Council; Jamestown Town Administrator, Andy Nota

From: Jamestown Conservation Commission (JCC), Anne Kuhn-Hines, JCC Chair

Date: November 29, 2018

Re: Jamestown Paper Streets and Jamestown Citizen's Access to Water

Given the Jamestown Conservation Commission's longstanding interest and stewardship of Jamestown citizen's rights to view and access to the water, we have been following and reviewing the Town Council's recent deliberations concerning the towns' interest and options in "accepting or abandoning paper streets". The JCC recognizes that there is a set of complex community interests in paper streets, and that the deliberations and decisions facing the Town Council are complicated and problematic. We also recognize that the Town Administrator, Town Planner, Town Solicitor, and the Town Council have been researching these issues and are trying to move forward proactively with a comprehensive process of accepting/abandoning platted paper streets as they relate to the towns' interests. We also acknowledge that these subject paper streets need to be identified, surveyed, and a determination made of whether there are encroachments or other issues involved in each individual case.

At the Jamestown Town Council meeting held on September 17, 2018, the Town Council voted to waive and relinquish its rights to accept Bell Lane, also known as Newport Street, as a public street (Plat 1 Lots 296, 322 and 368, and 1036 and 1046 East Shore Road). This recent decision on the Bell Lane paper street, precipitated discussion among the JCC members concerning "rights in common" and neighborhood access to the water. One of the many concerns the JCC has is that there was no official process or attempt to notify the abutters and neighbors of this paper street prior to the Town Council's discussions and decisions concerning this paper street.

The Jamestown Conservation Commission would like to respectfully request that the newly-elected Town Council members consider all the available options and alternatives concerning decisions to accept or abandon the many "Paper Roads/Streets" across Jamestown. In reviewing previous Town Council meeting minutes (see meeting minutes: 9/25/95; 5/24/04; 6/14/04; 6/28/04; 7/12/04; 7/26/04; 8/10/04) involving discussions and decisions concerning paper streets, we found that previous Town Councils have discussed and considered additional options and alternatives including the following:

- Easement, which is a method to retain rights in property of others
- Negative Easement would assure the owner a particular use of the land subject to the easement

- Restriction would put a limitation or provision on the property through a deed, declaration or other instrument
- Dedication would allow for the devotion of the property to a public use such as for use as open space

Given the many diverse perspectives and consequences involving Town Council decisions on paper street acceptance/abandonment, the JCC recommends that the Town Council create a board of Jamestown citizens to develop a process to transparently work together with the Town staff and Town Council to represent and address the many diverse opinions, interests and perspectives related to paper streets in Jamestown. This process should ensure that public hearings are held and all abutters of paper streets that are being considered for acceptance/abandonment are officially notified, thereby providing opportunity to express concerns so that all perspectives are considered within the decision-making process. This board can act as an impartial and neutral entity, assisting the Town Council by presenting a comprehensive perspective as well as offering options and alternatives to endeavor consensus among all interested parties.

The Jamestown Conservation Commission looks forward to working closely with any entity involved in the decision-making process concerning Jamestown paper streets.

Respectfully,
The Jamestown Conservation Commission

November 20, 2018

Jamestown Town Council
Town Administrator
Conservation Commission
The Jamestown Press

RE: Town Council Should Move Immediately to Protect Remaining 34 Lots in the Shores for Ground Water Protection and Overdevelopment

On behalf of the Jamestown Shores Association, I thank the new and past members of the Town Council for your civic duty.

The Association once again implores the Town Council to act upon the unique issues that affect the Shores area which will negatively impact all residents in all areas of our town, if not resolved.

Central to our concerns is the protection of a safe and adequate water supply. This can only continue if vacant land, including the 34 lots under consideration, be protected, in perpetuity, for watershed protection and against further development.

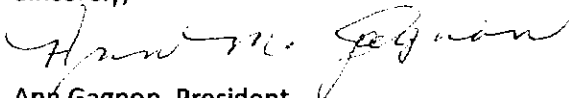
Therefore, we are asking the Council to accept, without further delay, the Land Trust's offer to add the remaining 34 Town owned "tax sale" lots to those currently protected by the Trust, and that all these lots be protected in perpetuity. This should be done immediately, without any costly repetitive studies or unnecessary delays. We cannot imagine any viable rationale for restudying or delaying a strongly supported previous decision – one which was made to protect water recharge areas in the Shores.

Secondly, we ask that the Town Council continue a previous agreement to set aside funds each year to purchase lots in the Shores as they come up for sale to further insure an adequate and clean water supply from our aquifer. Keep in mind that the entire island receives its water from the same aquifer.

The Jamestown Shores area is the most densely populated area in our town. We have evolved from being an area of summer cottages to larger fulltime residences whose occupants are dedicated to preserving the beauty and safety, not only to our area, but to the entire Island.

We know that the Council recognizes the importance of water protection in the shores. We will continue to work with you, as we have in the past, to address this issue. Let's start by protecting these already important water recharge lots.

Sincerely,



Ann Gagnon, President
Jamestown Shore Association



TOWN OF BARRINGTON
RHODE ISLAND

November 6, 2018

Town Council of Middletown, Rhode Island
Middletown Town Hall
350 East Main Road
Middletown, RI 02842

Re: Superior Court Decision Concerning Flavored Tobacco Control Ordinance

Dear Members of the Town Council:

We recently learned of the decision of the Newport County Superior Court striking down your admirable effort to protect Middletown's youth from the epidemic of nicotine addiction fueled by flavored tobacco products. Barrington's own ordinance largely banning the sale of flavored tobacco products, and increasing the legal age at which tobacco products may be purchased to twenty one, was recently struck down by the Providence County Superior Court. Barrington has appealed the decision.

We, of course, respectfully disagree with the decisions in both cases. Setting aside the legal arguments, which will be addressed in the Supreme Court, we write to share three thoughts about the regulation of tobacco products at the municipal level.

First, we applaud you for taking action to address a threat to the health of your residents and to stop the spread of nicotine addiction. In 2015, after years of declining smoking rates among teens in Rhode Island, less than five percent of high school teens reported smoking tobacco. In the same year, nearly *twenty percent* of high school teens reported using electronic nicotine delivery systems which are deemed a tobacco product by the Food and Drug Administration. We fully support your decision to act quickly at the municipal to protect youth from this reversal of decades' long progress to reduce nicotine addiction. If the state will not act quickly to protect our youth, it is rightly the job of local government to do it.

Second, the decisions striking down our respective ordinances question the wisdom or efficacy of the policies we pursued. With all due respect to the Courts, there is a reason that public policy decisions are made by elected bodies and political branches of government. The Courts deciding our respective cases held no evidentiary hearings and had no competent evidence before them to suggest that regulation of tobacco products on a municipal level is ineffective. In contrast, we both had access to overwhelming evidence that nicotine addiction begins during teenage years. It has also become apparent that flavored tobacco products are leading to a spike in tobacco product use among teenagers—so much so that the FDA recently ordered e-cig manufacturers to develop a plan to curb use among youth or face a possible nationwide ban of flavored tobacco products.

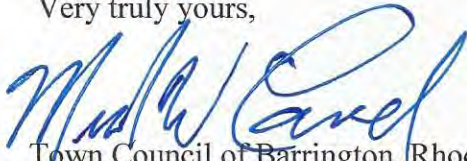
While tobacco lobbyists may be able to use their influence to slow progress in state legislatures or Congress, they cannot hold back a flood of thousands of municipalities doing their part to protect children from a lifelong addiction. For an example of how effective municipal regulation of tobacco can be, one need look no further than Massachusetts. After Needham adopted an ordinance in 2005 raising the legal tobacco purchasing age to twenty one, over one hundred other municipalities in Massachusetts followed suit. More than a decade later, the state legislature finally took action to raise the tobacco purchasing age statewide. Today, 87,000,000 Americans live in a place where the legal tobacco purchasing age is twenty one. Only six states, accounting for 65,000,000 people, have adopted such a law. That means that local ordinances are the sole means by which **22,000,000** people are covered by laws raising the tobacco purchase age to twenty one. Given that, how could a court reasonably conclude that municipal regulation of tobacco is ineffective?

Third, according to an article in the Barrington Times, owners of a local gas station were recruited by an attorney to join the suit against Barrington and told that their participation would cost them nothing. The business owner reportedly said, "*They just wanted to put our names on it.*" The recruiting of plaintiffs for litigation being funded by an undisclosed third party raises troubling questions about whether the suits against Middletown, Johnston and Barrington are an industry backed effort to prevent local tobacco regulation from having a positive impact in Rhode Island as it did in Massachusetts.

Our towns are regularly subjected to mandates from the state. Many of these mandates are based upon sound policy, and we do what we can to implement them faithfully despite fiscal and logistical constraints. When similarly sound policies are adopted at a municipal level, and within the bounds of authority granted by our charters and applicable statutes, the state should accept that municipal governments are uniquely positioned to react quickly to immediate concerns that we learn of through our school administrations, student advocates, fellow parents, etc.

We will continue to fight, in the courts and in the legislature, to keep kids from falling victim to an abhorrent addiction and to establish that local governments have the authority to address these grave health and safety issues when they arise. We applaud you for your efforts and hope you will continue to fight as well.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael W. Carroll". The signature is fluid and cursive, written over the typed name below.

Town Council of Barrington, Rhode Island by
Michael W. Carroll, President

Arnold-Zweir Post 22, American Legion
Veterans of Foreign Wars Post 9447
P. O. Box 41
Jamestown, RI. 02835

November 19, 2018

Jamestown Town Council
Town Hall
93 Narragansett Avenue
Jamestown, RI. 02835

RECEIVED
TOWN OF JAMESTOWN, RI
18 NOV 26 AM 11:29

Dear Councillors,

In 2017 the Town Council changed the longstanding \$5000 veterans tax exemption (worth about \$48, one of the lowest values in the state) to a \$150 tax credit, and stated their intention to review the amount in 2018. The change from a tax exemption to a credit required enabling legislation from the General Assembly.

In early 2018, as they started to review the amount of the tax credit, the Council discovered that 3 members had conflicts of interest (veterans in the family) requiring Ethics Commission action. Without a quorum on this item, the Council took no action in 2018.

The veterans are hopeful that the Town Council will review the veterans tax credit in 2019. It appears to be a 3-step process:

1. Determine if a quorum of at least 3 Council members can deliberate on this matter, or if an Ethics Commission opinion is required first.
2. Request enabling legislation. The 2017 enabling legislation was not exactly what the Council requested, and needs revision. In addition, several categories of veterans exemptions were not addressed.
3. Review the amount of the existing tax credits for various veteran categories, compare with other Rhode Island towns, and adjust as you consider appropriate.

This is not as complicated as it may appear, since the Tax Assessor and Town Administrator have done the research and are ready to move forward with recommendations, provided there are no ethics constraints within the Town Council.

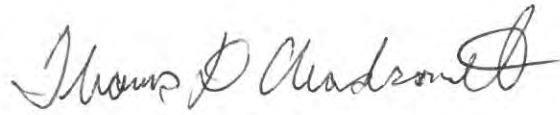
As a practical matter, the deadline for 2019 action is before the Financial Town Meeting, since the amount of the tax credit affects the tax rate.

Thank you for your attention to this matter. The veterans of Jamestown appreciate your efforts.

Respectfully,



Dennis H. Webster
Commander
Arnold-Zweir Post 22, American Legion



Thomas Chadronet
Commander
Veterans of Foreign Wars Post 9447

Subject:

FW: Jamestown Traffic Committee

----- Forwarded message -----

From: **Ken Nelson** <krnels@gmail.com>

Dear Chief Mellow,

I'm following up on the phone call we had earlier today. You'll recall it was about my concerns involving east/west bound motor vehicle traffic on Watson Ave between North Rd and Lawn Ave crossing Pemberton Ave.

I am a resident of Jamestown Housing Authority on Pemberton Ave. The streets and walkways there are used frequently by elderly and disabled residents, and school children walking to and from Lawn School. I'm there everyday.

I would like to suggest the Town Council and Traffic Committee consider installing a stop sign at the east/west intersection. My belief, as well as other local residents, is this would effectively slow down the excessive motor vehicle speeders we see there daily.

I understood your reasoning that this has been proposed in the past and that motorists rarely come to a complete stop, but roll through 4-way stops. However, I believe stop signs would certainly reduce these excessive speeds which can reach 40-45mph +. Our hope is this action would "prevent" a tragic incident before it happens. Prevention - not prosecution will save a life.

I love Jamestown and consider myself blessed to be able to live out my final days here. Nothing would be more heartbreaking than a needless injury or worse here. After 30 yrs driving a taxicab, I've seen more than my share.

Please re-consider this request. You have all my faith.

Sincerely,

Kenneth R. Nelson
45 Pemberton Ave G34
Jamestown, RI 02835
Cell: 401-480-1366
Email: krnels@gmail.com