



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Monday, October 7, 2019**  
**6:30 PM**

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

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

*Attachments for items on this meeting agenda are available to the public at the Office of the Town Clerk and on the Town website at: <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2019-meetings-minutes/2019-meetings>*

**I. ROLL CALL**

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

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

A) Proclamations:

- 1) No. 2019-19: Resolution in Support of the Restoration of Southern Gould Island

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

*The Town Council will review each license application and vote on it individually. 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. Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

A) One Day Event License Applications:

- 1) Applicant Jamestown Rotary Club  
Event: 44<sup>th</sup> Annual Jamestown Classic Bike Race  
Dates: October 14, 2019  
Location: John C. Rembijas Pavilion
  - a) Request for Waiver of Pavilion Rental Fee
- 2) Applicant Lawn School 8<sup>th</sup> Grade Class  
Event: Duck Race  
Dates: October 20, 2019  
Location: East Ferry Beach
  - a) Request for Waiver of Application Fee
- 3) Applicant Jamestown Police Department  
Event: Halloween  
Dates: October 31, 2019  
Location: Narragansett Ave

- B) Vendor/ Peddler License Application:
  - 1) Applicant     Lawn School 8<sup>th</sup> Grade Class
    - Dates:           Saturdays & Sundays in October
    - Location:       Eldridge Field
    - a)     Request for Waiver of Application Fee
  - 2) Applicant     Noble Knots, LLC
    - Dates:           October 31, 2019
    - Location:       20A Clinton Ave

**V. OPEN FORUM**

*Please note that under scheduled requests to address, comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

- A) Scheduled request to address- none
- B) Non-scheduled request to address

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

- A) Town Administrator’s Report: Christina D. Collins, Interim Town Administrator
  - 1) Mosquito Spraying and EEE Update

**VII. UNFINISHED BUSINESS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule: October 9<sup>th</sup> and October 22<sup>nd</sup> 11:00 a.m. October 21<sup>st</sup> at 6:30 p.m.

**VIII. NEW BUSINESS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Amendment of the Jamestown Cooperative Hunting Program as proposed by Chief Edward A. Mello to remove area #2 from the program
- B) Discussion on the Office of the Attorney General’s findings on Dickinson v. Jamestown Board of Canvassers and Murphy v. Jamestown Board of Canvassers

**IX. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Letter of Resignation of Frank F. Sallee from the Discover Newport Board

**X. 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 for review, discussion and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion and/or potential action and or vote.*

- A) Adoption of Town Council Minutes
  - 1) September 16, 2019 (regular meeting)
  - 2) September 16, 2019(executive session)
  
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Philomenian Library (August 13, 2019)
  
- C) Request of Tax Assessor for Specific Abatements & Addenda of Taxes  
*Detailed Abatements are part of the attachments available to the public at the Office of the Town Clerk and on the Town website at: <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2019-meetings-minutes/2019-meetings>*
  - 1) Total of 8 Accounts for Abatement: \$ 2,362.01
  - 2) Total of 3 Accounts for Addenda: \$ 3,529.53
  
- D) Award of Bids:
  - 1) Public Works Department Road Paving to Cardi Corporation Inc. in the amount not to exceed \$590,725.00 for the following:
    - a) Bituminous Surface Course - \$71.00 per Ton
    - b) Bituminous Binder Course - \$66.50 per Ton
    - c) Pavement Reclamation - \$1.70 per Square Yard
    - d) Fine Grading and Compaction - \$ 1.50 per Square Yard
    - e) Bituminous Surface Course (Bike Path) - \$89.50 per Ton
    - f) Bituminous Binder Course (Bike Path) - \$89.50 per Ton

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

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion and/or potential action and/or vote.*

- A) Communications
  - 1) Copy of Letter to: Town Council  
From: James Rugh, President East Passage Estates Lot Owners' Assoc.  
Dated: September 11, 2019  
Re: Cell Tower and Cellular Service
  
  - 2) Copy of Letter to: Town Council  
From: Joan Jordan  
Dated: September 12, 2019  
Re: Cell Tower and Cellular Service
  
  - 3) Copy of Letter to: Town Council  
From: Sarah Baines  
Dated: September 10, 2019  
Re: Cell Tower and Cellular Service
  
  - 4) Copy of Email to: Town Council  
From: Sav Rebecchi, Communications Volunteer Upper Shores Advocates  
Dated: September 15, 2019  
Re: Conservation Easements of 22 Shores lots

- 5) Copy of Letter to: Town Council and Town Solicitor  
From: Bernie Courtney  
Dated: September 10, 2019  
Re: Jamestown Housing Authority Management
- 6) Copy of Letter to: Town Council Members  
From: John Conroy  
Dated: September 11, 2019  
Re: Cell Tower and Cellular Service
- 7) Copy of Letter to: Town Councilors  
From: Joan & John Biddick  
Dated: September 14, 2019  
Re: Cell Tower and Cellular Service
- 8) Copy of Letter to: Town Council  
From: Jamie Engberg  
Dated: September 15, 2019  
Re: Cell Tower and Cellular Service
- 9) Copy of Letter to: Town Council  
From: Robert Marcello  
Re: Cell Tower and Cellular Service
- 10) Copy of Request for Resolution to: Town Council  
From: Democratic Town Committee of Jamestown  
Re: Assault Weapon and High Capacity Magazine Ban
- 11) Copy of Email to: Erin Liese, Town Clerk  
From: Carol Nelson-Lee, Chairwoman Jamestown Board of Canvasser  
Date: October 7, 2019  
Re: Request for Placement on October 7, 2019 Agenda regarding Open Meetings Violation Response of the Attorney General dated June 26, 2019

## **XII. EXECUTIVE SESSION**

*The Town Council may seek to enter into Executive Session for review, discussion and/or potential action and/or vote on the following:*

- A) Pursuant to RIGL § 42-46-5(a) Subsection (2) Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, et al, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS



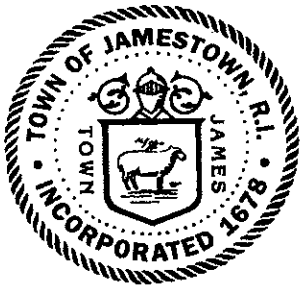
- B) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential Litigation: Presentment of Claim and Demand Pursuant to § 45-15-5: Richard Bruno, individually and as Administrator of the Estate of Nathan Bruno, and Misty Kolbeck, individually
- C) Pursuant to RIGL § 42-46-5(a) Subsection (3) Cyber Security
- D) Pursuant to RIGL § 42-46-5(a) Subsection (5) Beavertail Lease

### **XIII. 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. Notice is also posted at the Jamestown Police Station and on the Internet at [www.jamestownri.gov](http://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 0 not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on October 2, 2019*



**Town of Jamestown**  
Finance Department  
Town Hall  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9809 Fax 401-423-7229  
Email: ccollins@jamestownri.net

**Christina D. Collins**  
Finance Director

## MEMORANDUM

**TO: Honorable Town Council**

**FROM: Interim Town Administrator**

**DATE: 10/3/2019**

**SUBJECT: Town Administrator's Update**

**Town Administrator Search** – The application deadline was September 30, 2019. The Town received 56 applications. The Town Council has a scheduled meeting on October 9<sup>th</sup> to start the review process.

**Conservation Easement/Restrictions Jamestown Shores** – The Solicitors office has prepared the necessary paperwork for the 22 lots. At the October 16<sup>th</sup> meeting, we will be asking for authorization for the Town Council President to sign the necessary documents.

**Jamestown Golf Course Clubhouse** – The RFP was posted and a mandatory pre-bid was held on September 17, 2019. There were 17 companies represented, which included General Contractors as well as Sub-Contractors. The bids are due and will be opened on October 16<sup>th</sup>.

**Jamestown Philomenian Library** – The RFP was posted and a mandatory pre-bid was held on September 24, 2019. There were 9 companies represented, which included General Contractors as well as Sub-Contractors. The bids are due and will be opened on October 22<sup>nd</sup>. The project had to go out to bid in order to comply with Grant requirements of having “hard numbers” when applying for the Grant. The Town and the Trustees continue to work closely on this project.

**Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV) update-** Please see attached memo from Chief Edward A. Mello.



## JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835

Tel: (401) 423-1212 Fax: (401) 423-3710

[www.jamestownri.net/police](http://www.jamestownri.net/police)

Edward A. Mello

Chief of Police

### MEMORANDUM

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**TO:** Christina Collins, Interim Town Administrator  
**FROM:** Chief Edward A. Mello  
**DATE:** October 2, 2019  
**SUBJECT:** Arbovirus Update

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#### Town Council Brief:

Beginning on August 30, 2019, Town officials participated in statewide Emergency Management Conference calls with updates regarding mosquito borne illnesses specifically Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV). Both the RI Department of Environmental Management and Rhode Island Department of Health expressed concerns as testing throughout the state began showing positive results.

Conference calls continued through September 27 as State Officials continued to report elevated concerns as testing continued with positive results and human exposures cases were reported including reported deaths in both Connecticut and Massachusetts. During this time period, State Officials began two rounds of aerial spraying at various locations throughout the State. This did not include Jamestown. It is important to note that no testing was conducted in Jamestown and therefore local officials could not assess the threat.

During this time period, local officials warned residents of the risk and provided guidance in prevention and protection. This included local print media, social media and signage at recreation facilities. School and organized sports officials were directly contacted and advised to use "smart scheduling" when considering outdoor events.

September 19: Town officials employed a contractor to conduct ground spraying at Eldred Avenue soccer field. Local residents were advised via social media and Code Red calling system.

September 21: Town officials employed a contractor to conduct ground spraying at Lawn Avenue field. Local residents were advised via social media and Code Red calling system. School parents were advised via the school superintendent.

The risk remains until such time that temperatures reach frost levels.



# Rhode Island Arbovirus Activity Update

## September 27, 2019

### Report Highlights:

- On September 25, 2019, a second round of targeted aerial spraying was conducted to control the risk of EEE in the central and southwest RI areas.
- Four critical EEE risk areas continue to be designated: areas of Burrillville, North Smithfield, and Woonsocket; the West Warwick area; the Central Falls area; and the Westerly area. Zoned aerial larviciding of these areas was conducted on September 8, 2019. An initial round of aerial adulticide spraying was conducted in these zones from September 8—September 9, 2019. Maps from the two rounds of aerial spraying can be found here.
- A total of 2,070 mosquito pools have been tested for WNV and EEE to date in Rhode Island for 2019.
- Since the last report, two mosquito pools (1 from a trap set in Tiverton on September 16 and 1 from a trap set in Westerly on September 17) have tested positive for WNV, bringing the total number of WNV positive pools in Rhode Island for the season to 4.
- There have been no additional positive EEE findings in Rhode Island since last week's Arboviral Activity Update.
- Please refer to the RIDOH EEE website for more information on EEE.
- Please refer to the RIDEM website for their recent press releases, as well as information on mosquito larviciding and adulticiding.
- There continues to be a high level of arboviral activity, especially EEE, in Connecticut, Massachusetts, Maine and New Hampshire. Please see page 2 for more information.

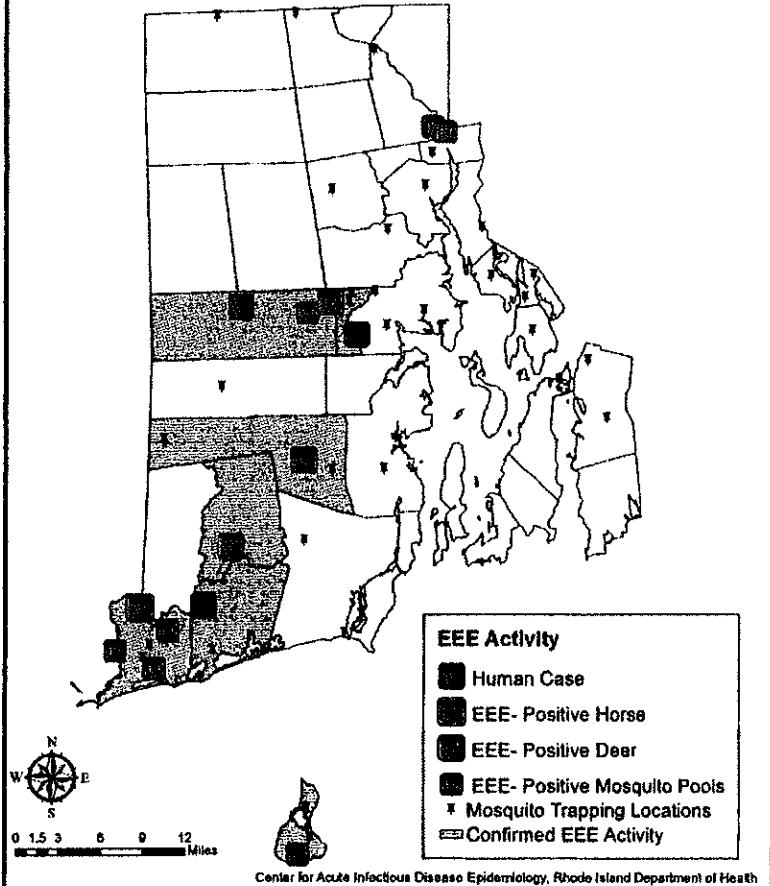
#### Statewide Smart Scheduling Recommendation Remains in Place

For further guidance, please refer to the August 26, 2019 press release and advisory recommending 'Smart Scheduling' for outdoor activities for the remainder of the mosquito

The Rhode Island Department of Environmental Management (DEM) traps mosquitoes at various locations throughout Rhode Island from early June to late September annually. Mosquito traps are placed strategically throughout the state based on the knowledge of environmental conditions conducive to West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE) amplification in the mosquito population. Once traps are collected, the mosquitoes captured in each trap are sorted by species into "pools." The Rhode Island State Health Laboratory tests each pool for the presence of WNV and EEE through PCR testing.



### Rhode Island Eastern Equine Encephalitis Activity, September 27, 2019



The map above displays the approximate locations within Rhode Island where mosquito traps are set weekly by DEM, as well as the municipalities where positive arboviral findings have been identified.

### 2019 Rhode Island Arbovirus Surveillance as of September 27, 2019

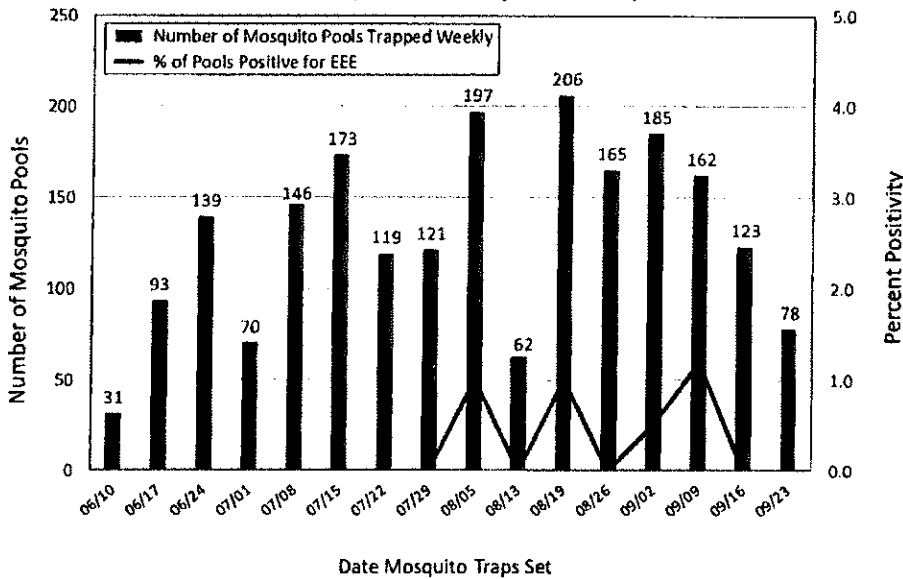
WNV-Positive Mosquito Pools	4
WNV-Positive Horses	0
EEE-Positive Deer	3
Human EEE Cases	3



# Rhode Island Arbovirus Activity Update

## September 27, 2019

**Mosquito Pools Trapped and Tested Weekly, Rhode Island, June 10 - September 23, 2019**



None of the 78 mosquito pools collected on September 22nd and 23rd tested positive for EEE. This marks the second week in a row there have been no positive EEE findings in trapped mosquitoes.

**EEE-Positive Mosquito Pools, 2019**

Species	Date	Location
Aedes	8/5/2019	Central Falls
Anopheles punctipennis	8/5/2019	Central Falls
Culiseta melanura	8/19/2019	Westerly
Culex Sp.	8/19/2019	Westerly
Culiseta melanura	9/3/2019	Westerly
Culex Sp.	9/9/2019	New Shoreham
Culiseta melanura	9/12/2019	Coventry

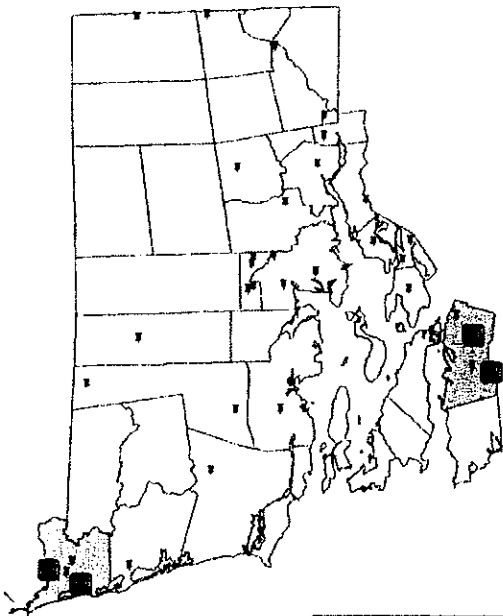
**WNV-Positive Mosquito Pools, 2019**

Species	Date	Location
Culex Sp.	8/26/2019	Tiverton
Culiseta melanura	9/3/2019	Westerly
Culex Sp.	9/16/2019	Tiverton
Culiseta melanura	9/17/2019	Westerly



### Rhode Island West Nile Virus Activity

#### September 27, 2019



**WNV Activity**

- WNV-Positive Mosquito Pool
- ▼ Mosquito Trapping Locations
- ▨ Confirmed WNV Activity



Center for Acute Infectious Disease Epidemiology, Rhode Island Department of Health

### Arboviral Findings Outside RI

- **Massachusetts:** Twelve humans and 8 animals have been confirmed with EEE in multiple counties to date and also 2 humans have been confirmed with WNV. In addition, 422 EEE and 83 WNV positive mosquito pools have been identified. Many municipalities are at a critical EEE risk level. Aerial spraying has been complete. Massachusetts mosquito testing results can be found [here](#).
- **Connecticut:** Connecticut has reported two human EEE cases to date. Positive EEE findings have been detected in Stonington, North Stonington, Voluntown and Sterling. WNV has also been detected in mosquitoes in Stonington, North Stonington and Voluntown, Connecticut mosquito test results can be found [here](#).
- **New Hampshire:** New Hampshire has reported 12 EEE positive mosquito pools to date. New Hampshire's positive EEE findings can be found [here](#).
- **Maine:** Maine's positive EEE findings can be found [here](#).



# Preventing Mosquito Bites

Mosquitoes are carriers (vectors) for many diseases, including West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE). The species of mosquitoes that carry WNV and EEE are found in Rhode Island and bite until the first heavy frost (usually the end of October). Everyone who participates in outdoor activities should take actions to protect themselves from mosquito bites.



## WEST NILE VIRUS

Severe West Nile Virus symptoms can include high fever, headache, neck stiffness, stupor, disorientation, coma, tremors, convulsions, muscle weakness, vision loss, numbness, and paralysis. Milder symptoms can include fever, headache, body aches, nausea, vomiting, swollen lymph glands, or rash on the chest, stomach, and back.



## EASTERN EQUINE ENCEPHALITIS

EEE symptoms include an abrupt onset of chills, fever, generally unhealthy feeling, joint pain, and muscle pain. Signs and symptoms in patients with encephalitis (brain inflammation) are fever, headache, irritability, restlessness, drowsiness, loss of appetite, vomiting, diarrhea, bluish discoloration, convulsions, and coma.

## WHAT YOU SHOULD DO

### PROTECT YOURSELF



#### NETTING

Put insect netting over strollers and playpens.



#### CLOTHING

When spending time outside during warm weather, wear long-sleeved shirts/pants whenever possible, especially if outside during dawn or dusk.



#### SCREENS

Put screens on windows and doors. Fix screens that have holes.



#### BUG SPRAY

Use EPA-approved bug spray with one of the following active ingredients: DEET (20-30% strength), picaridin, IR3535, and oil of lemon eucalyptus or para menthane-diol. Do not use DEET on infants.

### GET RID OF MOSQUITO BREEDING GROUNDS



#### CLEAN GUTTERS

Remove anything around your house and yard that collects water. Clean gutters and downspouts to ensure proper drainage.



#### DUMP STANDING WATER

Remove any water from unused swimming pools, wading pools, boats, planters, trash and recycling bins, tires, and anything else that collects water, and cover them.

### PRACTICE SMART SCHEDULING



Avoid scheduling outdoor activities between dusk and dawn.

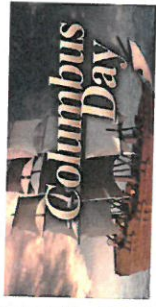

**TIP:** Try to end outdoor activities 1/2 hour before sunset.

For more information, visit the Rhode Island Department of Health's website [www.health.ri.gov/mosquito](http://www.health.ri.gov/mosquito) or the Centers for Disease Control and Prevention Website: [www.cdc.gov/eee](http://www.cdc.gov/eee)



All meetings are held in the Town Council Chambers unless otherwise noted (BLM)=Beavertail Museum; (CR)=Conference Room; (JPD)=Jamestown Police Dept; (JPL)=Jamestown Philomenian Library; (LS)=Lawn School; (MS)=Melrose School; (PA)=Pemberton Apartments;

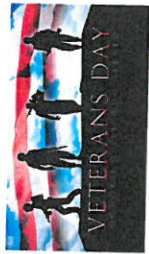
# October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<b>1</b>	<b>2</b> Probate Court: 9 am Town Council Agenda & Bills Deadline @ Noon Planning Commission: 7 pm	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> Town Council: 6:30 pm	<b>8</b> Library Board of Trustees: 5 pm (JPL) Conservation Commission: 7 pm (CR)	<b>9</b> Town Council: 11:00 A.M. Housing Authority: 10 am (PA) Harbor Commission: 7:00 pm	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b> 	<b>15</b> Tree Committee: 6:45 pm (JPL)	<b>16</b> Town Council Agenda & Bills Deadline @ Noon	<b>17</b> Traffic Committee: 6 pm	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> Town Council/Water & Sewer: 6:30 pm	<b>22</b> Town Council: 11:00 A.M. Zoning Board of Review: 7 pm	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b> Town Council Agenda & Bills Deadline @ Noon	<b>31</b> 	<b>2019</b>	



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 (JPD)=Jamestown Police Dept; (JPL)=Jamestown Philomenian Library; (LS)=Lawn School; (MS)=Melrose School; (PA)=Pemberton Apartments




# November

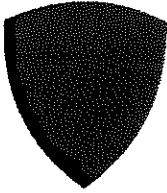
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					<b>1</b>	<b>2</b>
<b>3</b> Daylight Saving Time Ends	<b>4</b> Town Council: 6:30 pm	<b>5</b>	<b>6</b> Probate Court: 2 pm Planning Commission: 7 pm	<b>7</b> CIAA Intake 1:30 – 6:30 pm	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b> 	<b>12</b> Library Board of Trustees: 5 pm (JPL) Conservation Commission: 7 pm (CR)	<b>13</b> Housing Authority: 10 am (PA) Harbor Commission: 7:00 pm	<b>14</b> CIAA Opening 5:00 – 7:00 pm	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> Town Council/Water & Sewer: 6:30 pm	<b>19</b> Gould Island Restoration Advisory Board: 5:30 pm	<b>20</b>	<b>21</b> Traffic Committee: 6 pm	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b>	<b>26</b> Zoning Board of Review: 7 pm	<b>27</b>	<b>28</b> 	<b>29</b> 	<b>30</b>

**2019**



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<b>December</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
			<b>Probate Court: 9 am</b> Planning Commission: 7 pm			Pearl Harbor Remembrance Day
8	9	10	11	12	13	14
		Library Board of Trustees: 5 pm (JPL) Conservation Commission: 7 pm (CR)	Housing Authority: 10 am (PA) Harbor Commission: 7:00 pm			
15	16	17	18	19	20	21
				Traffic Committee: 6 pm		Happy  First Day of Winter
22	23	24	25	26	27	28
		Christmas Eve CLOSE AT 11:45	 MERRY CHRISTMAS CLOSED			
29	30	31				
		 New Year's Eve				



Edward A. Mello  
Chief of Police

## JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835

Tel: (401) 423-1212 Fax: (401) 423-3710

[www.jamestownri.net/police](http://www.jamestownri.net/police)



### MEMORANDUM

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**TO:** Tina Collins, Interim Town Administrator  
**FROM:** Chief Edward A. Mello  
**DATE:** September 19, 2019  
**SUBJECT:** Town Cooperative Hunting Program

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In 2014, the Town Council of the Town of Jamestown formed a Tick Task Force to research and recommend actions concerning the deer tick and the occurrence of Lyme Disease and to protect the public health and safety from deer tick borne Lyme Disease.

One of the several recommendations of the Tick Task Force was to allow limited hunting on Town-owned properties to reduce the deer herd on the island, which has been scientifically verified to reduce the deer tick population and, resultantly, the occurrence of deer tick borne diseases.

On September 6, 2104, the Town Council and the Water Commission both authorized the development of a managed program in which qualified hunters would be permitted onto four (4) specific parcels of Town owned land for the purpose of hunting deer. The attached map shows the four (4) designated areas.




As you know, the Public Works Department will be completing the shared use path, which will run parallel along the north reservoir dam. This will bring pedestrians and bicyclists directly through designated hunting area #2 as shown on the map.

As such, I recommend that the Town Council amend the Jamestown Cooperative Hunting Program and remove this area (#2) from the program.

# TOWN OWNED AREAS AUTHORIZED FOR HUNTING

TOWN OF  
JAMESTOWN  
RHODE ISLAND

## Map Legend

-  Ponds
-  Authorized Areas
-  500' Buffer from Known Buildings

### Sources:

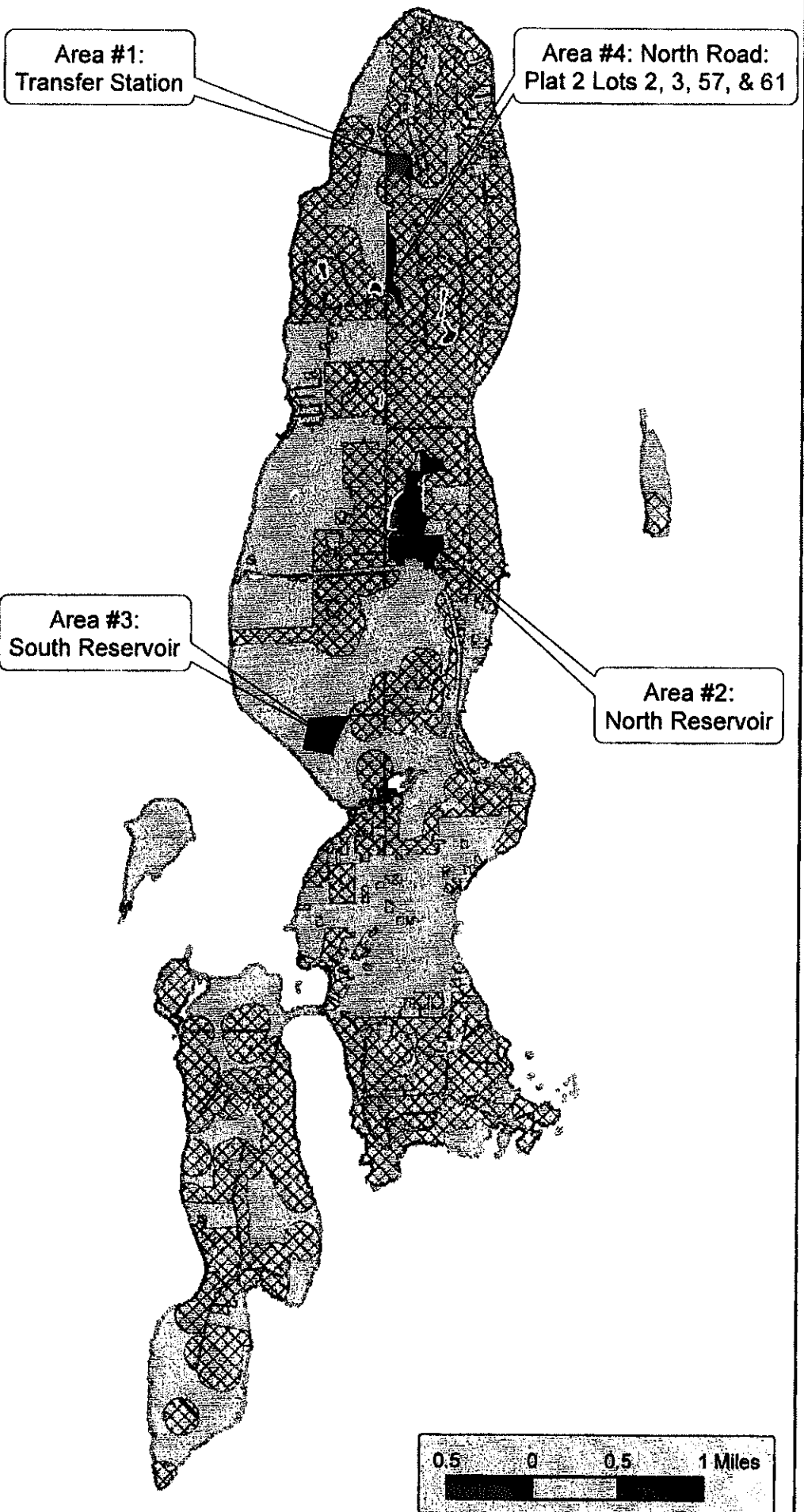
Authorized by Town  
Council & Board of  
Water & Sewer  
Commissioners  
on Sept 2nd 2014

April 2014 Jamestown  
Tax Assessor CAMA  
Database

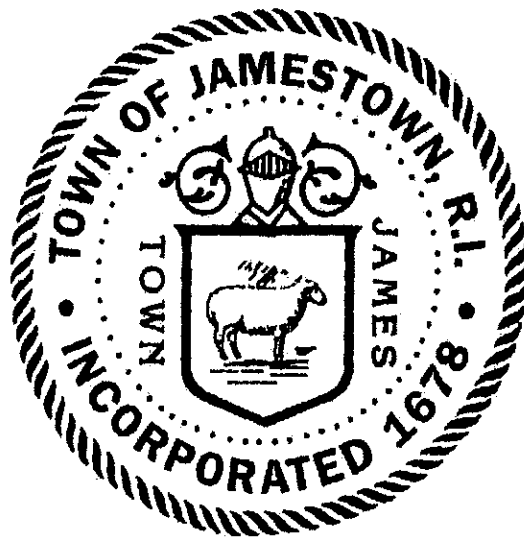
Town of Jamestown  
GIS Dept. Parcel Data



Justin Jobin  
GIS Coordinator  
Town of Jamestown  
9/5/2014



Jamestown Cooperative  
Hunting Program  
Regulations  
2019



Approved by the Jamestown Council

Revised and Adopted

September 6, 2014

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## **Section 1 Introduction**

In 2014, the Town Council of the Town of Jamestown formed a Tick Task Force to research and recommend actions concerning the deer tick and the occurrence of Lyme Disease and to protect the public health and safety from deer tick borne Lyme Disease.

One of the several recommendations of the Tick Task Force was to allow limited hunting on Town-owned properties to reduce the deer herd on the island, which has been scientifically verified to reduce the deer tick population and, resultantly, the occurrence of deer tick borne diseases.

On September 6, 2104, the Town Council and the Water Commission both authorized the development of a managed program in which qualified hunters would be permitted onto four (4) specific parcels of Town owned land for the purpose of hunting deer.

These regulations are adopted as a guide for administration of the program as well as for the participating hunters.

## **Section 2 Severability**

These Regulations shall become effective on the date of issuance and shall remain in full force and effect until amended or rescinded. If any part of these regulations is rendered inoperable or declared illegal by any court or tribunal of competent jurisdiction, the balance of the regulations will remain in full force and effect.

## **Section 3 Regulations-General**

### **3.1 Season**

The Jamestown Hunting Program season will coincide with the hunting season as designated by Rhode Island Department of Environmental Management ("DEM").

### **3.2 Times**

Each Town owned property has specified times in which hunting is permitted. Hunters must adhere to these restrictions. All approved hunters must in advance reserve designated times slots specific to each of the five locations. All hunters must notify the police upon arrival to the site and immediately prior to departing the site.

### **3.3 Limited Number of Hunters**

Each Town owned property has a limited number of hunters permitted at any given time. Hunters must adhere to these restrictions.

All hunters must strictly adhere to time limits which are specific and unique to each of the Town owned properties as defined in section seven (7) of these regulations.

### 3.4 DEM Hunting Regulations

All hunters participating in the hunting cooperative program must abide by all rules and regulations as required by the Rhode Island Department of Environmental Management as specified in the Hunting Regulation Manual.

### 3.5 Tree Stands

Hunters must fire from a fixed elevated position i.e. tree stand. Tree stands may be left assembled and in place for the season. Tree stands must be removed no later than February 1 of each calendar year.

### 3.6 Courtesy and Right of Way

All hunters shall be cautious of other recreational users on Town owned properties at all times. Hunters shall yield and grant right of way to other recreational users.

### 3.7 Buffer

All hunters shall strictly adhere to the defined 500 foot buffer as depicted in Town issued hunting map for shotgun, muzzleloader and archery hunting.

### 3.8 Driving Deer

Driving deer or cooperative drive of deer is not permitted.

### 3.9 Reporting

All hunters must accurately report the number of deer taken from each area to the Jamestown Police Department prior to leaving the area and by submitting the Hunter Report Card to RI DEM.

## **Section 4 Eligibility**

All applicants must meet the following requirement to be considered eligible to participate in the cooperative hunting program

### 4.1 Residency or Sponsorship

Tier 1- Applicant must be a resident of the Town of Jamestown or an employee of the Town of Jamestown or;

Tier 2-Applicant must be sponsored by a participating Tier 1 hunter.

Tier 1 sponsors have complete responsibility for the conduct of their respective Tier 2 hunter.

#### 4.2 RI DEM License

All applicants must possess a valid current RI DEM Hunting License.

#### 4.3 Criminal History

All applicants must not have been convicted of any felony, any crime of violence or any crime as charged related to Rhode Island Fishing and Hunting Regulations.

#### 4.4 Archery Proficiency Certification

All Bow Hunters must possess a valid archery proficiency certification card.

### **Section 5 Application Requirements**

Completed applications must be submitted to the Chief of Police for review.

Applications shall include:

- Completed application form;
- Copy of State Drivers license or other form of identification;
- Completed Liability Waiver;
- Copy of current RI Hunting License;
- Copy of current Deer hunting permit; and
- Copy of Archery Proficiency Certification Card (bow hunting only)

### **Section 6 Authorization Process**

Upon review by the Chief of Police and recommendation to the Town Administrator, written permission may be granted to the applicant. Letter must be carried in person by each hunter.

Said permission expires January 31 of each hunting season.

Permission may be suspended and/or revoked at any time with or without cause upon written notice.

Violations of any regulations by a Tier 2 hunter may result in suspension and/or revocation of their respective sponsor.



## **Section 7 Areas and Specific Regulations**

All hunters shall refer to the Town provided map to determine the exact location of each Town owned hunting area.

### **7.1 Area 1 Transfer Station**

Number of Hunters: two (2)

Times: ½ Hour before Sunrise until 8:00 AM and;

4:00 PM until ½ Hour after Sunset

Parking: permitted outside of main gate-do not block gate access

### **7.2 Area 2 North Reservoir**

Number of Hunters: Two (2)

Times: ½ Hour before Sunrise until 10:00 AM and;

2:00 PM until ½ Hour after Sunset

Parking: no designated parking area. No parking at North Road Entrance or Eldred Avenue.

### **7.3 Area 3 South Reservoir**

Number of Hunters: Two (2)

Times: ½ Hour before Sunrise until 10:00 AM and;

2:00 PM until ½ Hour after Sunset

Parking: permitted outside of main gate-do not block gate access

### **7.4 Area 4 North Road parcels 2-2, 2-3, 2-57, 2-61**

Number of Hunters: Two (2)

Times: ½ Hour before Sunrise until 12:00 PM and;

12:00 PM until ½ Hour after Sunset

Parking: no designated parking area-parking is not allowed on North Road



State of Rhode Island and Providence Plantations

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*Peter F. Neronha*  
*Attorney General*

**VIA EMAIL ONLY**

September 05, 2019  
OM 19-18

Mr. Blake Dickinson  
[blakedickinson@gmail.com](mailto:blakedickinson@gmail.com)

Mr. Hugh Murphy  
[Hamurphy37@cox.net](mailto:Hamurphy37@cox.net)

Peter D. Ruggiero, Esquire,  
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[peter@rubroc.com](mailto:peter@rubroc.com)

David R. Petrarca, Jr., Esquire,  
Assistant Town Solicitor, Town of Jamestown  
[david@rubroc.com](mailto:david@rubroc.com)

**RE: Dickinson v. Jamestown Board of Canvassers**  
**Murphy v. Jamestown Board of Canvassers**

Dear Messrs. Dickinson and Murphy and Attorneys Ruggiero and Petrarca:

The investigation into the Open Meetings Act (“OMA”) complaints filed by Mr. Blake Dickinson and Mr. Hugh Murphy (collectively, “Complainants,” individually “Mr. Dickinson” and “Mr. Murphy”) against the Jamestown Board of Canvassers (“Board”) are complete. Since both complaints were submitted against the same entity and contain similar allegations, this Office will address both complaints in a single finding. For the reasons set forth herein, we find that the Board violated the OMA.

**Background**

By email correspondences sent to this Office in March 2019, the Complainants allege that the Board violated the OMA when it met outside the public purview to discuss instructing Conanicut

Sanctuary<sup>1</sup> to “cure” signatures submitted in a petition drive.<sup>2</sup> Along with his Complaint, Mr. Murphy submitted a transcript excerpt from the Board’s February 27, 2019, meeting at which the following exchange occurred:

MR. MURPHY: Well, I would just like to say in your letter you said that the Jamestown Board of Canvassers requested that Conanicut Sanctuary obtain signatures for printed names on the petitions as well as additional new signatures.

I would like to say that any new information solicited outside noticed meetings, . . . business and agenda is considered a violation of the Open Meetings Act.

MR. NEWMAN: I would like to respond to that. I was also concerned about this in the complaint [filed by Conanicut Sanctuary]. The complaint states that the Board of Canvassers asked for cured signatures and additional signatures. As I mentioned in the previous Town Council meeting, that is not the case.

I passed on a suggestion to the Petitioners from the Executive Director of the Board of Elections. Prior to doing that, I spoke with all of the members of the Board of Canvassers with the exception of Hugh Murphy. I left two messages for him, but he did not call me back.

I did speak with Melissa Burrows, and I was very clear in those conversations that this was a suggestion on the part of Bob Raposa [sic], the Executive Director [of the Board of Elections], but it was not an action of the Board of Canvassers. If the Board of Canvassers had made that action, they would have taken a vote and then contacted the Petitioners. . .

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<sup>1</sup> The record in this case indicates that “Conanicut Sanctuary” is a group of Jamestown residents concerned with enacting measures to protect immigrants.

<sup>2</sup> The Complainants also alleged that an individual Board member, Mr. Ken Newman, took actions on his own related to this issue involving Conanicut Sanctuary. As this Office already explained to the Complainants, the OMA is only implicated when a “quorum” of a “public body” has a “meeting[,]” as those terms are defined in the OMA. *See* R.I. Gen. Laws § 42-46-2. A single member is not a “public body” under the OMA. *See* R.I. Gen. Laws § 42-46-2(3) (defining “public body” as “any department, agency, commission, committee, board, council, bureau or authority or any subdivisions thereof of state or municipal government”). Accordingly, the Complainants’ allegations about a Board member’s individual actions do not implicate the OMA.



The Board's legal counsel, David R. Petrarca, Jr., Esquire, submitted a substantive response on behalf of the Board, which includes an affidavit from Board member Kenneth Newman and a transcript of the February 27, 2019 Board meeting. Attorney Petrarca concedes that "this string of conversations [referenced in the February 27, 2019 transcript] constitutes a 'rolling quorum' of the Board," however, he disputes that these conversations constituted a "meeting" as defined in the OMA. Attorney Petrarca asserts that the Board did not collectively discuss or act upon a matter over which it had jurisdiction.

Essentially, the Board argues that Mr. Newman's suggestion that Conanicut Sanctuary cure the signatures was an individual action and that his conversation with other Board members about that topic did not constitute a discussion about a matter over which the Board had authority. Specifically, Attorney Petrarca states, in pertinent part:

"Here, the conversations between Mr. Newman and other members of the Board concerned a suggestion from the Board of Elections Executive Director that a group of petitioners, known as the 'Conanicut Sanctuary,' should attempt to 'cure' alleged defective signatures and obtain more signatures on a Town Charter Initiative Petition that was being appealed to the Board of Elections. *See* Aff. ¶ 5. In these conversations, Mr. Newman merely informed the other members of the Board of his intention to pass along this advice of the Board of Elections Executive Director. *Id.* ¶ 6. Further, at the time of these conversations, that particular issue was not before the Board of Canvassers. Ultimately, however, at its meeting of February 8, 2019 and again at its February 27, 2019 meeting, the Board of Canvassers was asked to rule on the admission of 'cured' and new signatures obtained by Conanicut Sanctuary."

The Board informed this Office that after it determined that it would not accept any new or cured signatures offered by Conanicut Sanctuary, the matter was appealed to the Board of Elections. Research by this Office indicates that the appeal was subsequently withdrawn.

The Board further argues that at the time when the rolling quorum occurred, neither Mr. Newman nor the Board "reasonably suspect[ed] that they would be asked to rule on whether it would have to accept such 'cured' and new signatures . . . At that point in time, the matter was out of their hands and with the Board of Elections. . . Circumstances changed, but it was not reasonably foreseeable to Mr. Newman or the Board."

The affidavit provided by Mr. Newman specifically reveals that on January 18, 2019, he called Board Chair Carol Nelson Lee and alternate members Kitty Wineberg and Melissa Burrows to "state my intent to contact the Conanicut Sanctuary group with this suggestion from [Board of Elections Executive Director] Mr. Rapoza. I stated that I would be doing this as an individual not on behalf of the" Board. Mr. Newman also attested that he "left two messages for full member



Hugh Murphy but did not hear back from him.”<sup>3</sup> The Board did not describe the conversations in detail or provide affidavits from Ms. Nelson Lee, Ms. Wineberg or Ms. Burrows.

The extended transcript of the February 27, 2019 meeting provided by the Board also contains a statement from Mr. Newman that although his suggestion to Conanicut Sanctuary to “cure” the signatures had been characterized “as having been an action of the Board of Canvassers . . . it was not with the exception of having passed that suggestion on . . .”

We also note that minutes from the Board’s December 11, 2018 meeting reveal that the Town Administrator spoke at the meeting, at which Mr. Newman, Chair Nelson Lee, and Board members Wineberg and Burrows were present, and stated that the petition process and determining whether to accept the signatures presented by the petitioners is under the discretion of the Board.

We acknowledge both Complainants’ rebuttals.<sup>4</sup> Mr. Dickinson’s rebuttal disputes Attorney Petrarca’s contention that “at the time of these conversations, that particular issue was not before the” Board, by stating that, “[t]he petition matters were indeed open and before the” Board due to a related complaint filed by Mr. Dickinson with the Board of Elections initiated on January 16, 2019 that was “remanded back to the [Board] on February 5, 2019” and heard before the Board on February 8, 2019. Mr. Dickinson’s rebuttal also provided a copy of a letter dated February 20, 2019 from Helen O’Grady in her capacity as “Facilitator” for Conanicut Sanctuary. That letter states, in pertinent part, “[t]he Jamestown BOC requested that CS obtain ‘signatures’ for printed names on the petition as well as additional new signatures.” Mr. Murphy likewise argues that there is evidence that Conanicut Sanctuary understood Mr. Newman’s suggestion about curing the signatures to constitute an action of the Board.

With that background in place, we turn to the relevant law and substantive arguments that support our findings.

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<sup>3</sup> This Office has not been provided with information regarding the total number of Board members or the distinction between a full member and an alternate member, but that information is immaterial because the Board concedes that a rolling quorum occurred.

<sup>4</sup> The Complainants’ rebuttals proffer additional allegations beyond the scope of the initial Complaints, including the allegation that the Board failed to timely file minutes with the Secretary of State for its February 8, 2019 meeting and that the Board met outside the public purview in an unnoticed, unrecorded “meeting” with the Board of Elections and/or the Board of Elections Executive Director regarding the issue of curing signatures. The acknowledgment letters sent by this Office to the Complainants at the start of this matter expressly provided that the Complainant’s rebuttal should be limited to the matters addressed in the Board’s response and should not raise new issues that were not presented in this complaint or addressed in the Board’s response. In accordance with our usual practice and precedent, this Office declines to review issues which are raised for the first time in a rebuttal since the public body does not have an opportunity to respond. *See Mudge v. North Kingstown School Committee*, OM 12-35. Complainants are free to submit a new complaint(s) based on additional facts provided that the statute of limitations has not expired.



Relevant Law and Findings

When we examine an OMA complaint, our authority is to determine whether a violation of the OMA has occurred. *See* R.I. Gen. Laws § 42-46-8. In doing so, we must begin with the plain language of the OMA and relevant caselaw interpreting this statute. We also note that our decision in this matter is limited to considering whether the OMA was violated and that we do not opine on any substantive issues pertaining to election law or the petition signatures.

For the OMA to apply, a “quorum” of a “public body” must convene for a “meeting” as these terms are defined by the OMA. *See Fischer v. Zoning Board of the Town of Charlestown*, 723 A.2d 294 (R.I. 1999). For purposes of the OMA, a “meeting” is defined as “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.” R.I. Gen. Laws § 42-46-2(1). All three of these elements—a quorum, a meeting, and a public body—must be present in order for the OMA to apply; the OMA is not applicable when one or more of these elements is absent. *See Ahlquist v. Energy Facilities Siting Board*, OM 17-25.

Although the definitions under R.I. Gen. Laws § 42-46-2 are seemingly straightforward, a quorum may be created, and a meeting “convened,” by unconventional means. In particular, this Office has previously recognized the “rolling” or “walking” quorum, where a majority of the members of a public body attain a quorum by a series of one-on-one conversations or interactions, including communications via email. *See In Re: Pawtucket City Council*, ADV OM 05-01 (warning against the “walking quorum,” where public business is conducted in a series of individual encounters that may not constitute a quorum, but which collectively do so); *In Re: South Kingstown School Committee Electronic Mail Policy*, ADV OM 04-01 (series of email communications among a quorum of a Committee would satisfy the quorum requirement and implicate the OMA).

Here, there is no question that the Board is a “public body” and it is undisputed that a “rolling quorum” of the Board, facilitated by Mr. Newman, had discussions via telephone on or about January 18, 2019. We now turn to a consideration of whether this “rolling quorum” of the Board convened a “meeting” outside the public purview. Several cases from this Office have reviewed the “meeting” requirement and determined that either “action” or a “collective discussion” by a quorum of a public body on matters over which the public body has “supervision, control, jurisdiction, or advisory power” satisfies the “meeting” element and triggers the OMA and its attendant requirements. *See, e.g., The Valley Breeze v. Cumberland Fire Committee*, OM 15-04. *See also Caldwell v. East Greenwich Town Council*, OM 18-01. Conversely, if a “quorum” of a “public body” convenes, but does not collectively discuss and/or act upon matters over which they have “supervision, control, jurisdiction, or advisory power,” a “meeting” has not convened. *Id.*

The Board represents that Mr. Newman had individual “conversations” with a quorum of the Board concerning “a suggestion from the Board of Elections Executive Director that a group of



petitioners, known as ‘Conanicut Sanctuary,’ should attempt to ‘cure’ alleged defective signatures and obtain more signatures on a Town Charter Initiative Petition.” The Board contends that these conversations were only for Mr. Newman to “inform” the other members about his intended course of action, but the Board does not expressly argue that these conversations did not constitute a “discussion” (as opposed to a one-way unilateral communication by Mr. Newman). Despite this Office’s request that the Board provide “detailed affidavits from the Board members indicating any conversations they engaged in with any other Board members outside of a public meeting about” this topic, the Board only provided this Office with one affidavit from Mr. Newman and did not provide a detailed account of what was said by whom in each individual conversation that took place between Board members about this topic. In light of that failure and the lack of evidence to the contrary, the evidence will be construed against the Board and this Office concludes that the Board members engaged in a “discussion.”

There is also no question that the Board had authority over the topic of the petition signatures since the Board ultimately determined that it would not accept the “cured” signatures. Although Mr. Newman contends that he reached out to Conanicut Sanctuary in his individual capacity, it is telling that before doing so, he discussed this course of action with other Board members before proceeding. Indeed, during the February 27, 2019 Board meeting, Mr. Newman stated that his conversation with Conanicut Sanctuary was not an action of the Board “*with the exception of having passed that suggestion on . . .*” (Emphasis added.). Additionally, during the December 11, 2018 Board meeting, it was discussed how the petition process is under the discretion of the Board and how the Board has authority to accept the signatures presented by the petitioners. Moreover, the undisputed evidence demonstrates that the issue of the Conanicut Sanctuary petition was pending before the Board well before the rolling quorum occurred. *See also Murphy v. Jamestown Board of Canvassers*, OM 19-09 (referencing January 9, 2019 Board meeting that included an agenda item related to an objection filed by Mr. Murphy pertaining to Board’s certification of signatures on the Conanicut Sanctuary petition). The Board’s contention that it did not anticipate being asked to review the signature issue after the time when the rolling quorum occurred is irrelevant. This was clearly a topic over which the Board exercised authority at the time the rolling quorum occurred. In light of this information, we find that the January 18, 2019 individual communications collectively formed a rolling quorum of the Board, wherein they discussed a matter over which the Board has “supervision, control, jurisdiction, or advisory power.” Accordingly, we find the Board violated the OMA.

### Conclusion

Upon a finding that a complaint brought pursuant to the OMA is meritorious, the Attorney General may initiate suit in the Superior Court. R.I. Gen. Laws § 42-46-8(a). There are two remedies in suits filed under the OMA: (1) “[t]he court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of [the OMA];” or (2) “[t]he court may impose a civil fine not exceeding five thousand (\$5,000) dollars against a public body or any of its members found to have committed a willful or knowing violation of [the OMA].” R.I. Gen. Laws § 42-46-8(d).

In the instant case, insufficient evidence has been presented that the Board knowingly or willfully violated the OMA. Although the Board should have been cognizant of the fact that it was discussing a matter within its authority, we credit the uncontested assertion of the Board that it believed the matter was with the Board of Elections. It appears based on the undisputed evidence presented that Mr. Newman and the other members involved in the rolling quorum were acting on a good faith belief that Mr. Newman's suggestion to Conanicut Sanctuary about curing signatures was not intended to be an official action of the Board. We also note that there are no findings regarding any recent similar violations by the Board.

We also do not believe that injunctive relief is appropriate. The Board did not take any action pursuant to the rolling quorum with the exception of suggesting that Conanicut Sanctuary attempt to "cure" the signatures, but the Board ultimately voted to not accept the cured signatures and the matter was appealed to the Board of Elections and then later withdrawn. As such, injunctive relief is not appropriate in this case.

This finding serves as notice that the conduct discussed herein is violative of the OMA and could in the future serve as evidence of a willful or a knowing violation.

Although the Attorney General will not file suit in this matter, nothing in the OMA precludes an individual from pursuing a complaint in the Superior Court as specified in the OMA. The Complainant may pursue an OMA complaint 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." R.I. Gen. Laws § 42-46-8. We consider this matter closed as of the date of this decision.

We thank you for your interest in keeping government open and accountable to the public.

Sincerely,

By: /s/ Kayla E. O'Rourke

Kayla E. O'Rourke

Special Assistant Attorney General

korourke@riag.ri.gov

KO/dg



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September 27, 2019

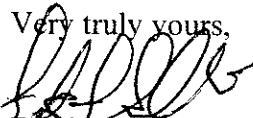
Michael G. White, President  
Jamestown Town Council  
Town Clerk  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835

Re: Jamestown Position Discover Newport Board

Dear Mr. White,

Please accept this letter as notice of my resignation from my position as the Jamestown Representative on the Discover Newport Board. I have enjoyed having had the opportunity to serve both the Town and Discover Newport.

Please let me know if you need anything further from me.

Very truly yours,  
  
Frank F. Sallee

19 SEP 27 AM 10:51  
TOWN OF JAMESTOWN

**TOWN COUNCIL MEETING**  
**September 16, 2019**

**I. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on September 16, 2019. Town Council Members present were as follows: Michael G. White, Mary E. Meagher, Nancy A. Beye, Randall White, and William J. Piva, Jr. Also present Interim Town Administrator Christina D. Collins, Town Solicitor Peter D. Ruggiero, Town Solicitor Wyatt A. Brochu, Chief of Police Edward A. Mello, Public Works Director Michael C. Gray, Town Planner Lisa Breyer, Recreation Director Andrew Wade and Water and Sewer Clerk, Denise Jennings.

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

Town Council President White called the meeting of the Jamestown Town Council to order at 6:34 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

**A motion was made by Vice President Meagher with second by Councilor Beye to Convene as the Board of Water and Sewer Commissioners. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

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

The Town Council convened as the Board of Water and Sewer Commissioners at 6:35 P.M. and adjourned from sitting as the Board of Water and Sewer Commissioners at 6:46 P.M. See Board of Water and Sewer Commissioners Meeting Minutes.

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

- A) Proclamations:  
1) No. 2019-18: Designating October as Community Planning Month

Councilor Beye read the Proclamation for Community Planning Month

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the 2019-18 Proclamation for October as Community Planning Month. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Presentations:  
1) Gould Island by David Sommers, Gould Island Advisory Chair

David Sommers reviewed and explained the following topics regarding Gould Island: The Army Corps restoration of South Gould; status and level of the cleanup; recreation on the island would require further cleanup; ownership status by the Federal Government and State RI DEM; expense of further cleanup by the Town; August 15<sup>th</sup> site visit; future choice options; chemical cleanup; RIDEM recreation direction with walking trails; overnight campsites; Jamestown Historical Society interest on place signs and next steps.

Vice President Meagher stated this could be an amazing opportunity.

President White also agreed with the opportunity, stating the Town is interested in improving all the islands.

Mr. Sommers stressed that this is a once and a lifetime opportunity.

Councilor Piva assured support and agreed with a Resolution.

The consensus of the Council was support of the initiative and consider the Resolution at the next meeting.

Heidi Hill of East Shore Road questioned the funding.

Mr. Sommers advised 10 million was an approximate guess, based on the restoration provided by the Federal Government.

**A motion was made by Vice President Meagher to consider a Resolution supporting RIDEM initiative for Gould Island on October 7<sup>th</sup> supporting RIDEM Gould Island with second by Councilor Piva. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye**

**V. OPEN FORUM**

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

Frank Meyer of Southwest Avenue stated the initiative of Gould Island sounds familiar to the promises in Beavertail. He explained promises regarding open space and recreation of Beavertail, including bunker cleanup and lighting. He requested effort on keeping the promises in Beavertail. He also questioned his offer to provide a presentation of Beavertail.

Vice President Meagher advised the power point should be considered at a future meeting and was not placed on this agenda for Gould Island presentation was previously scheduled.

Millie Feeny of Hamilton Ave. questioned if she could speak on parking.

Vice President Meagher advised that item is on the agenda and to hold her comments until the item is heard during New Business.

Mrs. Feeny continued with her concerns on parking at the beach as follows: Forty Getty residents, resident only passes, and suggested moving the location on where passes are sold.

Keri Hague of Cedar Ridge Trail commented on her opposition of the cell tower, due to the marketability of her home, impact on visual beauty of the island, and unknown health concerns.

Charlotte Zarlengo of Seaside Drive commented on the Jamestown Shore lots and explained the final 10 have problem titles. She hopes this would be completed soon.

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

- A) Town Administrator's Report: Christina D. Collins, Interim Town Administrator
- 1) Town Administrator's Search Update

Interim Town Administrator Collins reported on Advertisements and locations and advised we are receiving applications

- 2) Conservation Easements/Restrictions Jamestown Shores

Interim Town Administrator Collins reported on Connancicut Island Land Trust. She further explained the Town will be signing off on 22 lots. She also stated 10 lots still need clearance. The next step in the process is to work with the Solicitors Office on a budget and options moving forward.

Town Solicitor Ruggiero advised this will be placed on a future agenda for consideration.

Interim Town Administrator Collins suggested doing redemptions yearly.

Interim Town Administrator Collins also advised on the current status of measuring for cell phone service. She also explained the RFP for the Golf Course and that Public Works Director Gray will be facilitating the pre bid to be held on September 17, 2019.

## **VII. UNFINISHED BUSINESS**

- A) Upcoming Meetings and Sessions – dates and times
- 1) Town Council Meeting Schedule: September October 7<sup>th</sup> and October 21<sup>st</sup> at 6:30 p.m.
  - 2) Schedule Hearing Date and Discussion of Hearing Process: Museler Appeal



Town Solicitor Ruggiero advised he is available the week of October the 20<sup>th</sup> and it may take two or three hearings for this appeal.

Vice President Meagher questioned if this could be done during the day.

Town Solicitor Ruggiero advised on meeting during the day and explained the process.

Discussion ensued on availability and it was determined it would be October 22<sup>nd</sup> at 11 A.M.

3) Schedule Special Meeting for the review of Town Administrator Applicants

Discussion ensued on availability ad it was determined it would be October 9<sup>th</sup> at 11 A.M.

It was noted the Clerk's Office will provide the Council with binders of applicants.

## VIII. NEW BUSINESS

A) Discussion on Parking at Beach Facilities

Vice President Meagher advised she placed this on agenda due to Park Dock and Mackerel Cove parking issues.

Recreation Director Wade advised on the work done in late spring with Chief Mello to address some parking concerns. He advised on the additional 10 resident only spots; no parking on Fort Getty Road and parking issues on Fox Run. He further emphasized this is a difficult issue to completely address as 2,400 passes were sold for 100 parking spots.

Vice President Meagher advised on parking on Fox Run and enabling enforcement with ordinance changes. She also commented on Park Dock and the daily pass fee compared to the fine.

Recreation Director Wade clarified regarding the sale of beach passes. He further explained what defines eligibility for a pass. He also stated he prefer passes be sold at the Recreation Center.

Discussion ensued on parking and revenue from the sale of passes.

Chief Mello commented on parking issues on Hamilton, towing, fines and enforcement.

Discussion ensued on parking in the area of Mackerel Cove, Fox Run and Park Dock.

**A motion was made by Vice President Meagher with second by Councilor Piva to request the Traffic Commission review parking in the area of Fox Run. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye**

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

- A) Discussion on Noise Ordinance Amendments to Article III- Sections- 22-66 C, 22-66 D, 22-66 E, 22-71; Proposed by Chief Edward A. Mello

Vice President Meagher stated this was a great first draft.

Chief Mello advised the difficulty on enforcement of the Noise Ordinance and explained potential amendments on noise and construction activities.

Discussion ensued on construction noise.

Councilor Piva questioned next steps.

Town Solicitor Ruggiero advised on procedure, parameters, and guidelines moving forward

President White expressed the need to consider the potential amendments and was not ready to set a Public Hearing date.

Discussion ensued on public events and variances.

It was noted this would be placed on a future agenda.

Frank Meyer of Southwest Avenue discussed the hardship placed on landscapers with additional regulations. He stated the phrase “make hay while the sunshine’s” should not only apply to farmers. He further suggested a simplistic ordinance, with having sunset and sunrise as parameters vs. actual times. He also asked for consideration between the Jewish work week and Christian work week.

## **X. CONSENT AGENDA**

**A motion was made by Vice President Meagher with second by Councilor Beye to approve and accept the Consent Agenda. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
- 1) August 28, 2019 (special meeting)
  - 2) September 3, 2019 (executive session)
  - 3) September 3, 2019 (regular meeting)
- B) Minutes of Boards/Commissions/Committees
- 1) Jamestown Zoning Board of Review (July 23, 2019)
- C) CRMC Notices
- 1) Joint Public Notice RE-Notice of CRMC File No: 2019-06-014 and RI DEM No: WQC 19-123 DP19-174 Jamestown Boatyard
- D) Public Notice
- 1) Zoning Board of Review Notice of ESJ Inc. /JTN LLC/ Simpatico Jamestown 13 Narragansett Ave

- 2) Zoning Board of Review Notice of William & Glenna McCaffrey of 232 Beacon Ave.

E) Abatements/Addenda of Taxes

Total Abatements \$ 1,219.59                      Total Addenda \$ 1,666.66

**Account/Abatement Amount**

- 1) Abatements to 1998 Motor Vehicle Tax Roll
  - a) 06-0379-50              \$235.27
- 2) Abatements to 1999 Motor Vehicle Tax Roll
  - a) 06-0379-50M          \$251.27
- 3) Abatements to 2000 Motor Vehicle Tax Roll
  - a) 06-0379-50M          \$179.91
- 4) Abatements to 2019 Motor Vehicle Tax Roll
  - a) 07-0367-00M          \$ 2.84
  - b) 08-1081-80M          \$ 60.56
  - c) 11-0133-97M          \$131.78
  - d) 19-0029-87M          \$235.21
  - e) 19-0762-06M          \$ 44.93
  - f) 19-0980-13M          \$ 77.82
- 5) Addenda to Real Estate and Real Property 2019 Tax Roll
  - a) 18-0604-82              \$868.78
  - b) 22-0186-00              \$547.88
  - c) 23-0453-28              \$250.00
- F) Award of Bids:
  - 1) Public Works Department
    - a) New 2019 Four Wheel Drive Utility Truck
    - b) New 2019 Four Wheel Drive Extended Cab Pickup Truck and Plow
    - c) New 2019 Four Wheel Drive Dump Truck with Plow and Sander
    - d) New 7X14 Enclosed Trailer
    - e) New 44,000 GVW Dump Truck and Plow
    - f) New 44,000 GVW Hook Lift Truck, Plow, and Body Options
- G) Authorization of Agreement:
  - 1) Energy Agreement with Constellation

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

Councilor Piva requested Communication Item 2; letter of Kayla E. O'Rourke, Special Assistant at the Attorney General's Office regarding Dickinson v. Jamestown Board of Canvassers and Murphy v. Jamestown Board of Canvassers to be placed on the next agenda for further discussion.

**A motion was made by Vice President Meagher with second by Councilor Piva to receive the Communications. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**



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

- A) Communications
  - 1) Letter of Mark Baker regarding Beavertail State Park
  - 2) Letter of Kayla E. O'Rourke, Special Assistant Attorney General regarding Dickinson v. Jamestown Board of Canvassers and Murphy v. Jamestown Board of Canvassers
  - 3) Email of Al McKibben regarding Construction Noise on East Shore Road

## **XII. EXECUTIVE SESSION**

- A) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation- Geoffrey Hamlin and Kristan Hamlin v. Zoning Board of Review of the Town of Jamestown, CA No. NC-2018-0373 and CA No. NC-2019-0166

**A motion made by Vice President Meagher with second by Councilor Piva pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation- Geoffrey Hamlin and Kristan Hamlin v. Zoning Board of Review of the Town of Jamestown, CA No. NC-2018-0373 and CA No. NC-2019-0166 at 8:32 p.m. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Town Council reconvened the regular meeting at 9:16 P.M. It was announced no action was taken in Executive Session:

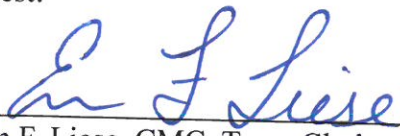
**A motion was made by Vice President Meagher with second by Councilor Piva to seal the Minutes of the Executive Session. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

## **XIII. ADJOURNMENT**

**A motion was made by Vice President Meagher with second by Councilor Piva to adjourn. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The regular meeting was adjourned at 9:17 P.M.

Attest:



Erin F. Liese, CMC, Town Clerk



**JAMESTOWN PHILOMENIAN LIBRARY**  
**26 North Main Road, Jamestown, RI 02835**  
**Board of Trustees Meeting Minutes**  
**Tuesday, August 13, 2019**

**A. Call to Order:**

The monthly meeting of the Jamestown Philomenian Library Board of Trustees was called to order at 5:02 pm in the Sydney Wright Room by Eugene Mihaly. In attendance were members Peter Carson, Jennifer Cloud, Paul Housberg, Christian Infantalino, Kathy Kaiser, and Chris Walsh.

**B. Report of the Chair**

Chair has met with two parties for participation in the Capital Campaign.  
Chair has submitted a Renovation View Point to the Jamestown Press for publication.  
Gift, legacy and naming opportunities were discussed.

Ed Gromada reported on the new set of ads to appear in the press and Foundation Website after a week off.

Discussion followed on Naming Gift opportunities; to be determined by Trustees if necessary.

Book mark to be updated with new statistics and Foundation website url.

**C. Treasurer's Report:**

Treasurer's Report from the Trustee account and the Foundation ending July, 2019 was shared.

Discussion ensued regarding expected cost projections for the renovation plan.

**D. Governance Policies:**

1. Policy D2. Governing Style Approved

Motion to accept proposed by Infantalino. Seconded by Kasier. Motion passed unanimously.

2. Policy D1, Governing Style was reviewed as part of the Boards sesquiennial review of policies. No changes were made.

**E. Board Process Review:**

A request was made for an update on Mohamad Frazan's progress on developing construction documents be provided at every board meeting.

Suggestion for next Agenda to review yearly Agenda Schedule

1. Approval of Minutes: July 9, 2019
2. Approval of Financial Reports
  - a. Library Board of Trustees
  - b. Jamestown Philomenian Library
3. Approval of Progress and Service Report of the Director

Motion to approve the Consent Agenda was made by Mihaly. Walsh seconded. Motion passed unanimously.

**G. Public Comment: None**

**H. Date of Next Meeting and Adjournment:**

Tuesday, September 10 is the next Trustee Meeting at 5:00 p.m.

Kaiser moved to adjourn the meeting at 5:50 p.m. Carson seconded. The motion passed unanimously.

Respectfully Submitted  
Donna Fogarty,  
Library Director



**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: ABATEMENT OF TAXES FOR THE **OCTOBER 7, 2019 MEETING**

**MOTOR VEHICLE ABATEMENTS TO 2019 TAX ROLL**

11-0041-76M Kalkas, Nicholas	Motor Vehicle- soldier / sailor exempt	\$45.60
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**REAL ESTATE ABATEMENTS TO 2019 TAX ROLL**

03-0080-00 Callahan, Bruce Trustee	Plat 1, Lot 136 – Tax Appeal – Reduced assessment Grade.	\$396.06
03-0983-30 Clow, Robert & Vaccaro, Carla	Plat 2, Lot 212 – Tax Appeal – Reduced assessment based Condition	\$330.05
06-0500-07 Furtado, Edward & Claire	Plat 8, Lot 318 – Tax Appeal – Reduced assessment based Condition	\$282.56
12-0793-48 Loiselle, Dana	Plat 3, Lot 516 – Tax Appeal – Updated field card data	\$35.42
18-0260-00 Reveron, Derek & Kirstin	Plat 8, Lot 318 – Tax Appeal – Updated field card data	\$1,213.94
19-0468-98 Seelig, Karl & Anna	Plat 14, Lot 320 – Tax Appeal – Updated sketch	\$27.79
19-0962-06 Slingluff, Duval & Digasper, Gregory	Plat 8, Lot 203 – Updated field card data	\$30.59

**ADDENDA TO 2019 TAX ROLL**

18-0246-50 Reppe, William & Cinthia	Plat 1, Lot 39 – New Construction – Prorated 124 days – New Value \$487,200	\$938.31
23-0455-50 Welch, Patrick & Keleigh	Plat 7, Lot 50 – New Construction – Prorated 193 days – New Value \$1,420,100	\$1,133.53
23-1002-51 Wilmington Savings Fund	Property was foreclosed on. Removed Elderly exemption.	\$1,457.69

<b>TOTAL ABATEMENTS</b>	<b>\$ 2,362.01</b>
<b>TOTAL ADDENDA</b>	<b>\$ 3,529.53</b>

RESPECTFULLY SUBMITTED,

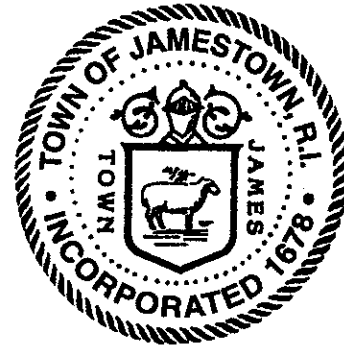
*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR

**Town of  
Jamestown, Rhode Island**

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PO Box 377  
Jamestown, RI 02835- 1509  
Phone: (401) 423-7220  
Fax: (401) 423-7229



**Date:** October 1, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bids for Road Paving

---

The annual budget includes capital funding for paving of roads selected from the pavement management program which are included in the following list:

- North Main Road Carr Lane
- Rosemary Lane Atlantic Circle
- Decatur Avenue
- Beacon Avenue (Spirketing to Garboard)
- Grinnell Street (Narragansett to Watson)
- Bike Path (North Main to Eldred)
- Bike Path along North Main West Reach to North Reservoir
- Highland Drive (overlays)

Bids were advertised and received on October 1, 2019 where they were opened and read in public. Bids were received from five contractors and reviewed for completeness and to determine the lowest responsible bidder. Six items are included in the bid solicitation and they include Bituminous surface course, bituminous binder course, pavement reclamation and grading, Fine Grading and Compaction (Bike Path), bituminous surface course (Bike Path), and bituminous binder course (Bike Path).

The following is a unit cost summary of the bids received:

Bituminous Surface Course	\$71.00/ ton and \$83.75/ton
Binder course	\$66.50/ton and \$81.75/ton.
Reclamation and grading	\$1.70/square yard and \$2.85/square yard
Fine grading and compaction	\$1.00/square yard and \$2.90/square yard
Surface course for bike path	\$89.50/ton and \$130.00 per ton
Binder course for bike path	\$89.50/ton and \$116.00 per ton

**I have reviewed the bids received and recommend the bid be awarded to lowest responsive bidder, Cardi Corporation, Inc for the following:**

<b>Item 1:</b>	<b>Bituminous Surface Course</b>	<b>\$71.00 per Ton</b>
<b>Item 2:</b>	<b>Bituminous Binder Course</b>	<b>\$66.50 per Ton</b>
<b>Item 3:</b>	<b>Pavement Reclamation</b>	<b>\$1.70 per Square Yard</b>
<b>Item 4:</b>	<b>Fine Grading and Compaction</b>	<b>\$1.50 per Square Yard</b>
<b>Item 5:</b>	<b>Bituminous Surface Course (Bike Path)</b>	<b>\$89.50 per Ton</b>
<b>Item 6:</b>	<b>Bituminous Binder Course (Bike Path)</b>	<b>\$89.50 per Ton</b>

Cardi Corporation is an approved asphalt plant by the State of Rhode Island DOT and has been awarded our annual paving bid for the last ten years. Materials have conformed to the project specifications and the crews have worked well with our public works department.

We are anticipating paving of North Main Road, Carr Lane, Rosemary Lane and Atlantic Circle this fall season. The remainder of the work will be completed in the spring of 2020. Based upon the unit costs of the lowest bidder we will be able to complete all of the streets selected including the Bike Paths within our budget.

Rec'd  
9-11-19

*East Passage Estates Lot Owners' Association*  
JAMESTOWN, RHODE ISLAND

September 11, 2019

Town Council  
Town of Jamestown  
Town Hall, 93 Narragansett Ave.  
Jamestown, Rhode Island 02835

To the Town Council:

I read with dismay the front-page story in *The Jamestown Press* about the delay in progress to build a monopole to improve cell phone service in the north end. It was reported that the Council now wants a needs assessment.

Cell phones have rapidly moved from a "nice to have" to a critical technology. According to the Pew Research Center, 96% of Americans own a cell phone, up from just 35% in 2011. Twenty percent of Americans now rely exclusively on a cell phone and no longer have a land line.

Those who live in the village do have strong and reliable signals, thanks to cellular providers leasing transmitter space on the town owned water tower. This permits those in the village to take advantage of all the benefits of today's cell phone technology.

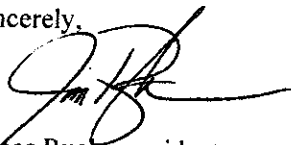
The East Passage Estates Lot Owners' Association includes 97 property owners on the north end. After hearing repeated complaints from our members regarding poor cell service, in 2017 we surveyed them. We found that residents received service from four service providers and regardless of the provider, they rated their cell phone reception as poor or very poor. Some said they were unable to get any signal inside their home. Even those that could get a signal said that workers at their property constantly complained about the poor cell service in this area of Jamestown.

Those few residents who said they had good cell phone service had purchased and installed a cell phone signal booster in order to get service equal to that enjoyed by those in the village.

Residents of East Passage Estates have followed closely the town's progress toward erecting a monopole cell tower at a location of the town's choosing. The two sites currently under consideration would improve cell phone coverage in our area and the income to the town from leasing space on the pole to multiple cell phone providers to install antennas would likely offset the minor cost of the pole.

On behalf of the residents of East Passage Estates, I respectfully submit that there is a critical need for strong, reliable cell phone coverage in the north end, similar to that much of the island now enjoys. I would urge you to continue moving the cell phone pole project forward.

Sincerely,



James Rugh, president  
East Passage Estates Lot Owners' Association

RECEIVED  
TOWN OF JAMESTOWN, RI  
19 SEP 12 AM 10:42

Town council

Jamestown, RI 02835

September 12, 2019

This letter is regarding your recent vote to stop the building of a cell tower on the North end of Jamestown. A big mistake!

I live in East Passage Estate, where cell phone service is unreliable. Many people, now use their cell phone as primary communication service with no land line. Very important for emergency service.

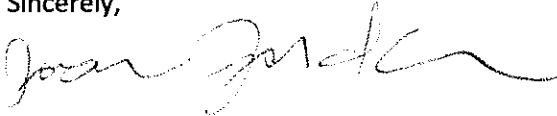
My children had cell phones long before I did. My daughter had to leave the house and go downtown to get a proper signal and not lose her contact. She also had to get a booster for her phone, to try and retain signal. All to no avail.

We have to walk to different parts of house, or go outside to improve signal. I use a wifi connection, in addition to my cell phone signal to try and retain connection.

There is no reliable place to go to retain a signal, except go downtown or off the island.

A cell tower at the North end of the island is a must!

Sincerely,



Joan Jordan

Recd  
9-13-19

Sarah Baines  
59 Intrepid Lane  
Jamestown  
RI 02835

Sept 10<sup>th</sup> 2019

Jamestown Town Hall  
93 Narragansett Ave.  
Jamestown  
RI 02835

Dear Chairman Mike White, Mr. Bill Piva, Mr. Randy White, Ms. Mary Meagher and Ms. Nancy Beye.

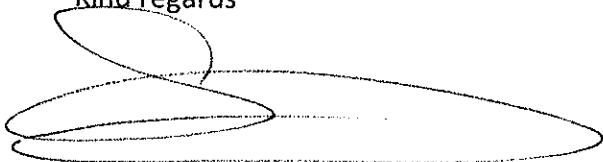
I am writing regarding the article in the Jamestown Press about cell phone service at the north end of the Island.

I live at the above address in East Passage Estates where I have no cell phone service with any provider. My immediate neighbors have the same problem with little or no service. I had always thought that this was a problem that only Verizon/ATT/Sprint/T-Mobile could solve by improving their towers and coverage. I have often received assurances that coverage was going to improve but nothing ever happened. I was delighted to learn that Jamestown could solve the situation by putting up a tower and leasing it to the wireless providers. I thought this had been decided and did not realize that it needed further discussion or research and unfortunately didn't realize there was a meeting to discuss it.

I do have sympathy for those whose property values would be effected by a cell phone tower placement, but my property is being devalued by the fact that my house has no Cell Service, which these days is as important as Electricity, Water or Sewage.

Experience has led me to be cynical about promises of better service or 5g being rolled out imminently in rural areas. I welcome your assessment of need in the North End and live in hope that I will soon enjoy the same cell phone coverage as those living in town enjoy.

Kind regards



Sarah Baines



**Erin Liese**

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**From:** sav@savri.com  
**Sent:** Sunday, September 15, 2019 2:20 PM  
**To:** Christina Collins; Erin Liese  
**Subject:** Extra Spending for Conservation Easements

Dear Councilors,

In reviewing the Town Administrators report dated September 12, 2019 regarding the Conservation Easements for 22 lots in the Shores we noticed the need for a \$50,000 expenditure to make 10 of those lots qualify for the extra protection by foreclosing the right of redemption.

First, we were under the impression that all the lots presented for the Conservation Easement had already been foreclosed and would not need any additional funding beyond the normal title amendments.

Second, all the lots have previously been considered non-buildable and under little risk of development by the Town. The extra Conservation Easement was done to satisfy the fears of a neighborhood organization who's most active members property holdings would benefit by the action, and supported by the Land Trust to continue to build their portfolio of controlled properties to enhance fund raising.

Since the \$50,000 expenditure is unexpected and not previously identified to the public before the decision to approve the lots for the extra title identification as a Conservation holding, we believe that the town should hold a public hearing and allow all the Shores residents the opportunity to identify how they would like to see the funds used.

Should it be spent for the "extra ordinary protection"... or for other important needs like improving the access to Rights of Ways, water level tracking devices for actual supply monitoring, aquifer recharge through forest management or even a couple of neighborhood dog parks?

We believe that if Town funds are going to be used in the Shores, then the all residents should have the opportunity to express their priorities and not just those few with special interests.

Thank you for time in considering this request.

Sav Rebecchi  
Communications Volunteer  
Upper Shores Advocates

September 10, 2019

To: Jamestown Town Council Members  
And Town Solicitors  
Town Hall  
Jamestown, RI 02835

RECEIVED  
TOWN OFFICE  
19 SEP 16 PM 2:58

Dear Council Members and Town Solicitors,

Enclosed you will find 2 formal complaints against the management of the Jamestown Housing Authority. I am sure that, at this point in time, you are probably aware, or have at least heard of, some of the problems that exist at the Jamestown Housing Authority. I will attempt to give you a synopsis of the issues that I, as well as other residents have experienced as well. My name is Bernie Courtney, I have been at Pemberton Apartments since November of 2017 and I reside in bldg. A, (my backyard area and garden area is adjacent to Mrs. Clock closest to Watson Ave).

**HUD was contacted for various reasons over 4 months ago in May or 2019.** Though I made the initial contact with HUD, many residents have since called for multiple reasons and complaints. However, the main reason I contacted HUD was because in May, 2019, **Brian Anthony**, the **Operations Manager**, decided to write up a "Garden policy", **basically vetoing all previous granted permissions**, posting it on everyone's door as **POLICY**, without the JHA board even reviewing it or approving it. (Residents had previously granted permissions, by the Executive Director Rick Leco for lawn furniture, hanging brackets for hanging pots, potted plants, outdoor grills, and permission to use the outside enclosures for storage of personal properties). Rick Leco was not at that May Board meeting, when Brian Anthony became quite agitated at several residents, (myself included) and snapped several times during that meeting. His temper was evident over the issue of the Garden policy, and basically accused residents of lying, when they attempted to communicate to the board that certain things had been previously allowed by the Executive Director. He made false statements to the Board at that meeting, claiming that certain outdoor permissions we had been given, were against HUD rules! Though residents consequently were very upset about Brian Anthony vetoing all of these previously granted permissions, the ED Rick Leco was seldom in the office or available to speak with. Though I had made numerous attempts to speak with the Executive Director, he never returned any of the voice messages I left in the office, nor did he reply when I had sent him a sealed envelope in the office, requesting to meet with him to specifically ask what exactly were the HUD rules regarding the use of outdoor lawn furniture, flower pots, grills, etc. Consequently, I contacted HUD.

I wanted to find out: **1) what the HUD rules were regarding outdoor gardens and lawn furniture.** (What I found out was: that the **outdoor policies are determined by each individual, housing Authority.**) and also, **2) I had been made aware of the fact that residents in attendance at the JHA board meetings were never documented,** (HUD Rule) and their comments and concerns during Public comment section of the meetings were **NEVER RECORDED** in the

minutes (another HUD rule)! I found this out merely by accident, upon inquiry at the Town Hall in Jamestown, when I requested the copies of the most recent JHA board meeting minutes. Not only were minutes from 2019 NOT available, but the most recent minutes that they had were from December 2018! I also found out that this Housing Authority submits the minutes to the town **once a year**, at the end of the year, **for the entire year**! How would the Town be aware of any issues of serious concern, if they are not even provided the minutes 8-10, even 12 months afterwards?

Though I had tried to speak directly to the ED, Rick Leco, **prior to contacting HUD**, he never returned my calls or made any attempt to contact me until AFTER HUD was contacted, and his only reaction towards me was one of **extreme hostility**. This hostility was witnessed by another resident (Sam Bough) the day he finally showed up, around one o'clock in the afternoon, on a Thursday, after being absent for weeks, directly in front of the JHA office. When I saw him I said "Hi Rick, did you get my envelope of any of the messages I left you?" He refused to speak with me, glared at me, then threw up his hands and **yelled**, "You contacted HUD, it's out of my hands, and I'm not speaking to you" This **retaliatory hostility** has been obvious not only from the Executive Director **Rick Leco**, the Operations Manager **Brian Anthony**, but from the Chairman of the Board **Ed Gromata as well**, since HUD was contacted.

The Chairman of the JHA Board, Ed Gromata runs the Board Meetings with an extreme authoritarian attitude, as though these meetings are his own personal Court Room, rather than a Housing Authority Board Meeting! It has gotten to the point where residents are not allowed to speak and are discouraged from having any kind of exchange whatsoever with the Board! He **changes the rules every single meeting** as to HOW the residents can even address the board, with no advance notification whatsoever. In the **June 27th** meeting, **he completely shut down the public comment session** of the meeting and stopped all residents from speaking, asking questions and having any chance to speak. This was also the meeting where Talitha Pope was in attendance, directly from the HUD Regional office in Boston! His attitude towards this woman (and her intruding into HIS meeting) was obvious from the start of the meeting. He came in late, announced that we had a visitor from HUD, introduced her, and then proceeded to tell her that **she is a guest here, she cannot speak and interrupt the meeting!** She complied with his request, but her reaction seemed to be one of disbelief with raised eyebrows! (I personally could not believe how disrespectful he was towards this superior HUD representative from the Regional Office in Boston.)

In the **July 18<sup>th</sup>** meeting, there were only two residents in attendance, (not surprisingly after everyone was stifled from speaking in June), myself and Jim Anderson. At that meeting, he told us **he would allow one question a piece, and one question only!** Jim Anderson was shut off completely after his question and was not allowed to elaborate or even ask **how he would receive an answer** to his question! (His question was on behalf of another resident and he wanted to know what was the policy regarding how much time is allowed a resident to move from one apartment to another on the premises). BTW, He still has not gotten an answer to his question, OR have we be informed HOW our questions will be answered and it is now 2 months later! My question pertained to the garden policy that had been accepted and I wanted to

know how he and the board could implement this garden policy and basically veto all the previously granted permissions that the residents were allowed. I had a piece of documentation that I had kept from 2017 which was from the ED stating the residents needed to have all of their outdoor garden furniture and pots stored in the enclosures for the upcoming HUD inspections. I walked up to the board table and placed it on the table. He immediately **started yelling at me telling me to "sit down" and "you're out of order"** He then proceeded to **angrily and aggressively swipe the paper off the table** that I had placed on the table! He yelled at me again to **"sit down"**. I walked back to my chair, gathered my things and very calmly said "no, I'm not going to sit down, I'm walking out." And before I walked out the front door I turned to the board and calmly said to the entire board, "Apparently we do not have a voice here".

In the **August 22<sup>nd</sup>** board meeting, again the rules were changed again as to how the residents might be able to exchange with the board. This is also the meeting where Nancy Bye from the Town Council was in attendance. Though there were 8-9 residents in attendance at that meeting, Gromata announced that he **"would allow 5 questions from the entire group, but the questions had to be in writing"** So if you did not have your question in writing (once again, **no advance notice**, or even letting residents know this requirement at the beginning of the meeting, rather than at the end as he opens up the meeting to the public comment session) then you could not speak or address the board. I know he was aware that Nancy was going to be at this meeting and I believe Gromata planned on intentionally discouraging the residents to speak and address the board, simply so that he would not have to deal with responding to resident issues in front of a town council member present. This chairman not only lacks communication skills, but also people skills as well.

Nancy can also inform the town council of the **uncontrolled yelling, screaming and ranting from Executive Director Rick Leco that she herself experienced at this particular meeting.** (Please see my Formal Complaint against Rick Leco). Gromata, as well as the resident commissioner Kathy Powers (who does not live on the premises) and the operations manager were all present in the office when this happened, and they allowed it to continue for quite an extended period of time, obviously without making any attempt to stop him from screaming and yelling uncontrollably! This is typical of the intimidating, bullying and hostility that is now prevalent (and seeming permissible) at this Housing Authority. The simple fact that his explosive, volatile behavior, which is **and should be a serious concern for the safety of any resident living at the JHA**, and, the fact that this behavior **went unchecked by this Chairman or the members of this board is absolutely shocking to me.** This behavior from the ED and also the fact that Brian Anthony, thinks it is acceptable to threaten a resident who calmly walks into the office and requests a copy of the minutes and is then threatened to have the police called, is just another example (in my opinion) of how this behavior from management is considered acceptable by this Chairman and even seems to be encouraged.

Another issue of concern for me as well as other residents, is the recording of minutes. Since HUD was contacted in **May of 2019**, and resident comments were never recorded or documented prior to **June of 2019**, and since the JHA Board are now aware that resident comments and questions **HAVE** to be recorded into these minutes, not only do the minutes

reflect the totally **hostile and insolent attitude** of Brian Anthony (who acts as secretary, writing the minutes and notices, albeit inappropriately!), and Rick Leco, but Ed Gromata as well.

As previously mentioned, (regarding the changing of the rules at every meeting by Gromata), what is consequently put into the minutes (since they are now required by HUD) are fabrications, inaccuracies and purely manufactured statements. This is all done in an attempt to cover up for Gromata's contemptuous behavior at these meetings towards the residents, and his lack of providing the residents with advance notice or any protocol whatsoever. The resident comment section of the minutes not only lack a neutral tone, but target certain residents (namely me) for challenging them, and calling them out on their inappropriate treatment of the residents. (Though there have been problematic tenants there in the past and still are, not all residents deserve to be treated like second class citizens) Brian Anthony (and Gromata as well) now document things into the minutes that not only were never said at these meetings, but also never happened! (One example is the July minutes where it is written: "MS Courtney became agitated and began to speak over the chair.....she continued to raise her voice and aggressively approached the board table throwing a paper on the table asking the chairman to read it") Total lies and fabrications. I placed the paper on the table, saying simply that: "I have this piece of documentation for the board to read" Gromata himself angrily and aggressively swiped it off the table yelling at me to "sit down".

I have suggested in writing, that they hire someone once a month to record the minutes accurately. Jim Anderson brought up in the August meeting **the fact that the minutes do not reflect or have a neutral tone to them, and targets certain individuals specifically**. It doesn't seem to matter what is requested by the residents, all requests are ignored. Residents cannot and do not even get answers to their questions that are raised at meetings months prior.

The fact that Brian Anthony, Rick Leco and chairman Gromata feel completely entitled to not allow a resident to obtain a draft of ANY minutes, or an unofficial copy of the minutes before they are approved (title 42:open meetings, Chapter 42-46), just goes to show (in my opinion) that this JHA Board **lacks transparency** and are completely aware of the deception and fabrications that they themselves put into the minutes to target certain residents and "paint a negative picture" of that individual, and in the process, clear themselves of any wrongdoing.

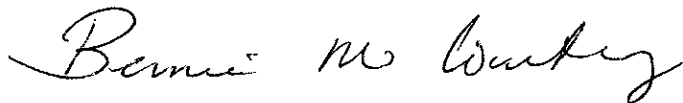
This Housing Authority has many problems that the Town Council needs to be aware of, not just in the violations that have already been mentioned, but in the fact that there are other issues and reports never documented into the minutes and consequently never followed up on in a timely manner if at all, that should indeed concern the town. One such example is the fact that Brian Anthony reported several months ago in April that the water bill, which averages around **\$1600.00 quarterly, spiked to \$12,437.00!** The fact that none of this is documented into the minutes, **is just another example of nonspecific and totally poor documentation of the issues and reports at these meetings**. He was asked to follow up on this matter, check with the water dept. for a faulty meter, and numerous other recommendations were made by various board members, including putting in separate meters for each building, and or each unit. Resident Jim Anderson suggested that the water dept. actively read the meters each month instead of doing a drive by. NONE of those recommendations were put into the minutes, nor the report itself, so

consequently, it was forgotten, until, the July board meeting, when Gromata himself stated he was "still concerned over the \$6,000.00 increase in the water bill". (When it was actually over \$10,000.00!!!) He asked Brian Anthony if he had contacted the water dept. and Brian claimed he was still waiting to hear from them!!!!(FYI I had the water dept., at my apartment in less than 3 days when I contacted them regarding manganese in my water.) It was obvious that the Operations Manager never contacted the water department, since this was 3 months later!!!! The water department will absolutely respond to a request to check on something and arrange a time and date. If he still "was waiting to hear from them" 3 months later, obviously, he never contacted them!

I am hoping with the town council's intervention that something can be done about the problems here with this housing authority. I would like to ask the Town Council Members to seriously consider any future applicants for JHA Commissioners so that future commissioners will not be afraid to speak up, voice their concerns, investigate residents' concerns and issues (instead of this seemingly current policy where any interaction between board members and residents is completely discouraged and board member are actually chastised for speaking to residents). The fact that certain actions by the management are ignored, accepted and never acted upon by the board is baffling to me. If the Board of the JHA will not hold this management accountable for poor management, then it is no wonder that residents have gone and continue to go to outside agencies for assistance. I have hope that future commissioners will not be afraid to oppose the current and seemingly prevalent sentiment that no one can actually stand up to this chairman, management, and or future chairs, for whatever reasons, political or otherwise. I also would strongly recommend that the Town Council consider any future Commissioners in regards to the Nepotism that is so prevalent on this island and is quite obvious here at JHA with a certain individual's sense of entitlement and therefore, has protection under any circumstances, however uncalled for and inappropriate his actions might be, whatsoever. Also I would like the Council to make it a requirement for future Resident Commissioners that they must be living in Pemberton Apartments and not merely have an apartment on the premises.

I would be more than happy to speak with or before the town Council if you would like any additional information, have any questions, or would like my opinions on any of the above mentioned issues. Please feel free to contact me or have Nancy reach out to me at any point in time.

Respectfully,



Bernie Courtney  
45 Pemberton Ave  
774-402-1130



Bernie Courtney  
45 Pemberton Ave  
Unit A1  
Jamestown, R.I. 02835  
774-402-1130  
[courtneybernie@yahoo.com](mailto:courtneybernie@yahoo.com)

To: The Jamestown Housing Authority  
Board of Commissioners  
45 Pemberton Ave  
Jamestown, RI, 02835

## FORMAL COMPLAINT

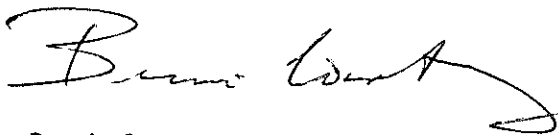
September 16, 2019,

I am making a **FORMAL COMPLAINT** against the Executive Director **Rick Leco**, of the Jamestown Housing Authority for the following reason:

On August 22<sup>nd</sup> the day of the August board meeting, I went into the office to request a copy of a draft of the unofficial Minutes from the last board meeting, which was held on July 18<sup>th</sup>. (According to Open Government Meeting Laws, anyone has the right to request a copy of these minutes 35 days after the meeting OR at the next scheduled board meeting, whichever comes first!) I had already put this request in writing, and submitted it to the office on August 8<sup>th</sup>. When I entered the office, I simply asked for a copy of the minutes that I had already put in writing.

**Mr. Leco immediately started yelling and screaming at me with uncontrolled hostility and rage.** Also Present in the office at the time was the Chairman Ed Gromata, Brian Anthony and Kathy Powers, the Resident Commissioner. **His yelling continued for some time, and was clearly audible to every board member there, as well as all the residents in the next room waiting for the meeting, and the town council woman Nancy Bye.**

No resident should have to deal with such inappropriate and unprofessional behavior from the Executive Director and anticipate these kinds of reactions from **either** management whenever they walk into the office. This intimidating and harassing behavior is totally **unacceptable**.



Bernie Courtney

Bernie Courtney  
45 Pemberton Ave  
Unit A1  
Jamestown, R.I. 02835  
774-402-1130  
[courtneybernie@yahoo.com](mailto:courtneybernie@yahoo.com)

To: Members of the  
Jamestown Town Council  
Jamestown Town Hall  
Jamestown, RI, 02835

## FORMAL COMPLAINT

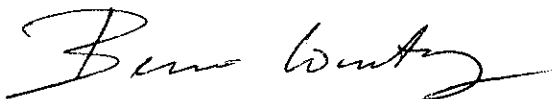
August 28, 2019

I am making a **FORMAL COMPLAINT** against the Operations Manager **Brian Anthony**, of the **Jamestown Housing Authority** for the following reason:

On July 19<sup>th</sup>, I went into the office to request a copy of the Minutes from the board meeting, which occurred the day before, on July 18<sup>th</sup>. (According to Open Government Meeting Laws, anyone has the right to request a copy of the minutes!) Mr. Anthony first told me I had to put the request in writing. I replied that I could put it in writing, if he would give me a pen and paper. He then said that I would need to come in on the following Monday and speak to the Executive Director, Rick Leco. Before I could say anything more, he proceeded to say:

**“I am not comfortable with you in my office and the way you’ve been acting lately, and if you don’t leave, I will call the police and have you removed”**

This response to my request was totally **inappropriate and unacceptable**. As a resident, I do not appreciate, expect and will not tolerate this kind of harassment, intimidation or bullying from management.



Bernie Courtney

RECEIVED  
TOWN OF JAMESTOWN, RI

19 SEP 16 AM 11:43

John Conroy  
10 Shamrock Court  
Jamestown, RI

September 11, 2019

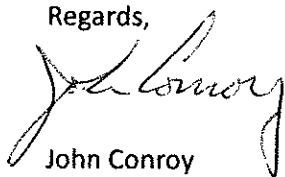
Dear Town Council Members,

I was disappointed to read last week's front-page Jamestown Press story about improving cell phone service as it relates to the Islands north end. As a former Jamestown EMT volunteer, I know through personal experience how precious time is in a critical event. North end residents need reliable access to emergency services. It is my understanding that none of you live on this end of the Island and share the frustrations of a spotty cell signal.

Residents on the north end also wait in long lines at the voting polls. Remind yourselves that your decisions have an impact on all of us. Please reconsider your position on whether or not to re-visit the subject.

Do not isolate a significant portion of the Island's population from a much-needed cell signal boost and the peace of mind knowing their call will be reliably connected in a potentially life saving event.

Regards,



John Conroy

RECEIVED  
TOWN OF JAMESTOWN, RI  
19 SEP 16 PM 12:58

37 Columbia Lane  
Jamestown RI 02835  
401 423 2987 (land line can't use cell phones in our home)

Town Council  
Town of Jamestown  
Jamestown RI 02835

September 14, 2019

SUBJECT: North End Cell Phone Tower

Dear Town Councilors,

I was very disappointed to read in the Jamestown Press that the Cell Tower for the North End of Jamestown has been deemed by your decision, to be unnecessary. As a resident of the North End, I disagree with your assessment. Even with a signal booster, we have intermittent cell phone signal making the use of a cell phone for phone call useless. As a result, we have to add the expense of having a landline.

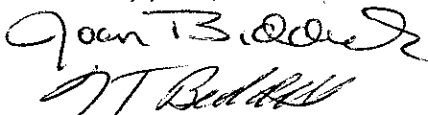
As most of the Town Council live within the village, you receive ample cell phone signal, so you don't suffer from the same inconvenience. You can send and receive cell phone calls in you homes without issue.

I would ask each of you to take one week and not send or receive a cell phone call and see if you find it inconvenient. Guests to our home can't believe that in this day and age we can't send or receive cell phone calls...

I would ask you to reinstate this discussion and allow a cell phone tower on the north end of the island that would provide the same type of service that you enjoy. We pay the same taxes you do and would hope to receive the same type of services.

Thank you for your consideration

Sincerely yours,

  
Joan and John Biddick

RECEIVED  
TOWN OF JAMESTOWN, RI

19 SEP 18 PM 4: 24

Jamie Enberg  
204 Intrepid Lane  
Jamestown, RI 02835  
401-560-4000  
zieglerje@hotmail.com

September 15, 2019

Jamestown Town Council  
93 Narragansett Ave  
Jamestown, RI 02835

To All Members,

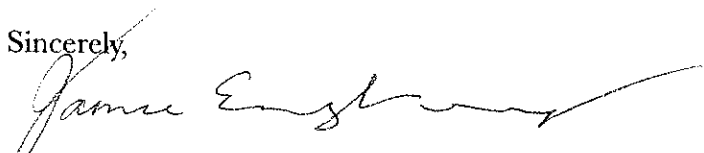
My family lives in East Passage. We adore the neighborhood and community. But no location is perfect. We do NOT have sufficient cell coverage. When my family and I are out walking or biking, we are unable to reach each other or accept phone calls & text messages. This has become a concern of mine as my children have grown old enough to walk or bike to friends houses on their own. They are NOT able to call me from their emergency cell phone if they have trouble along their route. Also, I fear that my husband (an avid road biker & jogger) will not be able to reach me should he have trouble while out on the north end of Conanicut Island. Finally, when we have company visit, they can NOT call and get in touch with us when they are getting close to our home, but have trouble locating it.

All of these fears and concerns seem silly to me at this day in age...I truly believe we should not have to worry about dropped calls and not having cell coverage when we are literally at or near our own homes.

A cell tower on the north end of Conanicut Island will certainly keep us all safer and alleviate these fears/concerns.

Thank you for your time and efforts to make Jamestown, RI such a wonderful place to live.

Sincerely,



Jamie Enberg



Jamestown Town Council

c/o Town Clerk

93 Narragansett Ave

Jamestown, RI 02835

Re: Cell phone service on Jamestown north-end

Dear Honorable Members of the Jamestown Town Council,

I feel compelled to urge the Town Council to revisit the actions that have been taken in an attempt to secure desperately needed improvements to the mobile cellular service currently in effect for the north end of our island.

I am a resident of the north end, and as a real estate broker, I rely very heavily on conducting business via cell phone. I also rely on my cell phone as emergency call device when walking for exercise.

I will attest to the fact that the current state of cellular phone service available to the entire north end of Jamestown is extremely dysfunctional. Missed calls, constant signal drift, inability to secure voice mail messages, inability to place and receive calls, are far too excessive occurrences.

What we need is fast and decisive action on the part of elected leaders to correct this problem. What we DO NOT NEED is a study or a needs assessment to determine that a major problem does exist.

Plain and simple: We need a cellular antenna now.

Respectfully submitted,

Robert Marcello

150 America Way, Jamestown, RI 02835

**Democratic Town Committee  
Of Jamestown, Rhode Island  
Resolution  
In support of Assault Weapon and  
High Capacity Magazine Ban**

WHEREAS:

Laws banning assault weapons are consistent with the Supreme Court's interpretation of the Second Amendment to the United State Constitution, in that the 2008 ruling in *District of Columbia v. Heller*, the Supreme Court stated for the first time that the Second Amendment protects a law abiding citizen's right to possess an operable handgun in the home for self-defense, but the Court noted that the right is limited, including the limitation that the Second Amendment would not preclude banning "dangerous and unusual weapons".

WHEREAS:

Seven states and the District of Columbia have enacted laws banning assault weapons, namely, California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York.

WHEREAS:

Assault weapons and/or high capacity ammunition magazines have been used in recent mass shootings of innocent civilians, including:

- o El Paso, Texas, August 3, 2019, where a shooter killed 22 people in 30 seconds using a WASR-10, a civilian version of an AK-47;
- o Dayton, Ohio, August 4, 2019, where a shooter killed 9 people and wounded 7 using an AM-15 semi-automatic with a 100-round drum magazine;
- o Parkland, Florida, February 14, 2018, where a shooter killed 17 people and wounded 14 at Marjory Stoneman Douglas High School using an AR-15 style assault rifle;
- o Orlando, Florida, June 12, 2016, where a shooter killed 49 people and wounded 58 at the Pulse Nightclub with an AR-15 style assault rifle; and
- o Newtown, Connecticut, December 14, 2012, where a shooter killed 26 people and wounded 2 at Sandy Hook Elementary School with a Bushmaster XM15-E2S rifle with 10 magazines with 30 rounds each.

NOW, THEREFORE, BE IT RESOLVED:

That the Jamestown Democratic Town Committee of Jamestown, Rhode Island, has voted to call upon all elected officials at the local, state, and national levels to support an out-right ban on the further sale and use of assault style weapons and high capacity magazines.

WHERE TO:

The following bear witness:

Anne M. Livingston

Anne M. Livingston

Melody Drnach

Melody Drnach

Jamestown Democratic Town Committee co-chairs

Date: September 9, 2019

**Subject:** Item for October 7 Town Council Agenda

**Date:** Tuesday, October 1, 2019 at 12:32:00 PM Eastern Daylight Time

**From:** Carol Nelson-Lee

**To:** Erin Liese

Hello Erin,

In the interest of transparency, I respectfully request the letter from the Rhode Island Attorney General's office which dismissed the first OMA complaint leveled at the Jamestown Board of Canvassers be placed under "Communications" for the October 7, 2019 town council agenda.

Thank you.

Carol

Carol Nelson-Lee

Chairwoman

Jamestown Board of Canvassers



State of Rhode Island and Providence Plantations

**OFFICE OF THE ATTORNEY GENERAL**

150 South Main Street • Providence, RI 02903

(401) 274-4400

*Peter F. Neronha*  
*Attorney General*

**VIA EMAIL ONLY**

June 26, 2019  
OM 19-09

Hugh A. Murphy  
[Hamurphy37@cox.net](mailto:Hamurphy37@cox.net)

Peter D. Ruggiero, Esquire  
Town Solicitor, Town of Jamestown  
[peter@rubroc.com](mailto:peter@rubroc.com)

**RE: Murphy v. Jamestown Board of Canvassers**

Dear Mr. Murphy and Attorney Ruggiero:

We have completed our investigation into the Open Meetings Act (“OMA”) complaint filed by Mr. Hugh Murphy (“Complainant”), against the Jamestown Board of Canvassers (“Board”). For the reasons set forth herein, we find that the Board did not violate the OMA.

**Background**

The Complainant alleges that the Board violated the OMA at its meeting on January 9, 2019 when a Board chairperson unilaterally ended discussion on an agenda item without taking a vote of the Board members who were present. The Complainant further alleges that the chairperson decided to take no further action or vote on the matter at issue. The Complainant also notes that he is a member of the Board and was present and represented by independent counsel at the January 9, 2019 meeting.

Town Solicitor Peter D. Ruggiero submitted a response on behalf of the Board asserting that the subject agenda item (reproduced below in pertinent part with formatting slightly altered) reads:

**“III. New Business**

\*\*\*

- B) Objection filed by Hugh Murphy challenging the Board of Canvassers’ certification of signatures on Conanicut Sanctuary Petition; review, discussion and/or potential action and/or vote.”

Solicitor Ruggiero further states that, “[b]ased on my investigation and analysis of the relevant legal requirements of the OMA concerning the Complaint, I conclude that no legal basis within the OMA or the agenda item itself required that a vote be taken by the Board on this agenda item.”

Solicitor Ruggiero also argues that the Complainant “is not an aggrieved party because he is a Board member who was present at the meeting, was represented by legal counsel and both he and his legal counsel participated in the Board’s consideration of his objection.”

The Complainant submitted a rebuttal,<sup>1</sup> which argued, among other points, that he has standing to bring this Complaint because he did not “relinquish [his] rights as a private citizen or member of the public” and therefore “claim[s] [his] rights and protections under the Open Meetings Act (OMA).”

With that background in place, we turn to the relevant law and substantive findings.

### Relevant Law and Findings

When we examine an OMA complaint, our authority is to determine whether a violation of the OMA has occurred. *See* R.I. Gen. Laws § 42-46-8. In doing so, we must begin with the plain language of the OMA and relevant caselaw interpreting this statute.

Assuming, without deciding, that Complainant had standing to bring these allegations, we find no violation because the OMA does not require that a vote be taken on an agenda item and does not require a public body to discuss an issue. *See* R.I. Gen. Laws § 42-46-6(d) (“Nothing contained in this chapter requires any public body to hold an open 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.”). Furthermore, absent any evidence of an intent to mislead, we are not aware of any legal authority that requires a public body to vote on a matter simply because an agenda item

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<sup>1</sup> The Complainant’s rebuttal introduces new allegations regarding a November 27, 2018 meeting, which is not properly before this Office. Our correspondence to the Complainant indicated that his “rebuttal should be limited to the matters addressed in the Board’s response and should not raise new issues that were not presented in your complaint or addressed in the Board’s response.” (Emphasis added). Accordingly, this Office has declined to review issues which are raised for the first time in a rebuttal since the public body has no opportunity to respond to the new allegations and this Office cannot fully investigate them. *See Mudge v. North Kingstown School Committee*, OM 12-35. Complainant is free to submit a new complaint based on additional facts provided that the statute of limitations has not expired.

Complainant’s rebuttal also makes several allegations against Attorney Ruggiero in his capacity as Town Solicitor. Please be advised that the Town Solicitor, who Complainant does not allege is a member of the Board, is not a “public body” under the OMA. *See* R.I.G.L. § 42-46-2(3). Accordingly, the allegations about the Town Solicitor’s individual actions do not implicate the OMA.



indicated that a vote was possible. *See Black v. Coastal Resources Management Council Rights-of-Way Subcommittee*, OM 10-10.

Some of Complainant's allegations are directed toward the Board's Chairperson, but we note that the OMA applies to public bodies and not individual members of public bodies. *See Pine v. McGreavy*, 687 A.2d 1244 (R.I. 1997). Allegations about the Chairperson's individual actions do not implicate the OMA.

We also note that our authority under the OMA in this matter is limited to determining whether the conduct alleged in the Complaint violated the OMA. We make no determination regarding the substantive issue raised by Complainant at the meeting regarding the certification of signatures or whether the Complainant may otherwise pursue relief on that issue.

Conclusion

Although the Office of the Attorney General has not found a violation and will not file suit in this matter, nothing in the OMA precludes an individual from pursuing a complaint in the Superior Court as specified in the OMA. The Complainant may pursue an OMA complaint 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." R.I. Gen. Laws § 42-46-8. We are closing our file as of the date of this finding.

We thank you for your interest in keeping government open and accountable to the public.

Sincerely,

By: /s/ Kayla E. O'Rourke

Kayla E. O'Rourke

Special Assistant Attorney General

KO/dg