

TOWN COUNCIL MEETING
October 7, 2019

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on October 7, 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 and Chief of Police Edward A. Mello.

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.

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

A) Proclamations:

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

Councilor Beye read the resolution in support of the restoration of Southern Gould Island.

A motion was made by Vice President Meagher with second by Councilor White to adopt the 2019-19 Resolution in Support of the Restoration of Southern Gould Island.

Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

Vice President Meagher thanked David Sommers and members of the Gould Island Committee for the work done on this issue.

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: 44th Annual Jamestown Classic Bike Race
Dates: October 14, 2019
Location: John C. Rembijas Pavilion
Request for Waiver of Pavilion Rental Fee

Chief Mello explained the history of the event. He further explained the challenges regarding logistics. He also explained the move to Ft. Getty to reduce the number of officers needed. He further clarified that four Police Officers are required. If the officers were provided by the department there would be no cost to the Rotary; however if they were out of town officers the responsibility would fall to the Rotary Club.

Interim Town Administrator Collins advised on the waiver of the fee, liability waiver and advisement to all riders regarding the construction of North Road.

Mark Holland member of the Rotary Club explained the event is a crucial fundraiser that supports many things in the community. He further explained the difficulty with paying fees and in 43 years they have not paid fees. He also explained the reduction of participation with moving to Fort Getty and if they were responsible for fees they would not hold the event.

Discussion ensued on fees.

A motion was made by Vice President Meagher with second by Councilor Piva to approve and grant the request to waive the pavilion rental fee for the Jamestown Rotary Club Event License to hold the 44th Annual Jamestown Classic Bike Race on October 14, 2019 and to review the Police Office Detail Fee annually. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 2) Applicant Lawn School 8th Grade Class
Event: Duck Race
Dates: October 20, 2019
Location: East Ferry Beach
a) Request for Waiver of Application Fee

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Lawn School 8th Grade Class request to hold a Duck Race on October 20, 2019 and waive the application fee. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 3) Applicant Jamestown Police Department
Event: Halloween
Dates: October 31, 2019
Location: Narragansett Ave

Chief Mello explained the event.

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Jamestown Police Department Halloween Event and waive application fee. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- B) Vendor/ Peddler License Application:
 - 4) Applicant Lawn School 8th Grade Class
 - Dates: Saturdays & Sundays in October
 - Location: Eldridge Field
 - b) Request for Waiver of Application Fee

A motion was made by Vice President Meagher with second by Councilor White to approve the Lawn School 8th Grade Class request for a Peddler License on Saturday and Sundays in October, with waiver of the application fee. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 5) Applicant Noble Knots, LLC
 - Dates: October 31, 2019
 - Location: 20A Clinton Ave

Chief Mello clarified approval for vendors on private property. He also explained in this case it was needed for it is part of the public Halloween event.

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Noble Knots LLC Peddler License for October 31, 2019. 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- None

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

Interim Town Administrator Collins reported on the following items: Town Administrator Search Process, Conservation Easement/ Restrictions Jamestown Shores, Jamestown Golf Course Club House Pre Bid, and Jamestown Philomenian Library Pre bid. She further explained Chief Mello would provide an update on EEE.

Chief Mello provided an update on Eastern Equine Encephalitis and West Nile Virus. He further explained the spray scheduling conducted by the Town, DEM monitoring, smart scheduling, and personal protection to avoid the risk. He advised the risk remains until we receive frost temperatures.

Councilor White questioned if an update was available on the Cellular study.

Interim Town Administrator Collins advised report should be received this week. It will then be reviewed by staff, distributed to Town Council and made public on the Town’s website.

Vice President Meagher requested communications received regarding cell tower and cellular service be moved to the October 21st agenda.

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 9th and October 22nd 11:00 a.m.
October 21st at 6:30 p.m.

Meeting dates were reviewed.

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

Chief Mello advised on the history of the Jamestown Cooperative Hunting Program. He further explained with the shared use path coming to completion, it would be a safety hazard to keep area #2 in the hunting program and recommended removing it from the program.

A motion was made by Vice President Meagher with second by Councilor White to approve the recommendation by Chief Mello to remove Area #2 from the Hunting Program. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 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

Councilor Piva explained he requested this be pulled from communications for discussion; as he did not recall in 30 years and Open Meetings Violation against the Town. He further questioned the Solicitor regarding authority and corrective action over the board. In reviewing the Charter it does not have clear authority or direction.

Town Solicitor Ruggiero advised this is a unique circumstance. He further explained the history of this issue and the Charter is lacking and very limiting in the area regarding referendum. He advised on the process of certifying signatures. He also stated constructive remedial actions were taken with the development of referendum forms.

Councilor Piva questioned what about other issues such as board members not attending meetings, what is the oversight and can boards be directed to training.

Town Solicitor Ruggiero explained you can investigate a board. He advised on the removal provision in the Charter. He stated they could suggest training; however cannot direct a board to train. He explained a Resolution could be passed to guide a board, but ultimately the biggest power of the Council on a board is the appointment.

Councilor White appreciated the explanation from the Solicitor and explained his service as the Chair of the Charter committee and detailed the revision of the Charter, which remedies this issue. He also stated personally does not see individual board action in this context that requires remediation. He stated the Board of Canvassers and others are victims of the Charter provision. He further explained the first violation was not upheld. He also explained his opinion regarding the Attorney General's inaction. He also read the Attorney General's findings that there was insufficient evidence presented that the Board of Canvassers; knowingly or willfully violated OMA. He also has sympathy for the Board and all parties; for they were acting in good faith.

Vice President Meagher agreed with Councilor White and that the Board was put in an unrepresented and difficult position. He stated no punishment is warranted and if board members do not show up you do not reappoint them.

President White agreed with Vice President Meagher and Councilor White. He stated violation of the Open Meetings Law is not difficult, especially due to the digital age. He advised on the restrictions of the Open Meetings. He stated the Open Meetings Law needs work to address technological updates. He stated this is a great lesson learned and attempt to resolve a problem.

Vice President Meagher advised all boards should be trained on Open Meetings.

Councilor White agreed on instruction on Open Meetings.

Discussion ensued on training.

Interim Town Administrator Collins advised on the online training available by the Attorney General's Office.

Hugh Murphy of Stearns Street and member of the Board of Canvassers commented on the Open Meetings violation and also advised that now having a decision it should serve as a heads up for future conduct. He also stated the real issue was the certification of the signatures and discussed the certification process. He advised on previous correspondence to the Town Council and the Town Solicitor on this issue and also described contact with the Board of Elections with the amicus brief prepared. He described his concern with the violation acting in the best interest of Jamestown.

Councilor White stated he did not feel that this was place to litigate the above comments and was addressing the decision of the Attorney General's Office to determine the action. He also stated they have the opportunity to appeal the decision with Superior Court and gratuitous smear of the individuals is misguided and uncalled for.

President White further advised the conversation today was regarding the Attorney General's Office violation.

Mary Lou Sanborn of Bay View Drive commented on actions of integrity with regards to Open Meeting and reasons why the Open Meetings Act was created. She further stated no one has spoken up on the rights of the public. The public has a right to transparent government and to have a board follow the agenda. Boards should be aware of how they conduct themselves and advised on the quorum of the Board of Canvassers. She wanted to know why corrective action was not taken. She reminded the Council, it is their job to protect the public. She further stated she wanted a moratorium.

Vice President Meagher stated she would like the Solicitor to determine if a moratorium is allowed. She also advised they have taken administrative steps to provide guidance in this situation.

Discussion ensued on the Charter and amendments.

Councilor White emphasized the decision of the Attorney General that there was insufficient evidence to charge.

Ken Newman of Avenue B and Member of the Board of Canvassers, clarified the meeting held at the Board of Elections, which was a Risk Limit Audit where all Board of Canvassers were invited to attend; which is actually part of our job. He stated he did not contact Mr. Raposa. The members of the Board of Canvasser's and the Canvassing Clerk were approached by Mr. Raposa and gave a suggestion. He advised at that time he thought the issue was with Board of Elections, not the Board of Canvassers. The Board of Canvassers never directed, just put forward a suggestion by Mr. Raposa. He advised that he provided clarification at the next regular Council meeting; which was posted in accordance.

Blake Dickinson of Mount Hope Ave, stated it was his understanding the Town is making strides in rectifying the concerns and wanted the Board of Elections to rule. He further stated his wish for people to stop talking about the meeting and the best thing is to move on. He did not appreciate being called inflammatory. He further clarified why he went to the state and his preference to no longer be involved. He asked everyone to use discretion when in the role as a government official. He closed his comments by appreciating the work done at addressing the concerns that were raised.

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

Council President White stated Frank F. Sallee had submitted resignation from the Board.

Vice President Meagher stated we should send a letter of thanks for service and reminded in order to sit on the board, it must be someone from the hospitality industry.

Interim Town Administrator Collins advised on the need to continue Consent Item D Public Works Bid to the next agenda.

Councilor White advised on the correction needed in September 16th minutes regarding Frank Meyer’s comments. Town Clerk Liese had also agreed to the correction regarding “make hay while the sun shines”.

X. CONSENT AGENDA

A motion was made by Vice President Meagher with second by Councilor Piva to approve the Consent Agenda as amended. 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) 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

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 Slingsluff, 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
TOTAL ABATEMENTS		\$ 2,362.01
TOTAL ADDENDA		\$ 3,529.53

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

Vice President Meagher requested all communications regarding cell tower and service be moved to the agenda that the assessment will be presented. She also advised on communication item 11.

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 Bey, Aye; Councilor White, Aye; Councilor Piva, Aye.

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

- D) 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
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

Councilor Piva stated his intention to recuse from Executive Session item A; pending litigation pension benefits.

It was noted they would change agenda order so Councilor Piva can participate in the other Executive Session Agenda items.

XII. EXECUTIVE SESSION

- 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

A motion made by Vice President Meagher with second by Councilor Piva pursuant to 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; 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; Pursuant to RIGL § 42-46-5(a) Subsection (3) Cyber Security; and Pursuant to RIGL § 42-46-5(a) Subsection (5) Beavertail Lease at 8:02 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 8:54 P.M. It was announced no action was taken in Executive Session:

Councilor Piva entered into Executive Session; however recused from RIGL § 42-46-5(a) Subsection (2) Potential or 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 and departed Council Chambers.

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

XIII. ADJOURNMENT

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

The regular meeting was adjourned at 8:55 P.M.

Attest:

Erin F. Liese, CMC, Town Clerk