

TOWN COUNCIL MEETING
January 4, 20210

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on January 4, 2021. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom. The public access code to participate by phone was 1 (301) -715-8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656 Meeting ID 875 9360 4814. To participate by computer or mobile app: <https://us02web.zoom.us/j/87593604814>. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Erik G. Brine, Michael G. White and Randy White. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, Town Planner Lisa Bryer, Michael Gray Public Works Director and Town Clerk Erin F. Liese.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Beye called the meeting of the Jamestown Town Council to order at 6:32 P.M. held via Zoom, and led the Pledge of Allegiance.

III. COUNCIL, ADMINISTRATOR, TOWN DEPARTMENTS, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise and will be Acted upon in Accordance with Section 42-46-6 (b)

- A) Town Administrator's Report: Jamie A. Hainsworth
1) Update on 2021/2022 Budget Preparation and Process

Town Administrator Hainsworth gave a brief update on the status of the budget preparation and advised that Finance Director Collins is already in preparation.

- B) Town Solicitor's Report: Peter D. Ruggiero, Esq.
1) Update on Civil Action File: NC-2020-0375 Thomas Carey V. Town of Jamestown

Vice President Meagher recused and departed at 6:37 P.M.

Town Solicitor Ruggiero gave an update on Civil Action File: NC-2020-0375 Thomas Carey V. Town of Jamestown.

Councilor Brine questioned the property size. Town Solicitor Ruggiero advised the lot was .09 acre.

Discussion ensued on the property location and size.

Town Solicitor Ruggiero advised no action was needed at this time and he would keep the Council apprised of the situation.

Vice President Meagher rejoined the meeting.

IV. 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: Board and Commission Interviews; January 19, 2021 at 5:00 P.M-Regular Meeting at 6:30 P.M.

Meeting dates were reviewed.

It was noted interviews on January 19, 2021 could begin at 5:30 P.M.

V. 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) Review, Discuss and/or take Action and/or Vote on Request of Joe & Tony Pinheiro to install upwellers at the Fort Getty Pier

Chief Mello gave the following review and recommendation regarding the installation of upwellers at Fort Getty Pier: In 2018, Joe and Tony Pinheiro began discussions with the Jamestown Harbor Commission (JHC) and requested permission to “install” upwellers at the Fort Getty Pier by retrofitting a pontoon boat. The upwellers would be used to cultivate oyster seed until such time that they reach an adequate size and then be moved to their oyster farm located off of Zeek’s Creek.

In 2018, members of the Harbor Commission Facilities Sub-committee and I met with the Pinheiro’s on several occasions to discuss the proposal. Included in the discussion was the North Kingstown model in which the Town realized infrastructure benefits as the result of a similar partnership as well as the desire to maintain public benefit and access. Also discussed was the reality that this would be exclusive to the Pinheiro’s without a public bidding process and the need for Town Council approval as this use is outside the scope of authority granted to the Harbor Commission.

The Pinheiro’s currently have two permits at Fort Getty, which allow them to operate two vessels from the pier. They are both used for commercial fishing purposes. A 19-foot vessel and a 25-foot vessel are both currently permitted and charged a collective rate of \$ 1772.00 per year.

They are currently limited to 160 square feet of work area on the pier deck.

On, March 13, 2019 the JHC recommended to the Town Council that a pilot program be permitted. On April 1, 2019, the Town Council approved the pilot program with conditions as set forth in the attached letter (Attachment A). This included an assessment at the end of the season.

On December 11, 2019, I provided the JHC with my recommendation to terminate the pilot program based on the concerns outlined in the attached memo (Attachment B).

On January 8, 2020, the JHC voted to recommend the extension of the pilot program for the 2020 season and the Jamestown Town Council approved this request on January 21, 2020.

On December 9, 2020, the JHC considered the request that the program be continued. This will now mean that the Pinheiros' will occupy three areas at Fort Getty Pier and will be assessed a total rate of \$2572.00/per year. They were provided the attached documents from me (Attachment C).

After much discussion, the JHC recommended the approval of the program for a period of one-year and to remove the term "pilot" from the agreement. The JHC did not reach a consensus for the permitted area to be allowed on the pier deck. Under the current terms, they are permitted 160 square feet. This is based upon the previous permit of 80 square feet per vessel. The following conditions would remain in place:

- Size of float shall be no greater than 4' by 20'
- Vessels shall meet all local, state and federal requirements
- Shall be considered an extension of the ~~pilot~~ program subject to reassessment in December 2020
- No equipment shall be left on the pier deck outside of the designated work area of 160 s.f.
- Sorter and equipment shall be removed from pontoon boat and deck when not in use
- Insurance and/or bond requirement to be established by the Town
- Harbormaster shall have full authority to remove all equipment at any time
- Required removal of equipment based upon predicted inclement weather conditions
- Rate shall be consistent with current vessel rate; subject to reassessment in December 2021
- Vessels and all equipment when not in use shall be removed from Town property in accordance with all local, state laws, rules and regulations
- No public access shall be permitted onto the float
- No electricity to be used for operation
- Must obtain CRMC permit
- The Town's Insurance Carrier has indicated that the following insurance coverage must be provided; please provide me a copy of the binder listing the coverage detail:
- Minimum General Liability limits: \$1,000,000 per occurrence, \$2,000,000 in aggregate with carrier rated B+ or better by A.M. Best or national rating agency
- List the Town of Jamestown as an additional insured – Endorsement CG 20 37
- The Town will not waive subrogation rights as the Trust General Liability Policy has an express restriction against agreeing to such a waiver.

Vice President Meagher clarified if the permit was extended the rent would be \$2,572.00 per year to be reviewed again in December, 2021.

Tony Pinherio further explained his request to expand upon the pilot program and advised he has not received complaints and has been utilizing this dock for almost 30 years. He discussed the importance of aquaculture.

Councilor Brine emphasized the importance of developing an overall general plan and future plan for Fort Getty.

Discussion ensued on Fort Getty utilization and the pilot program.

A motion was made by Councilor R. White with second by Councilor M. White to Approve the Request of Joe & Tony Pinheiro to install upwellers at the Fort Getty Pier to grow oysters with access to the previously permitted 160 square feet with an additional 80 square feet allowed for a total of 240 square feet with a permit fee to paid in the amount of \$2,572.00. The following conditions would remain in place: Size of float shall be no greater than 4' by 20; Vessels shall meet all local, state and federal requirements; Shall be considered an extension of the program subject to reassessment in December 2021; No equipment shall be left on the pier deck outside of the designated work area; Sorter and equipment shall be removed from pontoon boat and deck when not in use; Insurance and/or bond requirement to be established by the Town; Harbormaster shall have full authority to remove all equipment at any time; Required removal of equipment based upon predicted inclement weather conditions; Rate shall be consistent with current vessel rate; subject to reassessment in December 2021; Vessels and all equipment when not in use shall be removed from Town property in accordance with all local, state laws, rules and regulations; No public access shall be permitted onto the float; No electricity to be used for operation; Must obtain CRMC permit; The Town's Insurance Carrier has indicated that the following insurance coverage must be provided; please provide me a copy of the binder listing the coverage detail: Minimum General Liability limits: \$1,000,000 per occurrence, \$2,000,000 in aggregate with carrier rated B+ or better by A.M. Best or national rating agency ; List the Town of Jamestown as an additional insured – Endorsement CG 20 37 and The Town will not waive subrogation rights as the Trust General Liability Policy has an express restriction against agreeing to such a waiver. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

VI. 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) Jamestown Harbor Commission Member (two vacancies with a three-year term expiring December 31, 2023)
 - 1) Letters of interest for reappointment
 - a) Stephen Bois

A motion was made by Vice President Meagher with second by Councilor R. White to approve appoint Stephen Bois to the Harbor Commission with a term to expire December 31, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye.

- 2) Letter of interest for appointment
 - a) Jessica McCarthy

It was determined to have Mrs. McCarthy interviewed on January 19, 2021.

- 3) Letter of Resignation
 - a) Mr. Harsch

A motion was made by Councilor M. White with second by Vice President Meagher to approve the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye.

VII. 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) Minutes of Boards/Commissions/Committees
 - 1) Zoning Board of Review (November 24, 2020)
 - 2) Zoning Board of Review (December 1, 2020)

- B) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

MOTOR VEHICLE ABATEMENTS TO 2020 TAX ROLL		
04-0160-06M	Motor Vehicle-	\$109.02
04-0160-07M	Motor Vehicle-	\$58.26
ABATEMENTS TO 2020 TAX ROLL		
13-0450-35	Plat 9, Lot 46	\$355.89
ADDENDA TO 2020 TAX ROLL		
18-0152-27	Plat 5, Lot 25	\$ 125.00
TOTAL ABATEMENTS		\$ 523.17
TOTAL ADDENDA		\$ 125.00

- C) Approval of Pole Placement Request by National Grid & Verizon New England for Install Pole 2-2 Across the Street from Pole 2 to Service new Customers on Bay Terrace; Plan WR #30132951

VIII. OPEN FORUM- To participate you will press *9 to raise your hand.

The meeting moderator will coordinate your participation.

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 Council 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

Council President Beye requested that Town Council Liaisons be reviewed at the next Council meeting and also to set up a meeting with the Jamestown Housing Authority.

IX. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor Brine to adjourn at 7:29 P.M. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye.

Attest:

Erin F. Liese, CMC
Town Clerk