

TOWN COUNCIL MEETING
February 4, 2019

I. ROLL CALL

Town Council Members present:

Michael G. White, President
Mary E. Meagher, Vice President
Randall White
William J. Piva, Jr.

Town Council Members absent:

Nancy A. Beye

Also in attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Agnes Filkins, School Committee Member
Jane Littlefield, School Director of Finance
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President White called the regular meeting of the Jamestown Town Council to order at 6:36 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

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

None.

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

A) Presentation

- 1) Fiscal Year 2018 Audit (July 1, 2017 to June 30 2018): Paul Dansereau, CPA, Baxter Dansereau & Associates

Mr. Dansereau thanked the Council for the privilege of performing the Town's audit and thanked Finance Director Tina Collins and staff and School Department Director of Finance Jane Littlefield for their assistance that guaranteed the audit was submitted by December 31, 2018 in compliance with State law.

Mr. Dansereau gave an overview of the FY 2018 audit beginning with the Statement of Net Position on Page 14. This portion shows governmental and business-type activities

including general fund, school funds, special revenue funds, and capital project funds converted from the modified accrual basis as well as assets and liabilities net of depreciation. Lengthy discussion and explanation of long-term liabilities ensued. Pages 145 and 146 of the audit were referenced for more in depth information. The Town's audit is on the full accrual basis.

Overview of Statement of Activities on Page 15 proceeded including Program Revenues and Net Revenue and Changes in Net Assets for expenses, charges for services, operating grants, and capital grants. Long-term liabilities are now reflected in the audited financial statements as required by GASB 75. Explanation of restricted and unrestricted funds ensued.

Overview of the Balance Sheet for Government Funds on Page 16 proceeded with Total Assets, Total Liabilities, Deferred Inflow of Resources and Fund Balance for the general fund, capital improvement fund, non-major government funds, and government funds. This includes the School funds as required by GASB 54. Explanation of the details ensued.

Overview of the Statement of Revenues, Expenditures, and Changes in Fund Balances for Government Funds on Page 17 proceeded. The waterfront infrastructure fund was moved to a capital project fund rather than an enterprise fund and shows as a zero balance.

Page 18 reflects the Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Government Funds to the Statement Activities. Page 19 reflects the Statement of Net Position Proprietary Funds for the enterprise funds and sewer funds for business-type activities on the full accrual basis.

Page 21 reflects the Statement of Cash Flows-Proprietary Funds, reflecting what cash was taken in and went out for the fiscal year. Page 22 Statement of Fiduciary Net Position includes trust funds, OPEB trust funds, police pension, and scholarship funds. Page 23 Statement of Changes in Fiduciary Net Position reflects the activity of the trust funds, employer contributions, and increases. The Notes were referenced as they detail what the Town does with pension funds, OPEB funds, and others.

Page 125 reflects the breakdown of the General Fund, School Fund, and Other GASB 54 Funds that don't qualify as capital project funds or special revenue funds as they don't receive funding from alternate sources and are included in the general fund. Further explanation ensued.

Page 126 reflects the funds combined with the general fund for GASB 54 reporting purposes for the Town and School. The Town had a surplus of \$193,000 and the School had a deficit of \$248,000. Page 127 Notes to Supplementary Information reflects reconciliations of the Town using \$250,000 of fund balance and the School using \$200,000 of fund balance.

Pages 128, 129, 130 and 131 reflect the Balance Sheet, Schedule of Revenues and Expenditures, and Budget to Actual for the School Department alone. Page 133 reflects the Balance Sheet and Revenues and Expenditures for non-categorized funds for GASB 54

reporting purposes. Pages 137 to 139 reflect State mandated reporting requirements to create a municipal transparency portal to host financial information in a centralized location. The opinion of the auditor is required, and for Jamestown it was reported there were no problems with any of the funds for the Town.

Special Revenue Funds for the Town on Pages 99 through 108 reflect revenue and expense accounts. School Grants are reflected on Pages 109 through 116 for special revenue funds. Page 117 reflects capital project funds.

Mr. Dansereau summarized changes to the reporting requirements. Jamestown is one of the best towns he works in due to the consistency of qualified staff. The Council thanked Mr. Dansereau for his report.

V. PUBLIC HEARINGS, LICENSES AND PERMITS

A motion was made by Vice President Meagher with second by Councilor Piva to convene as the Alcoholic Beverage Licensing Board and open the public hearing at 7:12 p.m. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Absent; Councilor White, Aye; Councilor Piva, Aye.

- A) Town Council Sitting as the Alcoholic Beverage Licensing Board
- 1) **NOTICE:** Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **TRANSFER** application has been received by the Town Council under said Act, for the period February 4, 2019 to November 30, 2019; duly advertised in the January 17th and January 24th editions of the *Jamestown Press*; review, discussion and/or potential action and/or vote:

TRANSFER OF CORPORATE STOCK:

CLASS B – VICTUALER

ESJ, Inc.

dba: Simpatico Jamestown
13 Narragansett Avenue
Benjamin L. Brayton 100%

NEW CORPORATE STOCK HOLDERS:

CLASS B - VICTUALER

ESJ, Inc.

dba: Simpatico Jamestown
13 Narragansett Avenue
Benjamin L. Brayton 50%
Amy Barclay de Tolly 50%

A motion was made by Vice President Meagher with second by Councilor White to approve this new application for the Class B – Victualer Liquor License for ESJ, Inc. dba: Simpatico Jamestown; now the corporate stock holders are Benjamin L. Brayton 50% and Amy Barclay de Tolly 50%. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Absent; Councilor White, Aye; Councilor Piva, Aye.

- 2) **NOTICE:** Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **NEW** application has been received by the Town Council under said Act, for the period February 4, 2019 to November 30, 2019; duly advertised in the January 17th and January 24th editions of the *Jamestown Press*; review, discussion and/or potential action and/or vote:

NEW LICENSE:

CLASS B – VICTUALER – LIMITED

Johnny Angels Clam Shack LLC
dba: Angel’s Kitchen
23 Narragansett Avenue
Jamestown, RI 02835

A motion was made by Vice President Meagher with second by Councilor Piva to approve the new Class B - Victualer – Limited Liquor License for Johnny Angels Clam Shack LLC dba: Angel’s Kitchen at 23 Narragansett Avenue. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Absent; Councilor White, Aye; Councilor Piva, Aye.

The Liquor License Cap will be on the next agenda.

A motion was made by Vice President Meagher with second by Councilor White to adjourn as the Alcoholic Beverage Licensing Board at 7:15 p.m. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Absent; Councilor White, Aye; Councilor Piva, Aye.

VI. OPEN FORUM

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

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

- A) Town Administrator’s Report: Andrew E. Nota
Town Administrator Nota reported on the following:

1) FY 2020 Budget Process

Town Administrator Nota referenced the importance of keeping the Council apprised of the information and process for upcoming budgets. The School Budget proposes an increase in the Town contribution of \$865,196 or 7.42%. Detailed information on the School website. Superintendent Duva and Director of Finance Littlefield did a good job simplifying the information and cost drivers. Jamestown is one of the few schools with an increasing population. The recommended increase is based on projections for expenses and revenues, which may be reduced during the budget process.

The preliminary budget meetings with Town departments was completed last week, and the Municipal budget is stable and mostly unchanged. Some departments have shown a need for increases and more detail will be available as we go forward and budgets are refined. Mr. Nota and Finance Director Collins are meeting with RIBEC to review borrowing for the \$5.9 million School Bond. Discussion of budget hearing dates is later in the agenda.

2) Upcoming Job advertisements

a) Jamestown Police Officer

The Town has re-advertised for a full time patrol officer and candidate for the Municipal Police Academy in July.

b) Parks Department Laborer

There is a full time laborer position to be posted and advertised to secure a candidate for spring.

c) Town Clerk

Our Town Clerk will be retiring. Once the position is posted and advertised there will be active recruitment for a replacement with a date to be determined. Discussion involved a search/interview committee that will include the Finance Director and other department heads. Any decision would have Town Council affirmation.

3) League of Cities and Towns Legislative and Program Update

The League is actively tracking legislation. All 39 communities are members and represented at all levels of need, and League membership is supportive of each other and there is unity among the members. Membership fees are based on population.

With the addition of a Membership Services Coordinator the League is hosting training sessions for varying levels of municipal employees. The first session held February 2nd was well received and the March 2nd session "Introduction to Municipal Budgeting" will be held at the Jamestown Library from 10:00 a.m. to 12:00 noon. All training sessions are free and open to the public.

Councilor Piva inquired about the State's 10-Year Transportation budget that was slashed with Bike Path funding eliminated. Mr. Nota stated the Town's Bike Path funding through the Green Economy Bond is safe.

VIII. UNFINISHED BUSINESS

- A) Upcoming Meetings and Sessions – dates and times
- 1) Town Council Meeting Schedule – February 19th, March 4th and March 18th at 6:30 p.m.; review, discussion and/or potential action and/or vote
 - 2) Budget Work Sessions for FY 2019-2020; review, discussion and/or potential action and/or vote

The schedule of Council meeting dates and available dates for the Town Operating, Capital and Joint Town/School Budget were reviewed. Upcoming work session dates are as follows:

| | | | |
|----------------------------|--|--------|-------------|
| Capital Budget Hearing | Tuesday, March 19 th | 6 p.m. | Town Hall |
| Town/School Budget Hearing | Thursday, March 21 st | 6 p.m. | Lawn School |
| Operating Budget Hearings | Monday, March 25 th | 6 p.m. | Town Hall |
| | Tuesday, April 2 nd | 6 p.m. | Town Hall |
| Review Sessions, if needed | Thursday, April 4 th | 6 p.m. | Town Hall |
| | Monday, April 8 th | 6 p.m. | Town Hall |
| | Thursday, April 11 th | 6 p.m. | Town Hall |
| Budget Adoption | Monday, April 15 th or at a special meeting | | |

Finance Director Collins noted time is needed to submit and receive State approval for the Town's proposed budget.

IX. NEW BUSINESS

- A) Request of M. Katherine O'Neill to the Members of the Jamestown Town Council for an investigation of the Members of the Jamestown Board of Canvassers, pursuant to their powers as outlined in the Jamestown Town Charter Article II. The Town Council Section 211. Investigations; review, discussion and/or potential action and/or vote
- 1) Letter of M. Katherine O'Neill
 - 2) Jamestown Town Charter Section 211

President White read the letter of M. Katherine O'Neill and Town Charter Section 211.

Solicitor Ruggiero reviewed Charter Section 211, which gives the Council authority to initiate investigations. There is no legal standard that dictates when an investigation should be initiated, and it is somewhat discretionary. Ms. O'Neill's letter makes conclusory representations of what she believes happened and why there should be an investigation. The reason for an investigation is to determine what transpired. Ms. O'Neill represents Mr. Murphy, Member of the Board of Canvassers, who objected to the process used by the Board when they "certified" the signatures on the Sanctuary City Ordinance petition. The initiative provision in the Charter allows for the presentation of an ordinance by initiative signed by 10% of the registered voters. The Charter doesn't specify how to check the signatures and gives no explanation how the Clerk certifies the petition. The Canvassers submitted a report stating the number of certified signatures of 455, one more than the required 454 signatures

referenced. Ms. O'Neill stated the minutes of the November 5, 2018 meeting submitted on November 11, 2018 and prepared by Ms. Fernstrom. Solicitor Ruggiero noted what is referenced is minutes prepared by Conanicut Sanctuary and is their synopsis of the meeting, are not official minutes of anything, and have no legal bearing.

Ms. O'Neill stated Ms. Fernstrom explained the process with great clarity, Conanicut Sanctuary accepted that, and there were no questions on the signature matching process.

Councilor White responded, with respect to Ms. Fernstrom whose praises were sung earlier tonight, she is not a Judge of the Superior Court and not someone who for the Town interprets the requirements of its ordinances. He doesn't doubt her statements were made, but the ordinance requires signing and no Judge of any Court in RI has weighed in on it, we are left with the provisions of Charter Sections 218 and 219 that don't tell us what to do or how to do it, but tell us when it is done and certified what to do when the signatures are certified, and we are then obliged as the language states "shall" to consider the ordinance. In the event it is rejected, as it was, it goes to a referendum. The Canvassers acted in good faith and counted the signatures and certified them.

Ms. O'Neill stated that is her challenge, the total did not represent all signatures, and what is in question are the printed names accepted, which are not signatures. Councilor White stated the law regarding how the signatures are counted has not been resolved by a Court of the State of RI and we are left with our own opinions. To suggest the Canvassers should be investigated because we should accept your version of the law or someone else's is folly and doesn't make any sense. If we conducted an investigation of individual BOC members and it turns out a Judge of the Superior or Supreme Court determined it doesn't need to be signed as a signature, you just have to append your name and printing is okay, should we take action against Mr. Murphy because he determined a printed name is not acceptable? The certainty you want to attach to the procedure and to condemn people's actions does not exist. It is inappropriate to take any action with respect to an investigation.

Ms. O'Neill asked if there is no certainty, why would the Board of Canvassers be involved in an examination of signatures in the first place? Why not let the petition be accepted and certified by whim?

President White stated we have a disagreement on this. There is no reason to have an investigation. The Canvassers met and performed their duty by verifying the signatures, the majority certified the signatures and the minority did not. A vote was taken by the Canvassers, democracy in action. The person who disagreed lost, and now he wants an investigation. Does he want us to investigate him? The Council understands Ms. O'Neill's position from her letter, but would like to hear from other folks.

Ms. O'Neill asked if hypothetically there were another petition that requests the police not pay attention to any gun licensing, and we have un-infringed second amendment rights as a sanctuary town and submitted a list of NRA members, that it would be acceptable if the names were printed, and that would be cool following your reasoning?

Councilor White stated no. He thanked Ms. O'Neill for bringing to our attention another infirmity in our ordinance provisions. The process requires once we accept the certified petition we have to act on it verbatim, either accept or reject it, and that doesn't make sense to me. The ordinance is not perfect, and neither is our Charter, but for a future agenda we should take a hard look at this initiative procedure as it needs to be corrected. The good faith efforts of the Sanctuary people and you bring up how infirmed this provision is. President White stated we need to hear from others and thank you for your input.

Ken Newman of Avenue B, BOC Democratic Member, stated BOC's are by party, and he is a Democratic Member. At the January 9th meeting with the Solicitor and public in attendance what was reviewed was the certification of petitions and what constituted a signature, with a lengthy discussion on signing. What was determined, to the best of our ability to make a judgment, was that if a person had written their name in a form that was identifiable with the card on file it was to be considered a correct signing of the petition. His understanding is that the purpose of the certification meeting was comparing names and signatures with cards on file. It is not a simple question of going to that law which governs us as a Board of Canvassers. The complaint by the Republican Town Committee is on the BOE agenda tomorrow at 6:00 p.m., which does not mean it will be heard. They may not hear it as they may determine they do not have purview over it. There are other remedies to this complaint, and an investigation may not be the right remedy where there are conflicting ordinances or law. Complaints have been levied to the BOC, BOE, Attorney General, Town Council and law enforcement. The BOC will be there to speak if needed. In the absence of direction in the Charter or State law on what constitutes signing, it is not appropriate to begin a Town Council investigation until the other entities have ruled on the issue. The BOC used the information at its disposal and did what it could, there was opportunity for objection, a vote was taken, and the objector lost that vote.

Councilor Piva stated he would like to keep this on the front burner in case there is information tomorrow that might change your minds. Councilor White feels this will not change anything. Has this gone to Court? Why not? Unless it does there is nothing to act on. Vice President Meagher stated we are going through various free avenues prior to a Court proceeding. We don't need to investigate the BOC. Should the BOE determine they have purview over this and printed names are not valid it would be before us regarding the Referendum on April 2nd. Town Administrator Nota stated the question must be sent to the Secretary of State's Office 50 days prior to the Referendum date, the end of this week. Discussion continued.

A motion was made by Councilor White with second by Vice President Meagher that we decline the request from Ms. O'Neill to invoke Section 211, which permits us but doesn't mandate us, to investigate the affairs of the Board of Canvassers. Under the circumstances presented here, I move that we not undertake such an investigation. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Absent; Councilor White, Aye; Councilor Piva, Nay. Motion passes by a majority vote in the affirmative.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote on each listed appointment and/or vacancy
 - 1) Jamestown Affordable Housing Committee (One vacancy with a three-year term ending date of May 31, 2021; duly advertised; no applicants
 - 2) Jamestown Fire Department Compensation Committee (One Citizen-at-Large vacancy with a three-year term ending date of May 31, 2021); duly advertised
 - a) Letter of interest for appointment
 - i) Sydney Keen
 - 3) Jamestown Juvenile Hearing Board (One Alternate Member vacancy with a two-year term ending dates of December 31, 2020); duly advertised; no applicants
 - 4) Jamestown Tree Preservation and Protection Committee (Three vacancies with One unexpired three-year term ending date of December 31, 2019 and Two three-year term ending dates of December 31, 2021); duly advertised; no applicants
 - 5) Jamestown Zoning Board of Review – Alternate Member (One vacancy with a one-year term ending date of December 31, 2019); duly advertised; no applicants

Council encourages citizens to come forward to fill the vacancies.

XI. CONSENT AGENDA

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

The Consent Agenda approved consists for the following:

- A) Adoption of Town Council Minutes
 - 1) January 22, 2019 (interview session 1)
 - 2) January 22, 2019 (interview session 2)
 - 3) January 22, 2019 (regular meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Zoning Board of Review (12-18-2018)
- C) Abatements and Addenda of Taxes
 - Total Abatements: \$32,539.77 Total Addenda: \$32,539.77
 - 1) Real Property/Tangible Abatements to 2018 Tax Roll

| | <u>Account/Abatement</u> | <u>Amount</u> |
|----|--------------------------|---------------|
| a) | 01-0696-85 | \$6,892.03 |
| b) | 02-0116-74 | \$3,281.07 |
| c) | 02-0614-01 | \$5,206.37 |
| d) | 03-0980-30 | \$2,486.85 |

- | | | | |
|----|--------------------------|---------------------------------|------------|
| | e) | 08-0273-54 | \$7,721.76 |
| | f) | 15-0359-50 | \$3,296.27 |
| | g) | 16-0526-50 | \$3,655.42 |
| 2) | Addenda to 2018 Tax Roll | | |
| | | <u>Account/Abatement Amount</u> | |
| | a) | 01-0001-32 | \$2,486.85 |
| | b) | 02-1338-80 | \$7,721.76 |
| | c) | 03-1522-30 | \$3,281.07 |
| | d) | 04-0255-70 | \$5,206.37 |
| | e) | 13-1555-08 | \$3,296.27 |
| | f) | 14-0373-45 | \$6,892.03 |
| | g) | 20-0235-50 | \$3,655.42 |
- D) CRMC Notices
- 1) Public Notice of application for Assent by 602 East Shore Road Trust to restack existing stones, add stones to provide protection and install 12” diameter coir logs, stabilize bank with Rosa rugosa, bay berry and arrowwood shrubs, and install 6” x 6” treads for access over bank to shoreline at Plat 2 Lot 83 at Narragansett Bay/East Passage
 - 2) Public Notice of modification of Assent application by Antonio and Joseph Pinheiro to grow hard shell clams Mercenaria mercenaria on an existing aquaculture site in already permitted floating cages followed by bottom plant for growth at Narragansett Bay/Dutch Island Harbor

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

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

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

- A) Communications
 - 1) Letter of the Hopkinton Town Council re: Financial Support for Education and Jamestown’s ideas on what we should expect and demand from the State in additional financial support for local schools
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns
 - 1) Resolution of the Burrillville Town Council “Supporting Amendments to Chapter § 42-98 Energy Facility Siting Act” and request for support for the proposed legislation

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Water Resources Protection Committee (February/March)
- B) Paper streets in Jamestown and water access
- C) Road abandonment petition discussions (February/March)
- D) Sustainability Plan presentation by Horsley Witten Group (February 19)
- E) Fort Getty Gatehouse and Restrooms project recommendation (February 19)
- F) Amendments of Code of Ordinances to Article IV. Stopping, Standing and Parking for parking restrictions
- G) Town Council Goals and Objectives and Rules and Procedures

- The Water Resources Committee will be on the February 19th agenda.
- The Sustainability Plan presentation will be on the February 19th agenda and take about 30 minutes
- Amendments to the Code of Ordinances goes beyond beach parking and signage, with a number of topics to address. Some of this could be heard before the Traffic Committee for their input.
- The Road Abandonment for Orient Avenue is taken off the agenda by the petitioner. The Road Abandonment for Nautilus Street is being investigated as to what is proposed and research is underway.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

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

The regular meeting was adjourned at 8:22 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor