

**TOWN COUNCIL MEETING**  
**April 1, 2019**

**I. ROLL CALL**

Town Council Members present:

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

Also in attendance:

Andrew E. Nota, Town Administrator  
Christina D. Collins, Finance Director  
Edward A. Mello, Police Chief  
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 6:35 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) Proclamations

- 1) No. 2019-04: April 26, 2019 as Arbor Day in the Town of  
Jamestown

President White read the Proclamation.

**A motion was made by Vice President Meagher with second by Councilor Beye to approve this Proclamation. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

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

A) Public Hearing

- 1) Amendment of the Jamestown Code of Ordinances, Chapter 78

Waterways, Article II. Harbor Management Ordinance, Sec. 78-22 Definitions; Sec. 78-23 Areas Under Jurisdiction; Sec. 78-24 Harbor and Mooring Area Boundaries; Sec. 78-34 Appendix A; duly advertised in the March 21, 2019 edition of the *Jamestown Press*; review, discussion and/or potential action and/or vote

**A motion was made by Vice President Meagher with second by Councilor Piva to open the Public Hearing at 6:38 p.m. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The legal advertisement for the Public Hearing was read by President White. Harbor Executive Director/Police Chief Mello provided background information for the proposed ordinance revision that began in February 2018 with five-year approval of the Town's Harbor Management Plan and Ordinance by CRMC and their directive to remove moorings within the Conservation Zone. Conforming the Town Conservation Zone to the State Conservation Zone (500 ft. perimeter) resolved 98% of the moorings in question. Language clean up removed Mackerel Cove as a Harbor, leaving East Harbor and West Harbor. Appendix A that defines jurisdiction is cross-referenced in the Comprehensive Harbor Management Plan and is geographically defined.

Town Council comments. Appendix A was reviewed for content and clarification.

Public comments. None.

**A motion was made by Vice President Meagher with second by Councilor Piva to approve this change to the Harbor Ordinance. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

**A motion was made by Vice President Meagher with second by Councilor Piva to close the Public Hearing at 6:44 p.m. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

## VI. OPEN FORUM

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

Chris Museler of Westwind Drive asked Council how enforcement in the Conservation Zone will be handled with adoption of this amendment. Town Administrator Nota will confer with Chief Mello and follow-up with Mr. Museler.

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

- A) Town Administrator's Report: Andrew E. Nota  
The Town Administrator's Report covered the following:  
Town Council Meeting Agenda

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1) RI League of Cities and Towns Legislative Update

Mr. Nota referenced the update of Legislative issues provided by the League of special interest to municipalities. Updates will continue during the 2019 legislative session. Discussion ensued of storefront retail sales of marijuana, EMS and Fire Services, evergreen clauses in Collective Bargaining agreements and proposed fee increases by RIDEM and how that may affect Jamestown.

2) Parks and Recreation Department Staffing

Mr. Nota reported on Parks and Recreation Department staffing realignment based on current demands and the hiring of two full-time Laborers. Two qualified candidates have accepted the Town's offer and will be joining the staff, with additional information on the two new employees in the coming weeks. Town Council members commented this is a terrific decision and long overdue.

3) Jamestown Shores Association Meeting

Mr. Nota reported on the March 27, 2019 meeting he attended at the Senior Center highlighting ongoing issues and initiatives, including topics specific to the Jamestown Shores. A lot of good discussion and questions came from the productive two-hour session. Ann Gagnon was thanked for coordinating the session.

4) Parks and Recreation Success Stories

Mr. Nota reported on the National Parks and Recreation Association Newsletter article "Active Living comes to the Seaside Community of Jamestown" written by Senior Services Director Betsey Anderson and Parks and Recreation Department Program Director Deb Hagie. Kudos to Betsey and Deb.

B) Ad Hoc Committee on Public Art Report: Town Planner Lisa Bryer

Mr. Nota reviewed the report. The Ad Hoc Committee is meeting twice monthly to develop an overall Public Art Policy and a comprehensive list of sites appropriate for public art. Chair Duncan Pendlebury acts as the Committee Spokesperson and will attend an upcoming meeting. Discussion ensued of the placement of the gift of the Whale's Tail sculpture.

## VIII. UNFINISHED BUSINESS

A) Upcoming Meetings and Sessions – dates and times

- 1) Town Council Meeting Schedule: April 15<sup>th</sup>, May 6<sup>th</sup>, and May 20<sup>th</sup> at 6:30 p.m.; review, discussion and/or potential action and/or vote
- 2) Budget Work Sessions for FY 2019-2020: Operating Budget Hearing and Work Session #2 April 2<sup>nd</sup>; Budget Review Hearings, if needed, April 4<sup>th</sup>, April 8<sup>th</sup> and April 11<sup>th</sup>; Town Council Budget Adoption April 15<sup>th</sup> (tentative); review, discussion and/or potential action and/or vote

The second Operating Budget Work Session is tomorrow at 6:00 p.m. An additional session may be needed and can be scheduled for next week, with budget adoption slated for the April 15<sup>th</sup> regular meeting.

- B) Town Council Rules and Procedures for the 2018-2020 term; review, discussion and/or potential action and/or vote

Vice President Meagher highlighted the Rules and Procedures revised in March 2017 and how the agenda is developed. Discussion involved the agenda development, posting, meeting packet preparation, and revising the schedule so that the agenda is finalized on Wednesday and packets prepared on Thursday. This would give Council additional time for review and preparation for meetings. Discussion involved the two business meetings held monthly and board/commission/committee appointments and annual attendance records for Council. Discussion ensued of formalizing a Town Administrator's performance review in the Rules and Procedures (late summer or early fall), as this is appropriate for both sides.

Councilor White commented on amending the Rules and Procedures. Solicitor Ruggiero stated the Council has the ability to revise the Rules at any time and can waive them in various situations as needed.

**A motion was made by Vice President Meagher with second by Councilor White to approve these Rules and Procedures as amended. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- C) Golf Course Status Update; review, discussion and/or potential action and/or vote

Mr. Nota reported on the March 29, 2019 special meeting and the terms for a five-year Agreement term sheet signed today. Legal Counsel Infantolino and Solicitor Ruggiero are working to finalize the Agreement for approval at April 15<sup>th</sup> meeting. The five-year lease agreement articulates responsibilities for the Operator and Town. Jon Mistowski in attendance stated the golf course is slated to open May 1<sup>st</sup>.

## **IX. NEW BUSINESS**

- A) Floating Tidal-Powered Upweller Proposal by Joseph and Antonio Pinheiro to construct a 4' by 20' floating platform with attached upweller system at Fort Getty Pier, as supported by the Jamestown Harbor Commission with the conditions outlined; review, discussion and/or potential action and/or vote
  - 1) Memorandum of Police Chief/Harbor Executive Director Edward A. Mello
  - 2) Harbor Commission recommended conditions for granting of the Pinheiro Upweller Proposal at Fort Getty Pier

Chief Mello referenced his memorandum and discussions with the Harbor Commission and Facilities Sub Committee. The Pinheiro's have permits for two vessels at the Fort Getty pier and propose to construct a 4' by 20' foot floating platform with attached upweller system. This would facilitate the raising of oysters to a sufficient size for placement at their oyster farm. The Harbor Commission recommended approval with conditions as follows:

- One-year pilot program with reassessment in December 2019
- No equipment shall be left on the pier deck outside of designated work area
- Sorter and equipment to be removed from pontoon boat and deck when not in use
- Insurance and/or Bond requirement to be established by Town
- Harbormaster shall have full authority to remove equipment at any time
- Required removal of equipment based on predicted inclement weather conditions
- Rate shall be consistent with current vessel rate, subject to reassessment in December 2019
- Vessels and all equipment when not in use shall be removed from Town property.

Council comments.

Councilors asked about space allowed for vessels at the pier, monitoring by the Harbormaster and Town staff, year-round operation, and seeding of shellfish. Antonio Pinheiro noted the seeding period will vary depending on water flow and temperature, and the growth is quicker than using the nursery process prior to placement in the oyster farm. Most of the seeding will be transferred to their farm and some will be sold to other oyster farmers. As the equipment is portable it can be removed easily during weather emergencies. This is the first part of the permitting process, and if the Town approves the pilot program, they can go before CRMC for their approval. Town Administrator Nota affirmed oversight by Harbormaster Campbell and Town staff and CRMC will be notified of Town support. Chief Mello noted no electrical service is required for the proposed upweller system.

**A motion Councilor White with second by Vice President Meagher to approve and support the proposal as laid out in the documents we have in our packages, subject to the conditions expressed by the Chief tonight that had been previously laid out by the Harbor Commission. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Approval of an Appropriation of \$5,900,000 and Authorization for the Town of Jamestown to Finance Replacements, Renovations and Improvements and Related Equipment at the Jamestown Public Schools and to Issue not more than \$5,900,000 Bonds and Notes and enter into a Financing Agreement with the Rhode Island Health and Educational Building Corporation; review, discussion and/or potential action and/or vote
- 1) Adoption of Resolution No. 2019-05

Town Administrator Nota explained the borrowing process through RIHBEC and the required Resolution prepared by the Town's Bond Counsel. This will be authorized by the School Committee and will be back on a future agenda for final approval of financing.

**A motion was made by Vice President Meagher with second by Councilor White to waive reading of the Resolution. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

**A motion was made by Vice President Meagher with second by Councilor White to approve the appropriation as described in this Resolution. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Finance Director Collins noted the Resolution is required prior to moving forward. The School Committee can now begin the process to go out to Bond and seek the lowest rate available.

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

### **A) Ordinances**

- 1) Proposed Amendments to the Jamestown Code of Ordinances Chapter 70 Traffic and Vehicles, Article II. Administration and Enforcement, Sec. 70-25 Notice of Violation; Admission of Truth and Payment of Fines at Police Station; Amounts; Article III. Specific Street Regulations, Sec. 70-52 Stop Intersections; Article IV. Stopping, Standing and Parking, Sec. 70-81 Parking Area, Lots 172 and 173 (former ambulance barn); Sec. 70-82 Two-hour Parking Limit Located upon Lot 573 Plat 8; Sec. 70-83 Standing or Parking on Steel Pier and Bulkhead; Sec. 70-86 Standing or Parking on East Ferry Wharf; and Sec. 70-87 Prohibited or Restricted Parking on Specified Streets; review, discussion and/or potential action and/or vote to proceed to advertise in the *Jamestown Press* April 4, 2019 edition for public hearing on April 15, 2019

Vice President Meagher noted concern that some provisions did not go before the Traffic Committee. The Melrose Avenue revision restricts parking on the west side and would prohibit residents from parking in front of their homes. Perhaps there are options for summer parking at Ft. Getty Road, including road closure, non-resident parking, two-way traffic, and parking attendants collecting fees.

Chief Mello stated this is a starting point for discussion and any portion can be referred to the Traffic Committee for an opinion. Town staff determined a majority of the issues were related to parking lots and didn't belong before the Traffic Committee. Revisions were proposed to clean up outdated language and streamline the process. Lengthy review and discussion ensued.

Vice President Meagher suggested tabling this to the next Town Council Meeting to allow further review and input from the Traffic Committee. Chief Mello stated if the Traffic Committee could act quickly it would be appropriate so that signage could be prepared for the season. Lengthy discussion ensued.

The proposed Ordinance amendment will be revised by Chief Mello based on this evening's discussions and brought back before Council for review and possible vote to proceed to advertise for public hearing at the May 6<sup>th</sup> Town Council Meeting. The Traffic Committee can review the revised ordinance amendment to be prepared by Chief Mello and submit their recommendations for review at the Public Hearing.

- B) 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;
    - a) Letter of interest
      - i) Nicholas Radesca

Mr. Radesca interviewed for the Harbor Commission.

**A motion was made by Vice President Meagher with second by Councilor Beye to appoint Nicholas Radesca to Affordable Housing. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- 2) Jamestown Fire Department Compensation Committee (One Citizen-at-Large vacancy with a three-year term ending date of May 31, 2021); duly advertised; no applicants
- 3) Jamestown Juvenile Hearing Board (One Alternate Member vacancy with a two-year term ending date of December 31, 2020); duly advertised;
  - b) Letters of interest
    - ii) Joseph Cannon
    - iii) Bruce J. Whitehouse

Interviews will be scheduled prior to the next meeting.

## **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, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
  - 1) March 18, 2019 (interview session)
  - 2) March 18, 2019 (regular meeting)
  - 3) March 19, 2019 (capital budget work session)
  - 4) March 21, 2019 (school budget work session)
  - 5) March 25, 2019 (operating budget work session #1)
  - 6) March 26, 2019 (golf course tour/site visit)

- B) Minutes of Town Boards/Commissions/Committees
- 1) Jamestown Ad Hoc Committee on Public Art (11-28-2019)
  - 2) Jamestown Ad Hoc Committee on Public Art (12-10-2018)
  - 3) Jamestown Ad Hoc Committee on Public Art (12-14-2018)
  - 4) Jamestown Ad Hoc Committee on Public Art (01-04-2019)
  - 5) Jamestown Ad Hoc Committee on Public Art (01-23-2019)
  - 6) Jamestown Ad Hoc Committee on Public Art (02-13-2019)
  - 7) Jamestown Ad Hoc Committee on Public Art (03-13-2019)
  - 8) Jamestown Harbor Commission (12-12-2018)
  - 9) Jamestown Harbor Commission (01-09-2019)
  - 10) Jamestown Harbor Commission (02-13-2019)
  - 11) Jamestown Traffic Committee (02-21-2019)
  - 12) Jamestown Zoning Board of Review (02-26-2019)
- C) Abatements/Addenda of Taxes
- Total Abatements: \$3,406.90 Total Addenda: \$3,406.90
- 1) Real Estate/Tangible Abatements to 2018 Tax Roll  
Account/Abatement Amount  
 a) 06-0500-20 \$3,406.90
  - 2) Addenda to 2018 Tax Roll  
Account/Abatement Amount  
 a) 03-0480-60 \$3,406.90
- D) One Day Event/Entertainment License Applications
- 1) Applicant: Jamestown Baseball League  
 Event: Opening Day Parade  
 Date: April 27, 2019  
 Location: Jamestown Recreation Center to Baseball Field
  - 2) Applicant: Jamestown Historical Society  
 Event: Battery Day  
 Date: May 4, 2019  
 Location: Conanicut Battery
  - 3) Applicant: Jamestown Community Band  
 Event: Spring Band Concert  
 Date: May 14, 2019  
 Location: Jamestown Recreation Center
  - 4) Applicant: Arnold-Zweir Post 22, American Legion and  
 Jamestown VFW, Post 9447  
 Events: May 2019-January 2020 Events and Activities  
 Dates: May 27, July 4, August 12, October 8, and December  
 7, 2019; January 15, 2020  
 Locations: Watson Avenue/Lawn Avenue/North Road/Narragansett  
 Avenue/Conanicus Avenue/Veterans Square
  - 5) Applicant: Jan Washburn  
 Event: Jamestown Seaside Family Cruise  
 Date: September 1, 2019  
 Location: Fort Getty



## **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, Petitions, and Proclamations and Resolutions from other Rhode Island Cities and Towns, noting none of them will go on our next agenda. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Communications, Petitions, and Proclamations and Resolutions from other Rhode Island Cities and Towns consists of the following:

- A) Communications
  - 1) Letter of RIDEM Office of Water Resources Principal Sanitary Engineer Jay Manning re: Project Priority List Request for Project for Fiscal Year 2020
  - 2) State Planning Council Transportation Advisory Committee Public Notice of RI Metropolitan Planning Organization Public Participation Plan 2019 public hearing on April 25, 2019, 5:30 p.m., RI Department of Administration, One Capitol Hill, Conference Room A, Providence
  - 3) Letter of the Armenian National Committee of RI re: Observance of April 24, 2019 as Armenian Genocide Remembrance Day
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns
  - 1) Resolution of the Glocester Town Council in Support of stabilization and equity in the distribution of State Aid to all RI Communities
  - 2) Resolution of the Charlestown Town Council in Support of additional State Funding for Education

## **XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS**

- A) Paper streets in Jamestown and water access
- B) Proposed Water Resources Protection Committee Discussion (April/May)
- C) Review and Discussion of Conservation Easement on Shores Lots (April)
- D) Town Council Goals and Objectives for the 2018-2020 Council term (May/June)

Conservation Easements in the Shores will be on the next agenda

## **XIV. EXECUTIVE SESSION**

- A) Pursuant to RIGL § 42-46-5(a) Subsection (5) Real Estate (acquisition of property for open space); review, discussion and/or potential action and/or vote in executive session and/or open session

**A motion made by Vice President Meagher with second by Councilor Beye to enter into Executive Session at 7:56 p.m. pursuant to RIGL § 42-46-5(a) Subsection (5) to discuss Real Estate.**

**Pursuant to RIGL § 42-46-5(a) Subsection (5) the following vote was taken to discuss Real Estate: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Town Council reconvened the regular meeting at 8:07 p.m. President White reaffirmed the actions taken in Executive Session to accept the donation of the parcel of land in the Jamestown Shores and authorize the Town Administrator to sign an agreement in order to proceed with the acquisition.

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

#### **XV. ADJOURNMENT**

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

The regular meeting was adjourned at 8:08 p.m.

Attest:

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Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Town Solicitor  
                  Finance Director