

TOWN COUNCIL MEETING MINUTES

Monday, May 16, 2022

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on May 16, 2022. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine was absent.

Also, in attendance: Town Administrator Jamie Hainsworth, Solicitor Wyatt Brochu, Police Chief Edward Mello, Finance Director Christina Collins, Public Works Director Michael Gray, Town Planner Lisa Bryer, and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:29 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 to move item VII B up for discussion, second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Vice President Meagher announced the news that Public Works Director Gray would be leaving at the end of June and gave thanks for his service. Public Works Director Gray's projects include Town Hall, downtown sidewalks, water plant, improvements to the water system, fire station, highway barn, East Ferry improvements, Mackerel Cove bathhouses, Ft. Getty Pavilion, closure of the dump, plan to fix and pave roads, and more. Jamestown has benefitted from and is fortunate to have employees that embody a sense of pride in the care of Town buildings and maintenance, and overall superior quality of work ethic.

VII. B)

B) Review, Discussion, and/or Action and/or Vote: At the request of Councilor R. White to the Town Administrator/Staff to present a report to the Town Council sometime in October on the implementation of the amended dog ordinance. Anticipated report outcomes: identify any issues concerning leash vs off-leash rules regarding locations, dates, and times; adherence to animal waste disposal requirements; and any other relevant data

1) Residents have raised questions and concerns since signs were recently posted reflecting the new rules.

Discussion ensued.

Before the amendments enacted in November 2021 to the ordinance Chapter 10, Animals it was illegal for dogs to be on any beach at any time. The second repeal/revision to Chapter 42, Parks and Recreation would make necessary amendments to coincide with Chapter 10, Animals allowing dogs off-leash and on beaches at prescribed times in specific locations.

Councilor R. White commented that he requested Town Administrator Hainsworth to delegate the responsibility to gather data on the efficacy of the amended dog ordinance and report back to the Town Council in October 2022. Councilor R. White gave further historical background as to how the ordinance was developed. The amended ordinance was a public health consideration. Dogs and

children on the beach, specifically dog waste, do not “mix”. In other communities, no dogs on the beach are the rule, not the exception. The recently erected signs are a reminder of new rules and were not meant to incite anger. Councilor R. White admitted that he requested the agenda item to be moved up for consideration to address concerns regarding the new signs and rules.

A motion was made by Vice President Meagher with second by Councilor M. White to direct the Town Administrator/Staff to periodically review the compliance, progress, and satisfaction by residents of Ordinance that was enacted in November 2021, and to present a report to the Town Council sometime in October 2022 on the implementation of the amended dog ordinance. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

President Beye thanked all that came to the meeting to discuss the dog ordinance and stated that the Town Council would be looking for feedback from concerned citizens to find a workable solution.

Carol Morris, 10 Helm Street commented that the City of Newport allows dogs on the beach between 6-8 a.m. daily. Vice President Meagher asked if there has been an increase in use at the beach? Ms. Morris was not aware of the increased use of Heads Beach because she uses the beach in the early morning and late evening.

Jess Wurzbacher, 107 Garboard, requested permission for dogs to be off-leash at Heads Beach/Sunset Beach in the early morning and early evening. Ms. Wurzbacher has observed increased use of the beach on the weekends, but not so much on weekdays.

Beth Weibust, 987 East Shore Road, questioned where Park Dock Beach start and ends. President Beye asked if there are swimmers at Park Dock? It was Ms. Weibust’s observation most people go there to walk their dogs, not many swimmers, and occasionally at night groups gather on the beach to have cookouts.

Jane Payne, 1322 N. Main Road, as a taxpayer and resident it should be her right to walk on the beach with her dog and swim in the water during the summer. Ms. Payne typically uses Park Dock Beach.

Vice President Meagher explained that the old dog ordinance was erroneous and the Town Council made the step forward to amend allowing for dogs to be on Town beaches.

Councilor R. White stated the old ordinance let dogs roam free in town, unleashed at odd times of the day. There were complaints received by the Town Council and the Jamestown Police, concerning the old dog ordinance. The Town Council continues to try to find a balance for both dog owners and non-dog owners.

Councilor M. White stated that the amended ordinance was considered at several Town Council meetings and the Public Hearing on November 15, 2021, was the time for public input. Inevitably all good compromises will leave someone unhappy. The feedback will help amend the ordinance.

Richard Ventrone, 12 Nautilus Street, supports the use of Heads Beach/Sunset Beach during the summer months. Unfortunately, irresponsible dog owners that don't pick up after their animals are the problem and should be held responsible.

Katie Caulkin, 73 Pemberton, requested consideration for dog walking during the summer months at the beaches at Potters Cove and Ft. Getty from sunrise to when lifeguards arrive and at the end of the day when the lifeguards leave to sunset.

Leslie Harkins, 10 Narragansett Avenue, requested dog walking at Park Dock Beach early mornings and late days during the summer months. It is her observation that Park Dock Beach is not very busy. Potter's Cove has gotten busy in recent years. Ms. Harkins requested permission to walk on beaches in the early morning and/or late evening. Also, would the Town consider Eldred Avenue field for dog use off-leash? Could Jamestown Parks & Recreation offer a course on dog handling etiquette to educate dog owners?

Nancy Ventrone, 12 Nautilus, the dog ordinance is too restrictive and requested the ability to walk a dog on the beach during summer months. Does the Town fine dog owners for not picking up dog waste? Chief Mello stated that it is difficult to enforce littering/dog waste because it would have to be witnessed.

Tricia Orsi, 795 North Main Road, have there been any reports against dog owners (littering and disturbance)? Chief Mello confirmed that there are regular complaints registered.

President Beye gave thanks to all in attendance. She expressed appreciation of the benefits of living in a community with so many caring and engaged citizens.

Councilor R. White welcomed the constructive feedback and comments.

Beth Weibust asked if a dog park has been considered?

President Beye said not at this time. The Town of Portsmouth could be a reference as a model for fundraising and planning a dog park.

Richard Ventrone added that it is important to issue fines to dog owners if they are repeat offenders.

III. OPEN FORUM

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 prohibit 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
- B) Non-scheduled request to address

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

- A) None

V. 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) Public Hearings

- 1) Proposed amendment to the Code of Ordinances, Chapter 42, Parks and Recreation, Article II Regulations -In General; Sections 42-22; 42-51. These Amendments are to the terms and conditions based on comments received during the public hearing on November 15, 2021 (duly advertised in the Jamestown Press on May 5th); Review, Discussion, and/or Action and/or Vote to approve the proposed amendments:
- a) Remove language from Sec. 42-22. – *“Pets in recreational facilities to be leashed. All pets, if permitted, must be kept on a leash at all times while in any of the town recreational facilities.”*
- b) Remove language from Sec. 42-51. – *“Animals prohibited. Except as otherwise provided in G.L. 1956, § 11 24 2.1, no dogs, horses or other animals shall be allowed on any of the town beaches.”*

A motion was made by Vice President Meagher with second by Councilor M. White to repeal conflicting language in Code of Ordinances, Chapter 42, Parks and Recreation, Article II Regulations -In General; Sections 42-22; 42-51. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

B) Town Council Sitting as the Alcoholic Beverage Licensing Board.

- 1) 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 application has been received for a seating expansion:

CLASS BV – VICTUALER

KALI LLC

dba: J22 Tap & Table

22 Narragansett Avenue

Jamestown, RI 02835

- a) Request for the Town Council to Review, Discussion, and/or Action and/or Vote for approval on the expansion of the Existing Liquor License application for service and consumption areas to include the

second floor as depicted on the seating chart dated. April 25, 2022

- i) Memorandum from Building Official William Moore
- ii) April 25, 2022, 2nd-floor seating chart
- iii) 2021 1st floor seating chart
- iv) 2015 1st and 2nd-floor seating chart

A motion was made by Vice President Meagher with second by Councilor M. White to approve the expansion of the Existing Liquor License application for service and consumption areas to include the second floor as depicted on the seating chart dated April 25, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 2) Pursuant to Title 3 Chapter 7 of the General Laws of Rhode Island 1956, and as amended, the following license application has been received under said Act for a one-day license on May 19, 2022

CLASS F (NON-PROFIT)

Jamestown Arts Center
18 Valley Street
Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the **CLASS F (NON-PROFIT) LIQUOR LICENSE**

A motion was made by Vice President Meagher with second by Councilor M. White to approve the May 19, 2022, Jamestown Arts Center Class F (NON-PROFIT) liquor license application. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 3) Pursuant to Title 3 Chapter 7 of the General Laws of Rhode Island 1956, and as amended, the following license application has been received under said Act for a one-day license on June 17, 2022

CLASS F (NON-PROFIT)

Jamestown Historical Society
92 Narragansett Avenue
Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the **CLASS F (NON-PROFIT) LIQUOR LICENSE**

A motion was made by Vice President Meagher with second by Councilor M. White to approve the June 17, 2022, Jamestown Historical Society Class F (NON-PROFIT) liquor license application. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Vice President Meagher with second by Councilor M. White to adjourn from sitting as the Alcoholic Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

C) **Licenses and Permits**

1) **One Day Event/Entertainment License:** All One-Day Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Take Action and/or Vote for the following:

- a) Applicant: Jamestown Arts Center
Event: Bruce Mau Film
Date: Friday, May 19, 2022, 6:00 p.m. – 8:30 p.m.
Location: Jamestown Arts Center

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One Day Event license application, Bruce Mau Film, Friday, May 19, 2022, at the Jamestown Arts Center. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- b) Applicant: Jamestown Arts Center
Event: Summer Soiree
Date: Friday, July 1, 2022, 6:00 p.m. – 10:00 p.m.
Location: Jamestown Arts Center

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One Day Event license application, Summer Soiree, Friday, July 1, 2022, at the Jamestown Arts Center. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- c) Applicant: Jamestown Historical Society
Event: JHS Museum Opening (JHS members only)
Date: Friday, June 17, 2022, 5:00 p.m. – 7:00 p.m.
Location: JHS Museum

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One Day Event license application, JHS Museum Opening, Friday, June 17, 2022, at the JHS Museum. Vote: President Beye, Aye; Vice President Meagher, Aye; Aye; Councilor M. White, Aye; Councilor R. White, Aye

- d) Applicant: A Mano Pizza & Gelato (sub-applicant to JHS)
Event: Jamestown Historical Society, Windmill Day
Date: Saturday, July 23, 2022, 11:00 a.m. – 2:00 p.m.
Location: 382 North Road

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One Day Event license application, for Saturday, July 23, 2022, by sub-applicant A Mano Pizza & Gelato. Vote: President Beye, Aye; Vice President Meagher, Aye; Aye; Councilor M. White, Aye; Councilor R. White, Aye

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

A) Town Administrator's Report: Jamie A. Hainsworth

Town Administrator Hainsworth reported on the following:

- 1) Beavertail State Park Master Plan Request Stakeholder member from Town Council

Beavertail State Park Master Plan Stakeholder group is looking for a Town Council member as well as Town Staff to participate in the stakeholder group meetings.

- 2) Financial Town Meeting June 6th

Town Staff and the Town Moderator are preparing for the Financial Town Meeting on June 6th which will be taking place indoors in the gymnasium at the Lawn Avenue school.

- 3) Request for Anti-Idling Signs

A resident has requested Anti-Idling signs to be erected. Councilor R. White would like to see public education before erecting signs. President Beye would like to have a few signs now. Vice President Meagher and Councilor R. White would like public education first, and if signs are also necessary, revisit in the future.

- 4) Revaluation of Property update

Revaluation meetings have been taking place. 199 individuals scheduled informal hearings, and the last day of hearings will be taking place on Friday, May 20th. Positive feedback has been received from citizens about Northeast Revaluation.

- 5) Wastewater Statewide Recognition

Vice President Meagher expressed gratitude to the Water/Wastewater Department staff for their exemplary service.

- 6) Covid 19 update:

Town Administrator Hainsworth reported 23 new cases.

VII. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Upon recommendation from Solicitor Ruggiero's request to rescind the proposed amendment to the Code of Ordinances regarding Chapter 6 -Amusements and Entertainment; and permission to revise and present a redraft at a future Town Council meeting.

Discussion ensued.

A motion was made by Vice President Meagher with second by Councilor M. White to close the public hearing and approve the request to rescind the proposed amendment to the Code of Ordinances regarding Chapter 6 -Amusements and Entertainment; and permission to revise and present a redraft at a future Town Council meeting. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- B) Review, Discussion, and/or Action and/or Vote: At the request of Councilor R. White to the Town Administrator/Staff to present a report to the Town Council sometime in October on the implementation of the amended dog ordinance. Anticipated report outcomes: identify any issues concerning leash vs off-leash rules

regarding locations, dates, and times; adherence to animal waste disposal requirements; and any other relevant data

1) Residents have raised questions and concerns since signs were recently posted reflecting the new rules.

C) Review, Discussion, and/or Action and/or Vote: to approve the draft Jamestown Bike Path Committee Charge

1) Jamestown Bike Path Committee Draft Charge

Vice President Meagher read the Jamestown Bike Path Committee Draft Charge.

Discussion ensued.

A motion was made by Vice President Meagher with second by Councilor M. White to approve the draft Jamestown Bike Path Committee Charge. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

VIII. NEW BUSINESS

A) Review, Discussion, and/or Action and/or Vote: Appointment of a Council Member to serve on a stakeholder group for the Beavertail State Park Master Plan being developed by the Beta Group for Rhode Island Department of Environmental Management (RIDEM).

Discussion ensued.

President Beye stated that she is interested in the stakeholder group, but is waiting for a judgment from the RI State Ethics Commission and would like the agenda item to be moved to a future agenda.

B) Review, Discussion, and/or Action and/or Vote: Recommendation to approve the two petition applications from National Grid/National Grid-Verizon New England Inc. contingent on the applicant(s) receiving approval from the Lower Shoreby Hill Association for work within Longfellow Road; and/or if there are changes to the proposed project based on the Lower Shoreby Hill Association decision, new petitions shall be submitted to the Town Council for review and approval.

1) Memorandum from Public Works Director Gray to Town Administrator Hainsworth; National Grid petition covering the installation of underground facilities; and Nation Grid-Verizon New England Inc. Joint Pole Petition

Discussion ensued.

The Director of Public Works Gray gave a brief explanation of the request to reroute the overhead wiring. The applicant would need approval from the Lower Shoreby Hill Association.

A motion was made by Vice President Meagher with second by Councilor M. White to conditionally approve the recommendation to approve the two petition applications from National Grid/National Grid-Verizon New England Inc. contingent on the applicant(s) receiving approval from the Lower Shoreby Hill Association for work within Longfellow Road; and/or if there are changes to the proposed project based on the Lower Shoreby Hill Association decision, new petitions shall be submitted to the Town Council for review and approval. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

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) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
- 1) Jamestown Bike Path Committee (Ad hoc): Four (4) citizens-at-large vacancies
 - a) Letter of interest for appointment
 - i) Samira Hakki
 - ii) Julie Kallfelz
 - iii) Steve Enberg
 - iv) Jonathan H. Valente
 - v) John Hammel
 - vi) Jeremy Collie
 - vii) Michael Hill

Discussion ensued.

A motion was made by Vice President Meagher with second by Councilor R. White to appoint Samira Hakki and Julie Kallfelz to the Jamestown Bike Path Committee; and to approve scheduling interviews at June 21, 2022, Town Council Meeting. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye

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

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 the 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) May 2, 2022 (Regular Meeting)
- B) Minutes of Boards/Commissions/Committees
- 1) Jamestown Planning Commission (April 6, 2022)
- C) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on May 24, 2022, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following:
- 1) Town property: Plat 8, Lots 283 & 622. Application of Conanicut Yacht Club whose property is located at 24 Whittier Rd., and further identified as Assessor's Plat 8, Lot 352 for a variance from Article 3, Section 82-312, Lighting, Article 6, 82-605, 606, & 607 to the installation of new paddle court pole lighting system at a height of 23 feet instead of the required 15 feet. Said property is located in a R20 zone and contains 2.32 acres.
 - 2) Town property: Plat 14, Lot 104. Application of Lino & Mildred S. Corredora whose property is located at 86 Stern St., and is further identified

as Assessor's Plat 14, Lot 80 for a special use permit under Article 3, Section 82-314 entitled "High Groundwater and Impervious Layer Overlay District" for development in Subdistrict A and Article 6, Section 82-601 et seq. entitled "Special Use Permits Authorized by this Ordinance. Said property is located in an R40 zone and contains 14,400 sq. ft.

- 3) Town property: Plat 16, Lots 221, 51, 54, 52, 60, & 220. Application of Samuel and Carol Belshaw whose property is located at 9 Brig Avenue, and further identified as Tax Assessor's Plat 16, Lot 49 for a Variance granted under Article 6, Special Use Permits and Variances, Section 600 and 606. This application is made pursuant to the provisions of section 82-302, Table 3-2, District Dimensional Regulations for the R40 Zoning District of the zoning ordinance. The Applicant seeks front yard setback relief of 28.4 feet where 40 feet is required and the existing setback is 28.4 feet. Said relief is requested in order to remodel and reconstruct the property. Said property is located in a R-40 zone and contains 23,040 square feet.

The Town Council acknowledged Communications.

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 Received:
 - 1) Copy of email to: Town Council
From: Chris Powell
Dated: April 30, 2022
Re: Conanicut Marina Restaurant and Outdoor music
- B) Petitions, Proclamations, and Resolutions from other Rhode Island Cities and Towns
 - 1) Town of Hopkinton, RI Resolution in Support of House Bill 2022 – H 8055 an Act Relating to Waters and Navigation Coastal Resources Management Council
 - 2) Town of Tiverton, Resolution 2022-0007, Resolution for Coastal Buffer Zone to Allow for Aquaculture Operations and Minimize Conflicting Uses
 - 3) Town of Tiverton, Proclamation Recognizing National Police Week, May 15-21, 2022

XII. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor M. White to adjourn at 8:04 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

Attest:


Roberta J. Fagan, Town Clerk