

TOWN COUNCIL MEETING MINUTES
Monday, August 22, 2022

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on August 22, 2022. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Jamie Hainsworth, Solicitor Peter Ruggiero, Police Chief Edward Mello, Finance Director Christina Collins, Michael Gray, Water and Sewer Clerk Denise Jennings, Parks and Recreation Director Ray DeFalco, and Town Clerk Roberta Fagan.

President Beye requested a show of hands of attendees present for the Short-Term Rental Public Hearing.

Vice President Meagher made a motion to move Agenda item VII. A) 2) Proposed Amendments to the Code of Ordinances, Chapter 14 – Buildings and Building’s Regulation, Article V., Short Term Rentals, Sec. 14-80-14-93, to be considered after the Town Council Sitting as the Board of Water and Sewer Commissioners adjournment, with a second by Councilor Brine. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

II. TOWN COUNCIL INTERVIEWS: The Jamestown Town Council will meet to conduct interviews of applicants for the committee vacancies as follows:

TIME	NAME	COMMITTEE
6:00	Richard Kingsley	Tree Committee
6:15	Donna Repko	Tree Committee

The Town Council interviewed the candidates and thanked them for their interest. Vice President Meagher commented the increased interest in the Jamestown Tree Protection and Preservation Committee may warrant an increase in the number of Board members. She requested the topic to be added to the September 6, 2022, Town Council agenda.

III. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:32 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 with second by Councilor M. White to convene as the Town Council Sitting as the Board of Water and Sewer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

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

- A) Approval of Minutes; Review, Discussion, and/or Action and/or Vote:
- 1) 06/21/2022(regular meeting)
 - 2) 07/25/2022(special meeting)
- B) Open Forum – Water & Sewer Matters
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.
- 1) Scheduled request to address - none
 - 2) Non-scheduled request to address
- C) Report of Town Officials- Review, Discussion, and/or Action and/or Vote:
- 1) Pumping Report
 - 2) Town Project Reports
 - a) Town Wells
 - b) Water Treatment Plant
 - c) Transfer Pumping/Reservoir
 - d) Distribution System
 - e) Wastewater Treatment Facility
 - 3) Consumer Confidence Report for the calendar year 2021
- D) Letters and Communication
- 1) None
- E) Unfinished Business
- 1) Review, Discussion, and/or Action and/or Vote Status update on North Reservoir.
- F) New Business
- 1) Review, Discussion, and/or Action and/or Vote: Application of Christina DiMeglio et CLP Trust-2016 for water extension-68 East Shore; Plat 7 Lot 86
 - 2) Review, Discussion, and/or Action and/or Vote: Application of Laura Carlson dba Good Graces Grooming and McQuade’s Jamestown LLC/Michael McQuade (Owner of real estate); 3 Clarke St.-Plat 9, Lot 105 for Utility Service Expansion/Change of Use (From laundromat (business closed Dec. 2020) to dog grooming)
 - 3) Review, Discussion, and/or Action and/or Vote: Application of We Dig Investments, LLC; 29 Narragansett Avenue- Plat 9, Lot 631 for Utility Service Expansion/Change of Use (former bank building to 2 residential

units and 2 commercial units)

- 4) Review, Discussion, and/or Action and/or Vote: Award of Proposal not to exceed in the whole, the sum of Thirty-Three Thousand Five Hundred (\$33,500.00) Dollars: Water Supply System Management Plan Update 2022, Jamestown Municipal Water System

The Town Council Adjourns from sitting as the Board of Water and Sewer Commissioners

A motion was made by Councilor R. White with second by Vice President Meagher to adjourn from sitting as the Board of Water and Sewer Commissioners. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

VII A) 2) Proposed Amendments to the Code of Ordinances, Chapter 14 – Buildings and Buildings Regulation, Article V., Short Term Rentals, Sec. 14-80-14-93. These Amendments are proposed to regulate short-term rental activity to help maintain the residential character of neighborhoods, provided flexible housing stock, and contribute positively to the local economy; duly advertised in the Jamestown Press August 11th, 2022 edition; Review, Discussion, and/or Take Action and/or Vote

Vice President Meagher provided a summary and background of the proposed Short-Term Rental (STR) Ordinance. Vice President Meagher gave thanks to Planning Commissioner Chairperson Michael Swistak and Town Planner Lisa Bryer, and Solicitor Ruggiero for the work they have done on crafting the proposed STR ordinance. She has been involved in the oversight since 2014-2015 in response to a problematic STR on Seaside Drive. Serving as liaison to the Short-Term Rental sub-committee, made up of the Town Planner, Solicitor, Planning Commission Chairperson, Police chief, and the Jamestown Building/Zoning official, the present proposed STR ordinance represents the framework for regulating STRs in response to comments and concerns of Jamestown residents. Several municipalities, including Jamestown, are considering and/or implementing a similar ordinance to register and manage STRs. STRs have robust economic benefits; conversely, present a risk of the distinction between a residential community vs. a commercial zone. The proposed STR ordinance seeks to create the mechanisms and requirements by which STRs can coexist in residential communities with safeguards to ensure the right to peaceful enjoyment of property(s) in residential as well as commercially zoned areas of the community.

Discussion ensued.

Councilor Brine praised Vice President Meagher and the STR sub-committee members for their thorough work on the proposed ordinance which would legalize STRs legal. The rules governing parking remain a concern for Councilor Brine.

Sheila Reilly, 26 Pennsylvania Avenue, in support of the proposed ordinance. Ms. Reilly has a STR in Vermont and here in Jamestown as well, which provides a measure of accountability. The rental income helps offset taxes and helps the community. What defines a bedroom, personal attestation, or property card?

Vice President Meagher stated that the inspection by the building official would determine what constitutes a bedroom which is defined as a 70 sq ft room with a window and a door.

Cathy Gregory, 115 Bayview Drive, expressed frustration with the STR rental business in Jamestown. There are several STRs in her residential zone. She has witnessed hazardous conditions related to parking issues, public drunkenness, littering, noise, and non-resident STR owners; and is concerned about water shortage and natural resources. STRs are businesses and should be monitored. All of these infringe on Ms. Gregory's right to the peaceful enjoyment of her residential home. She requested that the Town Council return neighborhoods to a peaceful setting.

Councilor Brine commented that some of the issues related to Ms. Gregory's concerns may or may not be related to STRs, but rather an issue of enforcement when a property owner does not adhere to the noise ordinance or other laws.

Brian Coleman, 195 Beacon Avenue. Mr. Coleman has been a community member since 1999. Understands STRs can be a nuisance but has concerns with the proposed STR ordinance; and believes it is overreaching related to parking and fines. He believes there are other avenues to adjust the ordinance to ensure peaceful enjoyment. Mr. Coleman requested additional consideration for the individual or party at fault/violating the rules/regulations.

Ross Williams, 64 Walcott Avenue, supports the need to regulate STRs, but the proposed ordinance throws a wide net negatively affecting people that have not posed a problem historically. Mr. Williams considers himself a responsible resident STR landowner. Requested reconsideration of the parking requirement; redefining what constitutes a resident STR; making the ordinance less erroneous to Jamestown residents.

Chris Wood, 24 Briar Avenue, made a clarifying statement that 9'x18' parking spot is the State regulation. Mr. Wood urged the Council to redraft the ordinance and recommended that the registration fee be equal.

Robert Zimmerman, 86 Reservoir Circle, owns one of the "Three Sisters" located at 23 Conanicus Avenue. His family has been renting the property for over 53 years to offset the cost of maintaining the property. He intends to pass it on to the next generation. Mr. Zimmerman stated that the proposed ordinance is an example of the heavy overreach of law.

Susan Swick, 73 Standish Road, has had a rental property in Shoreby Hill for 23 years. She enjoys renting her property, the old Murray House, and finds it rewarding and joyful. Ms. Swick registered with the State of RI Department of Regulation and pays the required fees and taxes.

Ron Ratcliff, 23 Ship Street, owns a STR/rental property on Coronado Street. Safety of rentals should be the focus of the proposed ordinance, both short and long-term rentals. He expressed concern regarding the parking issue in Jamestown. Affordable housing has been a longstanding issue. STR and long-term rental properties should not be responsible for solving the affordable housing issue.

Karen Polter, 88 Bow Street, has concerns with STR rentals in residential communities and is opposed to the proposed STR ordinance. A neighborhood builds a community. STRs are essentially hotels, with people coming and going; checking in and out as well as maid service. Parking remains a significant issue. Ms. Polter questioned why some homeowners are allowed to have hotels aka STRs in residential zoned areas? Does that mean that anyone could open a business in their home?

Mark Holland, 18 Intrepid Lane, suggests holding off on the legislation for further study. The Town Council has a challenge and problem of competing interests. Nuisance needs to be measured. Far-reaching consequences for several in the STR community.

President Beye found it interesting that Mr. Holland referred to STRs as businesses.

Connie Slick, Narragansett Avenue, has a three-family home. She understands and appreciates the Town Council's STR concerns. Ms. Slick stated that 1% of the rental fee presently goes to the Town. She believes that STRs help local businesses and hosts act as concierge services. STRs do not qualify for residential homeowners' insurance; require business liability insurance. What would STRs get in return for the registration fee?

Jeff Gravdahl, 19 Seafarer Court, co-owner "Birdview" located at 28 Newport Street with his sisters, all residing in Jamestown. 3rd generation owner of "Birdview, and have rented the property for many years. The Gravdahl family objects to the ordinance and specifically the fee. They are residents but do not reside on the property. They cherish their family home; Mr. Gravddahl suggested dealing directly with the problematic STRs and not using a wide brush to regulate all STRs.

Vice President Meagher clarifies the definition of an STR which is based on length of stay.

Johnny Lee Zimmerman, 86 Reservoir Circle, wanted to address the business aspect, never wanted to be in business; just want to keep the family house for the next generation. The Three Sisters were built as cottages for the Thorndike Hotel as rental properties. People have always been allowed to park on the street.

Al Amarantes, 11 Hulls Court is a private street, with no Town services. How does the ordinance apply to private streets?

Ed Ross, 20 Ocean Avenue, lives in Jamestown and owns a STR. An unintended consequence of the ordinance may result in fewer individuals/families coming to Jamestown. Use current levers to regulate STRs, and wait on a STR ordinance. No issue rooting out investor-owned businesses. Parking rules and implied caps on bedrooms would require 3 parking spots, and facilitate paving part of the grassy yard. Another unintended consequence of an erroneous STR ordinance may be fewer long-term rentals to accommodate war-college families.

Councilor Brine as a war-college student, and he and his family came to Jamestown and was a STR tenant. Challenge of war college students, classes start in August requiring them to be STRs before their long-term rental becomes available usually after Labor Day. Creating opportunities for military families so they can be here for the school year especially given the ordinance that Military families account for 20% of the student population

Tim O'Connell, 33 Clarke Street, a 9-month resident of Jamestown honored to live here. Is there a distinction between investment property, and the number of investment properties vs resident-owned STRs?

Brenda Ratcliffe, 23 Ships Street/23 Coronado, registration, inspection, and licensing requirements seem discriminatory. The requirements should be required for all rental properties to adhere to the State Building code regarding fire, lead safety requirements, etc. to protect the community of renters and the Town. Rental agencies have specific guidelines for prospective tenants addressing functions and parties, requiring maintaining quiet and decorous behavior during the duration of the lease. Further study regarding requirements, to ensure rental properties are safe, and further contribute to the community.

Nancy Cresser, 64 Grinnell Street. Local realtor. Leases are very clear, functions/parties, and # of people in a property are based on # of bedrooms. Problems correlate to mismanaged properties. Screen all potential tenants.

Councilor Brine, how do you handle accountability? How are complaints handled?

Ms. Cresser has not had problematic tenants. Landlords rely on the agency to oversee property and compliance. Limit rental terms to no less than 1-week.

Steve Burnette, 67 North Road, owns a STR. STR owners are tremendous ambassadors for the Town, promoting the community, the restaurants, etc. The better job STR owners do screening potential tenants will ensure better outcomes. Most tenants are more concerned with landlord review of them.

Pamela Story, 831 N. Main Road, is a long-term resident of Jamestown. Requesting an amendment to the ordinance to allow STRs in the commercial limited district not subject to the restrictions and requirements for STRs in residential areas. Vice President Meagher made a clarifying statement regarding the request. Differentiate between the commercial limited district and residential district for STRs.

Michael Abound, 5 Middle Street, rental property on Sampan for 18 years with no problems. Can't legislate morality. How many businesses are operating out of homes since covid? Are we willing to regulate those? Need to go back and study STR businesses in Jamestown. Not every STR is a disaster.

Councilor Brine, the proposed STR ordinance represents a reasonable solution so that the STR business practice can be legal; presently no ordinance allowing for the business practice, therefore prohibited.

Rob Grosso, 41 Hamilton Avenue, would there be an opportunity to speak after the public hearing or at another time?

President Beye affirmed that additional comments could be made during Open Forum.

Councilor Brine stated that he was in support of the ordinance as written with the exception of 14-87 (c), and (e); referring to the parking section. He would be in favor of striking the section and revisiting it in the future.

Vice President Meagher, striking the parking section would make sense.

Councilor M. White asked for more clarity on the fee structure.

Vice President Meagher, fees were based on a typical daily Airbnb rental; an investment property not occupied by the owner. \$350 privileges of the safety, and use of Jamestown natural resources.

Ross Williams, 64 Walcott, Jamestown year-round residents living on the island, qualify for the \$350 tier?

Councilor R. White would be in favor of a lower fee for STR owners that live elsewhere in town.

Susan Swick, 73 Standish Road, 1% of the fee paid to Rhode Island Department of Business Regulation, comes back to Jamestown. What does that equate to annually?

Finance Director Collins, 1% equates to approximately \$24,000 annually.

Vice President Meagher would be agreeable to modifying the response time requirement. President Beye disagreed and felt 2 hours was reasonable.

Connie Slick asked for further clarification on the fee structure and questions why she has to pay a higher fee (estate in trust).

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the ordinance with the following modification: strike out 14-87 (c) and (e); \$350 for Jamestown residents that own a STR, and \$700 for all others. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

V. 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 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
- B) Non-scheduled request to address

John Lawless, 14 Pemberton Avenue, would the Town Council consider exempting contracts that were already in place for 2023? Will there be flexibility?

Vice President Meagher, commented that Mr. Lawless raised a great question and will get back to him at a later date.

Larry Russo, 132 Southwest Ave, Ferrari crashed through their fence. Would like to raise the level of safety in the area. Would like the Town Council to support 1) expediting a State of Rhode Island improvement plan slated for 2024; 2) creating a three-way stop at Southwest and Hamilton Avenue, and 3) moving the pedestrian crosswalk on Southwest Avenue. Presently too close to the dangerous curve.

Julie Grosso, 41 Hamilton, not under the present definition of a resident; has lived on the island part-time her entire life. Would like the Town Council to reconsider and redefine what constitutes a resident. The requirement to hold identification for 90 days she feels is excessive when host compliance companies (VRBO, Airbnb) collect that information; and not comfortable holding identification with threats of identity theft such an issue. Ms. Grosso suggested engaging STR owners in the future to take part in discussions.

Ross Williams, 64 Walcott, appreciates the work the Town Council has done on the STR ordinance. He raised the question of whether the ordinance was to regulate organizations/corporations for-profit rentals or individuals that have properties in trust for estate planning.

Rob Grosso, 41 Hamilton, 14-82-d regarding local representative requirements.

Andre Colognese 35 Gondola Avenue, why are accessory building units prohibited for STR use?

Vice President Meagher, waiting on guidance regarding Accessory Dwelling units used for STRs.

Marian Falla, 69 Green Lane, RI Business Regulation has not completed the rules and regulations for STRs. Ms. Falla would like a map showing where properties are located.

Vice President Meagher explained that STRs would be approved at a Public Hearing before the Town Council which would be advertised in the Jamestown Press.

Ray Bozzano, 10 Narragansett Avenue, any consideration for owner-occupant deeded under a trust; and the timeline for implementation?

Vice President Meagher, the regulation would apply as of January 2023.

VI. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

A) None

VII. 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 Amendments to the Code of Ordinances, Chapter 82 – Zoning Ordinance, Sec 82-103 Definitions, and Section 82-301, Uses and districts. These Amendments are proposed to allow the use of Pet Grooming and to amend the definition of Pet Grooming as provided to the Town Council on July 5, 2022; duly advertised in the *Jamestown Press* August 4th, August 11th and August 18th, 2022 editions; Review, Discussion, and/or Take Action

and/or Vote

- a) Memorandum from the Jamestown Planning Commission to the Jamestown Town Council regarding Zoning Ordinance Amendment related to Pet Grooming
- b) Copy of email from Laura Carlson to the Jamestown Town Council and resume of Laura Carlson

Discussion ensued and asked for public comment.

A motion was made by Councilor Brine with second by Councilor R. White to approve the Proposed Amendments to the Code of Ordinances, Chapter 82 – Zoning Ordinance, Sec 82-103 Definitions, and Section 82-301, Uses and district as recommended by the Planning Commission. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 2) Proposed Amendments to the Code of Ordinances, Chapter 14 – Buildings and Buildings Regulation, Article V., Short Term Rentals, Sec. 14-80-14-93. These Amendments are proposed to regulate short-term rental activity to help maintain the residential character of neighborhoods, provided flexible housing stock, and contribute positively to the local economy; duly advertised in the *Jamestown Press* August 11th, 2022 edition; Review, Discussion, and/or Take Action and/or Vote

Discussion ensued.

A motion was made by Vice President Meagher with second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

B) Town Council Sitting as the Alcohol Beverage Licensing Board

- 1) The Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 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(s) on September 11, 2022, at the Jamestown Community Farm:

CLASS F (NON-PROFIT)

Jamestown Community Farm
231 East Shore Road
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 Jamestown Community Farm one-day Class F license application for September 11, 2022, at the Jamestown Community Farm . Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

The Town Council Adjourns from sitting as the Alcohol Beverage Licensing Board

A motion was made by Vice President Meagher with second by Councilor R. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, 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 Community Farm
- Event: JCF/One Chance Farm-To-Table Dinner
- Date(s): September 11, 2022, 5:00 p.m.- 10 p.m.
- Location: Jamestown Community Farm, 231 East Shore Road

A motion was made by Vice President Meagher with second by Councilor M. White to approve the JCF/One Chance Farm-To-Table Dinner One Day Event/Entertainment License for September 11, 2022, 5:00 p.m. to 10 p.m. at the Jamestown Community Farm, 231 East Shore Road. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- b) Applicant: Looking Upwards/Out of the Box Studio & Gallery
- Event: Art Opening, "Fun House"
- Date(s): September 15, 2022, 5:00 p.m.- 8:00 p.m.
- Location: Looking Upwards, 11 Clinton Avenue

A motion was made by Vice President Meagher with second by Councilor M. White to approve the Art Opening "Fun House" One Day Event/Entertainment License taking place on September 15, 2022, 5:00 p.m. to 8:00 p.m. located at Looking Upwards, 11 Clinton Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- c) Applicant: Jamestown Arts Center
- Event(s): (see application)
- Date(s): August 27th, September 10th, September 22nd, September 23rd, September 24th, September 25th, September 30th, and October 1st, October 28th, December 9th, December 10th
- Time(s): (see application)
- Location: Jamestown Arts Center, 18 Valley Street

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One Day Event/Entertainment Licenses (August 27th, September 10th, September 22nd, September 23rd, September 24th, September 25th, September 30th, and October 1st, October 28th, December 9th, December 10th) for the Jamestown Art Center at 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

2) **One-Day Vendor/Peddler License:** All One-Day Vendor/Peddler 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 Ukraine Relief Project (previously approved on July 5, 2022)
Event: Sunflower Family Festival
Date: August 27, 2022, 10:00 a.m. – 2:00 p.m.
Location: Jamestown Lawn Avenue School grounds

A motion was made by Vice President Meagher with second by Councilor M. White to approve the One-Day Vendor/Peddler License for the Sunflower Family Festival/Jamestown Ukraine Relief Project, August 27, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- b) Applicant: Keane’s Wood-Fired Catering (sub-applicant)
Event: Sunflower Family Festival
Date: August 27, 2022, 10:00 a.m. – 2:00 p.m.
Location: Jamestown Lawn Avenue School grounds

A motion was made by Councilor R. White with second by Vice President Meagher to approve the One-Day Vendor/Peddler License for the Sunflower Family Festival/Keane’s Wood-Fired Catering, August 27, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- c) Applicant: Scoop T’s Ice Cream (sub-applicant)
Event: Sunflower Family Festival
Date: August 27, 2022, 10:00 a.m. – 2:00 p.m.
Location: Jamestown Lawn Avenue School grounds

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the One-Day Vendor/Peddler License for the Sunflower Family Festival/Scoop T’s Ice Cream, August 27, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

President Beye recused herself from agenda item 3) Bingo License Application and 4) Jamestown Clubhouse Community Group List applications and left the dais.

- 3) **Bingo License Application:** All bingo license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion and/or Action, and/or Vote on the following:
 - a) Applicant: Friends of the Jamestown Seniors, Inc.
Event: Weekly Bingo Games
Date: September 1, 2022 to August 31, 2023
Location: 6 West Street, Jamestown (Senior Center)

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Bingo License for the Friends of Jamestown Seniors for the period September

1, 2022- August 31, 2023. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 4) **Jamestown Clubhouse Community Group List applications:** All Jamestown Clubhouse function room use application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Action and/or Vote on the following:
- a) Applicant: Jamestown Historical Society
 - b) Applicant: Jamestown Community Farm
 - c) Applicant: Beavertail Lighthouse Museum Association

A motion was made by Vice President Meagher with second by Councilor M. White to approve the Jamestown Clubhouse Community Group list applications for the Jamestown Historical Society, Jamestown Community Farm and Beavertail Lighthouse Museum Association for the function room use. Vote: President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

President Beye returned to the dais and the meeting.

VIII. COUNCIL, ADMINISTRATOR, 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) Tax Bills FYI

Tax assessment appeals are due no later than December 12, 2022.

- 2) Jamestown Library Renovation Bid status

Three bids were submitted and turned over to the architect for review to determine if they are all responsive. All three bids are higher than the present available funding. The Finance Director and Town Administrator Hainsworth will work with the Library Director and the Chair of the Trustees on next steps for this project.

- 3) Workforce Bargaining Agreement Agenda item

The NAGE 68 Clerks and Dispatchers bargaining agreement has been successfully negotiated and before you for authorization to sign. This concludes all pending labor agreements with members of staff.

- 4) Department Leader Vacancies

Presently there are two vacant positions; Public Works Director (PWD) and Building and Zoning Official (BZO). The PWD has been advertised in many outlets and we have received a few applications. Applications are being evaluated and other recruitment options are being explored. The BZO first application period closed on August 19th

- 5) Reservoir Level

The reservoir level currently registering 37.5" below the spill line. Conservation and water restrictions notices are still being advertised in the Jamestown Press.

- 6) Covid 19 Testing update

From June 9th to August 16th there have been Ninety-Seven (97) new positive covid-19 cases reported by the Department of Health (DOH) in Jamestown.

IX. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Lease agreement between the Town of Jamestown and Conanicut Island Sailing Foundation
 - 1) Memorandum from Office of the Town Planner Bryer, recommendation by Town Staff, and Draft lease agreement

Discussion ensued.

Vice President Meagher stated that any questions that she had previously were resolved. A motion was made by Vice President Meagher with a second by Councilor R. White to approve the lease agreement between the Town of Jamestown and Conanicut Island Sailing Foundation. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- B) Review, Discussion, and/or Take Action and/or Vote: Request by Christian S. Infantolino to contract with the Town of Jamestown to operate a hotdog cart, also known as a Mobile Food Establishment (MFE) in the Town of Jamestown with further clarification on the use of East Ferry per the Town Council vote on June 13, 2022
 - 1) Copy of the Vendor Agreement between Splash Dogs, LLC and the Town of Jamestown; and copy of the June 13, 2022, Town Council minutes

Discussion ensued.

Jade Infantolino reported to the Town Council that Splash Dogs, LLC has had a successful three weeks at Mackerel Cove beach. She requested permission to increase the size of the business sandwich board sign from 24"x24" to 24"x36".

Christian Infantolino gave a brief statement regarding the Splash Dogs, LLC Mobile Food Establishment (MFE) license to sell at both Mackerel Cove and/or East Ferry, north of the bus stop. It was always the intention of the business to be able to sell at both locations and Mr. Infantolino would like the Town Council to modify the license to allow for that flexibility.

Chief Mello made a point of clarification that other groups/applicants historically use the designated area for special events, such as the Rotary Club at the Fools Rules Regatta, and those groups/applicants should be given priority.

Town Administrator Hainsworth, Parks and Recreation Director Ray DeFalco, and Christian Infantolino have visited East Ferry to clearly define the permitted area for Splash Dogs, LLC to operate. Veterans Square would be strictly prohibited; Splash Dogs, LLC MFE would only be permitted on the grassy area north of the bus stop.

Vice President Meagher remarked that the Zoning Ordinance would need to be reviewed.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the request to increase the signage pending zoning review. Vote: President Beye,

Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the request by Splash Dogs, LLC to operate the MFE at both Mackerel Cove and East Ferry, north of the bus stop. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

C) Review, Discussion, and/or Action and/or Vote: Use of public dock at East Ferry

1) Memorandum from Town Administrator Hainsworth to the Town Council

Discussion ensued.

Town Administrator Hainsworth reported that William Munger of Conanicut Marine Services, Inc./Jamestown Newport Ferry (CMS/JNF) requested more time to prepare a shared use agreement for the East Ferry public access dock. There has never been a use agreement between the Town of Jamestown and CMS/JNF.

Chief Mello requested clarification and expectations of the Town Council regarding a shared use agreement between the Town of Jamestown and CMS/JNF.

Vice President Meagher would like the proposed agreement to explicitly define the use, liability, and insurance of the public access docks at East Ferry by CMS/JNF including the Coastal Queen.

Councilor R. White made a motion to delegate the Town Administrator Hainsworth and Police Chief Mello/Executive Director of the Harbor Commission as representatives to meet with William Munger and his attorney to try to advance the issues to a productive outcome regarding an agreement between the Town of Jamestown and Conanicut Marine Services, Inc./Jamestown Newport Ferry/Coastal Queen Cruises specifically defining use, liability, and insurance of the public docks at East Ferry, seconded by Vice President Meagher. Vote: President Beye, aye; Vice President Meagher, aye; Councilor M. White, aye; Councilor Brine, aye; and Councilor R. White, aye.

X. NEW BUSINESS

A) Review, Discussion, and/or Action and/or Vote: Resolution No. 2022-11 which calls a Special Financial Town Meeting to be held on (TBD by the Town Council at this or a future meeting) such Special Financial Town Meeting to be held to consider a Resolution for the purpose of (1) making appropriations for the renovation, repair and/or expansion of the Jamestown Philomenian Library including related equipment therefor and all costs incidental thereto and (2) authorizing borrowing by issuance of \$1,000,000 bonds and notes of the Town to finance said appropriation; which \$1,000,000 amount of bonds and notes is in addition to the \$1,500,000 previously approved by the voters at the general election of November 3, 2020 by approving Local Acts 52 and 53 of the Rhode Island Acts and Resolves of 2020 and the \$1,000,000 previously approved by the voters at the

general election of November 6, 2018 by approving Local Acts 148 and 151 of the Rhode Island Acts and Resolves of 2018.

Discussion ensued.

Library Board of Trustees Chair Eugene Mihaly and Library Director Lisa Sheely gave a brief explanation and history of the Library renovation project. The bid deadline was August 10, 2022, and bids submitted were over budget by approximately \$1,000,000. Two of the three bid contractors have agreed to extend the bids from 60 to 90 days. The Library Board of Trustees requested that the Town Council approve holding a Special Financial Town Meeting (SFTM) to appropriate the additional funds needed to complete the project.

President Beye expressed concern that the Town Council lacks the proper documentation and information to approve an SFTM at the time.

Vice President Meagher also commented that the Town Council was not provided information in advance of the meeting to move ahead with a SFTM. What has happened as far as value engineering and the possibility of the Town doing some of the work?

Chair Mihaly informed the Town Council that in addition to the proposed appropriation the LBOT would be applying for additional grants for contingency needs.

Lengthy discussion continued. The Town Council concluded that more information and data would be needed to make an informed decision on authorizing a SFTM.

- B) Review, Discussion, and/or Action and/or Vote: Discussion of Rhode Island Department of Transportation (RIDOT) status update on State road projects to include Southwest Avenue, North Road, Narragansett Avenue, and Beavertail Road/Mackerel Cove
 - 1) Memorandum from Chief Mello to Town Administrator Hainsworth regarding Southwest Avenue/RIDOT and recommendation to the Town Council to request to modify the designs

Discussion ensued.

Chief Mello provided a brief overview and history of Southwest Avenue projects. Rhode Island Department of Transportation (RIDOT) has confirmed the project to mill and resurface Southwest Avenue would be on the 2024 schedule. Chief Mello recommended modification of the proposed plans 1) bump out crosswalks with ADA aprons 2) paint/stamp the crosswalks, and possibly move the Hamilton crosswalk north as well as create a three-way stop intersection. Changing the condition of the roadway to slow traffic.

A motion was made by Vice President Meagher with second by Councilor M. White to approve the request of Chief Mello for the following: install bump out crosswalk with red stamped sidewalks for the (3) sidewalks on Southwest Avenue and Hamilton Avenue; permission for the Town Administrator Hainsworth to contact RIDOT with a request to expedite the project, and request a timeline and feasibility study of a three-way stop at Southwest Avenue and Hamilton Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Vice President Meagher with second by Councilor M. White to move up agenda item XI.) C.) Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

XI. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- C) Review, Discussion, and/or Action and/or Vote: Planning Commission member Michael (Mich) Cochran request for a six-month leave of absence or resignation.
 - 1) Code of Ordinances, Sec 1002. Membership and terms; (5) All persons appointed shall be subject to removal for good cause as determined by the council.

Discussion ensued.

Michael (Mich) Cochran explained that he will be out of the country from October 3, 2022, through late April 2023 and will not be able to attend remotely. The Town Council does not need to act or vote on the matter; and wished Mr. Cochran a safe trip.

No action taken.

- A) Ordinances; Discussion and Possible Action to *Order to Advertise* in the Jamestown Press; Notice of a Public Hearing for Proposed Amendments to the Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article VII Cannabis, Section 140-143.

Discussion ensued.

A motion was made by Vice President Meagher with second by Councilor R. White to order to advertise a public hearing to be held on September 19, 2022, to consider amendments to the Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article VII Cannabis, Section 140-143 Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- B) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote to appoint and or advertise the following Board/Commission/Committee vacancies:
 - 1) Tree Preservation & Protection Committee: One (1) unexpired term ending date of December 31, 2022
 - a) Letter of interest
 - i) Richard Kingsley
 - i) Donna Repko

Discussion ensued.

A motion was made by Vice President Meagher with a second by Councilor M. White to appoint Richard Kingsley to the Tree Preservation & Protection Committee for the one (1) unexpired term ending date of December 31, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

A motion was made by Vice President Meagher with second by Councilor Brine that the Town Council consider increasing the number of members of the Tree Protection and Preservation Committee at the next regularly scheduled meeting. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- 2) Jamestown Affordable Housing Committee: One (1) unexpired term

ending date of May 31, 2024

- a) Letter of resignation
 - i) Nicholas Radesca
- b) Permission to advertise the vacancy

A motion was made by Vice President Meagher with a second by Councilor Brine to order to advertise the Jamestown Affordable Housing Committee vacancy for the One (1) unexpired term ending date of May 31, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

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

XII. 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) Adoption of Town Council Minutes
 - 1) July 5, 2022(Regular Meeting)
 - 2) July 5, 2022 (Executive Session)
 - 3) July 25, 2022 (Special Meeting)

- B) Minutes of Boards/Commissions/Committees
 - 1) Planning Commission Minutes, June 15, 2022
 - 2) Zoning Board of Review, June 28, 2022
 - 3) Jamestown Tree Preservation and Protection Committee, March 16, 2022
 - 4) Jamestown Tree Preservation and Protection Committee, April 20, 2022
 - 5) Jamestown Tree Preservation and Protection Committee, May 18, 2022
 - 6) Jamestown Tree Preservation and Protection Committee, Attendance Log

- C) Town of Jamestown as an abutter. Town property: plat 16, Lots 60 & 88
Notice of Administrative Decision: An application for modification has been submitted to the Zoning Enforcement Officer, pursuant to Article 6, Section 609 of the Jamestown Zoning Ordinance. The Zoning Enforcement Officer has decided that the request is consistent with the requirements of 609. You have the right to file a written objection to this determination and, if timely filed, the request for modification shall be denied. If no written objections are received within thirty (30) days of July 8, 2022, the modification shall be granted.

Application of Carl Pecchia, Trustee of the Maria C. Pecchia trust, whose property is located at 11 Yawl, and further identified as Assessor's Plat 16, Lot 82, for a modification from Article 6, Section 82.609, and Article 3, Section 82.302 Table 3-2, to allow replacement of a deck larger than existing, at 23.5' from the rear property line where 30' is required. Said property is located in a R-40/20 zone and contains 14,418 sq. ft.

- D) Town of Jamestown as an abutter. Town property: Plat 15, Lots 142, 273, 140, 180, 90, & 141.

Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing July 26, 2022, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following:

Application of Michelle Botelho-Martins whose property is located on Buoy street, and further identified as assessor's plat 15, lot 143 for a special use permit granted under article 6, special use permits and variances, pursuant to section 82-314, high groundwater table and impervious layer overlay district, sub-district A, to construct a 30 x 24 two-bedroom single-family home, OWTS, and associated stormwater control. Said property is located in a RR40 zone and contains 7,200 square feet.

- E) Request from Town Engineer Jean Lambert to the Jamestown Town Council to approve the Award of Proposal not to exceed in the whole, the sum of Ninety-six Thousand Eight Hundred (\$96,800.00) Dollars: Hydraulic Modeling and Water Main Design, Jamestown Municipal Water System
- F) Review, Discussion, and/or Action and/or Vote: Authorize Town Council President Beye and Town Administrator Hainsworth to sign the Memorandum of Agreement between William and Theresa Donovan and the Town of Jamestown
- G) Ratification of Police Pension Plan Amendments to accommodate for IRS changes
- H) Ratification of the Police Department Mutual Aid Agreements
- I) Authorize Town Administrator Hainsworth to sign the NAGE 68 contract agreement, effective July 1, 2022 – June 30, 2025
- J) Tax Assessor's Abatements and Addenda of Taxes

ABATEMENTS TO 2021 TAX ROLL		
09-0005-00	NO PERSONAL PROPERTY IN TOWN	\$ 5.00
08-0061-00	UPDATED PROP. INFORMATION	\$ 285.18
TOTAL ABATEMENTS TO 2022 TAX ROLL		\$ 290.18
GRAND TOTAL		\$ 290.18

XIII. 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 Solar Initiatives 2022 Summary
From: Jamestown School Department
Dated: July 15, 2022
 - 2) Copy of Press Release
From: Jamestown Police Department
Dated: August 8, 2022

Re: forged signatures on nomination papers


- 3) Copy of email to the Town Council
From: Bernie Courtney
Dated: August 16, 2022
Re: JHA Resident Commissioner
 - 4) Copy of email to the Town Council
From: Kacyn Fisher
Dated: July 15, 2022
Re: Complement of JHA Executive Director Vazquez
 - 5) Copy of letter to the Town Council
From: Connie Slick
Dated: July 14, 2022
Re: Proposed Short Term Rental Ordinance
 - 6) Copy of email to the Town Council Vice President Meagher
From: Nancy Lush
Dated: July 15, 2022
Re: Comments on Dog Ordinance/Update on the Dog Ordinance
 - 7) Copy of letter to the Town Council President Beye
From: Paul and Cynthia Levesque
Dated: June 30, 2022
Re: Revitalization of town pier and public/private partnership
 - 8) Copy of letter to the Town Council
From: Sergius D'Ambrosio, Gaby St. Hilaire, Bevin O'Gorman (5th grade students)
Dated: June 22, 2022
Re: Dog park consideration
- B) Proclamations and Resolutions from Other Rhode Island Cities and Towns
- 1) Resolution of the Town of Tiverton, requesting a ballot question related to the licensure of "Cannabis Related Licenses" within the Town of Tiverton pursuant to the Rhode Island Cannabis Act.
 - 2) Resolution of the Town of Tiverton, in support of House Bill 2022-H 8244 Relating to Siting of Aquaculture Leases

Communications were acknowledged

XIV. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor R. White to adjourn at 10:37 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye.

Attest:


Roberta J. Fagan, Town Clerk