

TOWN COUNCIL MEETING MINUTES
Monday, September 19, 2022

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on September 19, 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(arrived at 6:48), Public Works Director Michael Gray, Town Engineer Jean Lambert, Parks & Recreation Director Ray DeFalco, Administrative Assistant Aileen Flath, Water and Sewer Clerk Denise Jennings, Brenda D.P. Hanna 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 6:33 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

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

- A) Approval of Minutes; Review, Discussion, and/or Action and/or Vote:
1) 08/22/2022(regular 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

- D) Letters and Communication: Review, Discussion, and/or Action and/or Vote:
 - 1) Copy of letter dated August 21, 2022 from Christine Ferguson of 37 Bay View Drive re: request for relief from her 01/22 Water and Sewer bill and her 04/22 Water and Sewer Bill

- E) Unfinished Business: Review, Discussion, and/or Action and/or Vote:
 - 1) Water Conservation Regulations-reviewed and possibly amended; Re: status levels/action levels

 - 2) Review, Discussion, and/or Action and/or Vote regarding whether the Board of Water and Sewer Commissioners find, after a showing by the applicant, a material or substantial change in circumstances in the time intervening after having denied a previous application of Christina DiMeglio for a water service extension to 68 East Shore Road, Jamestown, RI; Assessor's Plat 7 Lot 86 to warrant hearing a factually identical application for water service extension at this address.

- F) New Business: Review, Discussion, and/or Action and/or Vote:
 - 1) None

- G) **The Town Council Adjourns from sitting as the Board of Water and Sewer Commissioners**

A motion was made by Vice President Meagher with second by Councilor M. White 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

IV. 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

Denise Rounds, 14 Harbor Street. A group of Short-Term Rental hosts has formed and requested to be heard at a future Town Council meeting. They would like to present concerns, suggestions, and amendments to the Short-Term Rental ordinance.

Councilor R. White suggested that the group make very specific and concise requests and/or suggestions when they do make a presentation.

Alma Davenport, 99 Clinton Avenue, Unfinished Business B) dissolving the Traffic Committee.

Vice President Meagher asked Alma to wait for that agenda item later in the meeting.

Doreen Dell, 45 Pemberton Avenue, regarding the Jamestown Housing Authority resident commissioner vacancy.

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

- 1) None

VI. 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 Hearing

- 1) Proposed Amendments to the Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article VII Cannabis, Section 140-143. These amendments are proposed to prohibit cannabis smoking/vaporizing in public places, and places of business; and to define violations, penalties and enforcement; Review, Discuss and/or Take Action and/or Vote

A lengthy discussion ensued.

Chief Mello, public use was left to the local municipalities to regulate. The State of RI tried to capture the same prohibition as smoking cigarettes, 50' from a restaurant but failed to do so.

James Thompson, 831 North Main Road; spoke in opposition to the proposed ordinance. Requested the Town Council take a wait-and-see attitude; and wait one year before passing an ordinance prohibiting public smoking/vaporizing in public places, and places of business.

Councilor R. White made a comparison to the prohibition to drinking in public.

Vice President Meagher agreed with Councilor R. White's comparison, and the Town Council's responsibility to protect the rights of Jamestown citizens. She would be in favor of applying the same standard as prohibiting public drinking.

Chief Mello, societal norms aside, current law does not adequately prohibit the public use of cannabis. There are concerns that the Cannabis State law failed to protect the younger population similar to alcohol laws.

Dorianna Corella, 35 Gondola, has observed public drinking at the Town beaches, Ft. Getty, and the state parks. Enforcement would be the key to deterring public drinking and smoking/vaping.

Doreen Dell, 45 Pemberton Avenue, cannabis can be smelled at the Jamestown Housing Authority apartments on Pemberton Avenue and she does not like the smell of it.

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the Proposed Amendments to the Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article VII Cannabis, Section 140-143. These amendments are proposed to prohibit cannabis smoking/vaporizing in public places, and places of business; and to define violations, penalties, and enforcement. 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 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) **REQUEST** that the applications listed below will be in order for hearing at a meeting of said Licensing Board on Monday, November 7, 2022, at 6:30 p.m. and advertised in the *Jamestown Press*. **NOTICE:** Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **RENEWAL** applications have been received by the Town Council for licenses under said Act, for the year December 1, 2022, to November 30, 2023; review, discussion and/or potential action and/or vote:

CLASS A (PACKAGE STORE) – RETAIL

Tunstall, Inc.

dba: Grapes & Gourmet

9 Ferry Wharf

Varsha, Inc.

dba: Jamestown Wine & Spirits

30 Southwest Avenue

CLASS B – TAVERN

JB's On the Water, LLC

dba: JB's On the Water

150 Conanicus Avenue

CLASS B – VICTUALER

Conanicut Restaurant Group II, LLC

dba: Beech

13 Narragansett Avenue

Epic Decade, LLC

dba: Curiosity & Co.

14 Narragansett Avenue

Jamestown Locals LLC

dba: Narragansett Café

25 Narragansett Avenue

Jamestown Marina Beverage Operations LLC

dba: One Ferry Wharf

3 East Ferry Wharf

KALI, LLC

dba: J22 Tap & Table

22 Narragansett Avenue

New England Golf Course Management, Inc.

dba: Jamestown Golf and Country Club

aka: The Caddy Shack

245 Conanicus Avenue

Slice of Heaven, Inc.

dba: Slice of Heaven

32 Narragansett Avenue

Tallulah's Taqueria, LLC

dba: Tallulah's Tacos

35 Narragansett Avenue, Unit D

CLASS B – VICTUALER - LIMITED

Our Table LLC

dba: Our Table

53 Narragansett Avenue

Village Hearth Bakery, Inc.

dba: Village Hearth Bakery

2 Watson Avenue

Jamestown, RI 02835

CLASS D – FULL (CLUB)

Conanicut Yacht Club
dba: Conanicut Yacht Club
40 Bay View Drive

A motion was made by Vice President Meagher with second by Councilor M. White to approve the REQUEST that the applications listed will be in order for hearing at a meeting of said Licensing Board on Monday, November 7, 2022, at 6:30 p.m. and advertised in the *Jamestown Press*. 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

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:** Save the Bay
Event: International Coastal Cleanup- Potter Cove
Date(s): September 25, 2022 10 a.m. – 12:00 p.m.
Location: Potter Cove

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the International Coastal Cleanup- Potter Cove One Day Event application, taking place on September 25, 2022, at Potter Cove. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- b) **Applicant:** Out of the Box Studio and Gallery
Event: Rhodeo Poets/Poetry Nights
Date(s): see attached
Location: 11 Clinton Avenue

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Rhodeo Poets/Poetry Nights One Day Event(s) taking place at 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 Parks and Recreation
Event: Fright Night at Fort Getty
Date(s): October 22, 2022 (Rain Date October 23, 2022)
Location: Fort Getty

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Fright Night at Fort Getty One-Day Event License on October 22, 2022, at Fort Getty. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

VII. 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) Recusal: Town Moderator, Agenda Item

Town Moderator, Mr. John A. Murphy, recused himself as Moderator for the Special Financial Town Meeting on Tuesday, October 18, 2022, at 7 p.m. This is due to a potential conflict he may have in his capacity as an Honorary Co-Chair of the Library's fund-raising efforts. Town Administrator Hainsworth contacted former Town Moderator Susan Romano and she has agreed to serve as Moderator that evening.

2) Short Term Rental (STR) Ordinance extension of Registration and Inspection Deadlines

The recently passed short-term rental ordinance has deadlines requiring inspections and registrations. In practicality, considering the timing, Town Administrator Hainsworth has directed the staff to relax those deadlines for 2023 and work with the applicants to achieve the registration and licensing requirements as soon as practical. This does not relieve the licensing requirement for 2023.

3) Reservoir Level

As of September 13th, the north reservoir water level was at Forty-Three and three-quarters of an inch (43.75) below the spillway. That was before the rain storm received later that morning. Monitoring will continue and water restrictions will remain in effect until the level registers below the 43" threshold.

4) Tree Committee Expansion

The vote at the September 6, 2022, Town Council meeting to expand the tree committee to nine (9) members exceeded the maximum number of seven (7) voting members in accordance with the Town Charter. Therefore, the new appointment made at that meeting was not executed.

5) Covid 19 update: Covid Testing

From August 16th to September 14th there have been Twenty-Six (26) new positive covid-19 cases reported by the Department of Health (DOH) in Jamestown.

VIII. UNFINISHED BUSINESS

A) Review, Discussion and/or Action, and/or Vote regarding the request by Andrea Colognese and Doriana Carella for permission to build an outdoor Pizza Oven at the Fort Getty Pavilion

1) August 16, 2021, Town Council minutes and vote to approve endorsement of the proposal to continue the exploration of the project.

Discussion ensued.

Vice President Meagher would like to reinvigorate the project. Andrea Colognese and Doriana Carella have offered to build the pizza oven. Town Administrator Hainsworth suggested putting together a committee of Town staff (Director of Parks & Rec, Director of

Public Works, and Town Planner) to develop a budget, timeline, etc. There was a consensus to reinvigorate the project.

- B) Review, Discussion and/or Action, and/or Vote: at the request of Vice President Meagher dissolve the Traffic Committee; and direct Town staff to investigate on parking and traffic issues including but not limited to, stop signs, speeding, parking, and other related issues in the Town of Jamestown and make recommendations to the Town Council.

Discussion ensued.

Vice President Meagher spoke with the Chair of the Traffic Committee and would be in favor of directing Town Staff to oversee the duties of the Committee.

Alma Davenport has written to the Town Council in the past with parking concerns with no response. Rather than dissolve the Traffic Committee, Ms. Davenport suggested reconstituting/expanding it to include more citizens at large involvement.

Vice President Meagher apologized for not responding to Ms. Davenport's correspondence. The committee has not met and the current committee has lost its usefulness.

Town Administrator Hainsworth suggested a committee similar to the Technical Review Committee makeup.

A motion was made by Vice President Meagher with second by Councilor M. White to approve dissolving the Traffic Committee; and direct Town staff to investigate on parking and traffic issues including but not limited to, stop signs, speeding, parking, and other related issues in the Town of Jamestown and make recommendations to the Town Council.. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

IX. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Appoint Susan Romano as interim Town Moderator for the Special Financial Town Meeting on October 18, 2022
 - 1) Copy of email from John Murphy regarding conflict of interest and SFTM

Discussion ensued.

Town Administrator Hainsworth spoke with former Town Moderator Susan Romano and confirmed her willingness and availability for the Special Financial Town Meeting on October 18, 2022.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve to appoint Susan Romano as interim Town Moderator for the Special Financial Town Meeting on October 18, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

- B) Review, Discussion, and/or Action and/or Vote: Request of Vice President Meagher to authorize reactivating the ad hoc Charter Review Committee

Discussion ensued.

Vice President Meagher commented that the Town Charter has some issues currently. The request to order advertisement for the Charter Review Committee will be on the October 3, 2022 agenda.

No vote needed.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Appointments, Vacancies and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
- 1) Jamestown Housing Authority, One (1) Resident Commissioner vacancy with an unexpired term ending December 31, 2023
 - a) JHA Resident Commissioner
 - i) Gerald Precious
 - ii) Doreen Dell
 - iii) Bernie Courtney

Discussion ensued.

A motion was made by Councilor R. White with second by Vice President Meagher to appoint Gerald Precious as the JHA Resident Commissioner with an unexpired term ending December 31, 2023. 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: **permission to advertise unexpired and expiring vacancies for the following Committee/Boards/Commissions:**
- 1) Beavertail State Park Advisory Committee One (1) member; three-year term ending 12/31/2025
 - 2) Conservation Commission, Three (3) members; three-year term ending 12/31/2025
 - 3) Harbor Management Commission, Two (2) members, three-year term ending 12/31/2025
 - 4) Jamestown Housing Authority, One (1) full member, five-year term ending 12/31/2027
 - 5) Juvenile Hearing Board, One (1) full member, three-year term ending 12/31/2025, and One (1) alternate member, two-year term ending 12/31/2024
 - 6) Library Board of Trustees, Two (2) members, three-year term ending 12/31/2025
 - 7) Planning Commission, One (1) member, four-year term ending 12/31/2026
 - 8) Quonset Development, One (1) member, three-year term ending 12/31/2025
 - 9) Tree Committee, Two (2) members, three-year term ending 12/31/2025
 - 10) Tree Warden, One (1) warden, one-year term ending 12/31/2023
 - 11) Zoning Board of Review, One (1) full member, five-year term ending 12/31/2027, and three (3) alternate members, one year-term ending 12/31/2023

A motion was made by Councilor R. White with a second by Councilor M. White to approve the request to advertise unexpired and expiring vacancies for the listed Committee/Boards/Commissions. 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

XI. 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) Minutes of Boards/Commissions/Committees
 - 1) Jamestown Affordable Housing Committee (August 1, 2022)
 - 2) Jamestown Affordable Housing Committee (August 15, 2022)

B) Tax Assessor’s Abatements and Addenda of Taxes

ABATEMENTS TO THE 2022 TAX ROLL		
22-0305-00	ADDED EXEMPTION-PURCHASE	\$ 250.00
14-0210-00	UPDATED PROP INFORMATION	\$ 85.55
19-0636-00	UPDATED PROP INFORMATION	\$ 119.50
ADDENDA TO 2022 TAX ROLL		
13-1188-02	REMOVED EXEMPTION- SOLD	250.00
TOTAL ABATEMENTS TO 2022 TAX ROLL		\$455.05
TOTAL ADDENDA TO 2022 TAX ROLL		\$250.00

- C) Approval of the Appointment of Michael Gray as the Director of Public Works for the Town of Jamestown
 - 1) Memorandum from Town Administrator regarding Director of Public Works Confirmation by Town Council
- D) Approval of the Appointment of Peter Medeiros as the Building and Zoning Official for the Town of Jamestown
 - 1) Memorandum from Town Administrator regarding Building and Zoning Official Confirmation by Town Council
- E) Approval of the proposed 2023 Harbor Rates and 2023/2024 Budget
 - 1) Memorandum from Police Chief Mello to Town Administrator Jamie Hainsworth
 - 2) 2023 Harbor Rates and 2023/2024 Marine Development Fund Operating Budget approved by the Harbor Commission on September 14, 2022

XII. 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 Letter to: Town Clerk, Administrator, Police Chief, and Parks & Recreation Director
From: Christine Ariel
Date: September 2, 2022
Re: Amended dog ordinance

- 2) Copy of Letter to: Town Council members
From: Dan Jensen
Date: September 2, 2022
Re: 98 Bay View Drive

B) Proclamations and Resolutions from other Rhode Island Cities and Towns

- 1) Town of Warren Resolution requesting that the State of Rhode Island in partnership with municipalities develop a comprehensive plan to provide high-speed broadband access, Resolution 22-153

Communications were acknowledged

XIII. ADJOURNMENT

A motion was made by Councilor M. White with second by Vice President Meagher to adjourn at 9:15 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