

TOWN COUNCIL MEETING
Monday, November 7, 2022

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on November 7, 2022. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Randy White, and Erik Brine. Michael G. White was absent.

Also, in attendance: Town Administrator Jamie Hainsworth, Solicitor Peter Ruggiero, Finance Director Christina Collins, Town Planner Lisa Bryer, Water and Sewer Clerk Denise Jennings, Fire Chief Jim 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 6:32 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 a second by Councilor R. 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; and Councilor R. White, Aye.

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

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) Unfinished Business: Review, Discussion, and/or Action and/or Vote:
 - 1) Review current outdoor water restrictions, daily water usage, and reservoir levels.

A motion was made by Councilor Brine with a 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; and 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

Marian Falla, 75 Green Lane, asked the Town Council to consider a Tax Exemption and workshop. President Beye requested the topic be placed on the next agenda.

V. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- A) Gould Island Committee presentation by Chair David Sommers
 - 1) Letter to the Town Council from Gould Island Committee Chair David Sommers and Memorandum from Town Planner Lisa Bryer to Town

- Administrator Hainsworth regarding the Gould Island Committee.
- 2) Review, Discussion and or Action and/or Vote: Resolution 2022-14 Request to RIDEM fund in FY24 the development plan for recreation on Gould Island.
 - 3) Review, Discussion and or Action and/or Vote: Resolution 2022-15 Requesting support from neighboring Bay municipalities for Gould Island Committee development plan.
 - 4) Review, Discussion, and or Action and/or Vote: Authorization for the Gould Island Committee to follow up on the letter to neighboring Bay municipalities, and/or authorize Town Administrator Hainsworth to follow up on the letter to neighboring Bay Communities.

A lengthy discussion ensued.

David Sommers, 758 East Shore Road, gave an update and summary of the Gould Island cleanup and public access program. The Resolutions outline the necessary barriers that need to be addressed before the redevelopment of Gould/Dutch islands. Gould Island is a nesting ground for mostly seagulls. The plan would be to designate the middle section of the island for the nesting ground and the southern portion for the planned recreation area. The Gould Island Committee charge is focused only on Gould, and there is momentum. The RIDEM has shown no additional interest in a Dutch Island cleanup.

A motion was made by Vice President Meagher with a second by Councilor Brine to waive the reading of the Resolution and to approve the Resolutions. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor Brine to authorize the Gould Island Committee to follow up on the letter to neighboring Bay municipalities, and/or authorize Town Administrator Hainsworth to follow up on the letter to neighboring Bay Communities. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

A motion was made by Councilor Brine with a second by Vice President Meagher to authorize an Ad-hoc committee. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

Vice President Meagher requested the topic of Dutch Island be put on a future agenda.

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

VI. PUBLIC HEARINGS, LICENSES AND PERMITS

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) 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 November 11, 2022, at the Out of the Box Gallery:

CLASS F (NON-PROFIT)

Out of the Box Gallery
11 Clinton 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 a second by Councilor R. White to approve the one-day Class F (Non-Profit) liquor license for the Out of the Box Gallery on November 11, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

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

B) 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: ~~Newport Live with Dori Freeman~~
Date: ~~November 5, 2022, 7:00 p.m. – 8:30 p.m.~~
Location: ~~18 Valley Street~~

Town Clerk Roberta Fagan stated that the Town Council previously approved the One-Day Jamestown Arts Center's November 5, 2022 event. President Beye acknowledged the error.

b) Applicant: Jamestown Arts Center
Event: Newport Film – All the Beauty and Bloodshed
Date: November 17, 2022, 6:00 p.m. – 8:00 p.m.
Location: 18 Valley Street

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the Jamestown Arts Center Newport Film- All the Beauty and Bloodshed one-day event

taking place on November 17, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

- c) Applicant: St. Mark Church
- Event: Christmas Bazaar
- Date: December 3, 2022, 10:00 a.m. – 3:00 p.m.
- Location: St. Mark Church basement, 60 Narragansett Ave

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the St. Mark Church Christmas Bazaar one-day event on December 3, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

- d) Applicant: Jamestown Chamber of Commerce
- Event: Ugly Sweater Sidewalk Parade & Fashion Show
- Date: December 17, 2022, 11:00 a.m. – 1:00 p.m.
- Location: Village and Jamestown Recreation Center

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Jamestown Chamber of Commerce Ugly Sweater Sidewalk Parade & Fashion Show one-day event on December 17, 2022. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and 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) Reservoir Level and Consideration of Present Restrictions (agenda item)

Water and Sewer Commission: As of October 24th, the north reservoir water level was at forty-seven inches (47) below the spillway. At the previous Water and Sewer Commission meeting, there was a discussion about relaxing some of the conservation restrictions on outdoor water use.

Town Administrator Hainsworth provided the following on the current water daily supply demands: The plant pumped 157,000 gallons on Friday the 21st, 160,000 gallons on Saturday the 22nd, and 178,000 gallons on Sunday the 23rd. The average weekday demand for the month of October was between 158,000- 160,000 per day. In the summer of 2022 average weekend day demand was just over 300,000 gallons. Typical peak season use was about double the average off-peak daily demand. The recent rainfall enabled the Town to transfer water from the South Pond to North Pond to offset the daily demand without impacting supply. The reservoir level has risen and Town anticipates an increase in storage volume through the winter and spring.

- 2) Event applications for the Jamestown Chamber of Commerce (agenda item)

The Jamestown Chamber of Commerce in cooperation with the Recreation Department is organizing holiday events and requesting permission to conduct the following:

Saturday, December 10th - Holiday Wreath Decorating at Fort Getty for families and other civic groups (for example, Seniors, Scouts, JAC, etc.) The event will be open to the public with prior sign-ups and will be limited to 25 groups. Participants will supply decorations for the wreath-making with solar lighting provided by the Chamber. The Chamber has requested permission to hang the wreaths with names of families/groups on the decorative light poles on Narragansett Avenue. There are 25 designated poles. TPG Marina will be sponsoring the Chamber event. Michael Gray will design and coordinate the method of hanging the wreaths.

Saturday, December 17th - Ugly Sweater Parade and Fashion Show. All ages will be invited to participate. Participants will meet at the Fire Station and parade into town (possibly led by Lew Kitts firetruck, if available). They will walk on the sidewalk around Veteran's Square and cross the street at the crosswalk and then enter the Recreation Center for the Fashion Show. Voting will take place at that time and winners announced for various categories. The parade will take approximately ten minutes from start to finish.

3) **Jamestown Library temporary relocation during construction**
The Library will be temporarily closed to the public as of October 24th. The Staff has begun packing in preparation for the renovation. The Department of Public Works(DPW) will be assisting in emptying the building of its contents. A small portion of the items will be moved to the clubhouse for the temporary library with an expected opening on November 7th. A large amount of the items will be stored in a container at the former Ambulance Building parking lot on Knowles Court. Additionally, the School Department facilities staff has begun moving approximately 1300 boxes of books and supplies that will be stored at the school

4) **Hull Street CRMC Right of Way (ROW) #G-6**
In August of 2021, an abutting property owner conducted some excavation and clearing on their property as well as encroaching onto ROW #G-6 The Town was notified and soon learned this work would have required a CRMC assent and also learned none was issued. CRMC and the Town issued a cease-and-desist order to the abutting owners and have since worked with CRMC to have the area restored in accordance with the coastal feature regulations. The abutting owner submitted a restoration plan, including a soil erosion control for their property and the ROW property, which was approved. The initial erosion control methods were soon completed; however, the restoration planting and the pathway had yet to be completed. Last week DPW completed the approved restoration plan of the ROW path. Signs supplied by CRMC will be erected to complete the project. The Town will pursue reimbursement from the abutters for the work.

5) **Spindrift CRMC Right of Way (ROW) #G-4**
Several neighbors in the area of the Spindrift ROW requested some work be done to the walking path. After reviewing with staff and Anne Kuhn Hines, chair of the Conservation Commission, the Town submitted a maintenance application to complete the work in accordance with the regulations. CRMC approved the application. The maintenance staff from Park and Recreation have begun cutting the brush for the 6-foot-wide path and a sign will be erected marking the path for general public use.

6) **Covid 19 update**

From October 11, 2022, to October 28th there were Fifteen (15) new positive covid-19 cases reported with a total of 1339 for Jamestown, according to the RI Department of Health.

VIII. UNFINISHED BUSINESS

- A) Review, Discussion and or Action and/or Vote: Request of Conanicut Island Sailing Foundation (CISF) for permission to locate a new classroom trailer at the site of the current operations at Fort Getty:
- 1) Letter and supporting documentation from CISF Executive Director Meg Myles.

Discussion ensued.

President Beye thanked Executive Director Myles for the summary letter and supporting documentation. Vice President Meagher gave a summary of the CISF request to create a more permanent structure, and the proposal was clear and understandable.

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the CISF new classroom trailer plan at Fort Getty to be reviewed by the Planning Commission. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye

- B) Review and Discussion of correspondence received concerning the current Short-Term Rental (STR) Ordinance
- 1) Letter to the Jamestown Town Council from a group of STR owners dated October 24, 2022.
 - 2) Letter to the Jamestown Town Council from Denise Rounds dated October 25, 2022.

Discussion ensued.

Vice President Meagher gave praise to the group and their efforts. The data and documentation presented were thorough and clear.

Ron Ratcliff, 26 Ships Street, read a statement regarding the Short-Term Rental (STR) Ordinance on behalf of Jamestown residents that offer Short-Term rentals. Statement attached. The group requested the Town Council authorize a working group to consider proposed changes.

Vice President Meagher would be open to organizing a working group to review the proposed changes to the STR ordinance. Vice President Meagher stated for the record, that the Planning Commission started considering a STR ordinance in 2018. Also, an ordinance committee considered a STR ordinance in 2015. At several meetings, residents raised concerns regarding the impact of a STR ordinance on the local economy. Commercialization of residential areas precipitated Town action. In January 2022 the Rhode General Assembly passed the State of RI Short-Term Rental legislation and put the responsibility back on the local municipalities to regulate. The State law does not align with local zoning ordinances. The STR ordinance approved by the Jamestown Town Council created a public framework by which neighbors could participate in the approval of a potential STR through a public forum, duly advertised. The STR ordinance may be considered onerous, but STRs present a potential for severe impacts on residential areas.

Councilor R. White has met with Denise Rounds to discuss the proposed amendments. He would be in favor of a working group.

Councilor Brine questioned how changes would be implemented by January 2023, and the timeline to enforce the ordinance. He had questions on the cost of managing and enforcing the program; can the program be cost-neutral? Councilor Brine would be supportive of a working group, as well. He also noted the decrease in war college families living in Jamestown and the lack of affordable housing.

President Beye referenced a budget meeting where Superintendent Duva stated that there had been a decrease in student enrollment correlated to the low housing stock.

A motion was made by Councilor Brine with a second by Vice President Meagher to add the working group agenda item to the November 21st Town Council meeting. **Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and Councilor R. White, Aye**

President Beye recused herself and stepped down from the dais.

IX. NEW BUSINESS

- A) Review, Discussion and/or Action and/or Vote: Proposed changes to the Fire Fighters Incentives/Tax Abatement Plan and EMS Incentive/Tax Abatement Plan
 - 1) Fire Incentive/Tax Abatement Plan proposal: 2022/2023
 - 2) EMS Incentive/Tax Abatement Plan proposal: 2022/2023
 - 3) H6521: An Act Relating to Property Tax Relief in the Town of Jamestown, and Jamestown Code of Ordinances, Division 3 Jamestown Fire Department, Sec 66-86 thru 66-89.

Discussion ensued.

Chief Bryer addressed the Town Council members. Approximately one year ago a questionnaire was sent to members looking for ideas on how to attract new volunteers and maintain current members. Demographics are changing in Jamestown. If the Town Council were to approve the incentive/tax abatement plans, the plans would then need to go to the General Assembly for approval. The last time incentive plans were updated was in 2009. The new proposed plans would create tiers. There would be a qualification process as well as the number of calls an individual goes on.

No action. Staff recommends holding for future consideration.

Solicitor Ruggiero stated that enabling legislation would require the local ordinance to be amended as well.

President Beye rejoined the meeting and returned to the dais.

X. 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) 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.

- 1) Memorandum from Town Planner Lisa Bryer

Discussion ensued.

The order to advertise will be dependent on the outcome of the November 8th General Election local question. This assumes that the question will pass. If the question does not pass a public hearing will not be necessary.

No action was taken.

XI. FUTURE MEETINGS AND CALENDER

- A) Review, Discussion and/or Action or Vote:

- 1) November 21, 2022 swearing in of the newly elected Town Council.

No action was taken.

A motion was made by Vice President Meagher with a second by Councilor R. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; and 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) October 17, 2022 (Regular Meeting)
- 2) October 18, 2022 (SFTM)
- 3) October 21, 2022 (Special Meeting)

- B) Minutes of Boards/Commissions/Committees

- 1) Jamestown Planning Commission (October 5, 2022)
- 2) Jamestown Zoning Board of Review (September 27, 2022)

- C) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on November 15, 2022, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following:

- 1) Application of John and Pamela Connors whose property is located at 222 Beacon Avenue and is further identified as Tax Assessor's Plat 16, Lot 73 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". Applicants seek to construct a two bedroom home. The seasonal high groundwater table is equal to 18 inches which places this parcel in Subdistrict A of Section 82-314. Said property is located in an R-40 zone and contains 14,400 square feet.

- D) Tax Assessor's Abatements and Addenda of Taxes

ABATEMENTS TO 2021 TAX ROLL

23-1005-10	UPDATED PROP. INFORMATION	\$ 766.59
02-0854-99	UPDATED PROP. INFORMATION	\$ 37.35
11-0573-25	UPDATED PROP. INFORMATION	\$ 41.42
16-1095-01	UPDATED PROP. INFORMATION	\$ 557.46
19-0005-10	UPDATED PROP. INFORMATION	\$ 33.27
11-0483-00	UPDATED PROP. INFORMATION	\$ 988.63
ADDENDA TO 2021 TAX ROLL		
	NONE	
TOTAL ABATEMENTS TO 2021 TAX ROLL		\$2424.72
TOTAL ADDENDA TO 2021 TAX ROLL		\$ 0.00
GRAND TOTAL		\$2424.72

- E) Resolution of the Town Council Authorizing Issuance of Up To \$3,100,000 In Bonds And/Or Notes for The Renovation, Repair And/Or Expansion of The Jamestown Philomenian Library Including Related Equipment Therefor And All Costs Incidental Thereto, No. 2022-13.
- F) Approve the request of the Jamestown Chamber of Commerce for permission to hang holiday wreaths on the decorative light poles located on Narragansett Avenue from the Fire Station to/and at East Ferry Square.

Communications were acknowledged.

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 Letter to: Town Council
From: Ron Ratcliff and Denise Rounds
Dated: October 24, 2022
Re: Jamestown Tow Ordinance Chapter 14: Buildings and Regulations, Article V- Short-Term Rentals
 - 2) Copy of Letter to: Town Council President Beye
From: Denise Rounds
Dated: October 25, 2022
Re: Short-Term Rental Ordinance
 - 3) Copy of Letter to: Town Clerk Roberta Fagan
From: Marian Falla
Dated: October 25, 2022
Re: Tax Exemption
 - 4) Copy of Email to: Town Administrator Hainsworth
From: CRMC Office Manager Lisa A. Turner
Dated: October 19, 2022

Re: CRMC Public Hearing Notice- Revolution Wind 2021-07-005
Amended October 19, 2022

5) Email From: Daniel Breen US. Army Corps of Engineers
Dated: October 27, 2022
Re: Margaret Testa Takata residential pier extension and boat lift

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

1) Resolution of the Town of Barrington Urging the Rhode Island General Assembly to Recognize June 19th, Juneteenth National Independence Day, As An Official Rhode Island State Holiday.

XIV. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor Brine to adjourn at 8:20 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