



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, April 3, 2023
6:05 P.M.

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:
<http://www.record-server.net/Jtown/StreamPrimJtown.html>

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. The Town Council hopes that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

Attachments for items on this meeting agenda are available to the public on the Town website at:
<https://jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2023-meetings-minutes>

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

TIME	NAME	COMMITTEE
6:05	David F. Dolce	Tax Relief Working Group
6:15	Robert Raymond	Tax Relief Working Group

II. ROLL CALL

III. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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 prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address
- B) Non-scheduled request to address

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

- A) Acknowledgements:
- 1) Jamestown Police Life Saving Medal awards presentation
 - a) Jamestown Police Department Dispatcher David Bento

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.

A) Public Hearing: Town Council Sitting as the Alcoholic Beverage Licensing Board.

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 has been received:

- 1) Transfer Application has been received for Class B-V – Victualer Liquor License as advertised in the Jamestown Press.

FROM: **CLASS B-V – VICTUALER**
Jamestown Locals, LLC (J. Colon/C. Verta)
dba: Narragansett Café
25 Narragansett Avenue
Jamestown, RI 02835

TO: **CLASS B-V- VICTUALER**
Jamestown Locals, LLC (M. D’Arezzo/E. D’Arezzo)
dba: Narragansett Café
25 Narragansett Avenue
Jamestown, RI 02835

- a) Review, Discussion and or Action: At the request of the applicant, permission to postpone the Public Hearing for the Jamestown Locals, LLC, dba: Narragansett Café Class B-V Victualer Liquor License Transfer application.
- 2) 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: Pursuant to RIGL§ 3-7-15(b), that the following request for consent under said Act, Class G. Liquor License (State License) by Conanicut Marine Services, Inc., for service of liquor while at dockside at East Ferry for the 2023 season no more than 30 minutes prior to scheduled departure for the following motor vessels:
 - a) The Jamestown, MV Katherine, The Coastal Queen
 - b) Review, Discussion and/or Take Action and/or Vote to grant their consent to the request of the CLASS G LIQUOR LICENSE.

- 3) Pursuant to RIGL §3-7-14, that the following license application has been received under said Act for a one-day license on May 13, 2023(*rain date May 20, 2023):

CLASS F (NON-PROFIT)

Jamestown Chamber of Commerce
PO Box 35, 2023
Jamestown, RI 02835

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

The Town Council adjourns from sitting as the Alcoholic Beverage Licensing Board.

B) License: 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 Chamber of Commerce
Event: Crossing Day
Date: May 13, 2023(*rain date May 20, 2023)
11:00 a.m. - 3:00 p.m.
Location: East Ferry/Narragansett Avenue

b) Applicant: Gray Matter Marketing & RITB Foundation
Event: Pell Bridge Run
Date: October 15, 2023, 5:00 a.m. - 9:00 a.m.
Location: Rhode Island Transit and Bridge Authority offices and East Shore Road

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:

- A) Interim Town Administrator's Report: Edward A. Mello
- 1) Appointment of the Acting Jamestown Police Chief/Acting Director of Emergency Management (consent agenda)
 - 2) Jamestown Harbor Commission Executive Director update
 - 3) Opioid Settlement Authorization (consent agenda)
 - 4) Rhode Island Interlocal Trust Awards/Grants
 - 5) Recognition of Sgt. Joel Pinocci for 25 years of service on March 24th
 - 6) Rhode Island Department of Environmental Management Pump-Out Grant

VIII. UNFINISHED BUSINESS

- A) Review, Discussion and/or Action and/or Vote to approve the draft Tax Relief Ad Hoc Committee Charge:
 - 1) The Town Council has determined that it is necessary to encourage year-round residency for both property owners and renters alike. To pursue this initiative, the Council may appoint a Tax Relief Ad Hoc Committee whose charge shall be: Review current commercial and residential properties, including owner-occupied, short-term and long-term rental properties; identify strategies employed by other local governments to incentivize year-round residency such as tax incentives; present recommendations to the Town Council including new or amended ordinances; investigate qualifying exemptions and opportunities; develop tax relief tiers; defined qualification requirements; and develop public education and outreach. The Committee shall consist of five (5) to seven (7) members including five (5) members of the general public, the Tax Assessor and a Town Council Liaison.

- B) Review, Discussion and/or Action and/or Vote to approve the draft Senior Services Committee Charge:
 - 1) The Town Council has determined that it is necessary to provide a mechanism to prioritize the needs of the senior population and bring further awareness to the community. To pursue this initiative, the Council may appoint a Senior Services Committee whose charge shall be: Assist the Senior Services Director and the Friends of Jamestown Seniors Organization in the matters of the senior center, and to guide with the implementation of future projects that will help maintain the independence of our senior population. The Committee shall consist of five (5) to seven (7) members including five (5) members of the general public, the Senior Services Director and a Town Council Liaison.

IX. NEW BUSINESS

- A) Review, Discussion and possible action on the FY2023-2024: Town Administrator's Proposed Budget; Possible action to adopt and recommend proposed FY2023-2024 Town Budget of \$28,719,156 for consideration at the Annual Financial Town Meeting on June 5, 2023:
 - 1) Town Administrator's Proposed Town General Fund Budget of \$12,601,897
 - 2) Town Administrator's Proposed School Budget of \$16,177,259

X. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS

- A) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
 - 1) Tax Relief Working Group Ad Hoc Committee, Five (5) to Seven (7) Member vacancy(s), with a term ending date unspecified; review discussion and/or potential action and/or vote:
 - a) Letter of interest:
 - i) Connie Slick
 - ii) Linda J. Jamison
 - iii) E. Edward Ross
 - iv) Michelle Estaphan Owen
 - v) Beth Smith
 - vi) David Dolce
 - vii) Dan West
 - viii) Robert Raymond
 - 2) Committee, Board and Commission Vacancies and Expiring Terms have been duly advertised in the March 30th and April 6th editions of the Jamestown Press. The application deadline has been set for April 12, 2023, for current vacancies and expiring terms.

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) Adoption of Town Council Meeting Minutes
 - 1) February 28, 2023 (Special Meeting)
 - 2) March 6, 2023 (Regular Meeting)
- B) Minutes of Boards/Commissions/Committees
 - 1) Jamestown Housing Authority (January 19, 2023)
 - 2) Planning Commission (February 15, 2023)
 - 3) Zoning Board of Review (February 28, 2023)
- C) Approval of the Appointment of Lt. Angela Deneault as the Acting Jamestown Police Chief and Acting Director of Emergency Management, effective April 17, 2023, and approval of the compensation of \$98,268.00.
- D) Permission to authorize Interim Town Administrator Edward A. Mello to sign the National Opioid Settlement offer, Second Amendment upon review by Solicitor Ruggiero.
- E) Acceptance and Receipt of the Lawn Avenue Upper Tennis Court Resurfacing Bid: to Joyce Construction, in the amount not to exceed \$66,689.00, as recommended by Parks and Recreation Director Ray DeFalco.
 - 1) Memorandum from Parks and Recreation Director Ray DeFalco to the Town Council.

- F) Ratification of Administrative Event Approvals: JAC talk with Jean-Marc Superville Sovak and Peter Fay- March 30, 2023. Previously approved event rescheduled due to inclement weather.

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) Proclamations and Resolutions from other Rhode Island Cities and Towns:
- 1) Town of Warren Resolutions:
 - a) Resolution in Support of Validating and Ratifying an amendment to the Home Rule Charter.
 - b) Resolution in Support of Rhode Island League of Cities and Towns 2023 Legislative Priorities.
 - c) Resolution in Support of Housing Development & Land Use.
 - d) Resolution in Support of Enabling Legislation for a Tax Amnesty Program for Motor Vehicles and Tangible Taxes.
 - e) Resolution in Support of Periodic Review of the BWRSD Enabling Legislation.
 - 2) Town of Tiverton, Resolution in Support of Housing Development & Land Use.
 - 3) Town of Hopkinton; Resolution in Support of H 6119 An Act Relating to Human Services – Medical Assistance.
 - 4) Town of Burrillville, Resolution in Support of Environmental, Social, and Governance Investing.

XIII. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c), Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Clubhouse Library. Notice is also posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to rfagan@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on March 29, 2023.

Roberta Fagan

From: Monica Martins <mmartins@jamestownlawyer.com>
Sent: Thursday, March 23, 2023 12:01 PM
To: Roberta Fagan
Cc: Christian Infantolino
Subject: Conanicut Marine Services/ Class G Liquor License
Attachments: LettertoJtown.pdf

Roberta,
Attached is a copy of letter requesting the Class G Liquor License for Conanicut Marine Services for the Jamestown, the MV Katharine and The Coastal Queen. Please confirm that it will be heard on the Town Council Agenda. Thank you for your time.

Kind regards,
Monica Martins
Assistant to Christian Infantolino, Esq.
Murphy Prior & Infantolino
77 Narragansett Ave.
Jamestown, RI 02835
401-423-0400 x 15

Office hours: M-Th 9-4

PLEASE VERIFY AND CONFIRM OUR WIRING INSTRUCTIONS VERBALLY BEFORE SENDING FUNDS TO THIS OFFICE.

CAUTION: This email originated from outside of the Jamestown email system. Do not click links or open attachments unless you recognize the sender and determine the content is safe.

MURPHY PRIOR & INFANTOLINO
ATTORNEYS AT LAW

77 NARRAGANSETT AVENUE
JAMESTOWN, RI 02835-1149
(401) 423-0400 TELEPHONE
(401) 423-7059 FACSIMILE

EMILY J. MURPHY PRIOR*
CHRISTIAN S. INFANTOLINO**

*ALSO ADMITTED IN CONNECTICUT
**ALSO ADMITTED IN MASSACHUSETTS

JOHN AUSTIN MURPHY, of counsel
NEALE D. MURPHY
1904-2003

March 23, 2023

Alcoholic Beverage Licensing Commission
Roberta Fagan
Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

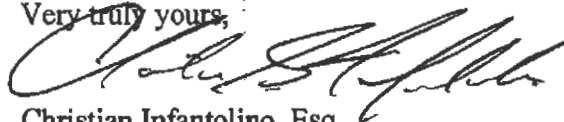
RE: Conanicut Marine Services, Inc./ Class G. Liquor License

Dear Commissioners:

This letter constitutes our formal request that pursuant to RIGL § 3-7-15, the Town of Jamestown grants us permission to serve alcoholic beverages to our patrons aboard our ferries, The Jamestown, the MV Katherine and The Coastal Queen, while at dockside at East Ferry in Jamestown for the 2023 season.

Should the Commission wish to discuss any aspect of this request, we would be pleased to appear at its convenience. Please let us know if this will be required.

Very truly yours,



Christian Infantolino, Esq.
Morneau & Murphy

Enclosures: Class G Liquor Licenses
Copy of RIGL § 3-7-15

Cc: William S. Munger

Title 3

Alcoholic Beverages

Chapter 7 Retail Licenses

R.I. Gen. Laws § 3-7-15

§ 3-7-15. Class G license.

(a) A Class G retailer's license shall be issued only to any dining car company, sleeping car company, parlor car company, and railroad company operating in this state, or any company operating passenger-carrying marine vessels in this state, or any airline operating in this state, and authorizes the holder of the license to keep for sale and to sell in its dining cars, sleeping cars, buffet cars, club cars, lounge cars and any other cars used for the transportation or accommodation of passengers, and in or on any passenger-carrying marine vessel, and in any airplane, beverages for consumption therein or thereon, but only when actually en route.

(b) In addition, the holder of the Class G license for a passenger-carrying marine vessel may serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes prior to the scheduled departure and until departure, provided that the local licensing board annually consents.

(c) Each company or airline to which the license is issued shall pay to the department an annual fee of two hundred fifty dollars (\$250) for the license, paid into the state treasury.

(d) The license expires one year from its date and is good throughout the state as a state license, and only one license is required for all cars or airplanes, but a license issued to any company or person operating passenger-carrying marine vessels in this state shall authorize the sale of beverages only in the passenger-carrying marine vessel designated and no further license shall be required or tax levied by any city or town for the privilege of selling beverages for consumption in those cars or on those vessels or in those airplanes. Each licensed dining car company, sleeping car company, and railroad car company shall keep a duplicate of the license posted in each car where beverages are sold. The department shall issue duplicates of the license from time to time upon the request of any licensed company.

(e) In addition, the holder of the Class G license for a railroad company may serve alcoholic beverages at retail aboard its trains or in its controlled station premises, to ticket holding passengers, during the period sixty (60) minutes prior to the train's scheduled departure and until that departure, provided that the local licensing board annually consents.

History of Section.

P.L. 1933, ch. 2013, § 5; P.L. 1934, ch. 2088, § 2; P.L. 1935, ch. 2270, § 1; P.L. 1937, ch. 2525, § 1; G.L. 1938, ch. 163, § 3; P.L. 1939, ch. 660, § 120; G.L. 1956, § 3-7-15; P.L. 1960, ch. 75, § 2; P.L. 1986, ch. 535, § 2; P.L. 1994, ch. 39, § 1; P.L. 2004, ch. 595, art. 30, § 2; P.L. 2018, ch. 176, § 4; P.L. 2018, ch. 289, § 4; P.L. 2018, ch. 339, § 1; P.L. 2018, ch. 341, § 1.



State of Rhode Island
Department of Business Regulation
Liquor Section



Marine Vessel Class G Beverage License

Conanicut Marine Services, Inc. MV The Jamestown a corporation of Rhode Island
has been granted this, a retailer's beverage license Class G, under 3-7-15, Title 3, of the General Laws of Rhode Island, 1956 as amended, authorizing the holder hereof within the State of Rhode Island, to keep for sale and to serve in its passenger carrying marine vessels, beverages for the consumption thereon thereon, but only when actually en route.

This license shall expire one year from its date and be good throughout the State of Rhode Island, and it shall be kept posted in the passenger carrying marine vessel of the license where such beverages are sold.

This license is subject to such conditions, rules and regulations of the Department Business Regulation as established, or shall in the future establish, and to the terms and provisions of Title 3 of the General Laws of Rhode Island, 1956, as amended.

IN WITNESS WHEREOF, the Associate Director has caused this license to be issued and authenticated by his/her signature.

LICENSE NUMBER: CG.0000688-MV

DATE OF ISSUANCE: 03/10/2023

ASSOCIATE DIRECTOR

POST THIS LICENSE IN A CONSPICUOUS PLACE



State of Rhode Island
Department of Business Regulation
Liquor Section



Marine Vessel Class G Beverage License

Conanicut Marine Services Inc MV Katherine a corporation of Rhode Island
has been granted this, a retailer's beverage license Class G, under 3-7-15, Title 3 of the General Laws of Rhode Island, 1956 as amended, authorizing the holder hereof within the State of Rhode Island, to keep for sale and to serve in its passenger carrying marine vessels, beverages for the consumption therein or thereon, but only when actually en route.

This license shall expire one year from its date and be good throughout the State of Rhode Island, and it shall be kept posted in the passenger carrying marine vessel of the licensee where such beverages are sold.

This license is subject to such conditions, rules and regulations of the Department Business Regulation as established, or shall in the future establish, and to the terms and provisions of Title 3 of the General Laws of Rhode Island, 1956, as amended.

IN WITNESS WHEREOF, the Associate Director has caused this license to be issued and authenticated by his/her signature.

LICENSE NUMBER: CG.0000689-MV

DATE OF ISSUANCE: 03/17/2023

ASSOCIATE DIRECTOR

POST THIS LICENSE IN A CONSPICUOUS PLACE



State of Rhode Island
Department of Business Regulation
Liquor Section



Marine Vessel Class G Beverage License

Conanicut Marine Services, Inc. MV Coastal Queen a corporation of Rhode Island
has been granted this, a retailer's beverage license, Class G, under 3-7-15, Title 3 of the General Laws of Rhode Island, 1956 as amended, authorizing the holder hereof within the State of Rhode Island, to keep for sale and to serve in its passenger carrying marine vessels, beverages for the consumption thereon or thereon, but only when actually en route.

This license shall expire one year from its date and be good throughout the State of Rhode Island, and it shall be kept posted in the passenger carrying marine vessel of the licensee where such beverages are sold.

This license is subject to such conditions, rules and regulations of the Department Business Regulation as established, or shall in the future establish, and to the terms and provisions of Title 3 of the General Laws of Rhode Island, 1956, as amended.

IN WITNESS WHEREOF, the Associate Director has caused this license to be issued and authenticated by his/her signature.

LICENSE NUMBER: CG.0000734-MV
DATE OF ISSUANCE: 04/21/2023

ASSOCIATE DIRECTOR

POST THIS LICENSE IN A CONSPICUOUS PLACE

State of Rhode Island

Board of Licensing Commissioners

Application for License by Corporation, Independent or Caterer

Retailer Class:

F (beer/wine) -or- F1 _____ (full bar)
Liability Insurance Policy **MUST** accompany this form upon submission*

Date of Event: 5/13/23 (rain date 5/20/23) Hours of Event: 11am-3pm

Location of Event: East Ferry

Name of Applicant: Jamestown Chamber of Commerce

DBA: N/A Applicants Phone #: 401-524-9359

Address of Applicant: PO Box 35, Jamestown, RI 02835

Does applicant have a draft system? YES -or- NO

Will Food be provided? YES -or- NO *If yes, you must contact the R.I. Department of Health*

Will Entertainment be provided? YES -or- NO

Has an Entertainment License been requested and/or applied for? YES -or- NO

Does Applicant Own Premise? YES -or- NO Is Property Mortgaged? YES -or- NO

Is Property Leased? YES -or- NO Is Property Town Owned? YES -or- NO

Name Address, Phone # and Date of Birth of all Corporation Officers:

President: William J. Piva, Jr., 105 Hamilton Ave., Jamestown RI 02835 (401) 808-0407, 6/30/63

Vice President: William Tuttle, 444 Seaside Dr., Jamestown RI 02835 (401) 524-9359, 8/15/72

Treasurer: Cathleen Studley, 1415 Gilbert Stuart Rd., Saunderstown RI 02874, (401) 330-0986, 10/4/62

Classes of Stock: (attach additional sheet if necessary)

Amount of Each Authorized: 0 Amount of Each Issued: 0

Names and Addresses of All Registered Owners of Each Class and Amount Owned: N/A

If any of the above stock is hypothecated or pledged provide details: N/A

If application is on behalf of undisclosed principal or party in interest, give details: N/A

Have any Officers, Board Members or Stockholders ever been arrested or convicted of a crime? YES -or- NO (if Yes explain):

Is any other business to be carried on in Licensed Premises? YES -or- NO

(if Yes explain): Beer service will be in a restricted and segregated area from the vendor fair

Is any Officer, Board Member or Stockholder engaged in any manner as a Law Enforcement

Officer? YES -or- NO (if Yes explain): _____

Is Applicant or any of its Officers, Board Members or Stockholders interested directly or indirectly, as principle or associate, or in any manner whatsoever, in any retail license issued under Chapter 3-7 of the General Laws of Rhode Island, 1956, as amended? NO

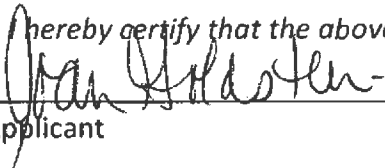
If yes, explain.

Is Applicant the owner or operator of any other business? YES -or- NO If yes, explain:

Chamber of Commerce

State amount of capital invested in the business: N/A

I hereby certify that the above statements are true to the best of my knowledge and belief.


Applicant

3/11/23
Date

Corporation Owner/Caterer

Date

Witness of Licensing Board or Notary Public Date of Witness or Notary Expiration

Instructions for Corporation Applicants

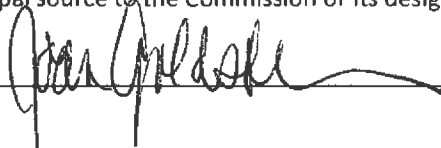
1. Every question on the Application Form must be answered. Any false statement made by the Applicant will be sufficient grounds for the denial of the application or the revocation of the license in case one has been granted.
2. Corporations having 25 or more stockholders need not file a list of the names and addresses of stockholders (question #8).
3. Attention is called to the requirements of the 1963 amendment of Section 3-5-10 of the General Laws.

- a. All newly elected officers or directors must be reported to the Board of License Commissioners within 30 days.
- b. Any acquisition by any person of more than 10% of any class of corporate stock must be reported within 30 days.
- c. Any transfer of 50% or more of any class of corporate stock can be made only by written application to the licensing board subject to the procedures for a transfer license.

(Copy Shall Be Forwarded To Liquor Control Administration By Town Clerk)

Town of Jamestown, Rhode Island
Board of License Commissioners
Alcoholic Beverage License Application

As part of the application process for a liquor license in the Town of Jamestown, the Alcoholic Beverage Licensing Commission of said town conducts an investigation to determine if the applicant has ever been convicted of any crime in this state or any other state. The applicant acknowledges the same, and consents to the investigation by the Commission or its designee, including the Jamestown Police Department, and the release of any information relating to a past criminal conviction of the applicant by any federal, state or municipal source to the Commission or its designee.

Signature of Applicant: 
For Office Use Only

Certificate of Liability Insurance: _____

F License Fee (Beer/Wine): \$15.00

Date Paid: 3/24/23 **F1**

License Fee (Full): \$35.00

Date Paid: _____

Approval: Please Sign & Date

Chief of Police: _____

Fire Chief: _____

Zoning Official: _____

Water & Sewer Clerk: _____

Tax Collector: _____

Public Works Director: _____

This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the __ day of __, 20__ for the day of the event to be held on: _____ ;

Location: _____ Issued:

Roberta J. Fagan, Town Clerk

Please keep this license on hand for the duration of the event

A/3 TC
COI



TOWN OF JAMESTOWN

One Day Event/Entertainment Application

\$5.00 Application Fee

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

Name of Event: (if applicable) Crossing Day

Date of Event: 5/12/28 CRD 5/20/23 Hours of Event: 11-3

Location of Event: East Ferry / Narr. Ave. Number of people attending: 75 approx.

Name of Applicant/ Business: Jamestown Chamber of Commerce

Mailing Address: PO Box 35 Business Phone #: 401-423-0713

Jamestown RI Email Address: [REDACTED]@[REDACTED].com

Contact Person: Will Tuttle Phone Number: 401-524-9359

List the type of entertainment being requested, if applicable (Band, DJ, etc.) Fire + Drums

Who will the event benefit? Town

Type of Operation: (Private, State Sponsored, Non-Profit): Non-Profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): N/A

If the applicant is a Non-Profit organization, is it registered with the State? [REDACTED]

RI Tax ID #: [REDACTED]

[REDACTED] 1-10 11-20 21-30 31-40 41-50

All vendor/peddlers must submit an application to the Town Clerk's Office

What types of items will be sold at this event? _____

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control be needed? Yes No

If yes, Please contact the Jamestown Police Department

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$2,000,000 (two million dollars) when using Town owned property, naming the Town of Jamestown as an additional Certificate Holder.

Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: _____

Please attend the Town Council meeting on the 3 day of April, 2023 for Council review.

SECOND ANNUAL CROSSING DAY PARADE AND FAIR – May 13, 2023 (RD 5/20)

The annual celebration to honor Gen. George Washington’s crossing of Conanicut Island in 1781. The event will consist of a short parade involving period groups and ending with a vendor fair and beer garden at East Ferry. The event will mirror the event last year, 2022.

Parade Route:



Parade will muster and begin at intersection of Narragansett Avenue and North Road and proceed down Narragansett Avenue and end at East Ferry. Total distance approximately 0.4 miles. Assuming a parade speed of 2.5 MPH, parade length should be approximately 30 minutes dependent upon number of participant groups.

Vendor/Fair Area: at conclusion of parade



Subject: Memorial Square
Date: Tuesday, March 14, 2023 at 9:31:05 AM Eastern Daylight Time
From: Bill Piva, Jr
To: emello@jamestownri.net, Thomas McNiff, Conanicut Brewing
Attachments: 12DABAC01D3B4D489C0D92788F30EFA4[2008875].png

Hello Gents,

At our monthly meeting last night, the American Legion/VFW unanimously approved the use of Veterans Memorial Square for the Generals Crossing event on May 13. The group agreed that the use of the square should mirror what was done last year. Thanks and any questions please let me know.

Kind Regards,

Bill Piva, Jr
Realtor
401 808 0407

RI REAL ESTATE SERVICES
34 Narragansett Avenue
Jamestown, RI. 02835
Web: www.401Sold.com



Emails or other types of electronic communication sent or received shall neither constitute acceptance of conducting transactions via electronic means nor create a binding contract until and unless the parties to the contract approve all the terms and sign a written contract.

Wire Fraud Alert - Agents from RI Real Estate Services will never ask you to initiate a wire transfer.



TC 413

TOWN OF JAMESTOWN

One Day

Event/Entertainment Application

\$5.00 Application Fee

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel

- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

RECEIVED
 MAR 20 2023 01:59 PM
 L. Fagan
 JAMESTOWN Town Clerk

Name of Event: (if applicable) Pell Bridge Run
 Date of Event: 10/15/2023 Hours of Event: 5am - 9am
 Location of Event: RITBA offices, E. Shore Rd Number of people attending: 3000
 Name of Applicant/ Business: Gray Matter Marketing & RITB Foundation
 Mailing Address: 1 E. Shore Rd, Jamestown Business Phone #: [Redacted]

(gmm) [Redacted] Address: claire@graymattermarketing.com
 Contact Person: CLaire Atkin Phone Number: [Redacted]

List the type of entertainment being requested, if applicable (Band, DJ, etc.) DT, amplification
 Who will the event benefit? RITBF Beneficiaries - local charities

Type of Operation: (Private, State Sponsored, Non-Profit): Non-profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): [Redacted]

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: [Redacted] Non-Profit ID #: [Redacted]

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

All vendor/peddlers must submit an application to the Town Clerk's Office

What types of items will be sold at this event? none

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control be needed? Yes No
 If yes, Please contact the Jamestown Police Department

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$2,000,000 (two million dollars) when using Town owned property, naming the Town of Jamestown as an additional Certificate Holder.

Certificate of insurance: Yes No

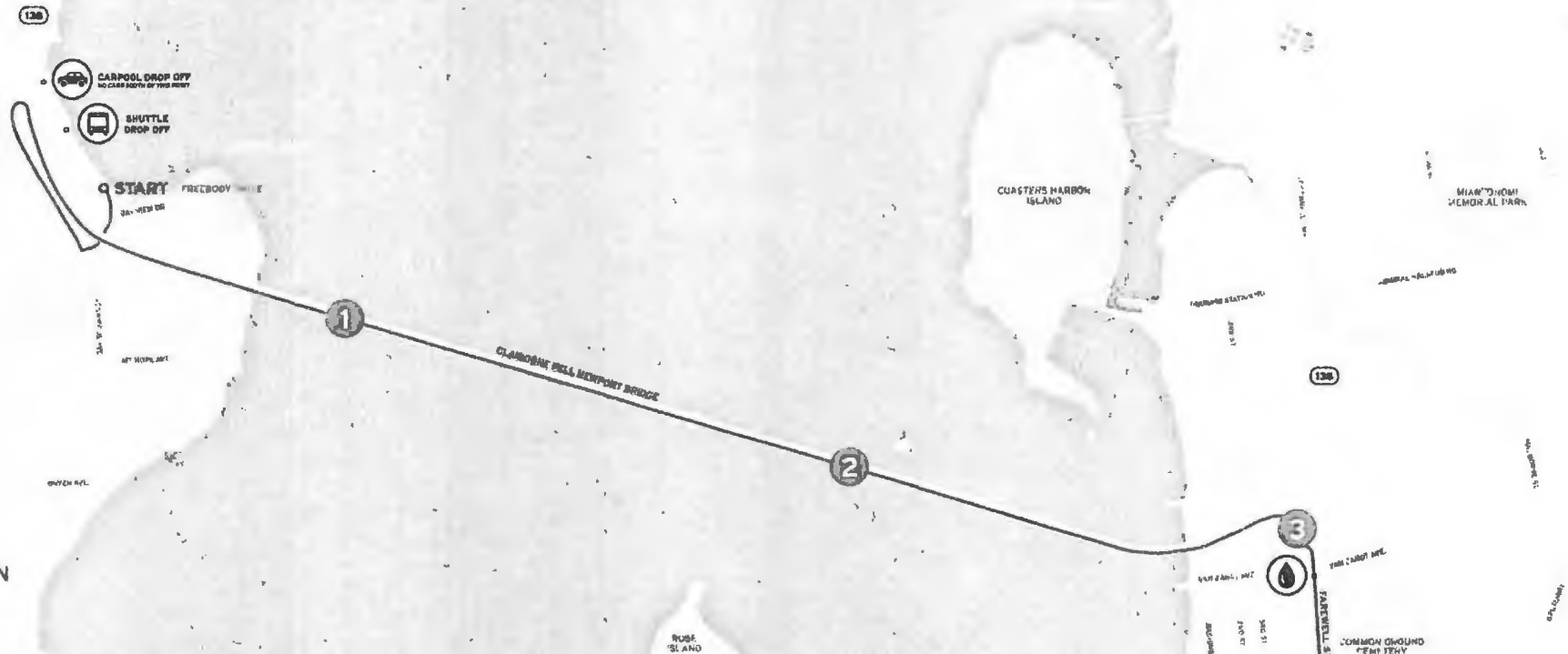
If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: [Signature] 03/14/2023

Please attend the Town Council meeting on the _____ day of _____, 20____ for Council review.




95 4
TO PROVIDENCE
138

Citizens Bank® | PELL BRIDGE RUN

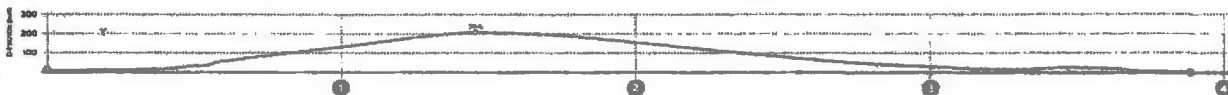


CITIZENS BANK PELL BRIDGE RUN COURSE INFORMATION

-  COURSE and MILEAGE
-  WATER STATION
-  FINISH LINE FIRST AID
-  SHUTTLE PICKUP and DROPOFF
-  CARPOOL DROPOFF LOCATION

-  SUGGESTED PARKING LOCATIONS
Parking will be available on race morning in Downtown Newport at these suggested locations. In addition to the marked areas, all metered street parking is free so do not hesitate to park at any available spot.
-  SHUTTLE WAVES and CARPOOLING
Shuttle waves will begin at 5:00 a.m. from the Newport Gateway Center. The last shuttles will leave Newport for Jamestown at 6:00 a.m. Athletes must adhere to their designated shuttle assignment times.
-  Athletes can be dropped off in Jamestown near the race start at the designated location, and walk to the start area. There is **NO DESIGNATED PARKING** in Jamestown.

ELEVATION PROFILE



195 24
TO FALL RIVER, BOSTON

NEWPORT

TO FALL RIVER, BOSTON



Town of Jamestown
Town Administrator
93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9805

Edward A. Mello
Interim Town Administrator

MEMORANDUM TO: Honorable Town Council
FROM: Interim Town Administrator, Edward A. Mello
DATE: March 29, 2023
SUBJECT: Report for Town Council Meeting April 3, 2023

Acting Jamestown Police Chief and Acting Director of Emergency Management: Lt. Angela Deneault appointment as Acting Police Chief and Acting Director of Emergency Management, effective April 17, 2023. (consent agenda)

Jamestown Harbor Commission Executive Director: The position is being advertised with a deadline of April 17. This is a full-time seasonal position with off-season part-time work as necessary. Chairman Banks has agreed to assist in the process.

Opioid Settlement: Authorization to execute the National Opioid Litigation Settlement Agreement upon review by Solicitor-due date April 18. (consent agenda)

Trust Awards/Grants: The Town is the recent recipient of two grant awards from the RI Interlocal Trust. The Highway Division was awarded \$1,000 for the purchase of Bluetooth headsets to be used for safer communications while operating heavy equipment.

The Recreation Department was awarded \$630 for the purchase of high-visibility all-weather gear. Additionally, the School Department also received a scholarship award of \$1600 that will allow for cyber security training of staff members.

Sgt. Joel Pinocci: Recognized for 25 years of service on March 24, 2023.

Pump-Out Grant: The Harbor Division is the recipient of a \$27,000 grant from RIDEM. Enhancing public pump-out access at East Ferry and maintaining other existing pump-outs. Jamestown received 27% of all grant funds awarded.

Senior Services Committee

(5-7) voting members

Term 3-years

Meetings held 2nd Tuesday at 7:00 p.m.

Charge:

The Town Council has determined that it is necessary to provide a mechanism to prioritize the needs of the senior population and bring further awareness to the community. To pursue this initiative, the Council may appoint a Senior Services Committee whose charge shall be:

1. Assist the Senior Services Director and the Friends of Jamestown Seniors Organization in the matters of the senior center, and to guide with the implementation of future projects that will help maintain the independence of our senior population.

The Committee shall consist of five(5) to seven (7) members including five (5) members of the general public, the Senior Services Director and a Town Council Liaison

Current Voting Members:

Term Ending:

Unspecified
Unspecified
Unspecified
Unspecified
Unspecified

Ex Officio Member:

Town Council liaison
Senior Services Director Molloy Conlon Rose

Tax Relief Ad Hoc Committee

(5-7) voting members

Term Unspecified

Meetings held as needed.

Charge:

The Town Council has determined that it is necessary to encourage year-round residency for both property owners and renters alike. To pursue this initiative, the Council may appoint a Tax Relief Ad Hoc Committee whose charge shall be:

1. Review current commercial and residential properties, including owner-occupied, short-term and long-term rental properties.
2. Identify strategies employed by other local governments to incentivize year-round residency such as tax incentives
3. Present recommendations to the Town Council including new or amended ordinances; investigate qualifying exemptions and opportunities; develop tax relief tiers; defined qualification requirements; and develop public education and outreach.

The Committee shall consist of five (5) to seven (7) members including five (5) members of the general public, the Tax Assessor and a Town Council Liaison

Current Voting Members:

Term Ending:

Unspecified
Unspecified
Unspecified
Unspecified
Unspecified

Ex Officio Member:

Erik Brine, Town Council liaison
Christine Brochu, Tax Assessor



Town of Jamestown
 93 Narragansett Avenue
 Jamestown, Rhode Island 02835-1199

To: Honorable Town Council
 From: Edward A. Mello, Interim Town Administrator
 Christina D. Collins, Finance Director
 Subject: FY 2023-2024 Annual Town Budget
 Date: March 29, 2023

The FY2023-2024 Town Administrators proposed budget of:

Town Expenditure Budget	\$12,601,897.00
School Expenditure Budget	<u>\$16,117,259.00</u>
Total Town & School	\$28,719,156.00

represents an increase of .21 cents per thousand of assessed property value. The value of a median home in Jamestown is \$718,600. At that value, the increase would be \$150.91.

Residential/Commercial Property Tax	FY2022-2023	Proposed FY2023-2024	Change
Examples of Rate Impact	\$6.79	\$7.00	Inc./(dec.)
Residential Assessed Value	\$450,000	\$450,000	
Tax Levy Per Parcel	\$3,055.50	\$3,150.00	\$94.50
Residential Assessed Value	\$600,000	\$600,000	
Tax Levy Per Parcel	\$4,074.00	\$4,200.00	\$126.00
Residential Assessed Value	\$718,600	\$718,600	
Tax Levy Per Parcel	\$4,879.29	\$5,030.20	\$150.91
Residential Assessed Value	\$850,000	\$850,000	
Tax Levy Per Parcel	\$5,771.50	\$5,950.00	\$178.50
Residential Assessed Value	\$1,000,000	\$1,000,000	
Tax Levy Per Parcel	\$6,790.00	\$7,000.00	\$210.00
Residential Assessed Value	\$1,500,000	\$1,500,000	
Tax Levy Per Parcel	\$10,185.00	\$10,500.00	\$315.00
Residential Assessed Value	\$2,000,000	\$2,000,000	
Tax Levy Per Parcel	\$13,580.00	\$14,000.00	\$420.00

Property Taxation

The balance of revenue necessary to support the \$28,719,156 Town and School budget is derived from local property tax. As proposed, the FY2023-24 tax levy is \$23,394,534 on real and tangible property. The 4.0% levy increase of \$908,889 is within the State property tax cap statute RIGL 44-5-2.

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
	GENERAL GOVERNMENT									
1100-7001	COUNCIL									
70101	Salaries (5)	13,800.00	13,800.00	13,800.00	13,800.00	0.00%	13,800.00	0.00%	0.00	6,900.00
70302	Fees & Supplies	300.00	207.60	500.00	500.00	0.00%	500.00	0.00%	0.00	69.00
70305	Advertising	3,964.64	4,484.00	750.00	750.00	0.00%	750.00	0.00%	0.00	5,298.13
	Sub Total:	18,064.64	18,491.60	15,050.00	15,050.00	0.00%	15,050.00	0.00%	0.00	12,267.13
1100-7002	TOWN ADMINISTRATOR									
70101	Salary, Administrator (1)	122,999.95	127,257.75	123,000.00	123,000.00	0.00%	123,000.00	0.00%	0.00	71,434.59
70102	Salary, Clerical	77,497.67	62,267.85	68,650.00	68,650.00	0.00%	70,700.00	2.99%	0.00	36,135.00
70302	Fees, Supplies & Dues	3,657.68	4,210.31	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	3,461.47
70303	Travel Expenses	4,200.00	4,200.00	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	2,800.00
	Sub Total:	208,355.30	197,935.91	199,150.00	199,150.00	0.00%	201,200.00	1.03%	0.00	113,831.06
1100-7003	PROBATE COURT									
70101	Salary, Judge (1)	5,640.66	5,851.98	5,636.00	5,636.00	0.00%	5,636.00	0.00%	0.00	3,251.10
70302	Fees, Supplies & Dues	1,241.47	-205.95	1,200.00	1,200.00	0.00%	1,200.00	0.00%	0.00	76.15
	Sub Total	6,882.13	5,646.03	6,836.00	6,836.00	0.00%	6,836.00	0.00%	0.00	3,327.25
1100-7004	ELECTION & TOWN MEETINGS									
70101	Salaries, Canvassers (3 & 2 alt.)	5,402.18	6,049.54	5,236.00	5,234.00	-0.04%	5,234.00	-0.04%	0.00	2,618.00
70102	Salary, Clerical	759.04	0.00	0.00	0.00	0.00%	1,878.00	0.00%	0.00	0.00
70103	Salaries, Moderator & Sergeant	1,096.04	448.68	1,900.00	1,450.00	-23.68%	1,450.00	-23.68%	0.00	647.36
70104	Election Supervisors	1,811.50	0.00	4,916.00	5,632.00	14.56%	7,922.00	61.15%	0.00	5,725.00
70112	Election - OT	437.07	0.00	1,162.00	1,326.00	0.00%	1,326.00	0.00%	0.00	0.00
70302	Fees, Supplies & Dues	2,223.82	2,215.03	3,000.00	2,650.00	-11.67%	3,250.00	8.33%	0.00	1,998.51
70305	Advertising & Printing	696.30	165.00	700.00	550.00	-21.43%	700.00	0.00%	0.00	630.00
	Sub Total	12,425.95	8,878.25	16,914.00	16,842.00	-0.43%	21,760.00	28.65%	0.00	11,618.87
1100-7005	LEGAL									
70201	Professional Services	104,307.50	105,982.10	125,000.00	125,000.00	0.00%	125,000.00	0.00%	0.00	64,505.50
	Sub Total:	104,307.50	105,982.10	125,000.00	125,000.00	0.00%	125,000.00	0.00%	0.00	64,505.50
1100-7006	CLERK & RECORDS									
70101	Salary, Town Clerk (1)	72,085.74	69,339.38	73,798.00	73,798.00	0.00%	76,011.00	3.00%	0.00	42,830.54
70102	Salary, Clerical (2) w/longevity	106,173.10	109,182.37	110,625.00	114,173.00	3.21%	114,173.00	3.21%	0.00	58,628.04
70104	Salary, Clerk OT	883.65	128.61	540.00	540.00	0.00%	540.00	0.00%	0.00	1,116.14
70302	Fees, Supplies & Dues	33,418.08	33,294.31	28,959.00	29,000.00	0.14%	29,000.00	0.14%	0.00	10,484.51
70305	Advertising & Printing	5,252.04	2,004.86	3,797.00	3,800.00	0.08%	3,800.00	0.08%	0.00	-758.75
	Sub Total:	217,812.61	213,949.53	217,718.00	221,311.00	1.65%	223,524.00	2.67%	0.00	112,300.48

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
1100-7007	PLANNING									
70101	Salary, Town Planner (1) w/longevity	90,618.45	93,342.28	94,116.00	94,116.00	0.00%	96,694.00	2.74%	0.00	58,082.72
70102	Salary, Clerical (.8)	43,075.44	41,500.07	39,000.00	39,000.00	0.00%	40,170.00	3.00%	0.00	19,387.50
70201	Planning Commission	7,000.00	7,000.00	7,000.00	7,000.00	0.00%	7,000.00	0.00%	0.00	0.00
70302	Fees, Supplies & Dues	5,124.27	4,868.77	4,175.00	4,500.00	7.78%	4,500.00	7.78%	0.00	1,626.45
70305	Advertising	0.00	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00
	Sub Total	145,818.16	146,711.12	144,291.00	144,616.00	0.23%	148,364.00	2.82%	0.00	79,096.67
1100-7008	ZONING									
70101	Salaries (10)	7,171.72	7,670.94	8,000.00	8,000.00	0.00%	8,000.00	0.00%	0.00	2,275.00
70302	Supplies	4,637.88	4,386.58	2,500.00	4,800.00	92.00%	2,500.00	0.00%	0.00	402.05
	Sub Total	11,809.60	12,057.52	10,500.00	12,800.00	21.90%	10,500.00	0.00%	0.00	2,677.05
1100-7009	PERSONNEL									
70900	Social Security Tax	352,343.81	326,499.13	351,000.00	361,550.00	3.01%	361,550.00	3.01%	0.00	220,633.72
70901	Health Insurance	619,905.81	558,360.55	658,750.00	758,000.00	15.07%	702,712.00	6.67%	0.00	338,571.38
70902	Workers' Compensation	74,894.00	96,041.00	75,000.00	85,000.00	13.33%	85,000.00	13.33%	0.00	6,602.00
70903	Retirement	374,235.52	376,512.43	347,850.00	350,000.00	0.62%	350,000.00	0.62%	0.00	157,387.19
70904	Year End - Contractual	0.00	57,290.24	0.00	0.00	-100.00%	0.00	-100.00%	0.00	0.00
70906	Life Insurance	12,311.79	12,565.50	12,320.00	12,320.00	0.00%	12,320.00	0.00%	0.00	7,556.60
70907	General Liability Insurance	113,339.00	109,914.00	110,000.00	110,000.00	0.00%	110,000.00	0.00%	0.00	5,801.20
70910	Salary Study Adjustment	0.00	0.00	28,482.00	53,500.00	87.84%	53,500.00	87.84%	0.00	0.00
	OPEB - Other Post Employment Benefits	25,000.00	25,000.00	25,000.00	25,000.00	0.00%	25,000.00	0.00%	0.00	0.00
70920	Blue Cross - Police Retiree	100,000.00	87,384.24	83,245.00	104,500.00	25.53%	104,550.00	25.59%	0.00	65,554.30
	Sub Total	1,672,029.93	1,649,567.09	1,691,647.00	1,859,870.00	9.94%	1,804,632.00	6.68%	0.00	802,106.39
	TOTAL GENERAL GOVT:	2,397,505.82	2,359,219.15	2,427,107.00	2,601,475.00	7.18%	2,556,866.00	5.35%	0.00	1,201,730.40

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES 2020/2021	EXPENDITURES 2021/2022	BUDGET 2022/2023	DEPT HEAD PROPOSED	DEPT. HEAD PERCENT INCREASE	ADMIN PROPOSED	ADMIN PERCENT INCREASE	COUNCIL RECOMMENDED	EXPENDITURES YEAR TO DATE 2/16/2023
FINANCE										
1100-7010	FINANCE OFFICE									
70100	Salary, Finance Director (1) w/longevity	107,273.27	110,117.08	116,084.00	116,084.00	0.00%	119,566.00	3.00%	0.00	71,813.16
70101	Salary, Deputy Tax Collector (1) w/longevity	76,657.30	78,842.75	80,759.00	83,181.58	3.00%	83,181.00	3.00%	0.00	41,193.91
70201	Professional Services	19,409.62	17,309.19	21,000.00	21,000.00	0.00%	21,000.00	0.00%	0.00	8,891.08
70302	Fees, Supplies & Dues	20,469.23	24,032.89	21,000.00	22,000.00	4.76%	22,000.00	4.76%	0.00	7,920.98
	Sub Total:	223,809.42	230,301.91	238,843.00	242,265.58	1.43%	245,747.00	2.89%	0.00	129,819.13
1100-7011	TAX ASSESSOR									
70101	Salary, Assessor (1)	73,766.94	78,228.43	82,826.00	82,826.00	0.00%	85,327.00	3.02%	0.00	49,210.52
70302	Fees, Supplies & Dues	13,392.31	11,482.54	14,931.00	13,880.00	-7.04%	13,880.00	-7.04%	0.00	2,263.84
70305	Advertising & Printing	545.13	1,082.50	900.00	900.00	0.00%	900.00	0.00%	0.00	404.05
	Sub Total	87,704.38	90,793.47	98,657.00	97,606.00	-1.07%	100,107.00	1.47%	0.00	51,878.41
1100-7012	AUDIT OF ACCOUNTS									
70201	Professional Services	22,000.00	25,850.00	24,000.00	25,000.00	4.17%	25,000.00	4.17%	0.00	23,600.00
	Sub Total:	22,000.00	25,850.00	24,000.00	25,000.00	4.17%	25,000.00	4.17%	0.00	23,600.00
1100-7013	INFORMATION TECHNOLOGY									
70201	Consultant, IT	52,900.00	61,325.00	60,000.00	60,000.00	0.00%	60,000.00	0.00%	0.00	39,527.50
70303	Yearly Software	48,685.11	42,127.49	49,150.00	50,000.00	1.73%	50,000.00	1.73%	0.00	46,591.33
	Sub Total:	101,585.11	103,452.49	109,150.00	110,000.00	0.78%	110,000.00	0.78%	0.00	86,118.83
	TOTAL FINANCE DEPT:	435,098.91	450,397.87	470,650.00	474,871.58	0.90%	480,854.00	2.17%	0.00	291,416.37

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES 2020/2021	EXPENDITURES 2021/2022	BUDGET 2022/2023	DEPT HEAD PROPOSED	DEPT. HEAD PERCENT INCREASE	ADMIN PROPOSED	ADMIN PERCENT INCREASE	COUNCIL RECOMMENDED	EXPENDITURES YEAR TO DATE 2/16/2023
PUBLIC SAFETY										
1100-7031	POLICE PROTECTION									
70100	Salary, Police Chief w/longevity	107,852.40	112,337.47	113,185.00	113,185.00	0.00%	116,402.00	2.84%	0.00	68,207.73
70101	Salaries, Police (13)	875,800.64	918,971.90	935,454.00	939,003.00	0.38%	939,003.00	0.38%	0.00	539,505.13
70102	Longevity, Officers	55,384.01	60,805.06	68,680.00	68,680.00	0.00%	68,680.00	0.00%	0.00	28,820.58
70103	Police Benefits	58,967.09	49,617.23	57,650.00	57,396.00	-0.44%	57,396.00	-0.44%	0.00	44,300.25
70104	Overtime - Police Officers	158,305.59	155,110.05	175,000.00	185,000.00	5.71%	185,000.00	5.71%	0.00	123,611.15
70105	Police Retirement	197,941.00	249,141.00	212,726.00	212,726.00	0.00%	300,000.00	41.03%	0.00	106,363.00
70111	Salaries Dispatch (4.5), (.25) Admin, PT(1)	221,290.65	227,210.25	234,213.00	228,364.00	-2.50%	228,364.00	-2.50%	0.00	123,897.38
70112	Longevity, Dispatch/Support	15,394.80	16,026.70	15,178.00	12,432.00	-18.09%	12,432.00	-18.09%	0.00	4,935.46
70113	Dispatch Benefits	10,615.16	13,403.17	11,686.00	13,148.00	12.51%	13,148.00	12.51%	0.00	9,366.32
70114	Overtime - Dispatch	23,178.67	31,918.81	23,000.00	25,000.00	8.70%	25,000.00	8.70%	0.00	26,603.27
70302	Fees, Supplies & Dues	12,998.01	7,955.64	21,000.00	21,000.00	0.00%	21,000.00	0.00%	0.00	9,116.10
70303	Computer Software	24,874.37	41,724.53	24,200.00	24,200.00	0.00%	24,200.00	0.00%	0.00	12,835.90
70307	Building Maintenance	1,827.86	4,433.88	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	1,537.99
70308	Vehicle Insurance	9,133.00	9,017.00	9,017.00	9,017.00	0.00%	9,017.00	0.00%	0.00	0.00
70309	Telephone	11,881.70	12,126.38	12,500.00	12,500.00	0.00%	12,500.00	0.00%	0.00	7,172.12
70310	Personal Equipment, Uniforms	1,563.50	2,136.50	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	175.00
70311	Maintenance of Uniforms - Police	30,150.00	30,570.70	30,150.00	30,150.00	0.00%	30,150.00	0.00%	0.00	973.17
	Maintenance of Uniforms - Dispatch	3,709.31	2,100.00	2,000.00	2,000.00	0.00%	2,000.00	0.00%	0.00	2,226.39
70312	Ammunition & Supplies	3,121.67	3,870.99	3,500.00	3,500.00	0.00%	3,500.00	0.00%	0.00	817.00
70313	Maintenance, Police Cars	12,153.52	17,903.80	15,000.00	15,000.00	0.00%	15,000.00	0.00%	0.00	8,513.76
70314	Gas & Tires	21,699.15	31,977.09	23,000.00	23,000.00	0.00%	23,000.00	0.00%	0.00	18,302.33
70315	Training	9,654.00	15,109.17	15,000.00	15,000.00	0.00%	15,000.00	0.00%	0.00	7,890.52
70317	Maintenance of Radio System	3,272.71	3,293.43	3,500.00	3,500.00	0.00%	3,500.00	0.00%	0.00	3,821.46
70318	Equipment	15,223.43	2,848.06	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	650.07
	Sub Total:	1,885,992.24	2,019,608.81	2,018,139.00	2,026,301.00	0.40%	2,116,792.00	4.89%	0.00	1,149,642.08
1100-7030	EMERGENCY MANAGEMENT AGENCY									
70302	EMA - program and generator maintenance	6,118.81	8,090.62	7,500.00	7,500.00	0.00%	7,500.00	0.00%	0.00	4,985.46
	Sub Total:	6,118.81	8,090.62	7,500.00	7,500.00	0.00%	7,500.00	0.00%	0.00	4,985.46

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
1100-7032	FIRE PROTECTION									
70100	Stipend, Fire Chief / Fire Inspector	62,900.50	66,704.74	69,907.00	71,490.00	2.26%	71,490.00	2.26%	0.00	42,952.87
	Benefits	6,290.00	6,290.00	6,500.00	7,149.00	9.98%	7,149.00	9.98%	0.00	6,640.00
	FICA	8,204.53	7,687.85	8,139.00	11,277.00	38.56%	11,277.00	38.56%	0.00	0.00
70102	Stipend, Deputy Fire Chief (2)	3,000.00	3,000.00	3,000.00	6,000.00	100.00%	6,000.00	100.00%	0.00	0.00
70103	Stipend, Fire Inspector	18,332.16	19,810.56	20,065.00	31,200.00	55.49%	31,200.00	55.49%	0.00	12,695.04
	Stipend, Fire Inspector/Clerk	0.00	0.00	0.00	18,720.00	0.00%	18,720.00	0.00%	0.00	0.00
70104	Fire Incentive Program	69,999.99	70,553.93	75,000.00	75,000.00	0.00%	75,000.00	0.00%	0.00	2,707.18
70104	Fire Incentive Retired Members	0.00	0.00	3,500.00	3,500.00	0.00%	3,500.00	0.00%	0.00	0.00
70105	Equipment/Safety Maintenance	22,691.60	13,979.46	22,400.00	26,000.00	16.07%	26,000.00	16.07%	0.00	16,550.58
70201	Cleaning Contract	6,748.00	6,708.00	6,720.00	6,720.00	0.00%	6,720.00	0.00%	0.00	3,913.00
70302	Fees, Supplies & Dues	6,603.43	7,920.90	5,700.00	5,700.00	0.00%	5,700.00	0.00%	0.00	3,804.62
70308	Insurance	63,395.52	65,263.10	70,180.00	70,180.00	0.00%	68,000.00	-3.11%	0.00	10,148.90
70309	Telephone	9,224.57	10,051.36	9,500.00	10,000.00	5.26%	10,000.00	5.26%	0.00	5,680.32
70313	Apparatus & Truck Repair	39,767.45	36,519.06	35,000.00	40,000.00	14.29%	35,000.00	0.00%	0.00	41,105.50
70314	Gas, Tires & Oil	10,700.30	21,751.05	13,000.00	13,000.00	0.00%	13,000.00	0.00%	0.00	14,448.29
70315	Training	1,809.37	3,572.03	6,000.00	8,000.00	33.33%	7,000.00	16.67%	0.00	1,843.75
70321	Electricity	14,708.80	17,271.17	15,500.00	18,000.00	16.13%	18,000.00	16.13%	0.00	11,606.50
70322	Alarm & Radio	5,695.64	5,273.80	5,500.00	5,500.00	0.00%	5,500.00	0.00%	0.00	354.32
70323	Oxygen & Air Pack	5,112.24	4,154.72	4,500.00	4,500.00	0.00%	4,500.00	0.00%	0.00	3,641.06
70324	Water	1,641.13	1,633.29	1,600.00	1,600.00	0.00%	1,600.00	0.00%	0.00	656.94
70325	Fire Equipment	24,547.43	16,939.30	17,000.00	17,000.00	0.00%	17,000.00	0.00%	0.00	10,017.83
70326	Fire Extinguishing Agents	2,494.36	3,155.00	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	1,689.38
70343	Fuel Oil	8,876.15	14,258.64	13,000.00	15,000.00	15.38%	14,000.00	7.69%	0.00	7,150.55
70344	Maintenance	19,022.45	11,463.36	14,500.00	14,500.00	0.00%	13,500.00	-6.90%	0.00	12,000.30
70399	Subscriptions & Journals	605.00	508.56	425.00	425.00	0.00%	425.00	0.00%	0.00	0.00
	Sub Total:	412,370.62	414,469.88	429,136.00	482,961.00	12.54%	472,781.00	10.17%	0.00	209,606.93
1100-7033	EMERGENCY MEDICAL SERVICES									
70102	Stipend, EMS Director	31,958.88	34,122.72	32,624.00	0.00	-100.00%	0.00	-100.00%	0.00	21,158.40
70103	Medical Director - Stipend	4,999.92	4,999.92	5,000.00	12,000.00	140.00%	12,000.00	140.00%	0.00	2,083.30
70104	ALS Per Diem	242,250.92	309,871.30	316,032.00	397,200.00	25.68%	397,200.00	25.68%	0.00	197,880.00
70105	EMS Incentive Program	80,000.00	79,300.00	80,000.00	77,800.00	-2.75%	77,800.00	-2.75%	0.00	0.00
70106	EMT Instructors	(751.80)		0.00	0.00	0.00%	0.00	0.00%	0.00	-2,052.00
70302	Fees and Supplies	7,160.75	6,794.66	6,800.00	6,800.00	0.00%	6,800.00	0.00%	0.00	5,336.00
70308	Vehicle Insurance	31,236.35	30,751.10	31,460.00	31,460.00	0.00%	31,460.00	0.00%	0.00	4,469.75
70309	Telephone		210.93							
70311	Maintenance of Uniforms	3,313.59	1,836.54	8,000.00	8,000.00	0.00%	8,000.00	0.00%	0.00	6,138.32
70313	Maintenance of Vehicles	6,770.22	6,606.47	9,000.00	9,000.00	0.00%	9,000.00	0.00%	0.00	9,147.10
70315	Training of Members	18,782.62	25,591.76	21,500.00	14,500.00	-32.56%	14,500.00	-32.56%	0.00	12,183.70
70330	EMS Building	3,135.26	3,477.86	6,000.00	6,000.00	0.00%	6,000.00	0.00%	0.00	1,771.37
70333	Ambulance Medical	20,969.42	14,288.87	20,000.00	20,000.00	0.00%	20,000.00	0.00%	0.00	19,490.18
70900	FICA	20,403.41	25,973.59	26,890.00	0.00	-100.00%	32,802.00	21.99%	0.00	23,098.68
	Sub Total:	470,229.54	543,625.72	563,306.00	582,760.00	3.45%	615,562.00	9.28%	0.00	300,704.80

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
1100-7034	PROTECTIVE SERVICE									
70101	Salary, Building Inspector (1) w/longevity	80,382.81	86,959.36	86,000.00	86,000.00	0.00%	88,580.00	3.00%	0.00	46,235.25
70102	Salary, Clerical (.5) w/longevity	31,617.45	31,000.03	30,252.00	31,159.00	3.00%	31,159.00	3.00%	0.00	20,223.90
70117	Stipend, Electrical Inspector	10,500.00	10,950.00	11,500.00	12,500.00	8.70%	11,500.00	0.00%	0.00	7,666.64
70118	Stipend, Plumbing Inspector	4,375.00	2,187.50	5,750.00	6,250.00	8.70%	5,750.00	0.00%	0.00	3,354.12
70119	Stipend, Mechanical Inspector	4,375.00	2,187.50	5,750.00	6,250.00	8.70%	5,750.00	0.00%	0.00	4,312.44
70302	Fees, Supplies & Dues	3,405.92	2,258.88	5,250.00	5,500.00	4.76%	5,250.00	0.00%	0.00	3,183.31
70328	Hydrant Rental	170,000.00	170,000.00	170,000.00	170,000.00	0.00%	170,000.00	0.00%	0.00	0.00
	Zoning Enforcement	0.00	0.00	0.00	0.00	0.00%	15,000.00	0.00%	0.00	0.00
	E-permitting	0.00	0.00	11,700.00	10,000.00	0.00%	10,000.00	0.00	0.00	0.00
	Sub Total:	304,656.18	305,543.27	326,202.00	327,659.00	0.45%	342,989.00	5.15%	0.00	84,975.66
	TOTAL PUBLIC SAFETY	3,079,367.39	3,291,338.30	3,344,283.00	3,427,181.00	2.48%	3,555,624.00	6.32%	0.00	1,749,914.93
1100-7041	PUBLIC WORKS DEPARTMENT ADMINISTRATION									
70101	Salary, Public Works Dir. (.5) w/longevity	61,181.63	65,149.27	67,374.00	67,374.00	0.00%	69,395.00	3.00%	0.00	20,027.68
70302	Fees, Supplies & Dues	525.57	743.34	1,000.00	1,000.00	0.00%	1,000.00	0.00%	0.00	0.00
	Sub Total:	61,707.20	65,892.61	68,374.00	68,374.00	0.00%	70,395.00	2.96%	0.00	20,027.68
1100-7042	ENGINEERING									
70101	Salary/Environmental Services (.6)	45,445.00	46,563.23	48,451.00	48,451.00	0.00%	49,861.00	2.91%	0.00	26,274.45
70103	Intern/Environmental Consultant	0.00	0.00	0.00	5,000.00	0.00%	15,000.00	0.00%	0.00	0.00
70302	Fees, Supplies & Dues	556.61	731.51	1,200.00	1,200.00	0.00%	1,200.00	0.00%	0.00	35.93
	Sub Total:	46,001.61	47,294.74	49,651.00	54,651.00	10.07%	66,061.00	33.05%	0.00	26,310.38
1100-7043	HIGHWAY									
70100	Salary, Supervisor (1) w/longevity	57,024.19	82,456.49	80,605.00	80,606.00	0.00%	82,820.00	2.75%	0.00	44,944.28
70101	Salaries, (11) w/longevity & OT hrs.	711,066.85	684,696.94	730,881.00	754,559.00	3.24%	754,559.00	3.24%	0.00	375,247.97
70102	Salary, OT	48,504.41	33,752.33	45,000.00	45,000.00	0.00%	45,000.00	0.00%	0.00	4,559.38
70308	Vehicle Insurance	15,972.00	17,750.00	17,570.00	19,300.00	9.85%	19,300.00	9.85%	0.00	0.00
70313	Upkeep of Equipment	107,768.47	108,468.97	100,000.00	100,000.00	0.00%	100,000.00	0.00%	0.00	46,108.65
70314	Engine Oil & Fuel	58,441.12	84,275.07	65,000.00	75,000.00	15.38%	75,000.00	15.38%	0.00	37,083.95
70330	Sand & Gravel	23,405.00	14,411.72	17,000.00	17,000.00	0.00%	17,000.00	0.00%	0.00	11,467.70
70331	Cold Patch	7,590.99	10,822.48	13,500.00	13,500.00	0.00%	13,500.00	0.00%	0.00	7,625.32
70333	Road Supplies/Street Signs	13,471.86	12,546.28	14,000.00	14,000.00	0.00%	14,000.00	0.00%	0.00	3,900.30
70334	Equipment Rental	0.00	2,300.00	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	0.00
70335	License - Contractual	6,000.00	6,000.00	6,000.00	6,000.00	0.00%	6,000.00	0.00%	0.00	6,300.00
70336	Clothing - Contractual	4,782.90	5,422.97	6,000.00	6,000.00	0.00%	6,000.00	0.00%	0.00	0.00
70399	Safety & Licensing	5,739.07	6,670.71	5,500.00	5,500.00	0.00%	5,500.00	0.00%	0.00	1,721.44
	Sub Total:	1,059,766.86	1,069,573.96	1,103,556.00	1,138,965.00	3.21%	1,141,179.00	3.41%	0.00	538,958.99
1100-7044	SNOW REMOVAL									
70336	Snow Removal (overtime)	22,824.30	16,044.36	34,000.00	34,000.00	0.00%	34,000.00	0.00%	0.00	0.00
70337	Equipment & Supplies	63,727.17	58,651.81	54,000.00	54,000.00	0.00%	54,000.00	0.00%	0.00	22,864.95
	Sub Total:	86,551.47	74,696.17	88,000.00	88,000.00	0.00%	88,000.00	0.00%	0.00	22,864.95

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
1100-7045	WASTE REMOVAL									
70101	Salary, Operator (1) w/longevity	94,761.99	71,031.30	67,425.00	69,589.00	3.21%	69,589.00	3.21%	0.00	40,566.64
	Sunday OT hours	0	5209.68	7,754.00	7,983.00	2.95%	7,983.00	2.95%	0.00	0.00
70309	Telephone	693.90	63.65	800.00	800.00	0.00%	800.00	0.00%	0.00	0.00
70321	Electricity	1,426.70	1,375.65	1,400.00	1,400.00	0.00%	1,400.00	0.00%	0.00	515.24
70340	Maintenance & Testing	30,653.60	44,151.88	44,000.00	44,000.00	0.00%	44,000.00	0.00%	0.00	19,470.22
70341	Transfer Trucking & Recycling	425,898.30	400,584.04	410,000.00	410,000.00	0.00%	410,000.00	0.00%	0.00	229,626.26
70350	Hazardous Waste Recycling	0.00	0.00	300.00	300.00	0.00%	300.00	0.00%	0.00	0.00
	Sub Total:	553,434.49	522,416.20	531,679.00	534,072.00	0.45%	534,072.00	0.45%	0.00	290,178.36
1100-7046	STREET LIGHTING									
70321	Electricity	60,530.55	84,198.01	64,000.00	64,000.00	0.00%	64,000.00	0.00%	0.00	15,478.08
	Sub Total:	60,530.55	84,198.01	64,000.00	64,000.00	0.00%	64,000.00	0.00%	0.00	15,478.08
1100-7048	OTHER PUBLIC WORKS									
70342	Town Cemetery & Parade	2,064.52	2,456.62	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	1,497.10
	Sub Total:	2,064.52	2,456.62	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	1,497.10
1100-7049	PUBLIC BUILDINGS									
70101	Service Contracts	54,672.09	53,227.34	58,000.00	60,000.00	3.45%	60,000.00	3.45%	0.00	26,593.06
70302	Building/Cleaning Supplies	9,682.32	7,138.04	7,000.00	8,000.00	14.29%	8,000.00	14.29%	0.00	3,893.14
70309	Telephones & Alarms	11,325.33	18,373.06	15,500.00	16,000.00	3.23%	16,000.00	3.23%	0.00	6,342.08
70321	Electricity	54,066.80	56,951.19	57,000.00	65,000.00	14.04%	65,000.00	14.04%	0.00	25,539.67
70324	Water	8,729.12	9,307.22	10,000.00	12,000.00	20.00%	11,000.00	10.00%	0.00	4,483.76
70343	Heat	32,350.50	48,662.63	45,000.00	50,000.00	11.11%	50,000.00	11.11%	0.00	26,859.36
70344	Repairs & Maintenance	111,553.57	60,993.95	60,000.00	65,000.00	8.33%	65,000.00	8.33%	0.00	37,581.77
70375	Landscape	9,023.37	10,893.67	8,000.00	10,000.00	25.00%	9,000.00	12.50%	0.00	9,472.41
	Sub Total:	291,403.10	265,547.10	260,500.00	286,000.00	9.79%	284,000.00	9.02%	0.00	140,765.25
1100-7047	TREE MANAGEMENT PROGRAM									
70101	Consultant	11,225.00	10,275.00	10,000.00	10,000.00	0.00%	10,000.00	0.00%	0.00	5,575.00
70302	Materials & Supplies	1,795.92	3,020.02	1,800.00	1,800.00	0.00%	1,800.00	0.00%	0.00	426.40
70360	Tree Pruning	17,324.67	19,482.57	18,250.00	18,250.00	0.00%	18,250.00	0.00%	0.00	11,479.98
70370	Purchase of Trees	3,540.00	2,555.00	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	3,670.00
	Sub Total:	33,885.59	35,332.59	35,050.00	35,050.00	0.00%	35,050.00	0.00%	0.00	21,151.38
	TOTAL PUBLIC WORKS	2,195,345.39	2,167,408.00	2,203,310.00	2,271,612.00	3.10%	2,285,257.00	3.72%	0.00	1,077,232.17

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES 2020/2021	EXPENDITURES 2021/2022	BUDGET 2022/2023	DEPT HEAD PROPOSED	DEPT. HEAD PERCENT INCREASE	ADMIN PROPOSED	ADMIN PERCENT INCREASE	COUNCIL RECOMMENDED	EXPENDITURES YEAR TO DATE 2/16/2023
PUBLIC HEALTH										
1100-7060	GENERAL									
70456	Social Service Agencies	20,000.00	26,000.00	43,500.00	43,500.00	0.00%	35,000.00	-19.54%	0.00	18,000.00
	TOTAL PUBLIC HEALTH	20,000.00	26,000.00	43,500.00	43,500.00	0.00%	35,000.00	-19.54%	0.00	18,000.00
1100-7061	ANIMAL CONTROL									
70302	Fees, Supplies & Dues	188.52	1,235.79	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	0.00
70306	Tick Task Force	0.00	840.00	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	0.00
	TOTAL ANIMAL CONTROL:	188.52	2,075.79	7,500.00	7,500.00	0.00%	7,500.00	0.00%	0.00	0.00
SENIOR CENTER OPERATIONS										
70101	Salaries, Director	63,526.58	62,136.36	63,980.00	63,980.00	0.00%	66,867.00	4.51%	0.00	38,241.53
	Salary, Meal Site Corr., Aide & Trans.	15,282.99	25,151.97	28,000.00	28,000.00	0.00%	28,000.00	0.00%	0.00	17,253.27
70201	Custodial Contract	8,763.00	9,096.00	9,096.00	9,096.00	0.00%	9,096.00	0.00%	0.00	5,306.00
70202	Wellness Coordinator	0.00	5,437.50	0.00	10,000.00	0.00%	10,000.00	0.00%	0.00	6,100.00
70302	Fees, Supplies & Dues	4,336.43	7,143.32	4,000.00	4,484.00	12.10%	4,000.00	0.00%	0.00	4,073.99
70305	Advertising	1,416.00	1,900.00	2,500.00	2,500.00	0.00%	2,500.00	0.00%	0.00	1,140.00
70308	Insurance	706.16	780.00	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00
70309	Telephones & Alarms	116.11	125.44	500.00	500.00	0.00%	500.00	0.00%	0.00	95.16
70321	Electricity	4,158.35	470.08	4,500.00	4,500.00	0.00%	4,500.00	0.00%	0.00	0.00
70324	Water	746.39	1,370.51	1,200.00	1,345.00	12.08%	1,345.00	12.08%	0.00	568.39
70341	Trash Removal	420.00	420.00	400.00	466.00	16.50%	466.00	16.50%	0.00	267.00
70343	Heat	2,851.11	4,841.76	4,000.00	7,688.00	92.20%	5,000.00	25.00%	0.00	3,053.15
70344	Repairs & Maintenance	6,011.47	7,465.82	6,000.00	6,720.00	12.00%	6,720.00	12.00%	0.00	3,560.62
70380	Programs	2,015.01	3,718.55	20,000.00	10,000.00	-50.00%	10,000.00	-50.00%	0.00	5,202.75
	TOTAL SENIOR CENTER OPERATIONS	110,349.60	130,057.31	144,176.00	149,279.00	3.54%	148,994.00	3.34%	0.00	84,861.86

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT		EXPENDITURES	EXPENDITURES	BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
		2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
	LIBRARY									
1100-7070	LIBRARY									
70100	Salary, Librarian (1) w/longevity	83,079.00	81,382.29	84,794.00	84,793.98	0.00%	87,182.00	2.82%	0.00	46,240.13
70101	Salaries, (2FT & 2 @ .875) w/longevity	188,645.20	164,163.62	181,284.00	181,283.89	0.00%	186,552.00	2.91%	0.00	96,255.28
70104	Library - OT	496.63	-52.47	600.00	600.00	0.00%	600.00	0.00%	0.00	47.12
70302	Fees, Supplies & Dues	8,332.59	9,392.35	8,500.00	8,500.00	0.00%	8,500.00	0.00%	0.00	7,056.21
70308	Insurance	18,813.00	20,694.00	20,694.00	20,694.00	0.00%	20,694.00	0.00%	0.00	0.00
70309	Telephone	297.41	352.51	750.00	750.00	0.00%	750.00	0.00%	0.00	196.99
70310	Equipment	1,025.56	3,047.99	1,000.00	1,000.00	0.00%	1,000.00	0.00%	0.00	175.99
70311	Electricity	20,027.85	19,960.74	21,000.00	10,500.00	-50.00%	10,500.00	-50.00%	0.00	9,650.89
70343	Heat	11,950.77	21,989.12	14,000.00	7,000.00	-50.00%	7,000.00	-50.00%	0.00	7,340.62
70344	Repairs & Maintenance	18,836.24	17,182.60	20,000.00	15,000.00	-25.00%	15,000.00	-25.00%	0.00	6,977.37
70345	Information Technology	8,492.47	8,963.73	9,000.00	10,000.00	11.11%	10,000.00	11.11%	0.00	4,273.86
70351	Books & Periodicals	17,464.89	20,759.11	19,000.00	19,000.00	0.00%	19,000.00	0.00%	0.00	3,468.19
70353	Library State Aid - OT	0.00	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00	64,365.55
70375	Landscaping	2,563.75	0.00	0.00	2,500.00	0.00%	2,500.00	0.00%	0.00	0.00
70374	Construction Move	0.00	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00	10,299.80
70355	Credits(LibSales&Gifts)	0.00	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00	-3,184.15
	TOTAL LIBRARY	380,025.36	367,835.59	380,622.00	361,621.87	-4.99%	369,278.00	-2.98%	0.00	0.00
70352	Books - State Aid	108,425.47	110,108.02	115,315.00	120,781.00	4.74%	120,781.00	4.74%	0.00	0.00
	TOTAL LIBRARY with State Aid:	488,450.83	477,943.61	495,937.00	482,402.87	-2.73%	490,059.00	-1.19%	0.00	253,163.85

TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024

ACCOUNT		EXPENDITURES 2020/2021	EXPENDITURES 2021/2022	BUDGET 2022/2023	DEPT HEAD PROPOSED	DEPT. HEAD PERCENT INCREASE	ADMIN PROPOSED	ADMIN PERCENT INCREASE	COUNCIL RECOMMENDED	EXPENDITURES YEAR TO DATE 2/16/2023
PARKS, BEACHES & RECREATION										
1100-7080	PARKS, BEACHES & RECREATION									
70101	Salary, Director (1)	59,221.31	76,354.58	76,014.00	76,014.00	0.00%	78,294.00	3.00%	0.00	44,146.51
70102	Salaries, Rec. & Parks (5) w/long. if applic.	226,523.96	228,314.55	248,170.00	248,170.00	0.00%	255,447.00	2.93%	0.00	144,838.39
70112	Salaries, Park OT	5,840.59	3,000.00	3,000.00	3,000.00	0.00%	3,000.00	0.00%	0.00	1,682.36
70104	Salaries, Teen Center Support Staff	7,140.00	9,353.26	16,720.00	16,720.00	0.00%	16,720.00	0.00%	0.00	6,557.50
70105	Seasonal Support Staff	134,743.86	150,856.29	134,103.00	134,103.00	0.00%	134,103.00	0.00%	0.00	156,437.80
70302	Fees, Supplies & Dues	8,924.31	6,653.18	6,200.00	6,200.00	0.00%	6,200.00	0.00%	0.00	6,171.16
70305	Advertising & Printing	4,098.32	3,286.28	3,000.00	3,000.00	0.00%	3,000.00	0.00%	0.00	1,162.51
70308	Insurance	11,543.00	9,947.00	10,000.00	10,000.00	0.00%	10,000.00	0.00%	0.00	0.00
70309	Telephone	1,404.40	2,072.00	1,860.00	1,900.00	2.15%	1,900.00	2.15%	0.00	1,255.98
70310	Equipment	6,689.81	5,630.76	4,500.00	4,500.00	0.00%	4,500.00	0.00%	0.00	3,252.70
70314	Gas & Oil	6,643.29	11,500.53	9,000.00	11,000.00	22.22%	11,000.00	22.22%	0.00	7,157.16
70321	Electricity & Field Lighting	30,575.80	30,205.59	26,000.00	31,000.00	19.23%	31,000.00	19.23%	0.00	20,914.60
70322	Fort Getty - Waste Water Removal	3,988.50	8,840.00	8,000.00	10,500.00	31.25%	10,500.00	31.25%	0.00	7,130.00
70323	Shores Beach/Sanitary Facility	5,075.00	5,171.18	5,000.00	5,000.00	0.00%	5,000.00	0.00%	0.00	5,000.00
70324	Water	8,870.34	12,301.40	12,000.00	14,000.00	16.67%	13,000.00	8.33%	0.00	13,378.40
70341	Trash Removal	12,220.00	11,209.00	11,500.00	12,400.00	7.83%	12,000.00	4.35%	0.00	8,194.00
70344	Repairs, Maintenance & Improvements	31,106.85	24,106.28	24,000.00	24,000.00	0.00%	24,000.00	0.00%	0.00	17,584.81
70382	Summer Programs	0.00	3,470.00	3,500.00	3,500.00	0.00%	3,500.00	0.00%	0.00	3,750.00
70383	Winter Programs	936.43	1,119.45	1,200.00	1,200.00	0.00%	1,200.00	0.00%	0.00	0.00
	Eldred Field-Field Improvements	0.00	0.00	25,611.00	25,611.00	0.00%	25,611.00	0.00	0.00	104.00
TOTAL PARKS, BEACHES AND RECREATION:		565,545.57	603,391.33	629,378.00	641,818.00	1.98%	649,975.00	3.27%	0.00	448,717.88

**TOWN OF JAMESTOWN
TOWN ADMINISTRATOR RECOMMENDED BUDGET 2023/2024**

ACCOUNT	EXPENDITURES		BUDGET	DEPT HEAD	DEPT. HEAD	ADMIN	ADMIN	COUNCIL	EXPENDITURES
	2020/2021	2021/2022	2022/2023	PROPOSED	PERCENT INCREASE	PROPOSED	PERCENT INCREASE	RECOMMENDED	YEAR TO DATE 2/16/2023
DEBT SERVICE									
1100-7090	DEBT SERVICE								
70504	670,000.00	1,143,813.84	1,170,569.00	1,107,206.00	-5.41%	1,107,206.00	-5.41%	0.00	550,000.00
70505	170,539.03	245,188.55	214,343.00	188,032.00	-12.28%	188,032.00	-12.28%	0.00	68,224.99
	0.00	0.00	37,500.00	226,311.00	503.50%	226,311.00	503.50%	0.00	3,645.00
79000	0.00	0.00	0.00	5,439.00	0.00%	5,439.00	0.00%	0.00	0.00
79500	0.00	0.00	0.00	19,580.00	0.00%	19,580.00	0.00%	0.00	0.00
TOTAL DEBT SERVICE:									
	840,539.03	1,389,002.39	1,422,412.00	1,546,568.00	8.73%	1,546,568.00	8.73%	0.00	621,869.99
MISCELLANEOUS									
1100-7092	MISCELLANEOUS								
70527	10,111.12	74,469.30	50,000.00	50,000.00	0.00%	50,000.00	0.00%	0.00	49,925.89
70530	1,653.96	2,297.35	2,200.00	2,200.00	0.00%	2,200.00	0.00%	0.00	1,384.50
70550	2,104.88	3,699.18	4,000.00	4,000.00	0.00%	4,000.00	0.00%	0.00	2,672.21
70570	0.00	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00
	1,000.00	2,000.00	2,000.00	2,000.00	0.00%	2,000.00	0.00%	0.00	2,000.00
	0.00	0.00	159,465.00	0.00	0.00%	0.00	0.00%	0.00	0.00
TOTAL MISCELLANEOUS:									
	14,869.96	82,465.83	217,665.00	58,200.00	-73.26%	58,200.00	-73.26%	0.00	55,982.60
CAPITAL IMPROVEMENT FUND									
	584,233.00	894,367.00	904,300.00	2,823,026.63	212.18%	787,000.00	-12.97%	0.00	0
TOTAL CAPITAL IMPROVEMENT:									
	584,233.00	894,367.00	904,300.00	2,823,026.63	212.18%	787,000.00	-12.97%	0.00	0
TOTAL GENERAL BUDGET									
	10,731,494.02	11,873,666.58	12,310,218.00	14,527,434.08	18.01%	12,601,897.00	2.37%	0.00	5,802,890.05
PUBLIC SCHOOLS									
70690.000	PUBLIC SCHOOLS								
	12,713,645.00	13,975,612.00	14,171,954.00	14,870,825.00	4.93%	14,870,825.00	4.93%	0.00	0.00
	101,397.00	337,389.00	368,516.00	150,000.00	-59.30%	150,000.00	-59.30%	0.00	0.00
	542,352.00	740,492.00	897,949.00	587,246.00	-34.60%	587,246.00	-34.60%	0.00	0.00
	115,157.00	191,180.00	132,150.00	112,350.00	-14.98%	112,350.00	-14.98%	0.00	0.00
	235,200.00	255,000.00	255,000.00	255,000.00	0.00%	255,000.00	0.00%	0.00	0.00
	160,059.71	157,135.44	149,488.00	141,838.00	0.00%	141,838.00	0.00%	0.00	0.00
TOTAL PUBLIC SCHOOLS:									
	13,867,810.71	15,656,808.44	15,975,057.00	16,117,259.00	0.89%	16,117,259.00	0.89%	0.00	0.00
TOTAL TOWN AND SCHOOL									
	24,599,304.73	27,530,475.02	28,285,275.00	30,644,693.08	18.90%	28,719,156.00	1.53%	0.00	5,802,890.05

TOWN COUNCIL SPECIAL MEETING MINUTES

February 28, 2023

I. ROLL CALL

A special meeting of the Jamestown Town Council was held on February 28, 2023. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine was absent.

Also, in attendance: Interim Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Public Works Director Michael Gray, Town Planner Lisa Bryer, and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the special meeting of the Jamestown Town Council to order at 1:05 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

A motion was made by Vice President Meagher to move into Executive Session with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

III. EXECUTIVE SESSION

- A) Review, Discussion, and/or Action and/or Vote in Executive Session and/or Open Session pursuant to RIGL § 42-46-5(a) Subsection (5) East Ferry Use: Potential Lease Agreement with Conanicut Marine Services, Inc.

At approximately 2:01 p.m. the following representatives from Conanicut Marine Services, Inc. (CMS) joined the Executive Session: Atty. Michael Resnick, Atty. Christian Infantolino, CMS President Bill Munger, and CMS CFO Donna Wood.

At approximately 2:03 p.m. Atty. Resnick asked to confer with his clients and left the Chambers. At 2:04 p.m. CMS representatives reentered the Chambers.

President Beye requested a recess and CMS representatives left the Chambers at 2:07 p.m.

At approximately 2:11 p.m. CMS representatives reentered the Chambers.

At 2:21 p.m. a motion was made by Vice President Meagher to seal the minutes and adjourn from Executive Session with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

It was announced that one vote was taken.

President Beye read the following statement. "Despite the efforts of the Town Council and Town Staff, we have been unable to reach an agreement with the Jamestown Ferry to operate from the public touch-and-go space located at East Ferry while insuring the public's access. As such, the Town Council directs the Solicitor and Town Administrator to notify the Jamestown Ferry that they are prohibited from using all public touch-and-go docks for their operation without a written

agreement and that all equipment and signage should be removed from the Town owned facility effective immediately.

A motion was made by Vice President Meagher to direct the Solicitor and Town Administrator to notify the Jamestown Ferry that they are prohibited from using all public touch-and-go docks for their operation without a written agreement and that all equipment and signage should be removed from the Town owned facility effective immediately with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Atty. Resnick made the request that all comments received in regard to the CMS/ Jamestown Ferry matter be made available to the public.

IV. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 2:24 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

TOWN COUNCIL MEETING MINUTES

March 6, 2023

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on March 6, 2023. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine was absent.

Also, in attendance: Interim Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Public Works Director Michael Gray, Town Planner Lisa Bryer, and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:30 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

Councilor M. White read a statement regarding Conanicut Marine Services, Inc. (CMS). He reminded those in attendance that during Open Forum that the Town Council members are not allowed to comment on topics that are not on the agenda. He read the following statement. "The Town of Jamestown has no control over whether or not the Jamestown Ferry/CMS operates. We do have control of the public space they wish to use. Since we are unable to agree about use of that space, the town wishes to reserve it for full public/ADA access. CMS can certainly seek other spaces in Jamestown for their operation of a ferry."

President Beye reminded those in attendance when addressing the Town Council, to state their name and address at the podium. Be brief and respectful. Per open meeting laws, the Town Council can not engage in a dialogue regarding topics not on the agenda. She also stated there is a Harbor Commission meeting on Wednesday, and the topic is scheduled to be on the agenda. A public statement from the Town Council can be found on the Town website.

Nick Robertson, 109 Carr Lane, urged the Town Council to reengage with Bill Munger/CMS to resolve the ferry use of East Ferry. Entered into the record was a letter to the Town Council from Mr. Robertson regarding the Ferry Boat Discussion. He provided comments on the history of the marina and ferry operations at East Ferry. Ferry boat service has been part of the history and legacy of the island. Mr. Robertson was a ferry boat operator and shared a personal experience, that occurred in part to the ferry. He also strongly urged the Town Council to utilize a mediator to help negotiate a resolution.

Bill Munger, President of CMS made statements to the Town Council. He detailed a timeline of the negotiations with the Town over the use of East Ferry. He suggested the Town be careful on what is posted to the Town website. Councilor R. White agreed and suggested the same for CMS. Mr. Munger stated that no written communication was sent explaining the Town's rejection of the CMS proposed lease agreement. CMS had also submitted a shared use plan to the Harbor Commission in July 2022, which was also rejected. The one-year license agreement sent to CMS in December 2022 by the former Town Administrator Hainsworth was too restrictive and was rejected by CMS. Mr. Munger suggested the Town made the license agreement proposal because the area remains under lease to TPG. Councilor R. White asked if there was a copy of the lease between CMS and TPG.

Vice President Meagher made a point of clarification. Sometimes there is a need for clarification between a speaker and the Town Council.

Mr. Munger appealed to the Town Council to revisit the February 2023 CMS term sheet. The February 28th Town Council decision impacts the quality of life of many, access to the bay, and the ability to travel on the water. He requested that the Jamestown Newport Ferry lease request be placed on the March 20, 2023, agenda in public session for Jamestown citizen input.

Paul Sprague 11 Mast Street, addressed the Town Council and spoke in favor of the Jamestown Ferry. He founded the new-generation ferry service 30 years ago, eventually selling his interests to CMS. CMS should be allowed to use the float with a lease. CMS should be able to operate the ferry from the ADA-accessible float. He also concurred with Bill Munger and requested the topic be placed on the March 20th agenda in open session for public input; and no further discussion in Executive Sessions behind closed doors.

Marilyn Munger, owner of Conanicut Gift Shop spoke in support of the Jamestown Ferry. She expressed her disappointment. The ferries have brought thousands of visitors to the island over the years. Jamestown businesses rely on tourists and visitors that use the ferry. She urged the Town Council to consider this.

III. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address
- B) Non-scheduled request to address

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

- A) Review, Discussion and/ or Action, and/or Vote regarding a Resolution Authorizing Issuance Of Up To \$1,500,000 In Bonds And/ Or Notes For Repairs And Improvements Of The Water System Of The Town Of Jamestown And All Costs Incidental Thereto, Resolution 2023-03

A motion was made by Vice President Meagher with a second by Councilor M. White to waive the reading of Resolution 2023-03. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Resolution Authorizing Issuance Of Up To \$1,500,000 In Bonds And/ Or Notes For Repairs And Improvements Of The Water System Of The Town Of Jamestown And All Costs Incidental Thereto, Resolution 2023-03. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- B) Review, Discussion and, or Action, and or Vote regarding a Proclamation declaring April 28, 2023, as Arbor Day in the Town of Jamestown, Proclamation 2023-04
Councilor M. White read the Proclamation.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Proclamation declaring April 28, 2023, as Arbor Day in the Town of Jamestown, Proclamation 2023-04. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- C) Review, Discussion and or Action, and or Vote regarding a Resolution Relative to Establish a Jamestown Sustainable Resident Program, Resolution 2023-05

Vice President Meagher gave the historical background and benefits of this enabling Resolution to the residents of Jamestown. Vice President Meagher read the Resolution.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Resolution Relative to Establish a Jamestown Sustainable Resident Program, Resolution 2023-05. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

V. PUBLIC HEARINGS, LICENSES, AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes, and appropriate signatures as well as, when applicable, proof of insurance.

A motion was made by Vice President Meagher with a second by Councilor M. White to open the Public Hearing. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A) Public Hearings

- 1) Proposed amendment to the Code of Ordinances regarding Chapter 70, Article II -Administration and Enforcement; Sections 25- Notice of violation; admission of truth and payment of fines at the police station; amounts. These Amendments are proposed to update and modernize the existing Traffic and Vehicle Ordinance. (duly advertised in the *Jamestown Press* on **February 23, 2023**); Review, Discussion, and/or Action and/or Vote:
 - a) Amended Traffic and Vehicle Ordinance

Discussion ensued.

Interim Director Edward A. Mello gave a brief overview of the amendment and the benefits of modernizing the existing Traffic and Vehicle amendments. These amendments and anticipated increases in fees collected will enable the Town to fund an electronic ticketing and payment program. The online program will enable consumers an easier way to pay most parking and traffic fines.

Raymond Bazzano, 10 Narragansett Avenue, he made reference to the appeal process and time to appeal. Are the collected traffic fines going into a segregated fund account?

Interim Director Edward A. Mello described the two levels of the appeal process: 1) Administrative appeal process to address tickets issued in error and/or 2) referred to traffic tribunal as set by State law. Very few parking and traffic fine appeals are referred to the traffic tribunal. Fines collected are placed into a segregated fund account.

Vice President Meagher explained that the appeal process was 14 days, and the amendment changes that time period to 30 days.

Bob Bowen, Stanchion Street, was it considered to have a graduated increase fine for repeat offenders?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the amendments to Charter 70, Article II -Administration and Enforcement; Sections 25- Notice of violation; admission of truth and payment of fines at the police station; amounts. These Amendments are proposed to update and modernize the existing Traffic and Vehicle Ordinance. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a 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 M. White, Aye; and Councilor R. White, Aye.

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

- 1) 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 **Transfer Application** has been received for **Class B-V – Victualer Liquor License**:

FROM: **CLASS B-V – VICTUALER**
Jamestown Locals, LLC (J. Colon/C. Verta)
dba: Narragansett Café
25 Narragansett Avenue
Jamestown, RI 02835

TO: **CLASS B-V- VICTUALER**
Jamestown Locals, LLC (M. D’Arezzo/E. D’Arezzo)
dba: Narragansett Café
25 Narragansett Avenue
Jamestown, RI 02835

- a) Request for the Town Council to Review, Discussion, and/or Action and/or Vote of approval to proceed to advertise for a Public Hearing on March 20, 2023, by the Town Council, with advertisements in the March 9th and 16th editions of the *Jamestown Press*.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve to proceed to advertise or a Public Hearing on March 20, 2023 for the Narragansett Café of the Class B-V Victualer liquor license transfer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 2) Pursuant to RIGL §3-7-14, that the following license application has been received under said Act for a one-day license on March 16, 2023:

CLASS F (NON-PROFIT)
Out of the Box Studio/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 Out of the Box Studio/Gallery One-Day Class F (Non-Profit) liquor license scheduled for March 16, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 3) Pursuant to RIGL §3-7-14, that the following license application has been received under said Act for a one-day license on May 25, 2023:

CLASS F (NON-PROFIT)
Jamestown Historical Society (JHS)
92 Narragansett Avenue
Jamestown, RI 02835

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

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Jamestown Historical Society One-Day Class F (Non-Profit) liquor license scheduled for May 25, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

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

The Town Council adjourns from sitting as the Alcohol Beverage Licensing Board.

C) License: 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: Out of the Box Studio/Gallery
Event: Looms & Libraries
Date: March 16, 2023, 5:00 p.m. - 8:00 p.m.
Location: 11 Clinton Avenue

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Looms & Libraries One-Day Event/Entertainment License scheduled for March 16, 2023, 5:00 p.m. - 8:00 p.m., located at Out of the Box Studio/Gallery, 11 Clinton Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- b) Applicant: Jamestown Historical Society (JHS)
Event: JHS Museum Opening Reception
Date: May 25, 2023, 5:00 p.m. - 7:00 p.m.
Location: 92 Narragansett Avenue

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the JHS Museum Opening Reception One-Day Event/Entertainment License scheduled for May 25, 2023, 5:00 p.m. - 7:00 p.m., located at the Jamestown Historical Society, 92 Narragansett Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- c) Applicant: Jamestown Historical Society (JHS)
Event: Windmill Day
Date: July 22, 2023, 11:00 a.m. - 2:00 p.m.
Location: Jamestown Windmill, North Road

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Windmill Day One-Day Event/Entertainment License scheduled for July 22, 2023, 11:00 a.m. - 2:00 p.m., located at the Jamestown Windmill, North Road. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- d) Applicant: Jamestown Arts Center
Event: Film Screening: No Time to Fail (rescheduled)
Date: March 9, 2023, 7:00 p.m. – 8:30 p.m.
Location: 18 Valley Street

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Film Screening: No Time to Fail (rescheduled) One-Day Event/Entertainment License scheduled for March 9, 2023, 7:00 p.m. - 8:00 p.m., located at the Jamestown Arts Center, 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- e) Applicant: Jamestown Arts Center
Event: Exhibition Opening: A Hard Rain's a – Gonna Fall
Date: April 21, 2023, 5:30 p.m. – 7:30 p.m.
Location: 18 Valley Street

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Exhibition Opening: A Hard Rain's a – Gonna Fall One-Day Event/Entertainment License scheduled for April 21, 2023, 5:30 p.m. – 7:30 p.m., located at the Jamestown Arts Center, 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- f) Applicant: Jamestown Arts Center
Event: Summer Soiree
Date: June 30, 2023, 6:00 p.m. – 10:00 p.m.
Location: 18 Valley Street

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Summer Soiree One-Day Event/Entertainment License scheduled for June 30, 2023, 6:00 p.m. – 10:00 p.m., located at the Jamestown Arts Center, 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- g) Applicant: St. Matthew Church
Event: Sunrise Easter Service
Date: April 9, 2023, 6:00 a.m. – 7:00 a.m.
Location: East Ferry green (Veteran’s Square)

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Sunrise Easter Service One-Day Event/Entertainment License scheduled for April 9, 2023, 6:00 a.m. – 7:00 a.m., located at the East Ferry green (Veteran’s Square). Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- h) Applicant: Conanicut Island Sailing Foundation (CISF)
Event: Fairy House Scavenger Hunt
Date: April 30, 2023, 12:00 noon. – 3:00 p.m.
Location: CISF Tent, Fort Getty Park

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Fairy House Scavenger Hunt One-Day Event/Entertainment License scheduled for April 30, 2023, 12:00 noon – 3:00 p.m., located at the CISF Tent, Fort Getty. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- i) Applicant: Conanicut Island Sailing Foundation (CISF)
Event: CISF Open House
Date: June 17, 2023, 1:00 p.m. – 3:00 p.m.
Location: CISF Tent, Fort Getty Park

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the CISF Open House One-Day Event/Entertainment License scheduled for June 17, 2023, 1:00 p.m. – 3:00 p.m., located at the CISF Tent, Fort Getty. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- j) Applicant: The Town of Jamestown
Event: Jamestown 4th of July Fireworks
Date: July 2, 2023, 2:00 p.m. – 10:00 p.m.*
(*rain date July 3, 2023)
Location: East Ferry

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Jamestown 4th of July Fireworks One-Day Event/Entertainment License scheduled for July 2, 2023, 2:00 p.m. – 10:00 p.m. (*rain date July 3, 2023), located at East Ferry. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- k) Applicant: Jamestown Ukraine Relief Project
- Event: Sunflower Family Festival
- Date: August 26, 2023, 11:00 a.m. – 2:00 p.m.*
(*rain date August 27, 2023)
- Location: Jamestown School grounds /Lawn Avenue

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Sunflower Family Festival One-Day Event/Entertainment License scheduled for August 26, 2023, 11:00 a.m. – 2:00 p.m., (*rain date August 27, 2023) located at the Jamestown School grounds/Lawn Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- D) Review, Discussion, and/or Action and/or Vote: Approval of the Renewal Application that has been received by the Town Council for **Holiday License** for the year December 1, 2022-November 30, 2023:

- 1) All Ashore Cottage Outfitters LLC, dba: All Ashore Cottage Outfitters

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Holiday License renewal application for All Ashore Cottage Outfitters, LLC, dba: All Ashore Cottage Outfitters, for the year December 1, 2022-November 30, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

VI. 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:

- A) Interim Town Administrator’s Report: Edward A. Mello

- 1) Fort Getty Gatehouse Project

The DPW is well underway with the construction of the new gatehouse. The gatehouse is being constructed off-site and will be moved onto the new foundation in the coming weeks. Also, during this time will be the removal and demolition of the former gatehouse. The project is on target for the 2023 Ft. Getty season.

VII. UNFINISHED BUSINESS

- 1) No items at this time.

VIII. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Proposed dates for the (4) four Budget Work Sessions and eventual vote to adopt the budget for Fiscal Year (FY) 2023-2024 (July 1, 2023- June 30, 2024) at the Financial Town Meeting:

- 1) Town Council Budget Work Session: Operating Budget for FY 2023-2024, March 13th or 14th at 5:00 or 6:00 p.m.; or an alternate date/time.
- 2) Town Council Budget Work Session: Capital Improvement Programs, for FY 2023-2024, March 21st or 22nd at 5 p.m.; or an alternate date/time.
- 3) Joint Town Council and School Department Budget Work Session and Hearing for FY 2023-2024, March 23rd at 5:00 p.m., or an alternate date/time.

- 4) Town Council Budget Work Session: Interim Town Administrator's proposed FY 2023-2024 Town, School, and Capital Budgets: March 27th, 29th, or 30th at 5:00 or 6:00 p.m.; or an alternate date/time.

Discussion ensued.

A motion was made by Vice President Meagher with a second by Councilor M. White to schedule the following Budget Work Shop dates and times: March 14th at 5pm, potentially on March 21st at 5pm and March 23rd at 5pm. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

IX. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS

- A) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote:

- 1) Tax Relief Working Group Ad Hoc Committee, Five (5) to Seven (7) Member vacancy(s), with a term ending date unspecified; review discussion and/or potential action and/or vote:

- a) Letter of interest:
 - i) Connie Slick
 - ii) Linda J. Jamison
 - iii) E. Edward Ross
 - iv) Michelle Estaphan Owen
 - v) Beth Smith
 - vi) David Dolce
 - vii) Dan West

Discussion ensued.

Vice President Meagher made the request to schedule interviews at the next Town Council meeting on March 20, 2023.

- 2) Senior Services Ad Hoc Committee, Five (5) to Seven (7) Member vacancy(s), with a term ending date unspecified; review discussion and/or potential action and/or vote:

- a) Letter of interest:
 - i) Joyce Watson-O'Neil
 - ii) Deb Howard
- b) Approval of request to re-advertise committee vacancy(s).

Vice President Meagher made the request to schedule interviews at the next Town Council meeting on March 20, 2023 and approved the request to re-advertise the committee vacancy(s).

- 3) Zoning Board of Review, One (1) Alternate Member vacancy with a one-year term ending December 31, 2023:

- a) Letter of interest:
 - i) James (Jay) Sisson

A motion was made by Vice President Meagher with a second by Councilor M. White to appoint James (Jay) Sisson as the Zoning Board of Review for the One-Year Alternate Member, with a term ending December 31, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the items A) and B) on the Consent Agenda and to pull out for further discussion items C) and D). Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye made a clarifying statement for the record regarding item C) approval of the Compensation of Interim Town Administrator Mello. Interim Director Edward A. Mello would be compensated the same as the Town Administrator budget amount of \$123,000 only, and not collecting two salaries. He would no longer be receiving compensation as the Chief of Police even though he will be serving in both capacities for the time being.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept Consent Agenda item C) Approval of the Compensation of Interim Town Administrator Mello; proposed to be the same as the Town Administrator budget amount, of \$123,000.00; and request for a performance review to be held in 4 months. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

Vice President Meagher asked a clarifying question in regard to the appointment of Steven Bois as the Harbormaster for the Town of Jamestown. Interim Director Edward A. Mello stated the ordinance indicates an Administrative action by the Town Administrator for a recommendation to the Town Council for approval. Steven Bois has served on the Harbor Commission, is a retired Navy Commander, worked at the Raytheon, very involved in the RAB Gould Island initiative, and brings a tremendous skill set to enhance the Harbor division. Several well-qualified individuals were interviewed for the position with the assistance of resident and former Jamestown Harbormaster Mark Campbell. Councilor R. White concurred with Vice President Meagher and Interim Director Edward A. Mello on recommendation of Steven Bois for the Harbormaster position.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept Consent Agenda item D) Approval of the Appointment of Steven Bois as the Harbormaster for the Town of Jamestown Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

X. CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to the approval of each item as if it had been acted upon separately for review, discussion, and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion, and/or potential action and or vote.

- A) Adoption of Town Council Meeting Minutes
 - 1) February 6, 2023 (Executive Session)
 - 2) February 13, 2023 (Executive Session)

- B) Minutes of Boards/Commissions/Committees
 - 1) Affordable Housing Committee (January 10, 2023)
 - 2) Planning Commission (February 1, 2023)

- 3) Tree Preservation and Protection Committee (December 21, 2022)
 - 4) Tree Preservation and Protection Committee (January 25, 2023)
- C) Approval of the Compensation of Interim Town Administrator Mello; proposed to be the same as the Town Administrator budget amount, of \$123,000.00; and request for a performance review to be held in 4 months.
- D) Approval of the Appointment of Steven Bois as the Harbormaster for the Town of Jamestown
- 1) Memorandum from Interim Town Administrator Mello regarding Harbormaster Confirmation by Town Council.

Communications were acknowledged.

XI. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

- A) Communications Received:
- 1) Copy of Email to: Town Council and STR/ADU stakeholders
From: Marian Falla
Dated: February 21, 2023
Re: Newport floats new ideas to tackle housing crisis
 - 2) Copy of Email to: Town Council and STR stakeholders
From: Marian Falla
Dated: February 24, 2023
Re: City of Newport launches online short-term rental map
 - 3) Copy of Email to: Town Council Vice President Meagher, Councilor R. White, and Town Planner Bryer
From: Denise Rounds
Dated: February 27, 2023
Re: Short-term Rental Working Group
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns:
- 1) Town of Charlestown, Resolution in Support of House Bill 2023- H5174 An Act Relating to Waters and Navigation Coast Resources Management Council
 - 2) Town of Charlestown, Resolution in Support of Full Funding of Categorical Transportation Aid as Outlined in RIGL 16-7.2-6
 - 3) Town of Lincoln; Resolution 2023-1 In Support of Housing Development & Land Use.
 - 4) Town of North Kingstown, Resolution No. 22, a resolution to the Rhode Island Department of Environmental Management requesting a plan for

South Gould Island Public Recreation.

XII. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 7:34 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

Roberta Fagan

From: Bethany <Bethany@Jamestownhousing.com>
Sent: Monday, March 20, 2023 11:12 AM
To: Roberta Fagan
Subject: JHA January 19 approved minutes
Attachments: January 19, 2023 meeting minutes .pdf

Hi Roberta,

Here are the meeting minutes that were approved at our March board meeting, we didn't meet in February, these are from January 2023. Have a wonderful Monday

Best,

Bethany Hashway

Jamestown Housing Authority Office Assistant

401-423-1561

Bethany@jamestownhousing.com

JAMESTOWN HOUSING AUTHORITY
Board of Commissioners
Thursday, January 19, 2023, Meeting Minutes

The Commissioners of the Jamestown Housing Authority met in regular session at 9:00 a.m. on January 19, 2023. The members were able to declare a quorum.

CALL TO ORDER 9:03 a.m.; ROLL CALL by Executive Director Nikki Vazquez

Chairwoman: Lisa Rafferty – Present

Vice-Chair: Joe Cannon – Present

Commissioner: Susan Romano – Present

Commissioner: Bob Plain – Present

Commissioner: Gerald Precious- Present

Also in Attendance: Nikki Vazquez- Executive Director, Louise Marcus Esq, Bethany Hashway

Public Present: Coffee Bell, Bernie Courtney, and Doreen Dell

A motion was made by Commissioner Plain to approve the minutes of the regular monthly meeting held on December 14, 2022. This motion was seconded by Commissioner Romano and unanimously passed.

Communications

(a.)NAHRO Commissioners Certification February 2, &3, 2023

A motion was made by Commissioner Romano to approve the communications. This motion was seconded by Commissioner Plain and unanimously passed.

Board Meetings-

A motion was made by Vice Chair Cannon to keep the meeting dates as scheduled. This motion was seconded by Commissioner Plain and unanimously passed with one abstaining.

Executive Director's Report

A motion was made by Vice Chair Cannon to approve the Executive Director's Report. This motion was seconded by Commissioner Romano and unanimously passed.

Action Item

- a. Bills December 2022 Bills - A motion was made by Commissioner Romano to approve the December 2022 Bills. The motion was seconded by Vice Chair Cannon and unanimously carried.

Commissioner Reports and Requests

Commissioner Romano asked how the 503c paperwork is coming?

Public Comment:

Bernie Courtney- Ms. Courtney would like the board to consider removing the memorandum in place regarding the transfer policy that Marcia had asked the board to put in place, regarding residents transferring because of the cost of money. She also mentioned that the only way residents can transfer to a one-bedroom is if they have a reasonable accommodation. Bernie mentioned about the no parking on Watson Avenue anymore and said that there are not enough parking spots. Ms. Courtney also brought up about the pet policy, regarding dogs not being allowed in the Community Room and how this was never a policy before.

Coffee Bell- Ms. Bell mentioned about the pet policy and not being able to bring her dog into the Community Room, she mentioned that during the winter months she won't be in the Community Room. She did report that her dog is an emotional support dog.

Motion to adjourn the meeting was made by Commissioner Romano, this motion was seconded by Commissioner Plain and unanimously carried. Meeting adjourned at 9:44am

Approved as amended
PLANNING COMMISSION MINUTES
February 15, 2023
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:02pm and the following members were present:

Duncan Pendlebury – Vice Chair	Mick Cochran
Rosemary Enright - Secretary	Diane Harrison
Bernie Pfeiffer	Dana Prestigiacomo

Not present: Michael Swistak

Also Present:

Lisa Bryer, AICP - Town Planner
Carrie Kolb - Planning Assistant
Wyatt Brochu, Esq. – Ruggiero, Brochu & Petrarca
Christian Infantolino, Esq.
Marla Romash, Applicant
Marc Alexander, Applicant
Chris Arner, AIA
Connie Slick

II. New Business

1. Our Table –53 Narragansett Ave., Plat 9 Lot 207, Jamestown Village Special Development district, Jamestown Zoning Ordinance Article 11, Amendment to the 2021 Development Plan -Discussion, Review and Approval and Recommendation to Zoning Board on Special Use Permit for liquor (outdoor seating) and Variance for Parking (reduced due to proposed outdoor seating).

Infantolino gave a quick overview of the project for Our Table restaurant to add 5 tables of 4-seats each for 20 additional seats. They would remove 2 parking spaces for seating and 2 parking space for bike racks. A variance is needed for 8 parking spaces.

Commissioner Pendlebury asked if the original plan had 46 seats in the restaurant? Arner said yes and that with 20 more seats to the total seating capacity is for 66 seats.

Marla Romash, 34 Clinton Avenue, co-owner of Our Table restaurant addressed the Planning Commission. She expressed appreciation for all the positive support from the community. There are many repeat customers who are Jamestowners. She said that guests have been requesting outdoor seating and with the restaurant approaching their first anniversary, they feel like the right moment to create outdoor seating.

The other businesses located on the lot are 9am-5pm. The restaurant is open from 4-10pm. The other businesses do not generate a lot of traffic or parking. They will put bicycle parking that will be open to all. They try very hard to be good neighbors and approached neighbor Connie Slick to talk with her about their plans for expanding outdoor seating.

Chris Arner, AIA, described the plans with a presentation. He showed photographs of the building that exhibited where the outdoor seating would be. He showed site plans that gave a representation of 5 tables of 4 drawn within the two parking spaces, and the bike parking across from the outdoor seating. He pointed out where the jersey-type barriers would be and requested that they not be placed on the south side. The parking calculations for the current seating of Our Table is 10 spaces out of 29. When 20 additional seats are added, it will require four (4) more parking spaces. Four (4) parking spaces are lost with the outdoor seating and bike parking, so a zoning variance for eight (8) parking spaces is needed. Arner described the plans to disguise the barriers with planters and slated wood around them. The outdoor seating would have string lights attached to the side of the building. He described how the front door of the restaurant also serves as the access to the second floor. The tenants who live in the apartments above are patrons of the restaurant.

The details of the outdoor seating area and bike parking were discussed. The lighting is intended to be shut off each night when the restaurant closes for the night. There are no plans to put a platform down on the parking spaces. The plan is for the bike parking to revert to parking in the winter. The type of tables that will be outdoors has not been determined yet.

The hours of operation were discussed. The other businesses in the lot have hours of operation from Monday-Friday from 9am-5pm. Our Table is open Thursday – Monday from 4pm-10pm in the summer and Thursday – Sunday from 5pm-10pm in the winter. It is closed on Tuesday and Wednesday year-round. This is consistent with all their previous approvals. The parking lot does not fill up during the off peak months.

Chief Mello was consulted and wanted to know what the process was for the liquor license. He was comfortable with the jersey barrier, and he wanted the Building Official to sign off on them. Connie Slick, 49 Narragansett Ave, let the Planning Commission know that she appreciated both Romash and Bryer speaking with her about the project. She stated that she doesn't have a problem with outside seating as long as requirements are met because she lives next door. She stated that she is ok with the lighting plan. She was under the impression that there would only be 3 or 4 tables, not 5 tables. She is concerned about parking space #4 and the turning radius for cars backing out of it.

Discussion on the bike spaces, planters and turning radius ensued. Arner stated that they could adjust the parking as needed and can continue the discussion with the Building Official.

Discussion on the number of barriers ensued. Arner stated that they would like to have barriers on two side, not three. Bryer stated that the barriers are a condition of approval on the draft motion.

Discussion on when the season would start ensued. Romash stated that the earliest outdoor seating could happen is June due to all the approvals that are needed. They are thinking that it would not be longer than September. Infantolino requested that there not be any constraints on the time of year when they can operate outdoors as the plan is for summer months.

A motion was moved by Commissioner Pendlebury and seconded by Commissioner Enright as follows:

The application of Marla Romash and Marc Alexander, owner Gino DiFante, 53 Narragansett Avenue was reviewed and approved by the Planning Commission on February 15, 2023 and the Planning Commission hereby grants an amendment to the approved Development Plan based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was previously reviewed under the standards of Zoning Article 11 as a new use and granted approval by the Planning Commission on August 4, 2021.
2. This application has been reviewed by the TRC on February 14, 2023 and by the Planning Commission on February 15, 2023;
3. The applicant was represented by Christian Infantolino, Esq. and Architect Chris Arner, AIA, and has provided the following information for the current application:
 - Development Plan Review Application;
 - Development Plan Approval by the Planning Commission dated August 6, 2021;
 - Final Development Plan approval signed by Lisa Bryer, AICP, Town Planner dated April 4, 2022;
 - Zoning approval of a Special Use Permit dated August 24, 2021 to use the premises as a “lunchroom or restaurant (alcoholic beverages)”;
 - Site Plan entitled OUR TABLE RESTAURANT 53 Narragansett Avenue, Jamestown, RI, Plat 9, Lot 207 dated 2-15-23:
 - Photographs
 - Outdoor Seating Site Plan
 - Parking Calculations, Existing Floor Plans
 - Exterior Elevation, Details, Images
4. The proposed improvements consist of:
 - a) Adding outdoor seating protected by safety barriers and decorative planter boxes;

- b) Seeking permission from Zoning Board and the Town Council sitting as the Board of Liquor Licensing to serve food and drink during the allowed hours of operation;
- 5. This property is located in the Commercial Downtown (CD) District. Restaurant, office, personal service and retail uses are permitted in the CD District. Restaurant with Liquor requires a special use permit. The Planning Commission finds this application is consistent with the Jamestown Comprehensive Plan.
- 6. The restaurant and additional uses as shown on the plans were approved in 2021 with compliant parking, 29, based on proposed uses including a 46 seat inside restaurant (27 on-site and 2 on street as permitted by Zoning Ordinance 82-1204J). The removal of 4 parking spots and the addition of 20 seats (5 tables with 4 seats each) renders the parking inadequate per Jamestown Zoning Regulations by 8 spaces:
29 current spaces minus 4 taken away by bike racks and tables. The need increases by 4 with the increase of 20 seats. Therefore 33 spaces = total need and 25 spaces = spaces proposed plus bike racks which may be removed during the winter months;
- 7. The applicant and the Planner both discussed the project with the Police Chief Mello and his concerns were addressed with the proposal;
- 8. The applicant discussed the project with the direct abutter at 49 Narragansett – Plat 9 Lot 208 and the Planner received several questions related to the project which were answered;
- 9. The applicant has committed to no smoking outside on the premises;

Conditions of Approval:

- 1. The site improvements shall be built in strict accordance with the plans referenced above, including:
 - a. Prior to the certificate of occupancy, the building official will insure the safety barriers and decorative planters are installed and provide safety as designed;
- 2. A Special Use Permit is required for liquor service;
- 3. A liquor license is required for serving liquor outside;
- 4. Final Development Plan Approval shall be granted administratively when all conditions of approval are satisfied and the Special Use Permit, variance and liquor license have been granted.
- 5. No outdoor entertainment or amplified music;
- 6. An additional barrier shall be provided on the south side of the seating area if deemed necessary by the building official and Police Chief;
- 7. Additional lighting outside will turn off each night; and;
- 8. Applicant will investigate best configuration for turning out of parking space #4 located next to the bike racks.

So voted:

Commissioner Cochran – aye	Commissioner Enright - aye
Commissioner Harrison -aye	Commissioner Pfeiffer - aye
Commissioner Prestigiacommo -aye	Commissioner Pendlebury - aye

Motion carries 6-0.

III. Citizen's Non-Agenda Item - none

IV. Correspondence

1. Accessory Family Dwelling Unit Approval letter, Steven & Kristi Ross, 354 Beavertail Road, Plat 12 Lot 52

Correspondence recognized as received.

V. Reports

- Planner's Report
 - Future meetings – topics and applications

Bryer said that there will not be a meeting on March 1. The meeting on March 15 will be the first Zoning Ordinance Workshop. There will not be a meeting on April 5. The meeting on April 19 will be the second Zoning Ordinance Workshop. The workshops will be advertised in the paper. At this time, there are no applications, however if there are applications submitted then the Commission will meet at 6:00pm before the public workshops.

VI. Old Business

1. Jamestown Zoning Ordinance update - review, discussion and/or action and/or vote
 - A. Accessory Dwelling Units - review, discussion and/or action and/or vote

Bryer informed that Commission that a revised ADUs Bill was just submitted in the House and it is not as comprehensive as anticipated. More time is needed on this topic and the discussion was tabled to a future meeting.

- B. Cannabis - review, discussion and/or action and/or vote

Bryer said that there was discussion of the use table at the last meeting. The printed use table distributed in the packet. A footnote on the use table was questioned and it was determined that the footnote should be three (3) plus signs instead of two (2).

VII. Approval of Minutes – review, discussion and/or action and/or vote

1. February 1, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Harrison to approve the minutes from February 1, 2023 as amended. All in favor.

Page 2: Paragraph 4: to read "anything zoned over 20,000 sq feet."

VIII. Adjournment

A motion to adjourn at 7:54pm was moved by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:

Carrie Kolb & Lisa Bryer

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 28, 2023 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:02 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
Dean Wagner, Vice-Chair
Jane Bentley, Member
James King, Member
Terence Livingston, Member
Judith Bell, 1st Alternate
John Shekarchi, 2nd Alternate

Also present: Wyatt Brochu, Counsel

Brenda Hanna, Stenographer
Denise Gamon, Clerk

Absent: Peter Medeiros, Zoning Officer

MINUTES

Minutes of January 24, 2023

A motion was made by James King and seconded by Jane Bentley to accept the minutes of the January 24, 2023 meeting as presented.

The motion carried by a vote of 5 – 0.

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

CORRESPONDENCE

HARVEY

An email from Christian Infantolino, attorney for the applicant, is asking to continue their application until the March 27, 2023 meeting as they are working on getting the site engineering plans complete per the TRC request.

All other correspondence was in reference to items on the agenda.

OLD BUSINESS

Harvey

A motion was made by Dean Wagner and seconded by Terence Livingston to continue the application of Wendy Harvey to the March 28, 2023 meeting.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

Carney

Application of Sanderson H. Carney, Trustee of the Sanderson H. Carney Indenture of Trust, whose property is located at 3 Spirketing Street, and further identified as Tax Assessor's Plat 5, Lot 404 for a Variance granted under Article 6, Special Use Permits and Variances, Section 600 and 606. This application is made pursuant to the provisions of section 82-302, Table 3-2, District Dimensional Regulations for the R40 Zoning District of the zoning ordinance. The Applicant seeks Side Yard setback relief for an accessory structure of 3 feet where 15 feet is required in order to construct a 12 x 28 Carport with concrete pad. Said property is located in a R-40 zone and contains 17, 575 square feet.

Christian Infantolino, attorney for the applicant, requested the application be withdrawn.

A motion was made by Dean Wagner and seconded by Terence Livingston to approve the request to withdraw the application.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

NEW BUSINESS

Roach LLC

A motion was made by Dean Wagner and seconded by Terence Livingston to grant the request of Roach LLC whose property is located at 170 Conanicus, and further identified as Tax Assessor's Plat 8, Lot 579 for a Variance granted under Article 6, Special Use Permits and Variances, Section 600 and 606. This application is made pursuant to the provisions of section 82-302, Table 3-2, District Dimensional Regulations for the R20 Zoning District of the zoning ordinance. The Applicant seeks front yard setback relief of 19' 7 5/16" where 30 feet is required and a secondary front yard setback of 4' 7 1/4" where 15' feet is required and the existing front yard setback is 19' 7 5/16" and the existing secondary front yard setback is 4' 7 1/4" in order to construct an addition to the existing structure. Said property is located in a R-20 zone and contains 16,290.9 square feet.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition (s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R-20 zone and contains 16,290.9 square feet.
2. The existing house is a very modest house that was built in 1942.
3. The proposed addition is very modest and is on the south side which abuts the parking lot of the Bay Voyage Inn.
4. Architect Bill Bergin's credibility testified to the appropriateness of the requested relief.
5. There will be no change in the setbacks.
6. There were no objections to the applications.

The motion was carried by a vote of 4 – 0.

Richard Boren, Jane Bentley, Terence Livingston and Dean Wagner voted in favor of the motion.

James King recused himself.

Judith Bell and John Shekarchi were not seated.

Mathew R. and Ashley M. Amsden

A motion was made by Terence Livingston and seconded by Dean Wagner to grant the request of MATTHEW R. and ASHLEY M. AMSDEN whose property is located at 29 Bayberry Road, and further identified as Tax Assessor's Plat 12, Lot 61, are seeking to construct a partial second floor addition of 1,046 sq. ft. onto the existing single story house footprint. Said property is located in a R40 zone and contains 27,452 sq. ft. The existing exterior walls of the living area will be extended to create the second floor addition; the existing garage structure on the east side of property will remain as is. The existing house was previously purchased as a legal, non-conforming structure. Referencing Article 3, Section 82-302 Table 3-2 and Article 6, Sections 82-606 and 82-607, the existing footprint is 13.2 ft. from front of lot instead of required 40 ft., a rear yard setback of 4.8 ft. where 30 ft. is required, and an east side yard setback of 9.6 ft. where 20 ft. is required. The highest point of the second floor design will be 27 ft. and does not exceed the 35 ft. maximum allowance of a principal structure.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition (s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R-40 zone and contains 27,452 square feet.
2. Property is a nonconforming structure that was built in the 1950's
3. (4) people testified in favor, no one opposed
4. Turning one level into a two level structure. Of the 9 – 10 houses on Bayberry, this house and one other are one level.
5. Adding a second floor for an expanding family.
6. Applicant needs more space, will be adding bedroom and living space
7. There will be (4) bedrooms and (3) baths
8. The current home has (2) bedrooms and (1) bath
9. The home has a (4) bedroom OWTS that was installed in 2019
10. The structural engineer has already approved the plan

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

Knowles

A motion was made by Terence Livingston and seconded by Jane Bentley to continue the application of Alexander and Linda Knowles whose property is located at 108 Southwest Avenue, and further identified as Plat 9, Lot 26 seek to construct an outbuilding with a 20' 3" roof height. A height of 20' 3" meets the requirements of Article 3, Section 82-302, Table 3-2, of the Revised Code of Ordinances for the Town of Jamestown, as that ordinance applies to properties designated in R-20.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

A motion was made by James King and seconded by Terence Livingston for the applicant to obtain a copy of the transcript from the June 28, 2022 Zoning Board of Review meeting.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:22 p.m.
The motion carried unanimously.

**SECOND AMENDMENT TO RHODE ISLAND MEMORANDUM OF UNDERSTANDING
BETWEEN THE STATE AND
CITIES AND TOWNS RECEIVING OPIOID SETTLEMENT FUNDS**

The State of Rhode Island (the "State") and the Participating Cities and Towns entered into the Rhode Island Memorandum of Understanding Between the State and Cities and Towns Receiving Opioid Settlement Funds (the "R.I. MOU"), which became effective on January 21, 2022, and governs the allocation and use of the proceeds of Settlement Agreements as that term is defined in the R.I. MOU. On May 17, 2022 the Attorney General executed and made effective the First Amendment to the R.I. MOU (the "First Amendment"), which addressed the Teva and Allergan Settlement Agreements. This Second Amendment (the "Second Amendment") modifies the R.I. MOU pursuant to Section VII of the agreement and addresses the Pharmacy Settlement Agreements and the Endo Resolution.

I. Amendment to Cover Additional Settlement Agreements

The State and the Participating Cities and Towns agree to amend the R.I. MOU as follows:

A. The CVS Settlement Agreement, the Endo Resolution, the Walgreens Settlement Agreement, and the Walmart Settlement Agreement are Settlement Agreements under Section I.J of the R.I. MOU.

B. Section I, "Definitions" will be modified to add the following:

"N. "CVS Settlement Agreement" means an agreement between CVS Health Corporation and CVS Pharmacy, Inc., on the one hand, and certain Settling States and Participating Subdivisions on the other hand."

"O. "Endo Resolution" means the confirmation of the plan in the bankruptcy proceeding *In re Endo International plc., et al*, No-22-22549 (JLG) (Bankr. S.D. N.Y.), or similar resolution of opioid claims against Endo International plc for which the State will receive a payment or distribution in connection with claims similar to those released in the Settlement Agreements."

"P. "Walgreens Settlement Agreement" means an agreement between Walgreens, on the one hand, and certain Settling States and Participating Subdivisions on the other hand."

"Q. "Walmart Settlement Agreement" means an agreement between Walmart Inc., on the one hand, and certain Settling States and Participating Subdivisions on the other hand."

"R. "Pharmacy Settlement Agreements" means the CVS Settlement Agreement, the Walgreens Settlement Agreement, and the Walmart Settlement Agreement."

"H. "Participating City or Town" means an Eligible City or Town that is both (i) a signatory to this Agreement and (ii) an Initial Participating Subdivision as defined in

each Settlement Agreement and, for the purposes of the Teva and Allergan Settlement Agreements, and the Pharmacy Settlement Agreements is both (i) a signatory to the First Amendment and the Second Amendment and (ii) a Participating Subdivision as defined in those agreements. Together the Participating Cities or Towns are the "Participating Cities and Towns."

- C. Section VI.A, "*Relationship of this Agreement to Other Agreements and Resolutions*" will be modified as follows, "The Parties acknowledge and agree the Distributor Settlement Agreement, the Janssen Settlement Agreement, the Teva and Allergan Settlement Agreements, ~~and the Allergan Settlement Agreement and the Pharmacy Settlement Agreements~~ will require Participating Cities and Towns to release all their claims against the settling defendants to receive Opioid Settlement Funds. The Parties further acknowledge and agree based on the terms of the Distributor Settlement Agreement, the Janssen Settlement Agreement, ~~and~~ the Teva and Allergan Settlement Agreements, and the Pharmacy Settlement Agreements that a Participating City or Town may receive funds pursuant to this Agreement only after complying with all the requirements set forth in the Distributor Settlement Agreement, the Janssen Settlement Agreement, ~~and~~ the Teva and Allergan Settlement Agreements, and the Pharmacy Settlement Agreements to release the city or town's claims. If another Settlement Agreement contains similar requirements, the Parties acknowledge that a Participating City or Town may receive funds pursuant to that agreement only after complying with all the requirements set forth in that agreement to release the city or town's claims."

II. Related Terms

- A. *Relationship of this Amendment to Other Provisions.* Except as amended in this Second Amendment, all other provisions within the R.I. MOU shall remain in full force and effect.
- B. *Counterparts.* This Second Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

Accepted and agreed to by the undersigned:

STATE OF RHODE ISLAND

Peter F. Neronha
Attorney General

Date: _____

JAMESTOWN TOWN, RI
Reference Number: CL-390999

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

Yes No

Governmental Entity: JAMESTOWN TOWN	State: RI
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

Yes No

Governmental Entity: JAMESTOWN TOWN	State: RI
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K

Subdivision Participation Form

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

Yes No

Governmental Entity: JAMESTOWN TOWN	State: RI
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Memo

To: Town Council

From: Parks and Recreation Director; Ray DeFalco

cc: Town Administrator; Ed Mello

Date: 3/28/23

Re: Lawn Ave Upper Tennis Courts Resurfacing Bid

The Lawn Ave Upper Tennis court crack repairs and resurfacing bid closed on March 16th. We received one bid and it is my recommendation that we award the bid to Joyce Construction. Their proposal includes crack cleaning and repairs, acrylic surfacing, and line painting for a total cost of \$66,689.00.



Town of Jamestown

LAWN AVE RECREATIONAL COMPLEX UPPER TENNIS COURT SURFACING

The Town of Jamestown is accepting proposals for the repairs and resurfacing of the upper asphalt Tennis Courts at the Lawn Avenue Recreation Complex located at 55 Lawn Ave in Jamestown, RI.

Sealed bids labeled **Upper tennis Court Resurfacing**, in accordance with the following specifications and information, must be filed with the **Finance Department Office, Town of Jamestown, 93 Narragansett Ave, by 11:00A.M. March 16th 2023** at which time they will be opened publicly

GENERAL INFORMATION

1. The Town of Jamestown plans to contract for tennis court resurfacing to include all materials and labor as indicated in the attached specifications. Town may choose to award any part of the bid as specified by the itemized items on the bid sheet below. Bid is not to include any taxes from which the Town of Jamestown is exempted by law; the Town will complete tax exemption forms required by supplier.
2. **Bid Qualification**: Each bidder shall present evidence that they are normally engaged in the purveying of the type of service bid upon. The bidder shall become thoroughly familiar with the contents of the notice before submitting a proposal; the bidder automatically acknowledges and accepts all the provisions, conditions and specifications of this notice; no bid shall be considered from bidders who are unable to show that they are normally engaged in the purveying of the type of service bid on.
3. **Commencement and Completion of Work**: The contractor shall commence work within fifteen (15) days of written notice to proceed from the Director of Parks and Recreation and shall prosecute the same in accordance with a progress schedule prepared by the contractor and approved in advance by the Town and shall complete said project and all work connected therewith not later than the time so stipulated therefore.
4. **Insurance**: The contractor and all sub-contractors shall carry insurance for the duration of the work with a company licensed to write such insurance in Rhode Island. The minimum coverage for General Liability and Auto Liability must each be for \$2,000,000. Contractor is also required to carry Workers' Compensation and Employers' Liability Insurance in amounts defined by RI law. The Town of Jamestown must be listed as **ADDITIONAL INSURED** on all policies.
5. **Acceptance or Rejection**: The Town of Jamestown reserves the right to reject any or all proposals, to accept any bid or waive any informality in the proposal as deemed advisable in the best interest of the Town.

6. If the service, which the bidder bids, does not completely meet our specifications, the bidder must submit detailed specifications of their service with the bid. If the bidder does not submit said specifications, and the service does not meet our specifications, the Town of Jamestown reserves the right to refuse such service and obtain it from another source
7. Exceptions to Specification: If the service offered differs from the provisions contained in this specification, such differences must be explained in detail on sheets attached to the proposal, and if such deviations do not depart from the intent of this notice and are in the best interest of the Town, the proposal will receive careful consideration.
8. Tests. Before approval, the Town Manager or his Agent shall have the right to inspect the service furnished in accordance with this notice
9. Guarantees: Except as otherwise specified, all work, materials and equipment shall be guaranteed by the Contractor against all defects resulting from the use of inferior materials, equipment, or workmanship for not less than one year from the date of final completion of the contract, or from full acceptance by the Parks and Recreation Department, whichever ever is earlier, unless otherwise specified herein.

If, within any guarantee period, repairs or changes are required in the connection with guaranteed work, which, in the opinion of the Parks and Recreation Department is rendered necessary as the result of the use of materials, equipment or workmanship which are inferior, defective, or not in accordance with the terms of the contract, the Contractor shall promptly upon receipt of notice from Parks and Recreation and without expense to Parks and Recreation.

- a) Place in satisfactory condition in every particular of all such guaranteed work, correct all defects therein, and
 - b) Make good all damage to the building or site, or equipment or contents thereof, which in the opinion of the Parks and Recreation is the result of the use of materials, equipment or workmanship which are inferior, defective, or not in accordance with the terms of the contract, and
 - c) Make good any work or materials, or the equipment and contents of said building or site disturbed in fulfilling any such guarantee.
 - d) In any case where in fulfilling the requirements of the contract or of any guarantee embraced in or required thereby, the contractor disturbs any work guaranteed under another contract, he shall restore such disturbed work to a condition satisfactory to the Parks and Rec. Dept. and guarantee such restored work to the same extent as it was guaranteed under such other contract
 - e) The Contractor shall pass on to the Town any and all manufacturer's warranties and guarantees.
10. Contractors Duties and Liabilities: The Contractor, in the prosecution of the work, shall comply with all local, state and national laws and regulations, and with all ordinances, and he shall secure all necessary permits and licenses. This project is subject to all of the safety and health regulations promulgated by the U.S. Department of Labor on April 17, 1971, and as required by the Occupational Safety and Health Act (OSHA)
 11. Compensation. Payment will be made within 30 days of completion and acceptance of all work in accordance with the contract documents and unit prices bid. There will be no retainage for this project

12. Prevailing Wage Rates: The contractor shall comply with minimum wage rates as prescribed by the Rhode Island Department of Labor Laws (referenced General Laws of Rhode Island, Revised 1956, Chapter 37-12 and Chapter 37-13, as amended).
13. Out of State Corporations: Bidders who are out-of-state corporations, shall qualify or register to transact business in the State of Rhode Island, in accordance with RI General Laws as amended, Section 7-1, 1-99, 7-1, 1-105, and 7-1, 1-106.

SPECIFICATIONS:

Court Resurfacing:

A. Scope of work

1. Court shall be cleaned using a stiff bristle broom and gas-powered blower or water-based pressure spray unit capable of generating 4000 psi with a turbo nozzle tip, to remove all dirt and debris.
2. The work performed under this specification includes all labor, equipment, materials, and supplies necessary for the resurfacing of the tennis included in this contract.

B. Products

1. 2 coats of Plexipave® Acrylic Resurfacer (or approve equivalent) should be applied after repairs are cured and sanded smooth.
2. 2 coats of fortified Plexipave® (or approve equivalent) color should be applied over resurfacer.
3. Plexipave® (or approve equivalent) textured white line paint should be used for the playing lines.

C. Application

1. Contractors must notify the Town of Jamestown 48 hours prior to all applications.
2. The surface to be coated shall be inspected and made free of grease, oil, dust, dirt, and other foreign matter before starting work.
3. The entire area of anything to be resurfaced should be pressure washed at 4000psi with a turbo nozzle and allowed to dry thoroughly before any application of material.
4. 2 coats of Plexipave® Acrylic Resurfacer, or approved equivalent should be applied after repairs are cured and sanded smooth.
5. Application shall proceed only if the surface is dry and clean and the temperature is at least fifty degrees (50 F) and rising, and the surface temperature is not in excess of one hundred forty degrees (140 F). Coatings shall not be applied when rain is imminent.
6. Each coat must dry completely before next application. Between each coat, inspect and repair any defects. Scrape surface to remove any lumps, and broom or blow off all loose matter.

D. Line Markings

1. Upon completion and acceptance of the court surfaces the contractor shall prepare and paint lines
2. Line markings shall be performed in accordance to attached court diagrams.
3. All lines are to be applied by painting between masking tape with a paintbrush or roller.
4. Plexipave® textured white line paint should be used for the playing lines unless otherwise specified by the Parks & Recreation Director.
5. Remove masking tape immediately after lines are dry.

E. Completion

1. Upon completion, the contractor shall insure proper removal of all construction debris, surplus materials, empty containers, and wash water, and shall leave the site in a condition acceptable to the owner.

Note: For further information or to view the projects, contact Ray DeFalco, Parks & Recreation Director, between 8:00am and 4pm at 401-423-7266 no later than Monday, March 13th at 3:00 pm.

Jamestown Parks and Recreation

BID FORM

Lawn Ave Upper Tennis Court Resurfacing

Company Name Joyce Construction Inc.

Address 1185 Tower Hill Road City North Kingstown

State RI Zip 02852 Phone 401-330-0651 Fax _____

Authorized Signature Jon Joyce Date 3/16/23

Printed Name Jonathan C. Joyce Title President

Bid Item #1 Tennis Courts (Upper Courts) resurfacing

Bid Proposal: \$ 76,959

Seventy-six thousand nine hundred fifty-nine and $\frac{9}{100}$ dollars
(written)

- Price includes full surface pressure washing with turbo nozzle including inner side walls of saw cuts for full slab depth after thorough crack cleanout, Random cracks will be pressure washed until clear wash water runs from cracks.
- Price includes crack repairs using Plexipave court Patch binder mix for all saw cuts and random cracks.
- Pickle ball line striping can be added @ \$3 per linear foot (\$594 per court)



Town of Jamestown
One Day
Event/Entertainment Application

\$5.00 Application Fee

* Rescheduled
due to bad
weather *
* TC 4/3

All licenses are issued subject to the resolution of debts, taxes and appropriate signatures

ou - need

Please complete the following information:

- Seasonal Event
Parade
Race: Bicycle/Wheelchair, Run/Jog/Walk/Wheelchair
Marine Vessel
Art/Craft Show
Theatre/Film Production
Concert
Miscellaneous Function (please explain)
Artist talk

date
em
3/28/22

Name of Event: (if applicable) JAC talk with Jean-Marc Superville Sovak and Peter Fay
Date of Event: *Rescheduled: 3-30-23 Hours of Event: 6:00-8:00pm
Location of Event: 18 Valley Street, Jamestown, RI 02835. Number of people attending: 60
Name of Applicant/ Business: Jamestown Arts Center
Mailing Address: 18 Valley Street, Jamestown, RO 02835. Business Phone #: (401)560-0979
Email Address: Kelly@jamestownartcenter.org
Contact Person: Kelly McDermott Phone Number: (401)560-0979

List the type of entertainment being requested, if applicable (Band, DJ, etc.): N/A

Who will the event benefit? Jamestown Arts Center

Type of Operation: (Private, State Sponsored, Non-Profit): Non-Profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): N/A

If the applicant is a Non-Profit organization, is it registered with the State? Yes

RI Tax ID #: 000307630 Non-Profit ID #: 30-0507266

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

All vendor/peddlers must submit an application to the Town Clerk's Office

What types of items will be sold at this event?

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided No

Will traffic control be needed? No

If yes, Please contact the Jamestown Police Department

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$2,000,000 (two million dollars) when using Town owned property, naming the Town of Jamestown as an additional Certificate Holder.

Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

Signature of Applicant: [Handwritten Signature]

Please attend the Town Council meeting on the ___ day of ___, 20___ for Council review.

Roberta Fagan

From: Sandy Speroni <SSperoni@townofwarren-ri.gov>
Sent: Wednesday, March 15, 2023 10:59 AM
To: Barrington- Meredith DeSisto; Block Island - Jill Seppa; Block Island - Keisha Philips Brown; Block Island - Millicent McGinnes; Bristol - Melissa Cordeiro; Bristol- Lori Hubbard; Burrilville - Pamela Pelletier; Burrilville - Vicki Martin; Central Falls - Alberto deBurgo; Central Falls - Jahaira Rodriguez; Chapachet - Christine Mathieu; Charlestown - Susan Shea; Charlestown- Amy Rose Weinreich; Charlestown- Jennifer Gabriele; Chepachet - Jean Fecteau; Cheryl A. Chorney, CMC; Coventry - Joanne Amitrano; Coventry- Deborah Lavoie; Cranston - Leanne Zarrella; Cranston - Nicolas Lima; Cranston - Rosalba Zanni; Cumberland - Curtiss Grieve; Cumberland - Jane Christopher; Cumberland - Kerri A. Rossi; Cumberland - Sandra Giovanelli; East Greenwich - Elaine Vespia; East Greenwich- Leigh A. Carney; East Providence - Kevin Scott Lewis; East Providence - Leah Stoddard; East Providence - Sharon Lemire; East Providence- Kathleen Holahan; Exeter - Lynn Hawkins; Exeter - Mary Hall; Exeter - Patricia Whitford; Exeter- Janette Morrissey; Foster - Michaela Johnson; Foster - Susan Dillon; Hopkinton - Elizabeth Cook-Martin; Hopkinton- Marita Murray; Denise Gamon; Karen Montoya; Roberta Fagan; Jessica Capaldi; Johnston - Vincent Baccari; Lincoln - Erin Vaughan; Lincoln - Lillian Silva; Little Compton - Carol Wordell; Little Compton - Heather Cook; Middletown - Karin Clancey; Middletown -Wendy Marshall; Narragansett - Janet Tarro; Narragansett - Kathleen Craig; Narragansett - Sarah Mason; Newport - Carlos Alaan; Newport - Laura Swistak; Newport - Tracy Nelson; North Kingston - Jeannette Alyward; North Kingston - Susan Murray; North Providence - Mary DeAngelus; North Providence -Amando Ando; North Scituate - Margaret (Peggy Long); North Scituate - Marissa Marmaras; North Scituate- Gloria Taylor; North Smithfield - Tiffanie Reilly; North Smithfiels - Joanne Buttie; North Smithfiels- Tami Jacques; Pawtucket - Kenneth McGill; PAwtucket - Michelle Hardy; Pawtucket - Richard Goldstein; Pawtucket - Stephanie Hammond; Portsmouth - Jacqueline Schulz; Portsmouth - Jennifer West ; Providence - Donna Peligian; Providence - Mercedes"Betty. Bernal; Providence - Sheri Petronio; Providence -Kathy Placencia; Providence -Renay Omisore Brooks; Providence- Tina Mastroianni; Providence_ Jordan Seaberry ; Providence_-Angela Harris; Smithfield - Lyn Antonuccio; Tiverton - Jean Veegh; Tiverton - Joan Chabot; Tracy Nelson; Wakefield -Nicole Romane; Wakefield- Susan Flynn; Sandy Speroni; Warwick - Lynn D'Abrosca; Warwick _ Kerry Nardolillo; West Greenwich - Kelly Laiho; West Warwick - Sarah Rapose; Westerly - Krista Tracy; Westerly - Mary Le Blanc; Westerly Michelle Murphy; Woonsocket - Christina Harmon; Woonsocket - Michael Narducci; Wyoming - Erin Liese; Wyoming - Kendra Tanguary; Wyoming- Ann Galuszka
Subject: FW: Town of Warren Resolutions
Attachments: Warren-Home Rule Charter -2023.pdf; Warren-Leg Priorities -2023.pdf; Warren- Hous-Dev-Land Use -2023.pdf; Warren-Tax Amnesty-H5603 Slater -2023.pdf; Warren-BWRSD-amend -2023.pdf

Good morning,

At the Warren Town Council meeting held on Tuesday, March 14, 2023, Motion was made by Councilman DePasquale, seconded by Councilmember Cronin to approve the attached Town of Warren Resolutions. The motion passed unanimously.

- 1.)Resolution of the Town of Warren in support of Validating and Ratifying an amendment to the Home Rule Charter.

- 2.) Resolution of the Town of Warren in support of Rhode Island League of Cities and Towns 2023 Legislative Priorities.
- 3.) Resolution of the Town of Warren in support of Housing Development & Land Use.
- 4.) Resolution of the Town of Warren in support of enabling legislation for a tax amnesty program for motor vehicles and tangible taxes.
- 5.) Resolution in support of a periodic review of the BWRSD enabling legislation.

Sincerely,

Sandra J. Speroni, CMC
Town Clerk/Probate Clerk/BOCC
RITCCA-Vice President
Town of Warren
514 Main Street
Warren, RI 02885
Office #401-245-7340 x 4
Fax #401-245-7421
ssperoni@townofwarren-ri.gov



Disclaimer

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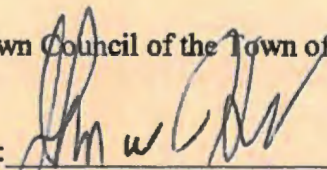
**RESOLUTION OF THE WARREN TOWN COUNCIL
TO
THE RHODE ISLAND GENERAL ASSMEBLY**

WHEREAS, certain amendments to the Home Rule Charter of the Town of Warren were adopted and approved by the electors of the Town of Warren on November 8, 2022, and

WHEREAS, the said amendments may require ratification, confirmation, validation, or enactment by the Rhode Island General Assembly

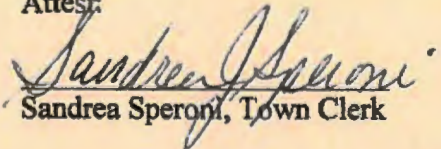
NOW, THEREFORE, the Town Council of the Town of Warren hereby RESOLVES to request that the Rhode Island General Assembly ratify, confirm, validate, and enact those amendments to the Home Rule Charter of the Town of Warren that were approved by the electors of the Town of Warren on November 8, 2022.

Town Council of the Town of Warren

By: 
John Hanley, President, Warren Town Council

Dated: 03-14-2023

Attest:


Sandra Speroni, Town Clerk

**RESOLUTION OF THE TOWN OF WARREN
IN SUPPORT OF HOUSING DEVELOPMENT & LAND USE**

WHEREAS, Housing continues to be a priority at all levels of government in Rhode Island; and

WHEREAS, Municipal leaders stand together in welcoming the development of responsible housing in our communities and are interested in working with stakeholders across the state to improve housing opportunities for Rhode Islanders; and

WHEREAS, Local leaders agree zoning and land use should remain a local decision; and

WHEREAS, as members of the Rhode Island League of Cities and Towns, we supported the establishment of both the Land-Use and Low- and Moderate-Income Housing study commissions to identify ways to help cities and towns meet their obligations under the Low- and Moderate-Income Housing Act to ensure that at least 10% of their housing stock qualifies as affordable; and

WHEREAS, there have been challenges with implementing changes to state law that were approved in the last legislative session; and

NOW, THEREFORE, BE IT RESOLVED, that the Warren Town Council of the Town of Warren strongly encourages the state to work with cities and towns to encourage housing construction and rehabilitation, and remove barriers to housing, such as infrastructure improvements; and

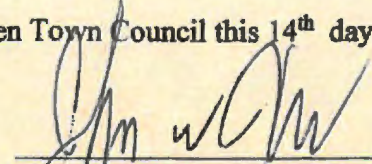
BE IT FURTHER RESOLVED, to accomplish our housing goals, municipalities need the following:

- **A clear menu of innovative solutions and funding opportunities from the state that can be implemented during the winter season.**
- **Increased funding for infrastructure improvements and remediation, outside of federal aid opportunities.**
- **To preserve and promote quality of life, based on the different communities' needs and respect the local voice in land use decisions.**
- **Funding the implementation of programs and systems to support process improvements.**
- **Increased technical support and adequate funding to departments and agencies that facilitate housing growth, including the Division of Statewide Planning and Department of Housing.**
- **Workforce development to expand the pool of municipal planners and building and zoning officials.**
- **Adequate state and education aid to support the needs of residents.**
- **A commitment to expanding reliable transportation opportunities for residents, extending the urban service boundary; and**

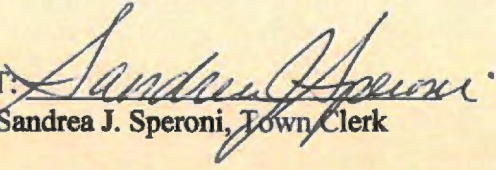
BE IT FURTHER RESOLVED, both Commissions ensure that they will listen to municipal leaders regarding these meaningful policy changes so they can be implemented and enforced at the local level; and

BE IT FURTHER RESOLVED, that the Warren Town Council of the Town of Warren supports the housing and land use needs identified by the Rhode Island League of Cities and Towns referenced above; and

Passed as a resolution of the Town of Warren, Warren Town Council this 14th day of March, 2023.



John W. Hanley, President
Warren Town Council

ATTEST: 
Sandra J. Speroni, Town Clerk

RESOLUTION:

TO THE HONORABLE RI GENERAL ASSEMBLY REQUESTING
AN AMENDMENT TO P.L. 1991, CHAPTER 330
THE ENABLING ACT CREATING
THE BRISTOL-WARREN REGIONAL SCHOOL DISTRICT

BE IT RESOLVED BY THE TOWN COUNCIL OF WARREN AS FOLLOWS:

WHEREAS: The enabling act creating the Bristol-Warren Regional School District, Public Laws of 1991, Chapter 330 ("hereinafter referred to as the "enabling act") has not been reviewed since its enactment in 1991; and

WHEREAS: There have been many changes in the almost thirty-two (32) years since its enactment, both at the district and state level in regard to education; and

WHEREAS: There is no procedure set forth in the enabling act for a periodic review of the enabling act; and

WHEREAS: A periodic review of the enabling act is necessary to meet the constant, and changing, challenges of public education.

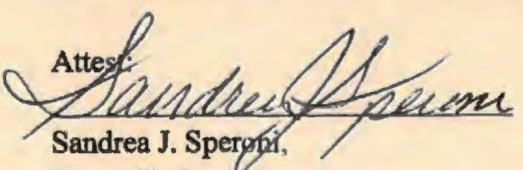
NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WARREN, RHODE ISLAND AS FOLLOWS:

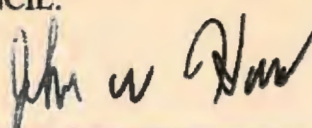
SECTION 1: That the Town Council of the Town of Warren requests that the Honorable General Assembly amend P.L. 1991, Chapter 330 to include a section mandating periodic review of the enabling act by the member towns with a report to the Honorable General Assembly for recommended amendments thereof.

SECTION 2: That this resolution shall be forwarded to the members of the Town of Warren's legislative delegation, Bristol Town Council, as well as the Speaker of the House of Representatives and the Senate President upon passage.

SECTION 3: THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE BY THE WARREN TOWN COUNCIL.

Attest:


Sandra J. Speroni,
Town Clerk



John W. Hanley,
Town Council President, Town of Warren



2023-0006

**RESOLUTION OF THE TOWN OF TIVERTON
IN SUPPORT OF HOUSING DEVELOPMENT &
LAND USE**

WHEREAS, Housing continues to be a priority at all levels of government in Rhode Island; and

WHEREAS, Municipal leaders stand together in welcoming the development of responsible housing in our communities and are interested in working with stakeholders across the state to improve housing opportunities for Rhode Islanders; and

WHEREAS, Local leaders agree zoning and land use should remain a local decision; and

WHEREAS, as members of the Rhode Island League of Cities and Towns, we supported the establishment of both the Land-Use and Low- and Moderate-Income Housing study commissions to identify ways to help cities and towns meet their obligations under the Low- and Moderate-Income Housing Act to ensure that at least 10% of their housing stock qualifies as affordable; and

WHEREAS, there have been challenges with implementing changes to state law that were approved in the last legislative session; and

NOW, THEREFORE, BE IT RESOLVED, that the Tiverton Town Council strongly encourages the state to work with cities and towns to encourage housing construction and rehabilitation, and remove barriers to housing, such as infrastructure improvements; and

BE IT FURTHER RESOLVED, to accomplish our housing goals, municipalities need the following:

- A clear menu of innovative solutions and funding opportunities from the state that can be implemented during the winter season.
- Increased funding for infrastructure improvements and remediation, outside of federal aid opportunities.
- To preserve and promote quality of life, based on the different communities' needs and respect the local voice in land use decisions.
- Funding the implementation of programs and systems to support process improvements.
- Increased technical support and adequate funding to departments and agencies that facilitate housing growth, including the Division of Statewide Planning and Department of Housing.
- Workforce development to expand the pool of municipal planners and building and zoning officials.



Town Clerk's Office

TOWN HOUSE ROAD, HOPKINTON, R. I. 02833

TOWN OF HOPKINTON, RHODE ISLAND RESOLUTION OF THE TOWN COUNCIL

RESOLUTION IN SUPPORT OF H 6119 AN ACT RELATING TO HUMAN SERVICES – MEDICAL ASSISTANCE

WHEREAS, there are only four nonprofit ambulance services left in the State of Rhode Island, namely, Ashaway Ambulance Association, Hope Valley Ambulance Corps, Westerly Ambulance Corps and Charlestown Ambulance Rescue Service; and

WHEREAS, Rhode Island is fiftieth in the country in insurance reimbursement rates; and

WHEREAS, in Providence the average reimbursement rate for ambulance companies is twenty-five percent; however, for the four remaining nonprofit ambulance companies in Washington County it is fourteen percent; and

WHEREAS, due to the rising costs of equipment and supplies these ambulance companies require a more equitable insurance distribution rate; and

WHEREAS, the residents of the Town of Hopkinton rely on these services and will be severely impacted should these companies become non-existent.

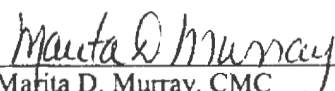
NOW THEREFORE BE IT RESOLVED, that the Hopkinton Town Council urges the Rhode Island General Assembly to support H 6119 and urges passage.

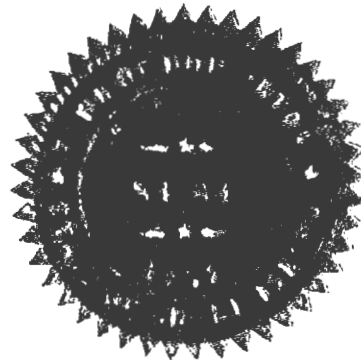
BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of the Resolution to all Cities and Towns in Rhode Island seeking their consideration and support, to the members of the Rhode Island House of Representatives, the members of the Rhode Island State Senate, and the Governor of Rhode Island.

This resolution shall take effect upon passage.

Adopted: March 20, 2023

ATTEST:


Marita D. Murray, CMC
Town Clerk



TOWN OF BURRILLVILLE

Office of Town Clerk
Email: townclerk@burrillville.org



Phone: 401-568-4300, ext. 133
Fax: 401-568-0490
RI Relay 1-800-745-5555 (TTY)

Resolution of the Town of Burrillville Environmental, Social and Governance Investing

- WHEREAS, the Town of Burrillville's commitment to the environment is unwavering and clearly has been demonstrated by its opposition to a proposal for a new power plant within its borders; and
- WHEREAS, the Town of Burrillville lead the opposition for a new energy generating facility within its borders, despite the then governor's, and senate and house leadership, support of that power plant; and
- WHEREAS, according to the U.S. Securities and Exchange Commission, "ESG" stands for environmental, social and governance. ESG investing is a way of investing in companies based on their commitment to one or more ESG factors. It is often also called sustainable investing, socially responsible investing, and impact investing; and
- WHEREAS, different investments may weigh environmental, social and governance factors differently and may focus on different specific criteria within a factor. Investments that don't have "ESG" in the name may still incorporate elements of ESG investing into their portfolios; and
- WHEREAS, the Town of Burrillville firmly believes that all aspects of federal, state and municipal government should be transparent; and
- WHEREAS, the Town of Burrillville received from Climate Action Rhode Island a questionnaire regarding its support of Environmental, Social and Governance Investing (ESGI) and,
- WHEREAS, the Town of Burrillville believes that the proponents of ESGI desire to control every aspect of government and desire that all government policies be formulated under the belief that all prior policies not in-line with their ESGI theories, are and were the source of social and environmental injustice; and
- WHEREAS, the purpose of investments on the federal, state or municipal levels, whether to fund pensions or for other governmental purposes, is to maximize profits for the benefit of their pensioners and the operations of government, and not to appease those who believe that all prior policies, or investing in certain stocks or companies, is a disservice to the environment or the citizens of this state; and
- WHEREAS, the Town of Burrillville supports the investing of funds to so maximize the return on investments, within the bounds of the law; and
- WHEREAS, notwithstanding the political motivations and lack of transparency of the ESG movement by unelected political activists and organizations who are actually implementing significant public policy initiatives, the town is focused on the overwhelming negative financial impacts of this type of investment strategy on Rhode Island's pension system; and
- WHEREAS, Rhode Island's pension system (ERSRI) is already underfunded and in jeopardy of failing to provide the expected pensions to thousands of municipal and school employees; and

WHEREAS, it is critical that ERSRI and the State Investment Commission disclose details of its ESG investment strategy and the short and long-term financial impact of not maximizing investment returns resulting from investment in so-called ESG portfolios verses more traditional portfolios; and

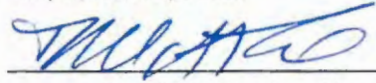
WHEREAS, it will be municipal and school employees, judges and state police, retired and to be retired, who will bear the consequences of investment strategies that do not maximize returns; and

WHEREAS, Rhode Island municipal taxpayers, who already contribute matching funds to fund the pension system and defined contribution investments indirectly through real estate taxation, should not be put in a position to have to "bail out" the state's pension system because of a compromised investment strategy by ERSRI.

NOW THEREFORE BE IT RESOLVED, that we, the Town Council of the Town of Burrillville do hereby respectfully request that all federal, state and municipal governments operate transparently and further request that all investments made by federal, state and municipal governments, be made with the goal of maximizing the returns on said investments and further request that the proponents of ESGI, whether they be affiliated with private enterprises or affiliated with any branch of government, including, specifically, the government of the state of Rhode Island, not interfere or attempt to interfere in the conduct and business of the Town of Burrillville, or more simply, that those proponents mind their own business.

BE IT FURTHER RESOLVED that the State of Rhode Island (ERSRI) shall disclose any and all ESG investments and shall cease and desist investing in ESG portfolios or ESG initiatives unless it can be proven that those investments will maximize returns for each and every pensioner in the state's retirement system.

PASSED AS A RESOLUTION of the Burrillville Town Council this 8th day of March, 2023.



Donald A. Fox, President
Burrillville Town Council

ATTEST: 
Vicki Martin, Town Clerk



The seal of the State of Rhode Island is circular with the text "STATE OF RHODE ISLAND" around the perimeter and "1806" in the center.



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**U.S. SECURITIES AND
EXCHANGE COMMISSION**

Environmental, Social and Governance (ESG) Investing

“ESG” stands for environmental, social, and governance. ESG investing is a way of investing in companies based on their commitment to one or more ESG factors. It is often also called sustainable investing, socially responsible investing, and impact investing.

What is ESG Investing?



- The environmental factor might focus on a company’s impact on the environment or the risks and opportunities associated with the impacts of climate change on the company, its business and its industry.
- The social factor might focus on the company’s relationship with people and society, or whether the company invests in its community.
- The governance factor might focus on issues such as how the company is run and executive compensation.

Different investments may weight environmental, social and governance factors differently and also may focus on different specific criteria within a factor. Investments that don’t have “ESG” in the name may still incorporate elements of ESG investing into their portfolios. If the investment is a mutual fund or ETF, you can learn more about how the fund incorporates ESG and how it weights ESG factors by reading its disclosure documents (<https://www.investor.gov/introduction-investing/investing->

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Will Hild
1801 F Street
Washington, DC 20006
P: (202) 898 - 0542
info@consumersresearch.org

March 7, 2023

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, D.C.

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
Washington, D.C.

The Honorable Kevin McCarthy
Speaker of the House
United States House of Representatives
Washington, D.C.

The Honorable Hakeem Jeffries
House Minority Leader
United States House of Representatives
Washington, D.C.

Dear Leader McConnell, Speaker McCarthy, Leader Schumer, and Leader Jeffries:

In our nation's relatively short history, we've been no stranger to threats, both military and ideological, to our unique way of life. From our revolutionary founding to the decades-long struggle against Soviet communism, we have faced enemies that sought to extinguish this nation's prosperity and freedom.

We write today to raise the alarm about the encroachment of another existential threat to our liberty: the so-called investment strategy Environmental Social and Governance, or ESG. Intentionally designed to be opaque yet seem benign, ESG represents a grave menace to America. ESG is the weaponization of America's investments against its own citizenry. Against their freedoms. Against their jobs. Against their retirements. Against their pocketbooks. Against their national security. It undercuts democratic rule. It aids communist dictators and petty tyrants alike. It concentrates power into the hands of a tiny group of Wall Street managers who were not elected, lack any accountability to the people, and routinely make it clear they resent any restriction on their power to set policy.

In 2021, we launched an ongoing multi-million-dollar campaign to educate consumers about the ways ESG and its major purveyors, such as BlackRock, are undermining their interests. BlackRock and other massive financial firms have contributed to higher costs for consumers, slower economic growth, and reduced returns through their ESG agenda, all while helping China build up the very same industries that ESG punishes here in America. We weren't going to let them get away with it just because no one knew who they were or what they were up to.

Similarly, we hope to continue the process of combatting the ESG threat by educating Congress and the American people on the inner workings of the ESG machine through the attached report. ["Defeating the ESG Attack on the American Free Enterprise System: An Overview of the Corporate Proxy System for Oversight & Litigation Efforts"](#) is a detailed guide on how ESG grifters are perverting our markets using our own investment dollars. It describes the major players in the proxy system by which asset managers and others exert influence over corporate America using their clients' funds. It outlines the many ways by which these players coordinate

DEFENDING CONSUMERS



their activities in ways that give rise to significant concerns about anti-competitive behavior. It provides a list of questions those engaging in ESG practices should have to answer.

There is much work to be done by Congress and state legislatures to restore democratic principles and prevent our nation's largest companies from becoming blatant political entities that force policy on the public through ESG. We commend the ever-increasing number of elected representatives who are on record opposing the corruption of our democratic system and the undermining of our economy. We hope that this report can serve as a basis for beginning that vital work.

Sincerely,

Will Hild

Will Hild
Executive Director
Consumers' Research

DEFENDING CONSUMERS



Consumers'
Research
established 1929

Defeating the ESG Attack on the American Free Enterprise System

*An Overview of the Corporate Proxy
System for Oversight & Litigation Efforts*



**Consumers'
Research**
established 1929

Defeating the ESG Attack on the American Free Enterprise System

An Overview of the Corporate Proxy System for Oversight & Litigation Efforts

INTRODUCTION

The American free enterprise system is under attack from within. With the “Environmental, Social, and Governance” (ESG) movement, progressive politics has become a primary subject of corporate governance. For example, in just the last two years, some of the largest asset managers in the world have leveraged Americans’ savings to coerce corporations to adopt critical race theory, boycott states with Republican governments, fund employees’ abortions, and divest from investment in drilling for oil and natural gas, among a wide range of other left-wing causes. This is a far cry from capitalism as America has long known it. And—importantly—it harms consumers by limiting output and raising prices, affecting both the return on their retirement savings and the cost of goods they purchase.

How did it happen? In short, by ideological capture and a market distorted by government capital. Progressives have increasingly captured the corporate bureaucracies that dominate American capital markets. And asset managers are responding to a little noticed market feature: the largest concentrations of capital are government pension and sovereign wealth funds. Asset managers can win these funds’ business by catering to their politics. Combine these facts, and the result is that governments and their progressive allies in academic, nonprofit, and corporate bureaucracies can regulate

their public policy objectives through capital markets even more effectively than they could through legislation. The outcome is a new “market” norm in favor of progressive politics that has been engineered by activists.

Stopping this hijacking of the free enterprise system will require understanding precisely how it works. The ESG movement works by co-opting the foundational assumption of the free enterprise system—that the market will invest Americans’ savings productively. This assumption lies at the heart of our system. Indeed, Adam Smith himself described the investment of “what the frugal man saves” in “productive hands” as a hallmark of capitalism.¹ Deeper still, the fiduciary principle that one entrusted with another’s property must manage it in their best interests is as old as Western Civilization.² But the ESG movement co-opts that principle by controlling the levers of the market in order to engineer its outcomes.

In the original conception of the market, this should not happen. Ideally, savers would self-police and ensure their own money is put to good use. But at least since the advent of the modern capital market, most Americans invest their savings only indirectly—by and large, their money is entrusted to a series of intermediary financial institutions to invest. As a result, the ability of regular Americans to

¹ ADAM SMITH, THE WEALTH OF NATIONS 338 (1776).

² See *Matthew* 25:14–30; *Luke* 19:11–27; see also Stephen Bainbridge, *The Parable of the Talents*, UCLA L. & ECON. RSCH., Working Paper No. 16-10 (2016).

police how their money is invested is circumscribed. This is the separation of ownership and control that the ESG movement exploits. And publicly traded intermediaries—asset managers, banks, and insurers—can themselves be coerced through the same activist pressure, creating a feedback loop that activists can exploit for even greater influence.

The battlefield is the corporate “proxy” system. This is the system of mediating institutions that determine how Americans’ savings are invested and how the companies receiving those investments allocate capital. Standing between Americans’ savings and the productive investment of those savings in businesses is a vast intermediating system of money managers. Many Americans reasonably delegate the management of their savings to others, like banks, financial planners, and employer 401(k) managers. And with many small or private funds, the system works as it should: managers invest Americans’ savings for their benefit in productive enterprises. But with the ESG movement, that kind of money management is increasingly the exception, not the rule. At some of the biggest and most important institutions in the American economy, the system has turned on itself. Instead of investing Americans’ savings for productive enterprise, large money managers and their advisers increasingly use Americans’ savings perversely to advance left-wing political and social engineering.

Ironically, the attack on the free enterprise system makes a target out of one of the system’s most successful achievements. More Americans than ever are invested in business corporations through American capital markets. From mom-and-pop savers and union pensioners to employees in 401(k) plans, since the beginning of the 21st century over half of all Americans are invested in publicly traded corporations.³

³ Kim Parker & Richard Fry, *More than half of U.S. households have some investment in the stock market*, PEW RSCH. CENTER (Mar. 25, 2020) <https://tinyurl.com/yg48c71E>.

This level of widespread investment in the stock market—and, as a result, rising financial wealth for everyday Americans—was arguably the main triumph of modern capitalism in America. The ESG movement’s critical insight was that by controlling the market institutions that manage capital, this level of wealth can be used as leverage over corporate America.

This commandeering of America’s capital market system didn’t happen overnight. It began as a series of fads emerging out of academia and Wall Street in the 1980s and 1990s, under monikers like “corporate social responsibility” and “socially responsible investment.” In general, these early activists were thought of as “gadflies”—annoying, perhaps, but unserious and relatively unharmed groups that had nothing better to do than bother the moral consciences of companies and their real shareholders. But over time, these movements gained strength. The compositions of corporate leadership, workforces, and government regulators became more politically progressive and friendly to their causes. Politicians began to see corporations as vehicles to achieve social change they could not achieve at the ballot box. As they grew in strength, these movements moved into a new and historically effective phase with the advent of the ESG movement.⁴

For the vast majority of American public companies, alignment with ESG causes, like the campaign for “net zero” emissions, bears no facial resemblance to economic reality. Some ESG advocates justify their policies as managing so-called “transition risk,” or the risk that governments in the future will force the companies to adopt, at steeper costs, the very policies that the ESG movement advocates for today. But ESG policies are uniformly the policies of left-wing political movements: their issues are climate change, racial “equity,” abortion, and many others. The fact that

⁴ See Neb. Dep’t of Just., *The Endgame of ESG*, OFF OF THE ATTY GEN 9-11 (Dec 6, 2022) <https://tinyurl.com/4vfe97wz>.

many ESG proposals would only make economic sense in a world in which the political left seized political power strongly enough to impose deeply unpopular policies on the public only betrays the movement's political origins. A more honest assessment of ESG proposals reveals they are demands that corporations accommodate a particular political agenda. These accommodations, like winding down profitable lines of business in oil and gas, are usually costly. But even if ESG policies were not costly—even if they had financial benefit—their benefits would only be incidental to alignment with a political program that was evidently assembled without regard for the best interests of American savers. There is no escaping the ESG movement's deep conflict with fiduciary principles.

Still, the movement to divert Americans' savings to ESG-motivated causes presents a challenge for federal and state legal officers and policymakers. ESG, as a theory, is an apparent violation of fiduciary duty in broad daylight. But in practice, it is not often obvious where law enforcement or policy change would begin. The system of money management that underlies modern financial markets is highly complex. The proxy system has many dark corners and shadows in which derelict or nefarious managers can hide. For most Americans, there are three or more intermediaries between their savings and their ultimate say in corporate governance. Each intermediary has different duties to the other. These duties are enforced by various laws and agencies. And the ESG movement perverts each set of duties in different ways. For example, a retail investor frustrated by his asset manager's support for the takeover of a company by left-wing activists may move his money to another manager (if his savings account allows him the flexibility to do so). But the ostensibly less-political manager—likely a smaller asset manager who may charge higher fees—is more likely to, for cost reasons, rely on the guidance of outside proxy advisers. The

outside proxy adviser market is a duopoly dominated by firms which often take even more aggressively left-wing political stances than asset managers. The new asset manager will disclaim responsibility for the proxy adviser's decisions. The investor is out of options. The proxy adviser may, in turn, point to the positions of large asset managers, the media, and well-credentialed left-wing NGOs and academic departments that can—as if by magic—conjure up nice-looking studies showing that whatever left-wing project his money was wasted on was *actually* in his own best interests. It is a problem that the investor lacks adequate choice in the market, but the entire structure of the market is against him, too.

Oversight and enforcement action against ESG would be easier if there were a singular Enron-type fraud or Madoff-type conspiracy to which ESG-inspired violations of fiduciary duty could be traced. But the ESG movement is different. The ESG movement is a network of institutions operating under the cover of a pretense—the pretense of fashionably elite progressive politics and so-called charitable causes. The channels by which they bring about financial pressure are often indirect. They win, not by forcing transparent decisions by accountable individuals in the open, but by stacking the decks of corporate governance so that their causes become the path of least resistance. They win by changing what is considered “normal” in the market.

Often, these changes are driven by asset managers catering to blue-state pensions and sovereign wealth funds. Here is an example of how it works. Activist left-wing state governments like New York and California leverage their considerable assets to drive an ESG agenda. For example, [CalPERS](#), [CalSTRS](#), and the [New York State Common Retirement Fund](#) coordinate with climate activists and asset managers to set energy policy at U.S. companies, and the New York City Comptroller who manages

the New York City Pension Funds demands that its asset managers use not just New York's funds, but also other clients' funds to "keep fossil fuel reserves in the ground."⁵ These initiatives have no financial rationale or connection to productively investing Americans' savings. Yet asset managers are financially incentivized to push them to retain pension fund clients and earn higher management fees from ESG products. And these financial incentives for ESG activism push on the open door of a financial sector and corporate America that is far too accommodating of a progressive therapeutic culture that works to achieve ESG agenda items from the inside.⁶

While enforcing corporate compliance with the left-wing political and social movements *du jour* might be considered "normal" on Wall Street today, it is not in the rest of America. At bottom, no amount of bureaucracy can entirely obscure the plain violation of fiduciary principles that the ESG movement represents. This reality throws into sharp relief the purpose of the proxy system with its current misuse. The proxy system derives its name from the legal fact that money managers ultimately possess their powers to act "by proxy." They act *on behalf* of the Americans whose savings they manage in trust. The entire "proxy system" exists to replicate, in modern form, the traditional stockholder meeting, where Americans with real skin in the game once held businesses accountable for how they invested their money—and built the American free enterprise system.⁷

For many years, the state's enforcement of the duty to invest Americans' savings productively served the merely supplemental task of reinforcing a

norm that the financial sector writ large already shared. But today, the combination of the ideological capture of a concentrated financial sector and the influence of government capital is waging an unprecedented assault on this basic assumption of the free enterprise system. Consequently, defeating that assault will require revitalizing fiduciary and other legal principles to ensure that the law protects savers from the conflicts of interest present in modern asset management.

* * * *

The first step for effective oversight and enforcement action against ESG requires breaking the proxy system down into its component parts. ESG may be a violation of fiduciary duty hiding in plain sight, but effective law enforcement requires it to be specified and put into context. As Justice Frankfurter once remarked:

[T]o say that a man is a fiduciary only begins the analysis; it gives direction to further inquiry. To whom is he a fiduciary? What obligations does he owe as a fiduciary? In what respect has he failed to discharge these obligations? And what are the consequences of his deviation from duty?⁸

Once the players in the ESG movement and their methods of operation have been identified, they may be measured for their compliance with the law. While the ESG movement in capital markets may be novel, the tools of law enforcement against it are traditional. What is needed is a clear explanation of the ESG movement in the proxy system, the applicable laws that govern it, and the potential application of those laws by reasoned analogy to established precedent.

Part I identifies the relevant market actors in the ESG movement, the roles they perform in advancing ESG causes, and the methods by which they exert influence

5 See *Year in Review. A Progress Update*, CLIMATE ACTION 100+ at 8 (2022), <https://tinyurl.com/3c6ktrtb>; Sept. 21, 2022 Letter from Brad Lander to Laurence D Fink at 5 (Sept. 21, 2022) <https://tinyurl.com/xyhb77na>.

6 Darel Paul, *The Puzzle of Wake Capital*, AM. AFF. J. (Fall 2022), <https://tinyurl.com/yckruyrd>.

7 See *Business Roundtable v. SEC*, 905 F.2d 406, 410 (D.C. Cir. 1990) ("The goal of federal proxy regulation was ... to enable proxy voters to control the corporation as effectively as they might have by attending a shareholder meeting.");

8 *SEC v. Chenery Corp.*, 318 U.S. 80, 85–86 (1943).

on their ultimate targets—business corporations. The **Case Study** then demonstrates, via real-world example, how the Players interact and drive change at target corporations. **Part II** explains the applicable laws governing the players' conduct and suggests relevant facts for the enforcement of those laws.

**PART I.
MAPPING THE PROXY SYSTEM**

The proxy system is highly complex, and almost no singular description would be comprehensive.⁹ However, it is possible to map some of the most significant vectors of ESG's influence. **Subpart A** identifies the market actors ("Players") that are most relevant to ESG's influence. **Subpart B** identifies the methods by which the Players leverage their influence to achieve substantive changes in corporate governance.

A. THE PLAYERS

The Players are the market actors relevant to ESG's influence. They are the originators and vectors of most ESG influence in the market today. Players act primarily by

creating what SEC Commissioner Hester Peirce has called "pressure points that activists—or stakeholders as some prefer to call them—can use to strong-arm uncooperative funds into instituting policies more conducive to the activists' agendas or punish funds that fail to fall in line."¹⁰

The Players can be categorized into three groups. **Activists** use their rights as shareholders to put ESG items on the agendas of target corporations and funds. **Coordinators** establish and maintain networks that connect activists with financial market actors and help to coordinate activists' initiatives. **Principals** are the institutions that exercise direct or delegated control over the investment and proxy voting rights of securities.

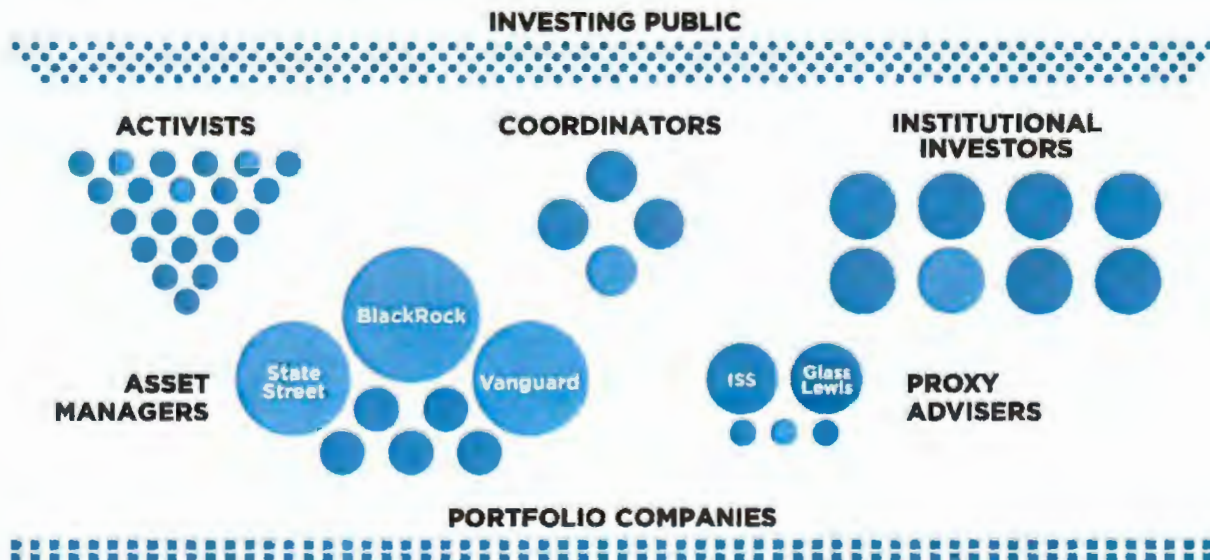
Appendix A provides a sample list of oversight and investigatory inquiries for policymakers and officials. **Appendix B** provides a partial list of ESG Activists.

Figure 1, below, maps the Players in the context of the proxy system below. Each section will update the figure to map out each Player's role in the system.

⁹ More comprehensive resources include the SEC's 2010 Concept Release on the proxy system. *Concept Release on the U.S. Proxy System*, Release No. 34-62495 (2010).

¹⁰ Hester Peirce, Commissioner, SEC, Statement on Environmental, Social, and Governance Disclosures for Investment Advisers and Investment Companies (May 25, 2022), <https://tinyurl.com/mc45w5ix>.

FIGURE 1. PLAYERS IN THE PROXY SYSTEM



1. Activists

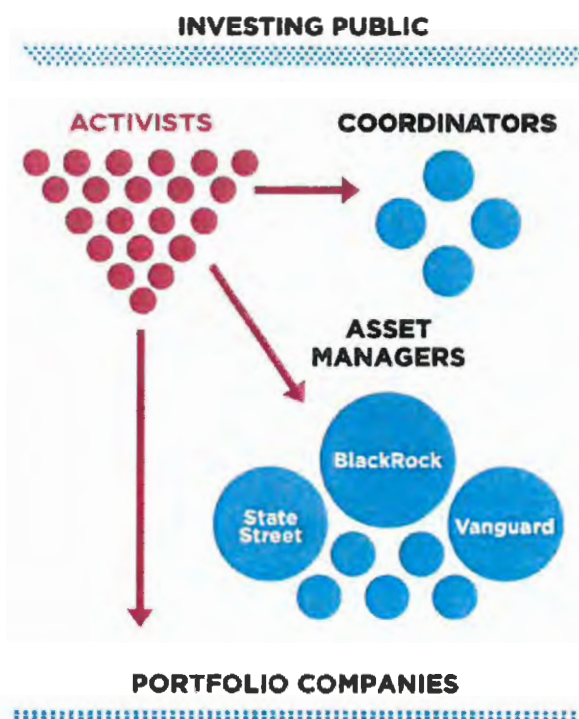
Activists are shareholding entities that use their rights as shareholders to put ESG-friendly items on the agendas of target corporations and funds. Under state corporate law and federal securities laws, shareholders of publicly traded companies have a right to put forward certain items for a shareholder vote. If a shareholder owns at least a few thousand dollars in shares, he can propose a resolution for the company to adopt, known as a “shareholder proposal.”¹¹ If a majority of shareholders vote in favor of the proposal, then the shareholders “adopt” the proposal as a recommendation to the company. A company is practically obligated to comply with an adopted shareholder proposal because shareholders can vote against directors who do not implement an adopted proposal at the next meeting on director elections. In fact, the two proxy

advisers who control 97 percent of the market and advise shareholders on whether to reelect company directors state that “clear action is warranted when [shareholder] proposals receive support from a majority of votes cast.”¹² And a director’s “responsiveness” to such proposals is a “fundamental principle” in these proxy advisers’ recommendations on director elections.¹³ Since shareholders possess these rights by law, companies will often meet, or “engage” with shareholders in order to head off more fundamental changes in corporate governance by agreeing to settlements that partially adopt the shareholders’ proposals.

Activists exercise these rights to promote ESG agenda items at companies. A model Activist is Trillium Asset Management. Trillium is a small investment fund that aims to “activate our clients’ capital to advance humankind towards a global sustainable economy.”¹⁴ In 2021, Trillium sponsored 21 shareholder proposals and led 666 engagements with companies.¹⁵ Trillium noted that over 300 of these “engagements”—meetings with companies it invested in—involved pushing companies to increase the racial, ethnic, and sexual orientation diversity of their boards and senior corporate leadership. Among its proposals, in 2022 Trillium supported a proposal that called for the pharmaceutical company Johnson & Johnson to undertake a so-called “racial equity audit.” Trillium asked investors questions like “[i]s risk oversight of J&J’s racial impacts sufficient given current board structure and all white named executive officers,” and “[h]as J&J examined the impact of its political activities on racial

11 See 17 C.F.R. § 240.14a-8 (2022) (hereinafter “Rule 14a-8”).

FIGURE 2. ACTIVISTS IN THE PROXY SYSTEM



12 See David F. Larcker & James R. Copland, *The Big Thumb on the Scale: An Overview of the Proxy Advisory Firm* (2018), ROCK CTR. FOR CORP. GOVERNANCE, Working Paper No. 18-27 (2018) <https://tinyurl.com/mrby1wpm>; Glass Lewis, *2023 Policy Guidelines*, GLASS, LEWIS & CO. at 18 (2022), <https://tinyurl.com/353u4y6e>; see Institutional S’holder Servs., *United States Proxy Voting Guidelines 2022*, ISS Governance at 17 (Dec. 13, 2022), <https://tinyurl.com/mrcrrx4t> (“Directors should respond to investor input, such as that expressed through . . . significant support for shareholder proposals (whether binding or non-binding).”).

13 Institutional S’holder Servs., *supra* note 12, at 9; see Glass Lewis, *supra* note 12, at 19.

14 Trillium Asset Mgmt., *2021 Impact Report*, TRILLIUM INV. At 5, <https://tinyurl.com/mhhym6x>.

15 *Id.* at 19.

equity?”¹⁶ At Johnson & Johnson’s annual meeting, 63 percent of shareholders voted in favor of the proposal. As a result, Johnson & Johnson’s management has been forced to decide if it wishes to comply with the proposal’s request of a racial equity audit. This is but one example of the change that Activists can drive at companies.

Activists generally include nonprofits, social-purpose investment funds, labor union and governmental pension funds, trusts and family offices, and religious organizations. Below are a few prominent examples.

- *Nonprofit organizations.* Nonprofit organizations make up the largest share of Activists. They generally raise money from large and institutional donors, including family foundations, to fund their shareholdings and activities. The principal method of influence pursued by nonprofits is the submission of shareholder proposals on ESG subjects. For example, the nonprofit As You Sow, “the nation’s non-profit leader in shareholder advocacy,” runs campaigns through shareholder proposals on environmental and social issues, and in 2022 submitted shareholder proposals for 79 companies.¹⁷ In addition to submitting shareholder proposals, other nonprofits coordinate campaigns across Activists. For example, Ceres, a climate-activist nonprofit which also functions as a coordinator, see p. 10 *infra*, operates an investor network to supplement its initiatives.
- *Social-purpose investment funds.* A significant contribution to activism comes from social-purpose or “impact” investment funds, which, in general, are managed on risk-return strategies, but use their assets as leverage for

advancing ESG issues. Social-purpose investment funds advance ESG issues through an all-of-the-above approach that includes submitting shareholder proposals, conducting engagement with companies, and sponsoring investor and industry network Coordinators. Trillium Asset Management is a typical example. Other notables include Ariuna Capital and Green Century Capital Management.

- *Governmental pensions and investment offices.* Most of the largest asset owners in the world are public funds.¹⁸ In fact, 19 of the top 20 asset owners are either public pension funds or sovereign wealth funds, and they hold over 92 percent of the collective wealth of the top 100 asset owners.¹⁹ These funds carry immense weight, accounting for over 25 percent of global assets under management.²⁰ Using this massive market power, governmental funds make shareholder proposals and increase the leverage of other Activists. They may even delegate their engagement with portfolio companies to allied Activists. For example, in 2022, the California State Teachers’ Retirement System (CalSTRS) sponsored three proposals. Other notable state investment funds include the New York State Common Retirement Fund, and Philadelphia Public Employees Retirement System. Sovereign wealth funds active on ESG issues include Norway’s \$1.3 trillion fund Norges Bank Investment Management, which has a net-zero carbon emissions target for its portfolio companies.²¹
- *Labor union pension funds.* The

¹⁶ Susan Baker, Director of Shareholder Advocacy, Trillium Asset Mgmt., *Racial Equity Audits. A Critical Tool for Shareholders*, TRILLIUM INV. AT 3 (Apr. 13, 2021), <https://tinyurl.com/y4knd8uk>.

¹⁷ *About Us*, AS YOU SOW, <https://tinyurl.com/32p7n9k>.

¹⁸ See Thinking Ahead Group 2.0, *The Asset Owner 100. The Most Influential Capital on the Planet*, THINKING AHEAD INST. (Nov. 2022), <https://tinyurl.com/4wbapz3d>.

¹⁹ *Id.* at 23, 26.

²⁰ *Sovereign Wealth Fund and Public Pension Assets Reach Record \$33 Trillion for 2021*, SOVEREIGN WEALTH FUND INST. (Jan. 3, 2022), <https://tinyurl.com/3mdf2y2w>. Total global assets under management is \$126 trillion. See Pooneh Baghai et al., *The Great Reset. North American Asset Management in 2022*, MCKINSEY & CO. (Oct. 2022), <https://tinyurl.com/mrxd7v3c>.

²¹ Kari Lundgren & Stephen Treloar, *Norway Wealth Fund Sets Net-Zero Target for Portfolio Firms*, BLOOMBERG (Sept. 20, 2022), <https://tinyurl.com/ye21jar6>.

investment offices of large labor unions both make shareholder proposals and use assets under management to support other Activists. Labor unions generally manage the pensions they secure via collective bargaining with employers. Many unions' internal investment offices tasked with managing union pension plans use plans assets to advance ESG. For example, in 2022 the Service Employees International Union submitted 20 proposals, covering political donations and racial equity audits. Other notables include the American Federation of State, County, and Municipal Employees (AFSCME) and American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

- *Religious organizations.* Some religious organizations will use their assets to conduct ESG activism. For example, prominent shareholder proponents include a variety of orders, including the Sisters of St. Francis Philadelphia and School of Sisters of Notre Dame, St. Louis, and denominations including the Unitarian Universalists, Presbyterian Church (USA), and Episcopal Church. Others include nonprofits, which, though not themselves religious organizations, may coordinate the work of other religious organizations. Notable nonprofits include Mercy Investments and the Interfaith Center on Corporate Responsibility.

2. Coordinators

Coordinators establish and maintain networks that connect activists with industry and help to coordinate activists' initiatives. They coordinate the activities of Activists by hosting meetings of Activists and Activists with industry, publishing reports, and awarding favorable ratings and scores accepted by the activist community. Coordinators are also often connected to political organizations and expand Activists' influence with industry by

coordinating Activist issue campaigns with political advocacy.

- Climate Action 100+ (CA100+) is a network that coordinates the investment strategies of 700 investors with over \$68 trillion in assets "to ensure the world's largest corporate greenhouse gas emitters take necessary action on climate change."²² Notable investor signatories to the network include asset managers like BlackRock, Goldman Sachs Asset Management, J.P. Morgan Asset Management, and State Street Global Advisors, as well as major asset owners like CalPERS, CalSTRS, the New York State Common Retirement Fund and Teachers' Retirement Fund, the Washington State Investment Board, the Harvard University Endowment, and the Minnesota State Board of Investment.²³

Climate Action 100+ investors, which are coordinated by five regional investment networks and overseen by a global Steering Committee, "commit to engaging with at least one of 166 focus companies . . . to seek commitments on the initiative's key asks," which includes "[taking] action to reduce greenhouse gas emissions across the value chain."²⁴ Climate Action 100+ appoints a lead investor or investors for each focus company. While Climate Action 100+ offers disclaimers that it "does not facilitate or require collective decision-making,"²⁵ investors who sign on to Climate Action 100+ are required to "disclose through a bi-annual survey their engagement plans and priorities over the coming 12 months to ensure strong and concerted action."²⁶ If investors engage with companies on

²² About, CLIMATE ACTION 100+, <https://tinyurl.com/4waybvhp>.

²³ Who is Involved, Investors, CLIMATE ACTION 100+, <https://tinyurl.com/nhk4x-ly>.

²⁴ Approach, How We Work, CLIMATE ACTION 100+, <https://tinyurl.com/4s-lk5p44>.

²⁵ Id.

²⁶ Approach, Engagement Process, CLIMATE ACTION 100+, <https://tinyurl.com/yey9xyuu>.

an individual basis, they “are required to share information with the engagement working group and the coordinating investor network” and “liaise with relevant network staff and/or lead investors to ensure engagement priorities and ambition are aligned with the goals of the initiative, as well as with the overall collaborative approach (as appropriate in each sector).”²⁷

- Ceres is a nonprofit that operates networks of investors, companies, and policymakers to align emissions with net-zero. The Ceres Investor Network includes more than 220 institutional investors managing more than \$60 trillion in assets. Members include BlackRock, Franklin Templeton, and State Street Global Advisors.²⁸ Ceres tracks shareholder proposals submitted by its members for other members and arranges meetings between its members. The Ceres Company Network works directly with business companies, including Apple, Ford, PepsiCo, and The Walt Disney Corporation to advocate for emissions reductions.²⁹
- The Net Zero Asset Managers Initiative (NZAMI) is a network of asset managers committed to using their investment management to support the goal of net-zero global greenhouse emissions by 2050 or sooner. Notable signatories include BlackRock, State Street Global Advisors, J.P. Morgan Asset Management, T. Rowe Price Group, UBS Asset Management, and Federated Hermes Limited. Signatories commit to “[i]mplement a stewardship and engagement strategy, with a clear escalation and voting policy, that is consistent with our ambition for all assets under management to achieve net zero emissions by 2050 or

sooner.”³⁰ The network sets its own policy positions, which it “expects” signatories to also adopt, including a position in support of “fossil fuel phase out” that refuses to finance or support the construction of new coal power plants.³¹

- The Glasgow Financial Alliance for Net Zero (GFANZ) coordinates the practices of signatory banks, insurance companies, and investors to align with net-zero emissions targets. One of its affiliated sector-specific alliances, the Net-Zero Banking Alliance (NZBA), is convened by the United Nations and focuses on the efforts of banking-sector financial institutions. Notable members include Bank of America, Citi, JPMorgan Chase, the Goldman Sachs Group, Inc., and Wells Fargo & Co. Members commit to align their lending and investment portfolios with efforts to reduce emissions to net zero by 2050 or sooner.
- *Law firms.* Many large law firms are counsel to Coordinators, Principals, and business companies that attend the events and conferences hosted by Coordinators. Law firms may also provide legal opinions to Coordinators and participating Principals concerning the legality of coordinating activities.³²

3. Principals

The Principals are institutions that exercise direct or delegated control over the investment and proxy voting rights of securities. They include asset managers, who exercise direct control, and proxy advisers, who exercise delegated or indirect control.

27 *Id.*

28 Ceres Investor Network, CERES, <https://tinyurl.com/2p9fwuba>.

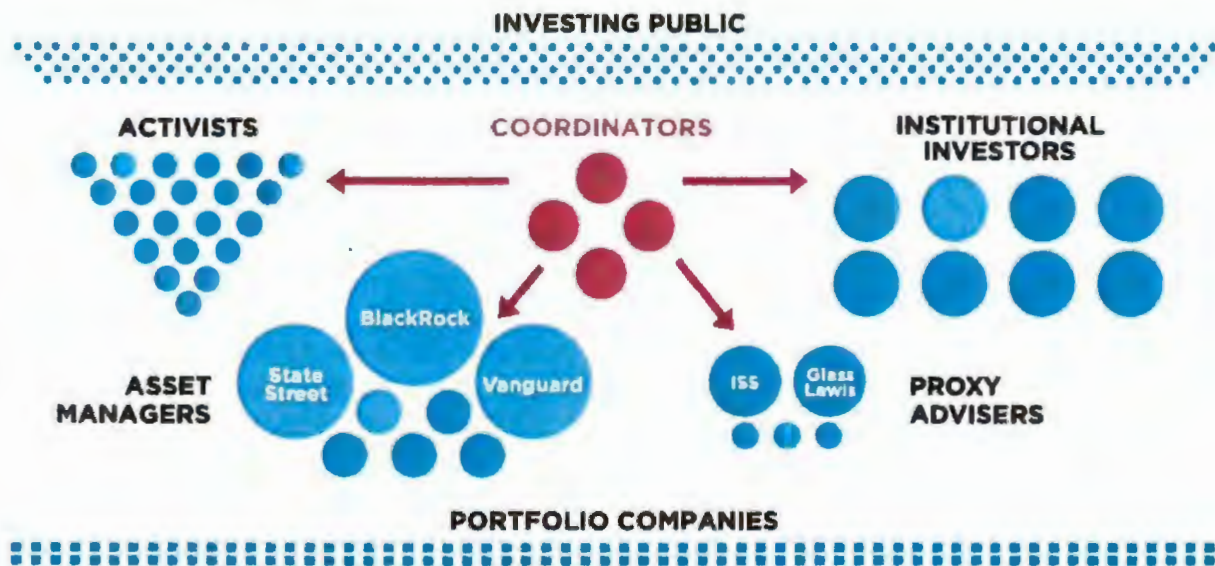
29 Ceres Company Network, CERES, <https://tinyurl.com/2yy45vuc>.

30 Commitment, THE NET ZERO ASSET MANAGERS INITIATIVE, <https://tinyurl.com/y1nc3ygd>.

31 “network partners’ expectation of signatories with regard to fossil fuel investment” policy, NET ZERO ASSET MANAGERS INITIATIVE at 2 (Nov. 1, 2021) <https://tinyurl.com/y6oskel/>.

32 See Letter from Signatories Tom Cotton, Michael S. Lee, Charles E. Grassley, Marsha Blackburn, & Marco Rubio to law firms, Nov. 3, 2022, <https://tinyurl.com/yckzmuj/>.

FIGURE 3. COORDINATORS IN THE PROXY SYSTEM



I. Large Asset Managers

Asset managers exercise direct control over the investment and voting rights of investor assets. They gain this control over the management of securities through contractual arrangements with clients and by selling retail investment products. Asset managers' clients include institutional investors—institutions that themselves manage pools of capital, usually from a concentrated source of capital like an employer 401(k) plan or pension fund of a company, government, or labor union—and other managers like family offices. Asset managers also bring funds under their management by selling investment products, like exchange-traded funds (ETFs), to retail investors. Asset managers are generally compensated through fee arrangements as a percent of assets managed.

Asset managers exercise control over investor assets by choosing how to invest them and exercise the control rights appurtenant to their investments. Control rights are highly concentrated in the “Big Three” asset managers, BlackRock, Vanguard, and State Street Global

Advisors, which together manage over \$20 trillion in assets and cast an average of 25 percent of the votes at S&P 500 companies.³³

Large asset managers generally exercise control by committing to follow certain voting guidelines, which state the criteria by which the manager will exercise control rights such as proxy votes. Notable examples include:

- BlackRock's 2021 voting guidelines exhorted that “boards should aspire to 30% diversity of membership and encourage companies to have at least two directors on their board who identify as female and at least one who identifies as a member of an underrepresented group.”³⁴
- State Street Global Advisors' 2022 voting guidelines suggest the manager will vote against reelecting the director that is the chair of a company's

³³ See Lucian Bebchuk & Scott Hirst, *The Specter of the Giant Three*, 99 B.U. L. Rev. 721, 736 (2019); Shaun Bisman & Felipe Cambeiro, *Big Three Institutional Investor Updates*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Apr 13, 2022), <https://simon.com/mss9c7ac>.

³⁴ BlackRock Invest. Stewardship, *Proxy voting guidelines for U.S. securities*, BLACKROCK (Jan. 2021).

compensation committee if the company does not disclose its Equal Employment Opportunity (EEO-1) reports.³⁵

- Consistent with these guidelines, State Street Global Advisors and BlackRock both voted in favor of racial equity and civil rights audit proposals in the 2022 proxy season.³⁶
- Larry Fink's 2022 Letter to CEOs stated that BlackRock is "asking companies to set short-, medium-, and long-term targets for greenhouse gas reductions."³⁷ Similarly, BlackRock's 2023 voting guidelines "look[s] to companies to disclose short-, medium-, and long-term targets . . . for Scope 1 and 2 greenhouse gas emissions (GHG) reductions."³⁸
- In accordance with this policy, BlackRock has repeatedly voted against boards directors based on lack of GHG reduction targets. For instance, BlackRock voted against the re-election of the board chair

at TransDigm, a U.S. aviation manufacturer, for its failure to "to adopt quantitative greenhouse gas emissions goals."³⁹ As another example, BlackRock voted against the longest serving director up for re-election at Woodside Petroleum "to hold the company accountable for inadequate progress on scope 3 target setting."⁴⁰

Asset managers generally execute on their voting guidelines through in-house investment stewardship teams.⁴¹ Stewardship teams make decisions for how the asset manager will cast its proxy votes and conduct engagements with target companies by meeting with relevant company management to express the manager's views on issues. Stewardship teams may decide, as the examples above show, that the manager will vote against re-electing directors at companies that fail to sufficiently comply with their voting guidelines. For an example of engagement, through Q3 of 2022, BlackRock conducted 2,839 total engagements with companies.⁴²

³⁵ *Proxy Voting and Engagement Guidelines*, STATE ST. GLOB. ADVISORS at 5 (Mar. 2022), <https://tinyurl.com/2np2z5b5>.

³⁶ See, e.g., *Vote Bulletin—Johnson & Johnson*, STATE ST. GLOB. ADVISORS (Apr. 28, 2022), <https://tinyurl.com/2xz1ce48>; *Spotlight: Racial Equity and Civil Rights Audits*, KIRKLAND & ELLIS at 6 (Jun. 2022), <https://tinyurl.com/bq4jrr9b>.

³⁷ Larry Fink, *Larry Fink's 2022 Letter to CEOs*, BLACKROCK (2022), <https://tinyurl.com/2p93aavz>.

³⁸ BlackRock Inv. Stewardship, *2023 Policies Summary*, BLACKROCK at 3 (2023), <https://tinyurl.com/2p8a9kys>.

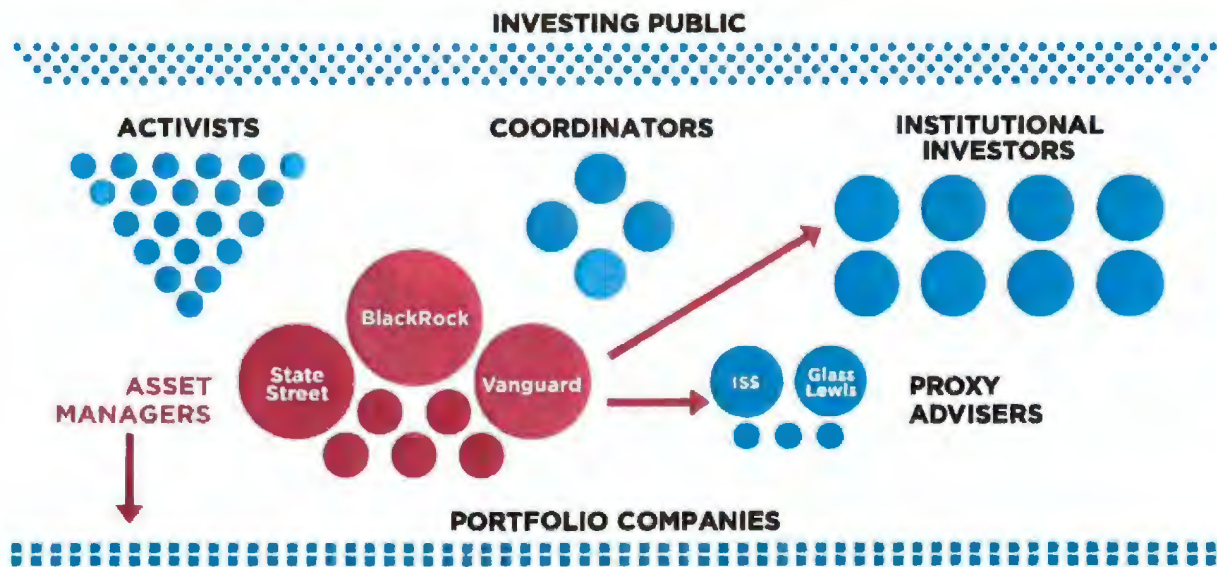
³⁹ BlackRock Inv. Stewardship, *Our Approach to Sustainability*, BLACKROCK at 11 (2020), <https://tinyurl.com/468wr6tw>.

⁴⁰ BlackRock Inv. Stewardship, *Vote Bulletin: Woodside Petroleum Ltd.*, BLACKROCK at 2 (2021), <https://tinyurl.com/vj6za4hp>.

⁴¹ See American Accountability Foundation Research Team, *The Little-Known Staffers Enforcing ESG Policy at American Public Companies*, AM. ACCOUNTABILITY FOUND. (Aug. 9, 2022), <https://tinyurl.com/3dmbtea7>.

⁴² BlackRock Inv. Stewardship, *About Us*, BLACKROCK <https://tinyurl.com/33r7s84m>.

FIGURE 4. ASSET MANAGERS IN THE PROXY SYSTEM



ii. Proxy Advisers

While large asset managers generally conduct proxy research and cast proxy votes in-house, mid-size and smaller asset managers generally find it more economical to employ the services of an outside proxy advisory firm. For instance, the mechanics of tracking proxy cut-off times, managing and analyzing proxy materials, and casting votes can require significant resources. These managers frequently hire proxy advisers to provide analysis and proxy voting recommendations and facilitate voting, recordkeeping, reporting, and disclosure requirements.

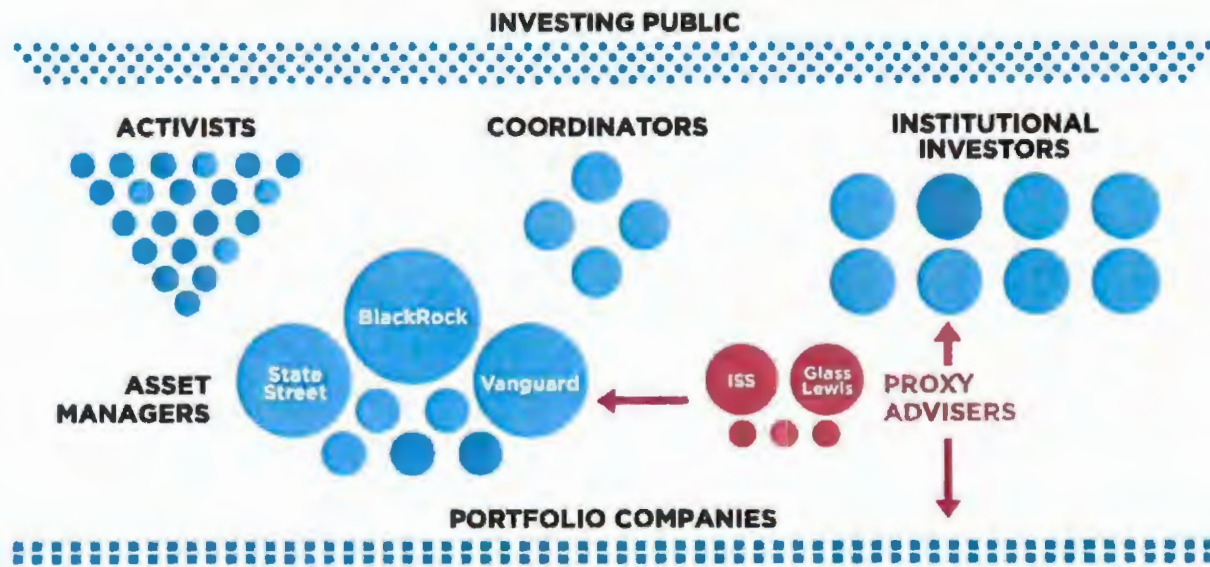
The proxy advisory services industry is a duopoly, with only two firms, Institutional Shareholder Services (ISS)

and Glass Lewis & Co., controlling over 90 percent of the market. In addition to providing non-public, client-specific voting advice, proxy advisers issue public voting guidelines. For example, ISS recommends voting against directors of companies “on the current Climate Action 100+ Focus List” unless the company has issued “[d]etailed disclosure[s] of [its] climate-related risks” and implemented “Net-Zero-by-2050 [green-house gas emissions] reduction targets.”⁴³ In 2021, Glass Lewis recommended voting favor of shareholder proposals recommending “racial equity audits” at least seven companies.⁴⁴

⁴³ Institutional S’holder Servs., *supra* note 12, at 17.

⁴⁴ Ron S. Berenblat et al., *Racial Equity Audits: A New ESG Initiative*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Oct. 30, 2021), <https://tinyurl.com/2u7zd7na>.

FIGURE 5. PROXY ADVISERS IN THE PROXY SYSTEM



B. THE METHODS

This section describes the methods by which the Players advance the ESG agenda at target companies.

1. Engagement

Engagement by Players with target companies generally encompasses any activity outside of the formal proxy vote process to encourage companies to adopt Players’ goals. Ordinarily, engagement takes the form of meetings between the Players and the target company.

Companies will routinely settle with Activists by adopting policies in exchange for the withdrawal of a shareholder proposal. For example, in 2021, Bank of America announced a net-zero emissions target in exchange for the withdrawal of an As You Sow shareholder proposal.⁴⁵

Large asset managers and proxy advisers conduct engagement with companies outside of the formal proxy process by meeting to discuss managers’ issues of concern. For example, BlackRock touts

thousands of engagements with its portfolio companies every year on issues like climate change. These engagements shape the work of companies’ investor relations departments and bring issues to company management that result in influence over companies’ agendas.

2. Shareholder Proposals

Shareholder proposals are written recommendations or requirements submitted by a shareholder for consideration by the company’s shareholders at the company’s annual meeting. Although shareholder proposals are typically non-binding, companies will generally attempt to comply with the recommendation of a proposal that receives a majority vote of shareholders.

For example, in 2022, 54 percent of Apple shareholders voting approved a proposal that recommend Apple conduct a “racial equity audit” that would identify alleged racial issues at the company.⁴⁶ Shortly after, Apple committed to conducting the audit. The proposal was sponsored by Trillium

⁴⁵ 2021 Proxy Preview at 9. Stephanie Spear, *Bank of America Announces Net-Zero Financing Goal, AS YOU SOW* (Feb. 11, 2021), <https://inyvtl.com/5vj47e9B>.

⁴⁶ Kif Leswing, *Shareholders Vote for Apple to Conduct a Civil Rights Audit, Bucking Company’s Recommendation*, CNBC (Mar. 4, 2022), <https://inyvtl.com/74wlr9le>.

Asset Management, and both BlackRock and State Street Global Advisors voted their shares in favor of the proposal.⁴⁷

3. Coordinator Commitments

Coordinators secure “commitments” by Players and target companies to certain ESG goals. For example, the Net Zero Asset Manager Initiative requires its signatories to commit to “[i]mplement a stewardship and engagement strategy, with a clear escalation and voting policy, that is consistent with our ambition for all assets under management to achieve net zero emissions by 2050 or sooner.”⁴⁸ Coordinators then use these commitments to “hold accountable” signatories by encouraging them to undertake activities that Coordinators and Activists define as consistent with the commitments. Thus, the Net Zero Asset Managers Initiative explains that “[c]ombined with the reporting components of the commitment, we are ensuring this means real action not just empty statements.”⁴⁹

4. Voting Policies

Principals set voting policies that advance ESG issues by exercising proxy votes consistent with ESG goals. For example, a lack of sex diversity on boards was the top reason that BlackRock withheld votes from directors in 2021, accounting for 61 percent of negative votes.⁵⁰

5. Media & Public Relations Campaigns

Activists, Coordinators, and sometimes Principals may launch media and public relations campaigns to influence Principals and target companies. For example, BlackRock has faced numerous protests and media campaigns for allegedly failing to adequately divest from fossil-fuel energy companies.

6. Disclosure

Across the board, nearly every Player uses disclosures of corporate information in order to create pressure points for activism. For example, As You Sow has submitted numerous shareholder proposals recommending that companies disclose their “Scope 3” emissions, or the emissions of companies’ suppliers and customers. Climate Action 100+ has adopted a formal position in favor of Scope 3 emissions disclosure, and uses emissions disclosures in order to identify target companies at which the network prioritizes its resources.

Framed in language of “disclosure,” the Players demand that companies adopt GHG reduction targets that align with net zero. For example, Climate Action 100+ advises investors that they “must now go beyond asking companies to disclose against the Net-Zero Company Benchmark,” which includes measuring “alignment of company capital expenditures (CapEx) and output with the Paris Agreement goals,” to “ensure they take sector-specific actions to achieve global, net zero emissions by 2050.”⁵¹

Similarly, BlackRock asks companies to set GHG reduction targets and has repeatedly voted against board directors who did not.⁵² It voted against the board chair of TransDigm for failing “to adopt quantitative greenhouse gas emissions goals” and against ExxonMobil directors for “failure to have clear, long-term greenhouse gas reduction targets.”⁵³ In practice, what the Players demand when asking for climate *disclosures* is climate *action*.

47 KIRKLAND & ELLIS, *supra* note 36.

48 THE NET ZERO ASSET MANAGERS INITIATIVE, *Commitment*, *supra* note 30.

49 FANG, THE NET ZERO ASSET MANAGERS INITIATIVE, <https://tinyurl.com/2p8229u>.

50 John Jenkins, *BlackRock's Support for Shareholder Proposals Doubles*, THECORPORATECOUNSEL.NET (July 21, 2021), <https://tinyurl.com/yza3b9wj>.

51 *Global Investors Driving Business Transition*, CLIMATE ACTION 100+ at 10 (Oct. 2021), <https://tinyurl.com/3mmdbkz1>; 2021 Net-Zero Emissions: A Progress Update, CLIMATE ACTION 100+ at 9 (Mar. 2022), <https://tinyurl.com/yh72r14y>.

52 Larry Fink, *Larry Fink's 2022 Letter to CEOs*, *supra* note 37 (“[W]e are asking companies to set short-, medium-, and long-term targets for greenhouse gas reductions.”).

53 BlackRock, *Investment Stewardship, Our Approach to Sustainability*, BLACKROCK at 11 (2020), <https://tinyurl.com/46Bwr6rw>.

7. Proxy Contests

Activists, especially social-purpose investment funds, may also engage in more traditional shareholder campaigns to replace corporate directors and gain control over a company, often referred to as “proxy contests.” The most prominent example of such a proxy campaign is the green activist fund Engine No. 1’s campaign at ExxonMobil, which successfully elected three directors to ExxonMobil’s board after a proxy campaign focused on climate and green-energy issues that secured the support of each of the Big Three asset managers. Climate Action 100+ took credit for its work coordinating the “extensive engagement” behind this achievement.⁵⁴

* * * *

CASE STUDY: PHILLIPS 66

It may be instructive to review a case study of how Activists, Coordinators, and Principals operate in order to achieve ESG agenda items. The timeline below shows the methods employed to ultimately influence an American oil and gas company, Phillips 66, to agree to set Scope 3 emissions reduction targets.⁵⁵ In other words, by using the levers of the proxy system, ESG advocates were able to box Phillips 66 into committing to a plan to limit the very product it sells.

Timeline

2014, 2015, 2016: The Activists CalSTRS and the Presbyterian Church (U.S.A.) submit shareholder proposals for consideration by Phillips 66’s shareholders calling on the company to disclose emissions and set reduction targets.

Late 2017: Climate Action 100+ launches as an organization, which “escalates pressure on the company.”⁵⁶

December 2019: The Activist As You Sow submits a shareholder proposal to BlackRock requesting a report on how the company plans to implement stakeholder-friendly governance⁵⁷ and issues a press release saying, in part: “Shareholders are demanding that companies exercise leadership on a broader range of environmental, social, and governance issues.” The press release specifically chides BlackRock about its allegedly poor voting record on ESG shareholder proposals.

2020: Investor signatories of Climate Action 100+ meet with members of Philipps 66’s board of directors.

January 2020: BlackRock joins Climate Action 100+.⁵⁸ BlackRock CEO Larry Fink commits to “place sustainability at the center of our investment approach.”⁵⁹

March 2020: The Activists Boston Trust Walden and Mercy Investments publicly announce that they agree to withdraw shareholder proposals on BlackRock’s proxy statement in exchange for BlackRock’s commitment to a “more active voting position” and on the basis of a “slew of new pledges on climate change and sustainability” from Fink’s 2020 letter to CEOs.⁶⁰

May 2020: As You Sow (which is also a Climate Action 100+ signatory), submits a share-holder proposal calling on Philipps 66 to report on the health risks of expanding petrochemical in areas “increasingly prone to climate-change induced storms, flooding, and sea level rise.”⁶¹

September 2020: The Climate Action 100+ steering committee, which includes

57 Specifically, the proposal requested the implementation of the Business Roundtable’s recent “Statement of the Purpose of a Corporation.”

58 BlackRock joins climate action 100+ to ensure largest corporate emitters act on climate crisis, CLIMATE ACTION 100+ (Jan. 9, 2020), <https://tinyurl.com/4nwpmbzt>.

59 Larry Fink, 2020 Letter to CEOs, *A Fundamental Reshaping of Finance*, BLACKROCK (2020), <https://tinyurl.com/u6tUm2p>.

60 Paul Verney, *BlackRock and JP Morgan spared ESG voting proposals following sustainability pushes*, BOSTON TRUST WALDEN CO.: RESPONSIBLE INV. (Mar. 10, 2020), <https://tinyurl.com/wrm3fb8h>.

61 Phillips 66: Report on Petrochemical Risks, AS YOU SOW (2019), <https://tinyurl.com/mud4xb8ws>.

54 See Climate Action 100+, 2021 Year In Review: A Progress Update, at 8, <https://tinyurl.com/3c6kfrtb>.

55 Phillips 66 increases Ambition of GHG Emissions Reduction Targets, CLIMATE ACTION 100+ (Jan. 31, 2022), <https://tinyurl.com/mryb2e2a>.

56 *Id.*

representatives of the Activists Ceres, CalPERS, and PRI, sends a letter to Phillips 66 requesting that the company commit to disclosures aligned with Climate Action 100+'s net-zero benchmark, and increased transparency of lobbying expenditures.

November 2020: ISS issues its proxy voting guidelines for the 2021 proxy season. In the section describing circumstances in which ISS may recommend a vote against or withhold from one or more directors in an uncontested election, ISS updated its policy to include, as an example of risk oversight failure, "demonstrably poor risk oversight of environmental and social issues, including climate change."⁶²

January 2021: BlackRock CEO Larry Fink issues his annual letter to clients, titled "Net-zero: A Fiduciary Approach." In that letter, Fink states: "We expect the issuers we invest in on our clients' behalf to be adequately managing the global transition towards a net zero economy. . . . Where we do not see progress in this area, and in particular where we see a lack of alignment combined with a lack of engagement, we will not only use our vote against management for our index portfolio-held shares, we will also flag these holdings for potential exit in our discretionary active portfolios."

January 2021: State Street Global Advisors sends its annual letter on its proxy voting agenda, stating: "As a signatory to Climate Action 100+, we look forward to sharing our experience and insights on climate stewardship with other members. In 2021 we will focus on specific companies especially vulnerable to the transition risks of climate change. Further, we will continue our ongoing engagement with companies in other sectors that, while not as carbon intensive, also face risks such as the physical impacts of climate change."

May 2021: Phillips 66 shareholders vote in favor of proposal from the Follow This calling for Scope 1, Scope 2, and Scope 3 reduction and targets and a CalSTRS and Presbyterian Church (U.S.A.) proposal calling for the company to produce a climate lobbying report.⁶³ Phillips 66 pledges to implement the proposals.

Figure 6 displays the vote counts. The vote demonstrates the immense influence of the Big Three asset managers and the proxy adviser duopoly. In order to approve the proposal, a majority of shares "present" at the meeting—that is, voting in person or by proxy—needed to vote in favor of the proposal. BlackRock, State Street Global Advisors, and Vanguard alone made up one-third of the shares present at the meeting.

As a result of the Big Three's voting bloc, all the Activist needed to win was just over 16 percent of the remaining shares present. And true to form, the proxy duopoly likely controlled the remaining shares needed to put them over the top. Though estimates vary, one conservative estimate suggests that ISS alone influences up to 13 percent of shareholders' votes at the median public company, while Glass Lewis influences three percent.⁶⁴ Using these estimates, ISS and Glass Lewis alone would have carried the rest of the votes needed to adopt the Activist's proposal.⁶⁵ And this is without considering the votes of smaller asset managers than the Big Three that were also significant shareholders of Phillips 66. While some of these other asset managers would have been among the votes influenced by ISS and Glass Lewis, others may have voted in favor of the proposal using a different proxy adviser, or without using a proxy adviser at all.

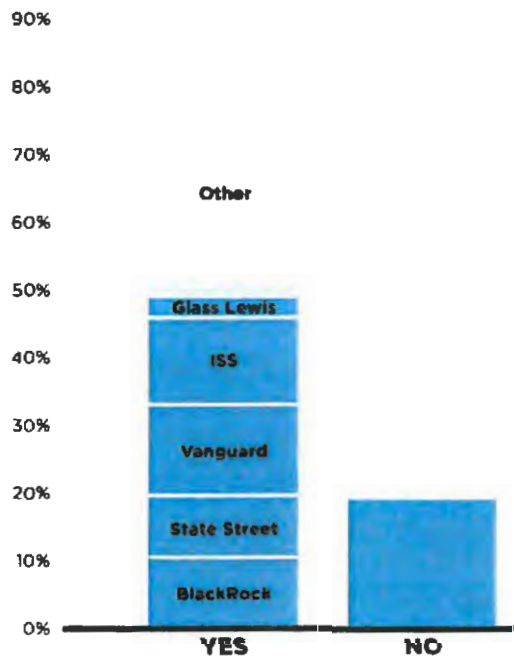
⁶² *ISS Publishes 2021 Voting Policy Updates*, WILSON, SONSINI, GODDRICH & ROSATI (Nov. 13, 2020) <https://tinyurl.com/bdekn66>.

⁶³ Phillips 66, *Submission of Matters to a Vote of Security Holders (Form 8-K)* (May 12, 2021), <https://tinyurl.com/4caxsrBx>.

⁶⁴ Stephen Choi, Jill E. Fisch & Marcel Kahan, *The Power of Proxy Advisors: Myth or Reality?*, 590 EMORY L.J. 870, 900 (2010).

⁶⁵ Phillips 66, *supra* note 63.

FIGURE 6. BLOCK VOTING IN PHILLIPS 66 GREENHOUSE-GAS EMISSIONS DISCLOSURE PROPOSAL



After shareholders adopted the resolution, Climate Action 100+ claimed victory:

Following the 2021 annual meeting votes and further investor engagement around emissions reduction targets, later that year Phillips 66 became the first U.S. refiner and second U.S. oil company to set a Scope 3 emissions target, pledging a 15 percent reduction in emissions by 2030. . . .

Investors will continue to engage closely with Phillips 66 to deliver on their commitments and set more ambitious targets for dealing with Scope 3 emissions, as well as increased alignment with the Climate Action 100+ Net-Zero Company Benchmark.⁶⁶

⁶⁶ CLIMATE ACTION 100+, *supra* note 55.

PART II. APPLICABLE LAW & RELEVANT FACTS

A. ACTIONABLE PREDICATES

A range of ESG-motivated actions may become the factual predicates for legal action and changes in policy. While the ESG agenda is ill-defined and ever-expanding, the following patterns of action are becoming well established. Additional ESG predicates may emerge over time. Large corporations appear especially vulnerable to Player demands to take sides in contested political elections, which may become more consequential in the future. In general, ESG predicates place political, racial, and progressive cultural issues (including climate change) on corporate agendas.

- *Climate-change commitments.* Players may commit or pressure business companies to commit to climate-change reduction efforts. While some environmental policies may be material to investment decisions, the commitments urged by Activists are generally not. For example, a widespread shareholder proposal campaign urges investment funds and business companies to align all of their own business activities, and even *their customers'* activities, with so-called "net-zero" emissions in order to "comply" with the Paris Agreement.⁶⁷
- *"Racial equity" or other social-issue "audits."* Players may pressure business companies to undertake internal, third-party audits on various progressive social issues, including

⁶⁷ These commitments are often referred to as "Scope 3" commitments because they extend beyond emissions from the company's activities (Scope 1 and Scope 2) to extend to the company's suppliers and customers (Scope 3). See e.g., *What are scope 1, 2 and 3 carbon emissions?*, NAT'L GRI®, <https://tinyurl.com/ys2cpdf4>; see also BlackRock Inv. Stewardship, *2022 climate-related shareholder proposals more prescriptive than 2021*, BLACKROCK (May 2022), <https://tinyurl.com/4rwcc255> (noting an increase in shareholder proposals on scope 3 emissions in 2022).

“racial equity.”⁶⁸ For example, after 40.5 percent of JPMorgan Chase & Co. shareholders supported a racial equity audit proposal submitted by the Activist SOC Investment Group,⁶⁹ JPMorgan Chase undertook a racial equity audit. The audit revealed that JPMorgan Chase had contributed \$18.2 billion toward racial minorities assets under its “Racial Equity Commitment” program.⁷⁰ An analogous racial equity audit conduct by Starbucks recommended pay incentives for board diversity and doubling down on racial quotas in hiring.⁷¹

- *Abortion promotion.* Players may pressure business companies to take public positions on abortion laws and expend material corporate resources to provide their employees with paid-for abortions and travel costs to evade state laws. For example, numerous companies, including AT&T and Citigroup, have committed to pay for employees’ abortion-related coverage.⁷²
- *Charitable contributions.* Players may take or pressure business companies to make contributions to ESG-affiliated groups. These contributions may take the form of business policies, “initiatives,” or direct financial donations. For example, large corporations donated millions to the group Black Lives Matter, which has faced scrutiny for self-dealing.⁷³ By one measure, after 2020, America’s 50

biggest public companies collectively committed \$49.5 billion to addressing racial issues.⁷⁴

- *Political elections and campaigns.* Players may make or exert pressure on business companies to make material changes in their business policies based in part by the political motivations of corporate officers. Examples abound. 79 major corporations—including American Express, Nike, and Walgreens, among others—at least temporarily halted their political donations to Republicans after the Capitol protests in January 2021.⁷⁵ Large corporations also increasingly take public stances on elections and “voting rights.”⁷⁶ In 2021, after the state of Georgia enacted a voting process reform law, numerous large corporations, including BlackRock, announced their public opposition to the law and, in some cases, threatened to relocate economic activity away from the state.⁷⁷

B. ESTABLISHING FACTS

After establishing a potentially actionable ESG predicate, oversight and litigation efforts may be able to develop facts that support legal or policy actions. However, the relevant facts will differ by theory of liability and applicable law. The discussion below provides a brief summary of several theories of liability. **Appendix A** provides sample inquiries overseers and litigants could assert. The answers to these inquiries would help to establish material facts.

1. Conflicts of Interest

Conflicts of interest are relevant throughout corporate, trust, and securities law. Investigations could establish facts that

68 See, e.g., Vivek Ramaswamy, *Our Letter to Apple*, STRIVE ASSET MGMT. (Sept. 19, 2022), <https://tinyurl.com/43bzmb7h> (collecting examples of racial equity audit proposals adopted and implemented); Ellen McGirt, *Former Attorney General Loretta Lynch says DEI audits are critical to racial progress—and they’ll be on the rise in 2023*, FORTUNE (Jan. 6, 2023), <https://tinyurl.com/yf2u749a>.

69 JPMorgan Chase & Co., Current Report (Form 8-K) (May. 18, 2021).

70 2022 *Racial Equity Commitment Audit Report*, JP MORGAN CHASE & CO., <https://tinyurl.com/yckkye9h>.

71 Covington & Burling, *A Report to Starbucks, On the Progress of its Efforts to Promote Civil Rights, Equity, Diversity, and Inclusion*, STARBUCKS (Mar. 31, 2021), <https://tinyurl.com/2p8u6wyy>.

72 Lauren Hodges, *Corporate America reckons with its role in reproductive rights*, NPR (July 25, 2022), <https://tinyurl.com/3yw7bbz1>.

73 See Brad Dress, *Black Lives Matter exec accused of stealing \$10M in lawsuit*, THE HILL (Sept. 5, 2022), <https://thehill.com/regulation/court-battles/3629589-black-lives-matter-exec-accused-of-stealing-10m-in-lawsuit/>; Andrew Kerr, *Major corporate donors silent on Black Lives Matter’s alleged self-dealing*, WASH. EXAMINER (June 3, 2022), <https://tinyurl.com/mshstwt1>.

74 Tracy Jan et al., *Corporate America’s \$50 billion promise*, WASH. POST (Aug. 23, 2021), <https://tinyurl.com/2p8wxtm6>.

75 Kate Gibson, *Most, but not all, corporations kept their post-January 6 PAC pledges*, CBS NEWS (Jan. 5, 2022), <https://tinyurl.com/4xaxxe6r>.

76 David Gelles & Andrew Ross Sorkin, *Hundreds of Companies Unite to Oppose Voting Limits, but Other Abstain*, N.Y. TIMES (Apr. 14, 2021), <https://tinyurl.com/mr2r9rkt>.

77 *Id.*

support claims that relevant Players are not independent from conflicts of interest and therefore are exposed to liability.

Several federal statutes prevent Players from acting with conflicts of interest. Under the Investment Advisers Act and the Employee Retirement Income Security Act (ERISA),⁷⁸ many Players are fiduciaries and owe their clients a duties of loyalty.⁷⁹ This means Players must perform all their duties—whether its investing clients' funds or advising clients' on proxy voting—with one end in mind: their clients' interests.⁸⁰ Some of these statutes require Players to act "solely" in their clients' interest⁸¹ while others require them to seek their clients' "best interests."⁸² Either way, both standards limit or outright prohibit conflicts of interests.⁸³ Conflicts of interests arise when Players put their own interests (or anyone else's) ahead of their clients' interests.⁸⁴ Under the Investment Advisers Act, this rule extends to any "interest which might incline an investment adviser—consciously or unconsciously—to render advice which was not disinterested."⁸⁵ And under ERISA, this rule applies to any interest other than "providing (financial) benefits" to clients and "defraying reasonable expenses."⁸⁶

These rules present a plethora of problems for Players. While asset

managers and proxy advisers must act for their clients' financial best interests, they often have conflicting mandates from their clients. Some major asset owners demand their assets be managed for climate goals. For example, the Comptroller of the City of New York publicly wrote to BlackRock CEO Larry Fink demanding he help NYC pension funds achieve their net zero goals, including by "[providing] a detailed approach to keeping fossil fuel reserves in the ground."⁸⁷ On the other hand, 19 state attorneys general have raised concerns that BlackRock is violating its duty of loyalty to invest their state's pensions to earn a financial return.⁸⁸

Asset managers like BlackRock have their own financial incentives for how they handle these client demands. They can charge fees for ESG funds "that are often more than 40 percent higher than fees for traditional comparable funds."⁸⁹ They also separately sell ESG analysis services, like BlackRock's Aladdin. To increase their assets under management, they market themselves as a climate leader to millennials, who are posed to inherit around \$68 trillion.⁹⁰

Proxy advisers like ISS and Glass Lewis have the same incentives. They also sell products analyzing ESG investments, like ISS ESG solutions and Glass Lewis's ESG Climate Solutions.⁹¹ The value of these products depends on companies continued commitment to environmental and social goals—a matter that ISS and Glass Lewis deal with directly in their proxy advisory services when they advise investors on how to vote on thousands of ESG-focused shareholder proposals. This gives ISS and Glass Lewis a financial motive

78 The Investment Advisers Act generally applies to all large asset managers and proxy advisers. See 15 U.S.C. § 80b-2(11). ERISA is limited to asset managers who invest private retirement, pension, and insurance plans. See 29 U.S.C. §§ 1002(2)(A), 1003(e).

79 See 29 U.S.C. §§ 1103(c)(1), 1104(a)(1); Commission Interpretation Regarding Standard of Conduct for Investment Advisers, 84 Fed. Reg. 33669, 33669 (July 12, 2019) (hereinafter the "2019 Interpretative Release").

80 See 29 U.S.C. §§ 1103(c)(1), 1104(a)(1); 2019 Interpretative Release, 84 Fed. Reg. at 33671.

81 See 29 U.S.C. § 1104(a)(1).

82 2019 Interpretative Release, 84 Fed. Reg. at 33671.

83 See *id.* ("Under its duty of loyalty, an investment adviser must eliminate or make full and fair disclosure of all conflicts of interest . . ."); see also 29 U.S.C. § 1104(a)(1) (utilizing the "sole interest" standard); Max M. Schanzel-bach & Robert H. Sitkoff, *Reconciling Fiduciary Duty and Social Conscience: The Law and Economics of ESG Investing by a Trustee*, 72 STAN. L. REV. 381, 400-02 (2020) (explaining that conflicts of interests are prohibited under the sole interest standard).

84 See 2019 Interpretative Release, 84 Fed. Reg. at 33675; Restatement (Third) of Trusts § 7B(2) (2007).

85 See 2019 Interpretative Release, *supra* note 82.

86 29 U.S.C. §§ 1103(c)(1), 1104(a)(1)(A). See *Fifth Third Bancorp v. Dudenhoefer*, 573 U.S. 409, 420-21 (2014) (explaining that in ERISA, "the term 'benefits' . . . must be understood to refer to the sort of financial benefits (such as retirement income) that trustees who manage investments typically seek to secure for the trust's beneficiaries").

87 Letter from Brad Lander to Laurence D. Fink, *supra* note 5 at 4, 5.

88 Letter from Mark Branwich, Arizona Attorney General, et al. to Laurence D. Fink (Aug. 4, 2022) <https://tinyurl.com/2s3mmu2z>.

89 Andrew A. King & Kenneth F. Fudker, *ESG Funds: Sales or Substance?*, INST. INV.: OPINION (Feb. 25, 2022) <https://tinyurl.com/yc3h86ey>.

90 Nicole Casperson, *ESG is One of 3 Top Ways to Attract Millennials*, ESG CLARITY (Apr. 15, 2021) <https://tinyurl.com/mxrfk46>.

91 See Institutional Share Services, *ISS ESG Governance*, <https://tinyurl.com/ytmrretv>; ESG Climate Solutions, GLASS, LEWIS & CO., <https://tinyurl.com/mr2c6fcf>.

to use their proxy advisory services to promote their ESG-related services.

Even more, ISS and Glass Lewis provide the same proxy voting advice to clients with divergent interests, suggesting that they are only serving the best interests of some of their clients. For example, several of ISS and Glass Lewis' clients have committed to pressure "proxy advisers . . . to ensure that [their] products and services . . . are consistent with the aim of achieving global net zero emissions by 2050 or sooner."⁹² But other clients, like state pension funds, have hired ISS and Glass Lewis to help them increase the value of their employees' retirement savings. In fact, 21 state attorneys general wrote ISS and Glass Lewis a letter questioning these proxy advisers' commitment to their financial goals.⁹³

Sample questions to players related to conflicts of interest are included in **Appendix A**.

2. Control and Collusion

In corporate and securities laws, actors that are determined to have control over business companies are subject to additional legal duties. Players may fall under these duties by aggregating their shares and other tools of influencing shareholders together for coordinated actions that, combined, may constitute control.

A shareholder or group of shareholders may be found to exercise control over a company even if they own far less than a majority of the company's shares.⁹⁴ A group of shareholders may be found to control a company if "they, as a practical matter, are no differently situated than if they had majority voting control" over a particular

transaction.⁹⁵ At the average shareholder meeting, where only 80 percent of shares outstanding are present, any combination of shareholdings over 40 percent will be sufficient to win a majority vote.⁹⁶ Not only the group's share ownership, but "broader indicia of effective control" play a role too, including whether the group utilizes "pressure tactics" or has "the ability to exercise outsized influence in the board room or on committees."⁹⁷

If a shareholder is determined to exercise control over a company, then the shareholder is subject to fiduciary duties *to the company*.⁹⁸ This would subject a Player to numerous duties, many of which ESG Predicates may violate.

Another duty concurrent to control is enhanced filing requirements with the SEC. Under Section 13(d) of the Securities and Exchange Act, an investor must file certain information with the SEC when it acquires a position of at least five percent or more in any class of equity securities of a public company.⁹⁹ On a Schedule 13D, firms must disclose how they are working to change or influence control of the company.¹⁰⁰ The Big Three asset managers, however, often rely on an exception to this requirement meant for passive investors and file an abbreviated Schedule 13G form.¹⁰¹ This deprives investors and lawmakers of valuable information of how the asset managers are exerting control over management of portfolio companies. Moreover, the asset managers are legally required to file the more informative 13D disclosure if they have a control purpose or intent with respect to a portfolio company. If an asset manager (1) develops ESG policies, (2) meets with

⁹² Net Zero Asset Managers Initiative, *Commitment*, *supra* note 30.

⁹³ Letter from Sean D. Reyes, Utah Attorney General, et al. to Gary Retelny & Kevin Cameron (Jan. 17, 2023), <https://tinyurl.com/5y3tfa7u>.

⁹⁴ See, e.g., *In re Cysive, Inc. S'holders Litig.*, 836 A.2d 531 (Del. Ch. 2003) (finding control for 35 percent shareowner).

⁹⁵ *In re PNB Holding Co. S'holders Litig.*, No. 28-N, 2006 WL 2403999 at *9 (Del. Ch. Aug. 18, 2006).

⁹⁶ *Voigt v. Metcalf*, 2020 WL 614999 at *18 (Del. Ch. 2020).

⁹⁷ *Voigt*, 2020 WL 614999 at *9.

⁹⁸ See *Quadrant Structured Prods. Co. Ltd. v. Vertin*, 102 A.3d 155, 183-84 (Del. Ch. 2014).

⁹⁹ 15 U.S.C. § 78m(d)(1).

¹⁰⁰ 17 C.F.R. § 240.13d-1.

¹⁰¹ MINORITY STAFF OF THE S. COMM. ON BANKING, HOUSING, AND URBAN AFFAIRS, 117 CONG., THE NEW EMPERORS: RESPONDING TO THE GROWING INFLUENCE OF THE BIG THREE ASSET MANAGERS 1-2 (Dec. 2022), <https://tinyurl.com/5yvv89ry>.

companies to discuss how they are not following such policies, and (3) then votes against directors because the company's ESG practices do not match the asset manager's policies, the asset manager may have done more than simply engage with the company, and instead attempted to exercise control.¹⁰² If the Big Three are found to be exercising control of portfolio companies, there may be other regulatory obligations related to the ability to resell securities or liability for the company's violations of the Exchange Act.

With respect to the Big Three's influence on banks, there is the possibility that they are exercising a "controlling influence" under the Bank Holding Company Act of 1956.¹⁰³ This would subject the firms to significant capital and liquidity requirements. If the asset managers are acting in concert with each other through their commitments to the Net Zero Asset Managers Initiative, for example, their shares could be attributed to each other for purpose of the Bank Holding Company Act.

The Big Three's control over public utility companies is also limited by Section 203 of the Federal Power Act (FPA). This law prevents holding companies from acquiring more than ten million dollars in shares of a utility company without authorization from the Federal Energy Regulatory Commission (FERC).¹⁰⁴ And FERC verifies that a holding companies' acquisition of a utility company's shares is "consistent with the public interest."¹⁰⁵

Notably, Vanguard has implied that its commitment to use its influence over utilities to achieve climate goals was not consistent with the public interest. Specifically, thirteen state attorney generals protested Vanguard's influence over utility companies and intervened

in a FERC proceeding.¹⁰⁶ Instead of defending its stance on climate issues, Vanguard immediately withdrew from the Net Zero Asset Managers Initiative and explained that it wanted to "make clear that Vanguard speaks independently on matters of importance to our investors."¹⁰⁷ Players acting together to control corporations for ESG purposes may have effects beyond corporate and securities laws. The coordinated actions of Players may also establish violations of federal antitrust law prohibitions on collusion.¹⁰⁸ The Sherman Antitrust Act prohibits certain "group boycotts" or "concerted refusals by traders to deal with other traders."¹⁰⁹ Specifically, boycotts that have "an adverse effect on competition" are not allowed.¹¹⁰ And agreements "among firms that ordinarily compete with one another at the same level of the market" that "almost always tend to restrict competition and decrease output" are considered "*per se violations*" of the Sherman Act.¹¹¹

These antitrust laws also pose serious problems for Players who appear to be boycotting fossil fuels. For example, 301 asset managers who control \$59 trillion in the market and otherwise compete with one another have joined the Net Zero Asset Managers Initiative.¹¹² Among other things, these asset managers are expected to adopt a "robust and science-based" fossil fuel phaseout policy. A model policy offered by the Science Based Targets initiative requires asset managers to "immediately ceas[e]" providing "financial or other support" to "coal companies that are building new coal infrastructure or investing in new or

102 Mark T. Uyeda, Commissioner, SEC, Remarks at the 2022 Cato Summit on Financial Regulation (Nov. 17, 2022), <https://tinyurl.com/4tk6yecy>.

103 *Id.* at 2.

104 See 16 U.S.C. § 824b(a)(2).

105 18 C.F.R. § 2.26 (2023).

106 Brittany Bernstein, *Vanguard Pulls Out of Net Zero Climate Effort to Make Clear It 'Speaks Independently'*, YAHOO NEWS (Dec. 7, 2022), <https://tinyurl.com/4azfxi7h>.

107 *Id.*

108 See generally *Group Boycotts*, FED. TRADE COMM'N, <https://tinyurl.com/4d-c7f7de>.

109 *Klor's, Inc. v. Broadway-Hale Stores, Inc.*, 359 U.S. 207, 212 (1959).

110 *Tunica Web Advert. v. Tunica Casino Operators Ass'n, Inc.*, 496 F.3d 403, 412 (5th Cir. 2007).

111 *Id.*

112 See THE NET ZERO ASSET MANAGERS INITIATIVE, <https://tinyurl.com/ycaatzbs>.

additional thermal coal expansion, mining, production, utilization (i.e., combustion), retrofitting, or acquiring of coal assets.”¹¹³ Similarly, Climate Action 100+’s members jointly “engage” electric utilities to phaseout out gas and coal by 2040, assigning a retirement date to each coal or gas unit.¹¹⁴

In other words, the Net Zero Asset Manager’s Initiative and Climate Action 100+ members are jointly boycotting an entire sector of the power industry. Because their agreements are directly aimed at decreasing coal and gas production and eliminating competition against “clean power generation,” they may be violating the Sherman Act.¹¹⁵

Beyond the anticompetitive effects on the energy sector, the alignment of major asset managers on their investment strategies and engagement policies reduces consumer choice in the asset management industry.

Sample inquiries to players related to control and collusion are included in **Appendix A**.

3. Unreasonable Management & Corporate Waste

Players and business companies are subject to duties of care. Under state corporate law, directors and officers breach their fiduciary duty to shareholders by committing “corporate waste,” or expending assets for no rational purpose. Similar duties apply to investment funds. For example, the adopting release for Rule 206(4)-6 under the Advisers Act, the “proxy voting rule,” provides that “[u]nder the Advisers Act . . . an adviser is a fiduciary that owes each of its clients duties of care and loyalty with respect to all services undertaken on the client’s behalf, including proxy voting.”

As SEC Commissioner Mark Uyeda has described:

Even if an adviser’s proxy voting policies and procedures are disclosed to clients, it is unclear whether an adviser to a fund that seeks to track the performance of an index is acting in accordance with its fiduciary duties when it uses fund assets to pursue non-financial goals.¹¹⁶

Investigations into Players and business companies could establish that directors and officers violate their duties of care by engaging in ESG transactions.

Sample inquiries to players related to unreasonable management and corporate waste are included in **Appendix A**.

¹¹³ Network Partners’ expectation of signatories with regard to fossil fuel investment policy, THE NET ZERO ASSET MANAGERS INITIATIVE (Dec 2021) <https://tinyurl.com/y6opske7>.

¹¹⁴ Laura Hill et al., 2020 Progress Report, CLIMATE ACTION 100+ at 21, 44 (2020), <https://tinyurl.com/321xkwvz>.

¹¹⁵ See e.g., *T.T.C. v. Superior Ct. Trial Laws Ass’n*, 493 U.S. 411, 432-35 (1990).

¹¹⁶ Mark T. Uyeda, Commissioner, SEC, *ESG: Everything Everywhere All At Once* (Jan. 27, 2023), <https://tinyurl.com/yty83s8y>.

APPENDIX A—SAMPLE INQUIRIES

I. QUESTIONS TO ASSET MANAGERS

A. Conflicts of Interest

1. Identify all environmental or social activist groups of which you have been a member between 2017 to present, including Ceres, Climate Action 100+, the Net Zero Asset Managers Initiative (NZAMI), and the Glasgow Financial Alliance for Net Zero (GFANZ). For each such group, also provide the dates of your membership and identify all senior executives and board members in your company that were involved in your decision to join.
2. For each group listed in response to question 1, identify all commitments that were formally or informally requested of you, or which you offered or agreed to, relating in any way to that group. This includes but is not limited to commitments such as implementing “a stewardship and engagement strategy, with a clear escalation and voting policy, to achieve net zero emissions by 2050 or sooner.” It also includes all commitments related to all portfolio companies. Also describe in detail your actions related to each such commitment.
3. Describe in detail your communications with activists and your clients from 2017 to present related to joining Climate Action 100+, Ceres, NZAMI, and GFANZ, where such communications preceded or were contemporaneous with you joining the organization referenced in the communications.
4. Describe in detail your communications with members of Climate Action 100+, Ceres, NZAMI, and GFANZ, relating to the subject matter of each initiative with respect to any portfolio company where you engaged or voted on a proposal at the company.
5. Describe in detail how the environmentally and socially aimed actions you have taken with respect to investments and exercises of shareholder rights have financially benefited your clients. Specifically, what financial benefits do your clients receive when you pressure companies to reduce or disclose greenhouse gas emissions or adopt gender and board diversity quotas? Provide copies of all studies you have performed analyzing any financial benefits to your clients, including all studies that have found harms or no benefits.
6. In addition to asset management services, do you perform any services related to ESG analysis? If so, how does the success of ESG-focused companies and growth of ESG investing financially affect your ESG analysis services? How do you square this financial incentive with your fiduciary duty of loyalty to your clients?
7. Do you serve any domestic or foreign clients whose investment policies include environmental goals such as achieving net zero, and social goals, including, but not limited to, government pension funds and sovereign wealth funds? Do you also serve clients whose investment policies require that investments be made in the sole financial interest of the client’s beneficiaries? Describe in detail all steps you have taken from 2020 to present to comply with the wishes of your ESG clients when furthering ESG and climate goals in your company engagement and proxy voting, while maximizing financial return for your non-ESG.
8. Identify how you have voted on all shareholder proposals relating to emissions reductions by a company, financial institution, or insurance company, racial equity audits, use of race in insurance underwriting, and lobbying in line with the Paris

Agreement. Describe in detail why such votes were solely in the financial interest of your shareholders. Also, provide all communications you received from any client or member of Climate Action 100+, NZAMI, Ceres, or GFANZ regarding such votes.

9. Identify the amount of assets under management you have at present from China Investment Corporation (CIC), Safe Investment Company (SAFEIC), National Social Security Fund (NSSF), and Ping An, and also describe in detail whether of the foregoing entities or their affiliates have currently or previously placed any personnel with you.

B. Control and Collusion

10. For the companies where you own sufficient shares to qualify to file a Schedule 13D form but have not filed a form in one or more years from 2020 to present and where you engaged with such companies or voted on shareholder proposals regarding setting emissions reduction targets, how, if at all, have you informed investors and lawmakers of your efforts to change or influence the control of the company?
11. List every [U.S.] utility company in which you own more than ten million dollars in shares. Identify every instance in which you have ever used your financial stake to pressure a utility company to reduce its carbon emissions, set emissions targets, phaseout fossil fuels, or comply with environmental or social goals.
12. Have you ever worked with other asset managers to pressure companies to comply with environmental and social goals of activist groups like Ceres, Climate Action 100+, NZAMI, or GFANZ? Have you ever agreed with other asset managers to take any adverse action, such as negative board votes, against companies that do not align with the goals of any social or activist group?¹¹⁷ If the answer to the foregoing questions is anything other than an unequivocal no, then describe in detail each such instance.
13. Do you agree that one or more agreements or commitments between you and other asset manager(s) such as Climate Action 100+'s goal of phasing out fossil fuel are aimed at reducing competition against clean energy?¹¹⁸ If you disagree, describe in detail why neither the intent nor effect of such actions is to reduce competition against clean energy.
14. Provide copies of all analyses reviewed or relied upon by you that relate to whether your involvement in organizations including Ceres, Climate Action 100+, NZAMI, and GFANZ establishes control under federal or state law or violates any applicable federal or state antitrust laws.
15. Provide any notes or materials related to meetings with [Climate Action 100+ and Target Companies] from 2020 to present on the topic of emissions reductions.

C. Unreasonable Management and Corporate Waste

16. Describe in detail how you prudently concluded that [Business Company] conducting an [ESG Transaction] report would increase the value of the company's shares. Also describe in detail how doing so would increase the value of the portfolio(s) you manage which hold the Company.

¹¹⁷ Network Partners' expectation of signatories with regard to fossil fuel investment policy, NET ZERO ASSET MANAGERS INITIATIVE. <https://www.netzeroassetmanagers.org/media/2021/12/NZAM-Network-Partners-Fossil-Fuel-Position.pdf>

¹¹⁸ Laura Hillis et al., 2020 Progress Report, CLIMATE ACTION 100+ at 21, 44 (2020), <https://tinyurl.com/32t1kwwz>

17. Describe in detail how you concluded that [Business Company] management's statement of opposition to the preparation of the requested [ESG Predicate] report [e.g., management said a proposal would “be of little value for our shareholders, associates, and other stakeholders and, therefore, would be an unnecessary distraction and redirection of resources”¹¹⁹] was incorrect and why you voted for such report over management's negative recommendation.
18. Describe in detail all times from 2017 to present when you have engaged with a financial institutions or insurance company or voted on a pro-proposal that was intended to encourage the financial institution or insurance company to incorporate race or sex into its underwriting or lending decisions. Explain how such exercises of shareholder rights are in the financial interests of the financial institution or insurance company's shareholders.

II. QUESTIONS TO PROXY ADVISERS

1. Have you ever based your voting recommendations, in whole or in part, on the social and environmental goals of groups that seek to achieve net zero by 2050, including Ceres, Climate Action 100+, Net Zero Asset Managers Initiative (NZAMI), or Glasgow Financial Alliance for Net Zero (GFANZ) at any time from 2017 to present? If yes, describe and detail all such instances. Are the standards and goals of these activist groups reflected in your proxy voting policies?
2. Describe in detail how your voting recommendations that align with ESG goals have proven to financially benefit investors? How have they increased the financial value of the underlying companies? What financial benefits, if any, do your clients receive when your recommendations pressure companies to set emissions reduction targets, reduce greenhouse gas emissions, or enforce gender and board diversity quotas?
3. In addition to proxy advisory services, do you sell consulting or other services related to ESG to companies for whom you make shareholder proposal or board recommendations? If so, how does the success of ESG-focused companies and ESG investing financially affect your ESG analysis services? How do you square this financial incentive with your fiduciary duty of loyalty to all of your clients?
4. Do you provide services to clients that prioritize environmental and social causes and are willing to make financial sacrifices to support these causes? Have any of these clients attempted to “engage” with you on aligning your services with various ESG goals? Do you provide services to clients whose only aim in utilizing your services is to increase the return on their investments? How do you serve the best interests of both your ESG-focused clients and your exclusively financially focused clients when supporting ESG goals?
5. Provide any notes or materials related to meetings with [Climate Action 100+ and Target Companies] from 2020 to present on the topic of emissions reductions.
6. With respect to your proxy voting guidelines, describe in detail any contact that any of your directors or officers had with any [Activist(s)] or [Coordinator(s)] from 2017 to present related to ESG goals. With whom outside of your company do you communicate in developing the guidelines? Describe in detail the nature of those discussions?

¹¹⁹ Walmart Inc., 2022 Proxy Statement (Form DEF 14A) (June 1, 2022).

7. Identify all recommendations that you have made related to the diversity of board membership from 2017 to present. Provide copies of all analyses that you performed or reviewed related to board diversity and financial performance of companies. Describe in detail how your recommendations related to board diversity were based on improving the value of shares in portfolio companies.
8. With respect to your engagement strategy, provide any contact any director or officer of the Fund had with any [Activist(s)] or [Coordinator(s)]. With whom did you communicate with in developing the strategy? Did you invite any [Activist(s)] or [Coordinator(s)] to any engagement meetings or other activities. What was the nature of those discussions?
9. Identify how you have recommended shareholders vote on all shareholder proposals relating to emissions reductions, racial equity audits, use of race in insurance underwriting, and lobbying in line with the Paris Agreement. Describe in detail why such recommendations were solely in the financial interest of your shareholders. Also, provide all communications you received from any client or member of Climate Action 100+, NZAMI, Ceres, or GFANZ regarding such proposals.
10. Explain how [Business Company] conducting an [ESG Transaction] report would increase the value of the company's shares. Explain how doing so would increase the value of the portfolio(s) you manage which hold the Company.
11. Explain how you concluded that [Business Company] management's statement of opposition that preparation of the requested [ESG Predicate] report [e.g., management said a proposal would "be of little value for our shareholders, associates, and other stakeholders and, therefore, would be an unnecessary distraction and redirection of resources"¹²⁰] was errant.

III. QUESTIONS TO BUSINESS COMPANIES

1. Have you been on the receiving end of any "engagements" by Activists, Coordinators, or anyone acting on behalf of a Coordinator with respect to ESG topics at your company? Coordinators include such organizations as Ceres, Climate Action 100+, Net Zero Asset Managers Initiative (NZAMI), Net-Zero Banking Alliance (NZBA), and Glasgow Financial Alliance for Net Zero (GFANZ). Where you have any notes or communications relating to those engagements, including any threats or potential witnesses who recall the content of those engagements, please identify such engagements, including the date, persons involved, and topics discussed.
2. Explain how your donation to or commitment to a [ESG Transaction] initiative increased the value of your shares. Provide any requests for communications and efforts that asset managers and proxy advisers made to you.

IV. QUESTIONS TO ACTIVISTS

1. Provide any contact made with [Coordinator(s) or Asset Manager(s)] related to [ESG Transaction or vote]. Provide all responses made by [Coordinator(s) or Asset Manager(s)] relating to how anyone would vote their shares in relation to [ESG Transaction or vote].
2. Provide all communications with Asset Managers, Clients of Asset Managers, and Coordinators related to [ESG transaction or vote].

¹²⁰ *Id*

V. QUESTIONS TO COORDINATORS

1. Provide a list of all Asset Managers and Proxy Advisors that have been or are formal or informal members of your organization from 2017 to present.
2. Provide all documents relating to any contact made with [Activist(s) or Asset Manager(s)] related to [ESG Transaction or vote].
3. Provide any representations made by [Activist(s) or Asset Manager(s)] indicating how certain parties would vote their shares in relation to the Transaction.
4. Provide all analyses reviewed or relied upon by you that establishes that entities' involvement in [Coordinator] did not establish control under federal or state law or violate any applicable federal or state antitrust law.

APPENDIX B—ESG ACTIVISTS

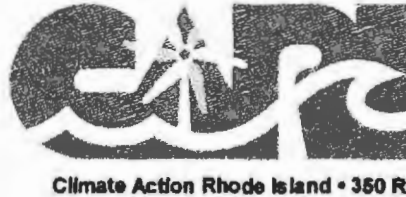
PRIVATE ESG INVESTMENT FUNDS¹²¹

ASSET MANAGER	CHARTER JURISDICTION	PRINCIPAL PLACE OF BUSINESS	STATES FILING SECURITIES NOTICES IN	# OF SHAREHOLDER PROPOSALS VOTED ON 2012-2022	TOTAL AUM	AUM POTENTIALLY SUBJECT TO REGULATION						
						INDIVIDUALS (INCLUDING 401(K PLANS)	PENSION PLANS	STATE OR MUNICIPAL GOVERNMENT ENTITIES	CHARITABLE ORGANIZATIONS	CORPORATIONS	OTHER REGULATED INVESTMENT VEHICLES*	SOVEREIGN WEALTH FUNDS AND FOREIGN OFFICIAL INSTITUTIONS
Adelina Social Capital	California	California	California, Colorado, Texas	N/A	\$44.0 Million	\$20.0 Million	X	X	\$12.0 Million	X	X	X
Amundi Asset Management	Delaware	Massachusetts	All 50 states and District of Columbia	1	\$100.9 Billion	X	\$4.4 Billion	\$5.1 Billion	\$560.5 Million	X	\$51.8 Billion	X
Ariana Capital	Delaware	North Carolina	California, Massachusetts, New Mexico, New York, North Carolina, Texas, Washington	54	\$403.4 Million	\$29.7 Million	\$3.9 Million	X	\$16.3 Million	\$0.1 Million	X	X
Azed Asset Management	Delaware	Virginia	Alabama, California, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia	4	\$1.3 Billion	\$89.7 Million	\$8.2 Million	X	\$41.9 Million	X	\$361.0 Million	X
Baldwin Brothers	Delaware	Massachusetts	Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Washington	3	\$1.6 Billion	\$58.3 Million	X	X	\$106.0 Million	\$182.2 Million	\$0.2 Million	X
BNP Paribas Asset Management	New York	New York	New York	5	\$53.0 Billion	X	\$3.4 Billion	\$55.6 Million	\$172.1 Million	\$150.1 Million	\$2.8 Billion	\$29.3 Billion
Boston Common Asset Management	Delaware	Massachusetts	California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Vermont, Washington, Wisconsin	12	\$5.9 Billion	\$0.70 Million	\$59.3 Million	\$308.1 Million	\$806.3 Million	\$198.7 Million	\$2.13 Billion	X
Boston Trust Walden	Massachusetts	Massachusetts	None	32	\$4.3 Billion	X	X	\$117.9 Million	X	X	\$3.5 Billion	\$250.2 Million
Cabrut Research and Management	Massachusetts	District of Columbia	District of Columbia, Maryland, Massachusetts	5	\$40.4 Billion	\$238.8 Million	\$263.4 Million	X	X	\$365.4 Million	\$38.9 Billion	X

¹²¹ Click on each asset manager to view their SEC investment adviser registration. Data is sourced from each manager's most recent Form ADV. Shareholder proposal numbers are those voted on by Fortune 250 companies between 2012 and 2022, see Proxy Monitor, <https://tinyurl.com/9zr8bnb5>.

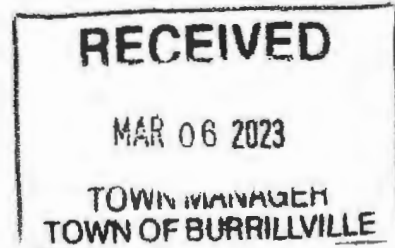
Change Finance	Colorado	Texas	California Virginia		\$115.5 Million	X	X	X	X	X	\$115.5 Million	X
Christian Brothers Financial Services	Illinois	Illinois	California, Illinois, Nebraska, New York	4	\$10.9 Billion	X	X	X	\$510.7 Million	X	\$9.2 Billion	X
Clean Yield Asset Management	Vermont	Vermont	California, Maryland, Massachusetts, New Hampshire, New York, Texas, Vermont	12	\$517.8 Million	\$53.9 Million	X	X	\$34.6 Million	X	X	X
Domini Impact Investments	Massachusetts	New York	Massachusetts, New York	34	\$3.0 Billion	X	X	X	X	X	\$3.0 Billion	X
Engine No. 1	Delaware	California	California	0*	\$557.0 Million	X	X	X	X	X	\$281.7 Million	X
First Affirmative Financial Network	Colorado	Colorado	Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Idaho, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin	9	\$915.8 Million	\$511.0 Million	\$4.0 Million	X	\$26.5 Million	\$11 Million	X	X
Green Century Capital Management	Massachusetts	Massachusetts	Colorado	28	\$998.3 Million	X	X	X	X	X	\$998.3 Million	X
Harrington Investments	California	California	California	20	\$297.7 Million	\$19.2 Million	X	X	\$43.7 Million	\$12.0 Million	X	X
Hermes Investment Management	United Kingdom	United Kingdom	None	4	\$40.6 Billion	X	\$8.6 Billion	\$865.1 Million	\$251.7 Million	\$33.6 Million	\$13.9 Billion	\$323.4 Million
Impax Asset Management	United Kingdom	United Kingdom	None	8	\$2.4 Billion	X	X	X	X	X	X	X
Loring Wolcott & Coolidge	Massachusetts	Massachusetts	Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington	3	\$12.6 Billion	X	\$9.7 Million	X	\$483.9 Million	\$292.8 Million	X	X
Miller/Howard Investments	Delaware	New York	All 50 states and District of Columbia	6	\$3.0 Billion	\$444.1 Million	\$14.2 Million	\$8.7 Million	X	\$175.7 Million	\$373.3 Million	X
Newground Social Investment	Washington	Washington	Washington	17	\$128.0 Million	\$42 Million	X	X	\$4 Million	X	X	X
Nia Impact Capital	Delaware	California	California, Colorado, Delaware, District of Columbia, Florida, Illinois, Maine, Massachusetts, Montana, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, Texas, Utah, Washington	3	\$417.3 Million	\$18.5 Million	X	X	\$135.5 Million	\$38.9 Million	\$64.9 Million	X

NorthStar Asset Management	Massachusetts	Massachusetts	California, District of Columbia, Massachusetts, New Hampshire, New York, Texas, Virginia, Washington	56	\$792.2 Million	\$20.1 Million	X	X	\$101.7 Million	\$5.1 Million	X	X
Trillium Asset Management	Delaware	Massachusetts	Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming	56	\$5.7 Billion	\$1.6 Billion	\$32.3 Million	X	\$882.3 Million	\$204.5 Million	\$1.7 Billion	X
Zevin Asset Management	Massachusetts	Massachusetts	California, Colorado, Connecticut, Florida, Illinois, Louisiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Texas, Vermont, Washington	27	\$783.0 Million	\$29.6 Million	\$5.0 Million	X	\$295.7 Million	X	X	X



March 1, 2023

Town Manager Michael Wood
Town Hall
105 Harrisville Main St.
Harrisville, RI 02830



Dear Mr. Wood,

We are developing a **report card on the extent of fossil fuel investment and banking** among Rhode Island's municipalities and largest nonprofits. This is the start of a statewide campaign to persuade institutions to decarbonize their cash and investments. We will hold up as models those institutions which have already moved to action.

This report card will focus on the municipalities and those institutions with the greatest potential risk due to the size of their revenues and non-fixed assets. These are also the institutions that can have the greatest influence in changing the landscape of fossil fuel investors.

Our target publication date is April 2023. Please complete the attached survey (or online form) and return it to Climate Action Rhode Island by [redacted]. We will publish the data we receive, including non-respondents, and share the report with you as well as with the public.

Why are we focusing on cash and investments? Whatever you are doing to reduce your greenhouse gas emissions, your activities are likely being undercut by your cash and investments unless you have intentionally moved to decarbonize them. For example, if you have more than \$62,500 in big banks, your money is producing more carbon than the average American does in 6 months⁹³. A recent analysis of ten major corporations⁹⁴ revealed that their investments and cash in big banks are a "significant source, and sometimes their largest source, of emissions."

We have chosen to focus on nonprofits and municipalities because of your commitment to improving the lives of our residents and because you can truly be leaders for our state.

For questions, please contact Gayle Gifford, (401) 316-4695 or Brian Wilder, (401) 648-5479.

Sincerely,

Fossil Fuel Divestment Team, Climate Action Rhode Island

P.S. Please keep reading on. Enclosed you'll find the survey as well as more information on the campaign, on the benefits of decarbonizing your finances, and on Climate Action Rhode Island. Please consider this an APRA request.

Cc: Town Council President Donald Fox

⁹³ Thirdact.org

⁹⁴ Carbonbankroll.com



Fossil Fuel Report Card Cash and Investment Survey

Date:

Name of Person Completing:

Position:

Institution:

Address:

Email address:

Phone number:

NOTE: These questions pertain to those companies that advance the expansion of fossil fuels through exploration, extraction, refining, transport, and/or export of coal, natural gas, or petroleum. For municipalities, please consider this an APRA request.

1. Do you have a greenhouse gas/fossil fuel divestment and/or banking policy, including any pension funds?

Yes No

If yes, please enclose a copy or email to fossilfueldivestRI@gmail.com

2. If you have a policy not to invest in fossil fuels, how far along are you in realizing it?

3. What percentage of your investments are in fossil fuels?

4. Would you consider divesting from fossil fuels? What do you need to do that?



Fossil Fuel Report Card Cash and Investment Survey

5. Have you considered disinvesting in fossil fuels but decided not to?
__ Yes __ No **Why?**
6. Do you vote for shareholder resolutions aimed at reducing greenhouse gas emissions?
__ Yes __ No __ Other Please explain
7. Do you bank or have credit cards with any of the top bank investors in fossil fuels? (Chase, Bank of America, Citibank, Wells Fargo, TD Bank, Santander)
__ Yes __ No
8. If yes, would you consider changing to another bank or credit union?
__ Yes __ No
9. What would assist you in decarbonizing your banking?

Please return by March 11, 2023 to:
Climate Action RI
PO Box 25473 Providence, RI 02905

Or, complete the survey online at <https://forms.gle/VDxs6tnE1xqzSKEq9>

Or return by email to:
fossilfueldivestRI@gmail.com

Decarbonize your Cash and Investments

It is now or never to limit global warming
Worldwide, we are experiencing the substantial impacts of climate change as “*unprecedented heatwaves, terrifying storms, widespread water shortages and the extinction of a million species of plants and animals*” according to the UN Secretary General and the Intergovernmental Panel on Climate Change.

Without immediate change, we don’t have much time until our Earth becomes uninhabitable for humans and other living things.

Climate change is already taking a toll on Rhode Island.

RI is warming faster than the rest of New England. Temperatures have risen nearly 4 degrees F since the beginning of the 21st century. Sea level has risen 9 inches in Newport since 1930, above the global average.¹ Beaches are eroding, we are losing wild species and homes in coastal communities are under siege.

State law called the Act on Climate sets a goal of net zero emissions by 2050. Last year, additional legislation requires the state to offset its electricity use with 100% renewable energy by 2033, the first in the nation to adopt such an ambitious goal. To reach these goals as a state, we all need to be all in.

Why do banking and investments matter?

Actions you take to reduce your own greenhouse gas emissions are likely being undercut by your cash and investments. Bank of America, Citibank, Chase Bank, and Wells Fargo are the worst offenders, bankrolling fossil fuel expansion². TD Bank and Santander aren’t far behind.

For example, if you have more than \$62,500 in big banks, your money is producing more carbon than the average American does in 6

months³. A recent analysis of ten major corporations⁴ revealed that their investments and cash in big banks are a “significant source, and sometimes their largest source, of emissions.”

Decarbonize your banking and investments. Move your banking and credit cards out of the worst offenders and into local banks or credit unions. Decarbonize your investments and pension funds.⁵

If stopping climate chaos isn’t enough, here are more reasons to move your banking and investments.

1. The pollution from burning fossil fuels injures public health and disproportionately impacts low-income and communities of color.
2. Moving your banking locally builds community wealth.
3. We need everyone all in to create the clout needed to move the worst offenders.
4. Your grandchildren will thank you.



Climate Action Rhode Island • 350 RI

Who is Climate Action Rhode Island?

An affiliate of 350.org, we’re concerned Rhode Islanders fighting for 100% renewable energy, a clean and sustainable earth, and environmental justice for all.

Contact us at: info@climateactionri.org
<https://www.facebook.com/ClimateActionRI>
PO Box 25473, Providence, RI 02905
<https://world.350.org/rhodeisland>

¹ <https://statesummaries.ncics.org/>

² <https://capitalmonitor.ai/sector/energy-and-utilities/banks-still-supporting-fossil-fuels-to-the-tune-of-billions/>

³ Thirdact.org

⁴ Carbonbankroll.com

⁵ https://reclaimfinance.org/site/wp-content/uploads/2022/04/Asset_Manager_Climate_Scorecard_2022.pdf