

TOWN COUNCIL MEETING
Monday, October 2, 2023
6:00 P.M.

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on October 2, 2023. Town Council Members present were as follows: Mary Meagher, Michael G. White, Randy White, and Erik Brine. Nancy Beye arrived at 6:12 p.m.

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, Public Works Director Michael Gray, Highway Supervisor Joseph Ford, Senior Services Director Molly Rose, Tree Warden Steve Saracino, Tree Protection and Preservation Chair James Simmons and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Vice President Meagher called the meeting of the Jamestown Town Council to order at 6:04 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

III. PUBLIC HEARINGS

A) Public Hearings

- 1) Review, Discussion, and/or Action and/or Vote Pursuant to the relevant provision of the Jamestown Code of Ordinances, Section 22-91, Tree Preservation and Protection, regarding an appeal by Joseph Rosati of a decision rendered on August 16, 2023 of the Tree Preservation and Protection Committee for the removal of a tree at the Steamboat Street Right of Way, duly advertised in the September 21st edition of the Jamestown Press.

Vice President Meagher called the Public Hearing to order.

Joseph Rosati, 173 Seaside Drive, made a presentation to the Town Council on the history of the tree (Tree) at the Steamboat Right of Way "ROW", as well as the timeline of events related to the Tree Preservation and Protection Committee's consideration of removal and/or preservation of the Tree in question. Mr. Rosati took the following steps to appeal the decision to remove the tree: (1) hired arborist Herb Keiser, Save A Tree, to assess and give recommendations on how to preserve the Tree; (2) received support for saving the Tree from arborist Matthew Largess, Largess Forestry, and (3) requested and received preliminary assurance from his homeowner's insurance agent Mike Swistak, Wolpert Insurance, regarding liability of the Tree to the public. He also asked the Town Council to consider a program to inspect trees on an annual or three-year cycle. Mr. Rosati pledged financial and general liability support for saving the Tree, stating the Tree is in good standing, is good for the environment, and would not be at the taxpayers' expense.

Matthew "The Twig" Largess was sworn in as a certified arborist and gave expert testimony. He stated support for saving the tree. The Tree is an old-growth Red Maple, the most common tree in the eastern United States; is the state tree of Rhode Island. The cavities are wildlife habitats. Its

proximity to the waterfront would break environmental laws if he were to remove it. Environmental benefits include carbon capture, wildlife habitat, and flood control. Mr. Largess asked the Town Council to save the Tree.

Sav Rebecchi, it is his opinion the Tree is failing. The Steamboat ROW is not generally known by the public. The Tree has been marked for concern. As a layperson, he has observed limbs over the ROW, and it seems dangerous. Mr. Rebecchi has had personal experience with owning a forest in Burrillville. He recommended a compromise to remove limbs hanging over the ROW and leave the trunk as is.

George James, 51 Keel Avenue, appreciates Mr. Rebecchi's perspective, but the topic concerns this one Tree.

John Russo, Seaside Drive, stated he was the individual who requested the Tree removal. He is concerned with the health and safety of all. This is a question of safety. Mr. Russo referenced the tree at Heads Beach. The tree was vandalized, whereas the Steamboat ROW Tree is rotting.

President Beye read a letter from Bruce J. (BJ) Whitehouse for the record. Mr. Whitehouse would be in favor of preserving the Tree.

Jamestown Tree Warden Steve Saracino was sworn in as a certified arborist and gave expert testimony. Mr. Saracino has been an arborist for 38 years, 17 years as the Jamestown tree warden. A slide show presentation was given of the Tree and surrounding area. He stated the Tree has structural issues. The potential hazard and his responsibility to the community are paramount. The Town always strives to save trees, but in some cases, removal and replacement/replanting are the best options.

President Beye questioned whether there was any liability issue with cabling.

Jamestown Tree Warden Steve Saracino responded the structural weakness at the base of the tree is of concern. He has not examined the cabling plan. Cabling at the canopy does not address the weakness at the base (structural weakness); if the tree fails it will fail at the base. As the arborist for the Town, he has expressed his expert opinion to the Town.

Councilor Brine asked what the threats and risks to saving the tree and surrounding properties were.

Councilor R. White asked whether a tree could have a decay pocket and still be healthy.

The Tree does have cavities, Mr. Saracino stated. If the Tree failed a portion could fall onto both the Rosati's property on the north side of the ROW and the adjacent residential property on the south side of the ROW

Samuel Alan Sexton, 169 Seaside Drive rents the property on the south side of the ROW. He reiterated safety concerns for the public using the ROW, as well as the public using his private property to avoid the Tree.

The optics of liability with The Trust and Mr. Rosati's insurance provider were discussed.

Public Works Director Michael Gray, described the process of inspecting trees. He and Tree Warden Saracino assessed the Tree for risk. As the Public Works Director and steward for the public ROW, the Town has a responsibility to and for the taxpayers. There is a process with the Tree Preservation and Protection Committee and guidance from the Town's insurance provider, The Trust. It is now documented that there is risk associated with the Tree.

Councilor R. White made clarifying statements regarding the Town's risk and personal injury liability regardless of Mr. Rosati's desire to assume the risk for the Tree.

Vice President Meagher referenced the questions in the letter from Mr. Whitehouse. The Town is responsible for ROW and the Tree. She quoted the communication from The Trust, "While we understand the third bullet point cited in the May 30th agreement, The Town must understand that the Rosati's cannot release a third party's claim against the Town, whether or not that third party is on their property. ... Also, it is worth noting that the agreement is silent with respect to the Town's right of inspection of the cable installation by the licensed arborist and that it meets the Town's satisfaction. Even though the Town is the owner of this tree, given this arrangement, the Town should preserve its rights for this inspection as well as the rights to remove said tree, in the event the Town is not satisfied with the installation/workmanship/integrity of the cabling by the arborist. The agreement is also silent about future cabling inspections, future costs to repair/adjust cables, etc. The Rosati's can only release claims that they would have for property damage or bodily injury. The only proper way of securing that the Rosati's will remain responsible for third-party actions contemplated by this bullet point is for them to agree to defend and hold harmless the Town from those actions. The Town remains responsible for a tree it owns and has deemed hazardous. The Town will still need to have regular inspections of the tree for maintenance and care including cable inspections."

Councilor M. White commented he is uncomfortable that a political body (the Town Council) has to decide the fate of the Tree. The Town hires experts to make recommendations and "run the town". Tree Warden Steve Saracino, a licensed arborist, has deemed the tree hazardous.

Vice President Meagher thanked Tree Preservation and Protection Chair Jim Simmons (present) and other committee members for the work they do. She suggested more time is needed to rework the agreement between the Rosati's and the Town, to incorporate The Trust's recommendations; and Tree Warden Saracino to conduct the cabling study. The Rosati's generosity and passion warrant a continuation of the Public Hearing.

Councilor R. White agrees with the sentiment, but as a Town Councilor, he noted the Town is on notice from the tree warden and The Trust. There is no alternative to the painful conclusion that the Town should not assume the risk of saving the tree.

Councilor Brine stated the town employs experts and he is inclined to support the experts. He would like to make sure the Town has done its due diligence and take more time to decide the fate of the Tree.

President Beye would like to conclude the Public Hearing no later than the next meeting on October 16th, which should give the Rosati's enough time to respond to The Trust's recommended requirements.

Town Administrator Mello requested more time to allow the Town to work toward finding a better answer and/or potential solution for the Tree.

Jim Rugh, America Way, reminded the Town Council of a similar tree issue, referencing a Black Oak tree in front of the Town Hall. It was moved, saved, and replaced with another tree.

A motion was made by Vice President Meagher with a second by Councilor Brine to continue the Public Hearing to October 16, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

IV. OPEN FORUM

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

Samira Haaki, Rolling Agenda, invited the Town Council to join members of the Rolling Agenda on a bike ride, with a proposed date of October 10th at 7:30 a.m. She forwarded the invitation and route to the Town Council members via email.

V. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- 1) No items at this time.

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

VI. 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) Town Council Sitting as the Alcohol Beverage Licensing Board
 - 1) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on November 2, 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 M. White to approve the Out of the Box Studio & Gallery one-day Class F liquor license on November 2, 2023. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

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

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

Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise and will be

Acted upon in Accordance with Section 42-46-6 (b)

- A) Town Administrator's Report: Edward A. Mello
 - 1) Harbor Management Commission kayak/dinghy/paddleboard rack permit recommendation to be implemented in 2024 (New Business). Request approval of rules for the management of kayak and dinghy racks (beach permits) as recommended by the Harbor Commission to become effective for the 2024 season. (new business)
 - 2) North Road/Sloop Street intersection 3-way stop recommendation. The next phase of the shared pathway is expected to link the reservoir section north to a point at the intersection of Sloop Street. In anticipation of this work being completed, a 3-way stop is recommended for the intersection. This will allow for a crosswalk to be installed which will link the pathway to the west. (request order to advertise)
 - 3) Code Enforcement Officer update. Town staff are currently conducting interviews for a part-time code enforcement officer and expect to make a final offer within the next two weeks. The part-time (one day a week) position would primarily assist Building/Zoning Official Peter Medeiros with code violations.

VIII. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: At the request of Vice President Meagher consideration of the Charter Review Committee recommendations as presented at the July 11, 2023, Town Council meeting:
 - 1) 2022-2023 Jamestown Charter Review Committee Final Report.
 - 2) Letter from Vice President Meagher to the Town Council.

Vice President Meagher references her letter to the Town Council. She thoroughly enjoyed working with the Charter Review Committee members and appreciated their thoughtful perspectives.

Jim Rugh, Charter Review Committee Chair addressed the Town Council. The recommended amendments to the Charter are mostly housekeeping items. He recommended scheduling a public workshop to review the recommendations.

A joint Town Council /Charter Review Committee public workshop was scheduled for October 17, 2023, at 5:30 p.m.

IX. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: Approval of the request by Harbor Division Executive Director Steven Bois and recommendation by the Harbor Management Commission to (1) revise the Kayak/Dinghy/Paddleboard rack permits limiting the number of permits per family to two commencing in 2024; "grandfathering" those kayak rack permits that exceed two permits per family, (2) and approval of the request to send communication to current Kayak Rack permit holders and waitlist members regarding the new proposed Kayak/Dinghy/Paddleboard rack permit procedure.
 - 1) Memorandum from Harbor Division Executive Director Steven Bois, copies of the proposed new and old Kayak/Dinghy/Paddle procedure; and copy of draft communication to current Kayak Rack permit holders and

waitlist members regarding the new proposed Kayak/Dinghy/Paddleboard rack permit procedure.

Harbor Division Executive Director Steven Bois made a presentation to the Town Council. The proposed revision would provide better use of existing Town property. Data was collected from June-August 2023 on the use of the Town-owned kayak racks. Other municipalities were also polled. The objective is to provide greater access to the water, maximize the use of the Town-owned kayak racks, and reduce the time on the kayak rack waitlist.

Vice President Meagher recommended extending the time to 72 hours to respond before revoking a license.

A motion was made by Vice President Meagher with a second by Councilor Brine to approve the amendments with suggested recommendations to (1) the Kayak/Dinghy/Paddleboard rack permits limiting the number of permits per family to two commencing in 2024; “grandfathering” those kayak rack permits that exceed two permits per family, (2) and approval of the request to send communication to current Kayak Rack permit holders and waitlist members, regarding the new proposed Kayak/Dinghy/Paddleboard rack permit procedure. . Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- B) Review, Discussion, and/or Action and/or Vote: At the request of President Beye Discussion regarding the increased number of Tick-Borne Disease cases in the State of Rhode Island; possible Action and or Vote to create a new Tick Task Force Working Group, and approval of Order to advertise vacancies for the Tick Task Force Working Group:
 - 1) State of Rhode Island, Department of Health Tickborne Disease Data
 - 2) Review of the 2013 Tick Task Force objectives

President Beye stated most know someone who has suffered from a tick-born illness, referencing the data showing an increase in the number of cases statewide. She would like to reinstate the Tick Task Force, encouraging residents to volunteer for the newly formed group.

A motion was made by Vice President Meagher with a second by Councilor M. White to reinstate and advertise vacancies for the Tick Task Force. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss, and/or Take Action and/or Vote on the following items:

- A) Ordinances: Discussion and Possible Action to **Order to Advertise** in the Jamestown Press; Notice of a Public Hearing to take place on October 16, 2023, at 6:30 p.m. for Proposed Amendments to the Code of Ordinances, regarding Chapter 70 Section 52 – Traffic and Vehicles. These Amendments are proposed to update and modernize the existing Traffic and Vehicle Ordinance in conformance with 70-51 Stop and Yield Intersections.

Town Administrator Mello informed the Town Council the Public Hearing request is to create a 3-way stop sign at the intersection of North Main Road and Sloop Street. Chief Campbell and Public

Works Director Mike Gray will assess the intersection and will make final recommendations at the November 6th or 20th Town Council meeting.

A motion was made by Vice President Meagher with a second by Councilor M. White to Order to Advertise in the Jamestown Press; Notice of a Public Hearing to take place on November 6th or 20th, 2023, at 6:30 p.m. for Proposed Amendments to the Code of Ordinances, regarding Chapter 70 Section 52 – Traffic and Vehicles. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- B) Appointments, Vacancies and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
 - 1) Board of Canvassers – One unexpired six-year term Republican Alternate Member vacancy (March 2023- March 2029), pursuant to RIGL § 17-8-1 and RIGL § 17-8-2, request from Board of Canvassers Clerk Keith Ford to the Jamestown Republican Town Committee to solicit a list of qualified individuals for Town Council consideration to fill the Board of Canvassers Republican Alternate Member vacancy:
 - b) Jamestown Republican Town Committee recommendation received September 18, 2023:
 - i) Jennifer Thran

A motion was made by Vice President Meagher with a second by Councilor M. White to schedule an interview with Jennifer Thran. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 2) Discover Newport, One (1) member vacancy, with a three-year term ending 12/31/2023 and shall be associated with the hospitality industry, duly advertised in the September 14th & 21st edition(s) of the Jamestown Press with a request to submit applications prior to September 26, 2023:
 - c) Interested Applicant(s):
 - i) Marla Romash
 - Application received September 19, 2023
 - ii) Mark D'Arezzo
 - Application received September 26, 2023

A motion was made by Vice President Meagher with a second by Councilor M. White to schedule interviews with Marla Romash and Mark D'Arezzo. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

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

XI. CONSENT AGENDA

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

- A) Adoption of Town Council Minutes
 - 1) September 8, 2023(Executive Session)
 - 2) September 14, 2023(Executive Session)
 - 3) September 18, 2023(Regular Meeting)

- B) Minutes of Boards/Commissions/Committees
 - 1) Jamestown Conservation Committee (July 11, 2023)
 - 2) Jamestown Harbor Management Commission (August 9, 2023)
 - 3) Jamestown Housing Authority Board of Commissioners (July 6, 2023)
 - 4) Jamestown Tree Preservation and Protection (May 17, 2023)
 - 5) Jamestown Tree Preservation and Protection (July 19, 2023)
 - 6) Jamestown Tree Preservation and Protection (August 16, 2023)

C) Tax Assessor’s Abatements and Addenda of Taxes

ABATEMENTS TO 2020, 2021, and 2023 TAX ROLL		
02-1259-05	TAXPAYER DECEASED	-\$ 31.06
02-1259-05	TAXPAYER DECEASED	-\$ 15.53
02-1259-05	TAXPAYER DECEASED	-\$ 11.06
08-0063-70	UPDATED PROPERTY INFORMATION	-\$ 36.60
16-0771-00	RIGL 44-5-71-DEMO REMOVAL	-\$1,917.95
ADDENDA TO 2023 TAX ROLL		
04-0957-38	REMOVED EXEMPTION-SOLD	\$ 187.50
19-0573-31	SW/ISDS CHANGE	\$ 20.00
16-0771-00	C/O ISSUED 9/5/2023	\$1,285.21
TOTAL ABATEMENTS TO 2020,2021 & 2023 TAX ROLL		-\$2,011.90
TOTAL ADDENDA TO 2023 TAX ROLL		\$1,492.71
GRAND TOTAL		-\$ 519.19

- D) At the recommendation of Public Works Director Michael Gray authorization to approve awarding the paving bid to the lowest responsive and responsible bidder J.H. Lynch & Son in the amount of \$268,780.00, based upon the estimated quantities for the roadways listed on the advertised bid:

Item 1: Bituminous Surface Course	\$150 per Ton
Item 2: Bituminous Binder Course	\$140 per Ton
Item 3: Reclamation	\$10 per Square Yard
Item 4: Fine Grading and Compaction	\$2 per Square Yard
Item 5: Bituminous Surface Course (Path)	\$205 per Ton
Item 6: Bituminous Binder Course (Path)	\$195 per Ton

- E) One-Day Event/Entertainment Applications
 - 1) Applicant: Jamestown Art Center (JAC)
 - Event: JAC Autumn Arts Open House
 - Date: October 15, 2023
 - Location: 18 Valley Street
 - 2) Applicant: Out of the Box Studio & Gallery
 - Event: Living On the Edge
 - Date: November 2, 2023
 - Location: 11 Clinton Avenue

- F) Public Notice of CRMC and RIDEM of application for Assent filed by Joshua & Deborah Fredberg, 864 East Shore Road, Plat 2, Lot 222, to construct and maintain: a 1,200 lbs. boat lift on an existing residential pier. Written comments/objections are due by October 13, 2023, to CRMC, O.S. Government Center, 4808 Tower Hill Road, Rm 116, Wakefield, RI 02879, or cstaff1@crmc.ri.gov.

XII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Zoning Ordinance Update and Rewrite review and Public Workshop schedule.
- B) At the request of Vice President Meagher to review town-wide water restrictions policy(s).
- C) Review of Committee/Board/Commission Appointment Process/Policy with recommendations made by the Town Council and Town staff.
- D) Interviews are to be scheduled for applicants for the committee vacancies on **October 16, 2023**, from 5:30 p.m. to 6:30 p.m.
- E) Review of and scheduling of the Veteran and Fire Department tax exemption Code of Ordinance Public Hearing

Communications were acknowledged.

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

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

- A) Resolutions from other Rhode Island Cities and Towns:
 - 1) Town of New Shoreham, Resolution Expressing Thanks to the Town of Jamestown, R-09-2023

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 Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

XIV. EXECUTIVE SESSION

The Town Council may seek to enter into Executive Session for review, discussion, and/or potential action and/or vote on the following:

- 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) Real Estate (acquisition of property).

XV. ADJOURNMENT OF EXECUTIVE SESSION

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

It was announced that no votes were taken.

The Town Council reconvenes the regular meeting.

XVI. ADJOURNMENT

A motion was made by Councilor M. White with a second by Vice President Meagher to adjourn at 8:17 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; ad Councilor R. White, Aye.

Attest:


Roberta J. Fagan, Town Clerk