



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, December 2, 2024
6:00 P.M.

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:
<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>

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/2024meetings-minutes>

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

III. ADMINISTRATION OF THE OATH OF OFFICE TO NEWLY ELECTED TOWN COUNCIL MEMBERS, SCHOOL COMMITTEE MEMBERS, AND TOWN MODERATOR: Honorable Francis J. Darigan, Jr.

- A) Town Council:
 - 1) Nancy Ann Beye
 - 2) Mary E. Meagher
 - 3) Erik G. Brine
 - 4) Mary G. Glackin
 - 5) Ernest Edward Ross

- B) School Committee:
 - 1) Andrew Allsopp
 - 2) Lisa Tuttle
 - 3) Joshua D. Furtado

- C) Town Moderator
 - 1) Dennis H. Webster

IV. NOMINATION AND SELECTION OF TOWN COUNCIL PRESIDENT AND VICE PRESIDENT

V. INTRODUCTION OF DISTINGUISHED GUESTS

VI. 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: None at this time.
- B) Non-scheduled request to address.

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

- A) Erin Donovan-Boyle, Executive Director & CEO of the Greater Newport Chamber of Commerce, will present the benefits for Jamestown residents and businesses. This organization is an independent, non-profit, and business advocacy organization.

VIII. 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: for a RENEWAL CLASS BV LIQUOR LICENSE for the period December 2, 2024, to November 30, 2025, as advertised in the November 7th and 14th editions of the Jamestown Press and noticed to abutters as follows:

CLASS BV

The Whitebread Company, LLC
dba: Standards
40 Narragansett Avenue
Jamestown, RI 02835

- 1) Approval of the of the CLASS BV Liquor License, upon resolution of debts, taxes, State approval, and appropriate signatures for the period of November December 2, 2024, to November 30, 2025; Review, Discussion, and or Action and or Vote.

- B) 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: for a NEW CLASS BV LIQUOR LICENSE for the period December 2, 2024, to November 30, 2025, as advertised in the November 7th and 14th editions of the Jamestown Press and noticed to abutters as follows:

FROM: CLASS BV- Limited
Our Table LLC.
dba: Our Table
53 Narragansett Avenue
Jamestown, RI 02835

TO: CLASS BV
Our Table LLC.
dba: Our Table
53 Narragansett Avenue
Jamestown, RI 02835

- 1) Approval of the of the CLASS BV Liquor License, upon resolution of debts, taxes, State approval, and appropriate signatures for the period of November December 2, 2024, to November 30, 2025; Review, Discussion, and or Action and or Vote.

- C) Set the Class B Victualer Liquor License Cap at Eight.

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

- D) Licenses and Permits: Approval of Application that has been received by the Town Council for a VICTUALING license, upon resolution of debts, taxes, State approval, and appropriate signatures for the year December 2, 2024-November 30, 2025; Review, Discussion, and/or Action and/or Vote:
- 1) The Whitebread Company, LLC dba: Standards, 40 Narragansett Avenue.

IX. 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) Town Administrator's Report: Edward A. Mello
- 1) Town Departments and Staffing Overview
- 2) 2025 Legislative Matters
- 3) Town email accounts and Office 365

X. UNFINISHED BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: No items at this time.

XI. NEW BUSINESS

- A) Review of the Open Meetings Act, Access to Public Records Act, and Code of Ethics by Town Solicitor Peter D. Ruggiero
- B) Review, Discussion, and/or Action and/or Vote: Upcoming meetings, work sessions, budget work sessions, workshops, and other sessions; review and discussion and/or potential action and/or vote
 - 1) Town Council Meeting/Board of Water and Sewer Commissioner(s) setting of Annual Meeting Schedule (see attached).
 - 2) Jamestown Town Council Budget Process review and meeting date(s) preview.
 - 3) Annual Budget Work Session with Jamestown School Committee and School Department, pursuant to RIGL §16-2-21, to be scheduled on Thursday, December 12, 2024 or Monday, December 16, 2024.
 - 4) Rhode Island Ethics Commission Staff Attorney/Education Coordinator Lynne M. Radiches will conduct Ethics training for Elected and Appointed Municipal Officials on Wednesday, January 26, 2025, at 6:00 p.m. in the Town Council Chambers.
- C) Review, Discussion, and/or Action and/or Vote: Town Council Rules and Procedures.

XII. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS

- A) No items at this time.

XIII. 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) November 18, 2024 (Regular Meeting)
- B) Minutes of Boards/Commissions/Committees
 - 1) Harbor Management Commission October 9, 2024.
- C) Certification of the November 5, 2024 General Election.

D) Tax Assessor's Abatements and Addenda of Taxes

ABATEMENT/ADDENDA TO THE TAX ROLL			
ACCT	TAX YEAR	ACCOUNT INFORMATION	AMOUNT
01-0571-00	2024	REMOVED EXEMPTION – SOLD	\$ 125.00
03-1125-00	2024	REMOVED EXEMPTION – SECOND HOME	\$ 250.00
19-0546-30	2024	TOWN COUNCIL AGREEMENT 11/4/2024	-\$ 2,054.62
04-0082-85	2024	CERT. OF OCCUPANCY	\$ 3,790.50
10-0053-01	2024	CERT OF OCCUPANCY	\$1,695.38
TOTAL ABATEMENTS TO TAX ROLL			-\$2,054.62
TOTAL ADDENDA TO TAX ROLL			\$5,860.88

E) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing on *December 17, 2024*, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following:

- 1) Application of Susan S. Gorelick, Trustee, whose property is located at 20 Bark Avenue, and further identified as Tax Assessor's Plat 16, Lot 38 for a special use permit to construct a 12x16 foot garden-high tunnel in the backyard. The property is in R-40 zone with 30,720 sq ft and falls under sub-district A requirements of the High Groundwater Table and Impervious Overlay District.

F) Ratification of the Administratively approved One-Day Event/Entertainment License Applications: Jamestown Art Center, (ENT-24-38) 18 Valley Street, November 22, 2024.

G) All One-Day Event/ Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:

- 1) Applicant: Jamestown Arts Center (JAC)
Event: RIPBS (ENT-24-36)
Date: December 3, 2024
Location: JAC, 18 Valley Street
- 2) Applicant: Jamestown Arts Center (JAC)
Event: Holiday Arts Market (ENT-24-37)
Date: December 13-14, 2024
Location: JAC, 18 Valley Street
- 3) Applicant: Central Baptist Church
Event: Christmas Fair (ENT-24-39)
Date: December 7, 2024
Location: JAC, 18 Valley Street
- 4) Applicant: Rhode Races & Events, Inc.
Event: Jamestown Rhode Races (ENT-24-34)
Date: September 27, 2025
Location: Fort Getty & various roads in Jamestown

H) Ratification of the Administratively approved Short-Term Rental application(s) for the period of January 1, 2025, through December 31, 2025, duly advertised in the November 14th and 21st editions of the Jamestown Press; upon resolution of debts, taxes, State approval, and appropriate signatures:

- | | | | |
|----|---------|------------------|-------------------------|
| 1) | STR-98 | Greg Vanasse | 41 Top O The Mark Drive |
| 2) | STR-122 | Merrill Allen | 46 Steamboat Street |
| 3) | STR-156 | Andrea Colognese | 78 Frigate Street |

XIV. 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.

I) Communications Received:

- | | | |
|----|--------------------|--|
| 1) | Copy of letter to: | Town Council |
| | From: | Connie Slick |
| | Dated: | October 30, 2024 |
| | Re: | How many liquor licenses should a small island distribute? |
| 2) | Copy of letter to: | Town Council |
| | From: | John and Quaker Case |
| | Dated: | October 3, 2024 |
| | Re: | In support of Our Table liquor license request |
| 3) | Copy of letter to: | Town Council |
| | From: | Nancy Sall |
| | Dated: | October 3, 2024 |
| | Re: | In support of Our Table liquor license request |
| 4) | Copy of email to: | Town Council |
| | From: | Mary Jo Roberts-Braisted |
| | Dated: | October 2, 2024 |
| | Re: | In support of Our Table liquor license request |
| 5) | Copy of email to: | Town Council |
| | From: | Christine Heenan |
| | Dated: | October 3, 2024 |
| | Re: | In support of Our Table liquor license request |
| 6) | Copy of email to: | Town Council |
| | From: | Ross Harris |
| | Dated: | October 2, 2024 |
| | Re: | In support of Our Table liquor license request |

- 7) Copy of email to: Town Council
From: Tara Villanova
Dated: October 3, 2024
Re: In support of Our Table liquor license request
- 8) Copy of email to: Town Council
From: Sandy Sorlien
Dated: October 4, 2024
Re: In support of Our Table liquor license request
- 9) Copy of email to: Town Council
From: Paul Morse
Dated: October 6, 2024
Re: In support of Our Table liquor license request
- 10) Copy of email to: Town Council
From: Michelle Estaphan Owen
Dated: October 6, 2024
Re: In support of Our Table liquor license request
- 11) Copy of email to: Town Council
From: Win Reed
Dated: October 7, 2024
Re: In support of Our Table liquor license request
- 12) Copy of letter to: Town Council
From: Mark Baker
Dated: November 3, 2024
Re: Environmental Study Group/Gould Island Restoration
- 13) Copy of email/letter: Town Council
From: Jill Harrison
Dated: November 12, 2024
Re: Correspondence with Clarke Moody regarding boat lift and deck.

XV. 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 Philomenian 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 November 27, 2024.

Town Administrator

93 Narragansett Avenue

Jamestown, Rhode Island 02835-1199

401-423-9805



Edward A. Mello
Town Administrator

MEMORANDUM TO: Honorable Town Council
FROM: Town Administrator, Edward A. Mello
DATE: November 26, 2024
SUBJECT: Report for Town Council Meeting December 2, 2024

Town Departments and Staffing Overview- As I previously indicated, I plan to ask various department heads to present an overview of their respective departments over the next several meetings. The first will be the recreation department on December 16. If the Council desires, we can also work to schedule a tour of facilities.

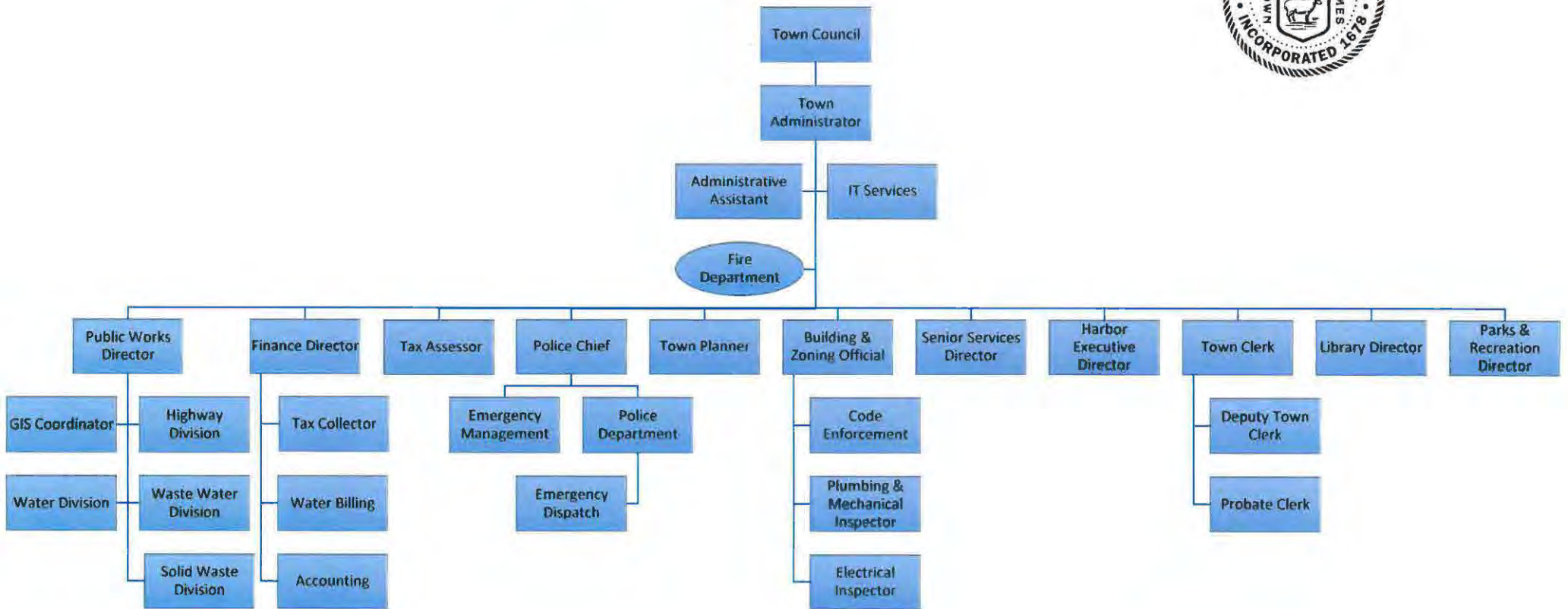
Legislative Matters- The General Assembly will begin its work at the beginning of the new year. The previous Town Council had invited the GA members to appear before the Council. If the TC desires to do so again, we can schedule a date. I would also ask for a brief summary of legislative matters of concern.

The RI League of Cities and Towns is currently working toward developing it's priorities. Current issues from that perspective include:

- Education Funding
- Funding for Infrastructure utilities and broadband
- Housing
- Land Use and Zoning
- Property Tax-modifications of cap exemptions and tangible tax reform
- Labor Issues-binding arbitration reform and contract continuation
- State Aid-PILOT and Distressed Communities
- Short-term rental regulations
- Houseboat Regulations
- Reduce Early Voting period for primary elections

Town email accounts and Office 365- You should have received the directions for setting up Office 365 and your town email accounts. Once established you will be able to receive Council documents through Share Point.

Town of Jamestown



November 2024



Municipal Staffing Summary

- A. The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Town Council for the administration of all Town affairs.
- a) Administrative Assistant 1 FTE
- B. The Public Works Department is comprised of four divisions. All divisions come under the overall supervision and direction of the Director of Public Works. 1 FTE
- a) Highway Division 12 FTE
 - b) Water Division 3 FTE
 - c) Wastewater Division 3 FTE
 - d) Solid Waste Division 1 FTE
 - e) Engineering Division-GIS Services-OSWW Coordinator 1 FTE
- C. The Finance Department is under the overall supervision and director of the Finance Director. 1FTE
- a) Tax Collector 1 FTE
 - b) General Accounting .6 FTE
 - c) Water/Sewer Accounting .8 FTE
- D. The Planning Department is comprised of the Town Planner and Administrative Assistant. 2 FTE
- a) Sustainability Coordinator
- E. The Building and Zoning Department is under the overall supervision of the Building/Zoning Official. 1FTE
- a) Building & Zoning Tax Assessor Clerk 1FTE
 - b) Mechanical & Plumbing Inspector per diem
 - c) Electrical Inspector per diem
- F. The Town Clerks Office is under the overall supervision of the Town Clerk. 1 FTE
- a) Deputy Town Clerk 1 FTE
 - b) Clerk/Probate Clerk 1 FTE
- G. Tax Assessor 1 FTE
- H. The Senior Service Department is under the overall supervision for the Senior Services Director. 1 FTE
- a) Assistant Senior Services Coordinator .5 FTE
 - b) Meal Site Coordinator .5 FTE
 - c) Seasonal and per diem support staff positions



Municipal Staffing Summary- continued

- | | |
|---|---------------------|
| I. The Parks and Recreation Department is under the overall supervision of the Parks & Recreation Director. | 1 FTE |
| a) Program Coordinator | 1 FTE |
| b) Facilities Coordinator | 1 FTE |
| c) Maintenance Staff | 3 FTE |
| d) Seasonal Camp, Park and Beach Staff
Approximately 35 seasonal FTE | |
| J. The Police Department is under the overall supervision of the Chief of Police. | 1 FTE |
| a) Sworn police officers | 13 FTE & 1 per diem |
| b) Dispatchers | 4 FTE |
| K. The Library is under the overall supervision of the Director of Library Services | 1 FTE |
| a) Community Services Librarian | 1 FTE |
| b) Children's Librarian | 1 FTE |
| c) Youth Services Assistant | 1 FTE |
| d) Library Associate | .75 FTE |
| e) Library Aides - Six (6) part-time positions | |
| L. Information Technology Service | *1 FTE |
| M. The Fire Department is under the overall supervision of the Fire Chief | |
| a) Three (3) Deputy Chiefs | |
| b) Three (3) Fire Marshalls | |
| c) Per Diem EMS Staff | |
| d) Volunteer Fire Staff | |

Total Full-Time Employees: 59

Total Part-Time Employees: **11

*Full-time contracted service

**Does not include seasonal part-time/full time staff

The 24th Annual Open Government Summit



Your guide to the
Access to Public Records Act
& Open Meetings Act



Attorney General
Peter F. Neronha



ATTORNEY GENERAL
PETER F. NERONHA

June 3, 2022

Dear Open Government Summit Attendee:

Thank you for participating in the 24th annual Open Government Summit. This event provides an important opportunity to learn more about promoting transparency in state and local government. As practitioners, you play a vital role in promoting accountability and public trust in government.

When government decisions are debated in public and made open to inspection, the result is a more engaged citizenry that is invested in its community. Through this Summit, our goal is to provide you, as practitioners, with the tools you need to effectively operate in accordance with the Access to Public Records Act and the Open Meetings Act.

There will be forks in the road. There will be times when you will need to use your discretion to determine whether information should be made publicly available or withheld when necessary to protect an important interest. We recommend that in addition to asking whether you *could* withhold, think about whether you *should*.

Contained in this booklet are training materials from today's event, including copies of applicable laws and recent findings by our Office. Please reach out to our Office at any time with questions, or to schedule an open government training for your organization or in your community:

opengovernment@riag.ri.gov
401-274-4400

You can also access a variety of resources on the Open Government page of our website, including a video recording of the 2022 Open Government Summit.

Thank you for your interest and commitment to ensuring that state and local government are open and accessible to the people of Rhode Island.

Sincerely,

Peter F. Neronha
Attorney General

INDEX

Section I – The Access to Public Records Act

Findings Summaries2-5
Access to Public Records Act Statute6-17

Section II – The Open Meeting Act

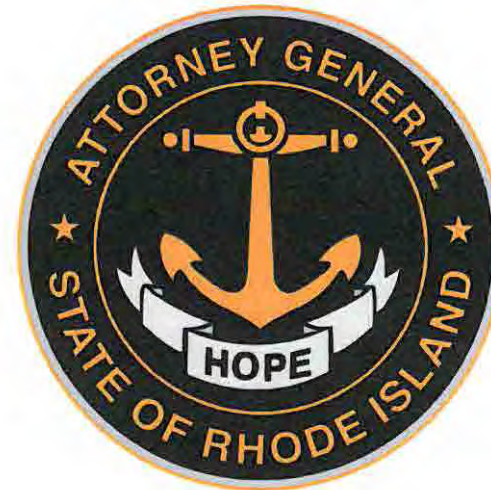
Findings Summaries19-27
Open Meetings Act Statute28-38

Section III – Procedures & Forms

Public Records Request Guidelines40
Public Records Request Form41
Rules and Regulations Regarding Training Under
the Access to Public Records Act42-43
Certificate of Compliance44
Access to Public Records Act Checklist45-47
Open Meetings Act Checklist48-51
Guidance for Convening into Executive Session52-53
Complaint Process Flow Chart54
Returning to In-Person Meetings Guidance55-58

* * *

SECTION I



**ACCESS TO
PUBLIC RECORDS ACT**

Access to Public Records Act Findings - 2022

- PR 22-1** **“Threeboys” v. South Kingstown School Department**
The Complainant alleged that the South Kingstown School Department provided unreasonable prepayment estimates for completing APRA requests seeking email correspondence between various Department employees. The evidence provided to this Office supported the Department’s contention that it would take significant time to review (and potentially redact) the requested documents and that the Department needed to review the documents prior to producing them to determine whether certain information was permitted or required to be redacted under the APRA and/or applicable confidentiality laws. Accordingly, this Office found that the Department’s estimates in these circumstances were supported by the record and did not violate the APRA. This Office also found that this dispute likely came about due to differing interpretations of the Complainant’s requests, and that the Department did not err in its interpretation of the requests as it was the Complainant’s responsibility to frame the requests with sufficient particularity.
- PR 22-2** **Provost v. Narragansett Police Department**
The Complainant alleged the Department violated the APRA when it denied her request for certain records involving herself that did not result in an arrest. Based on the evidence, including our *in camera* review, we concluded that the privacy interests implicated by disclosing the withheld records outweigh any public interest, and therefore the Department did not violate the APRA by withholding those records.
- PR 22-3** **Burke v. City of Warwick**
The Complainant alleged the City violated the APRA when it withheld documents responsive to his APRA request pursuant to R.I. Gen. Laws § 38-2-2(4)(a)(I)(b). We were not provided with evidence that disclosure would further the public interest. Based on this Office’s *in camera* review and applicable precedent, we concluded that the City permissibly withheld the requested documents, which related to an employment issue involving a particular person. Accordingly, we found no violation.

- PR 22-4** **Calabro v. City of Providence**
The Complainant alleged the City violated the APRA by redacting certain information on email communications between the City and a consultant it engaged. Based upon the undisputed evidence, and after conducting an *in camera* review of the records, we found the City did not violate the APRA because the redactions were permissible pursuant to the deliberative process privilege and Exemption (E).

- PR 22-5** **Callaci v. Rhode Island Department of Health**
The Complainant alleged RIDOH violated the APRA by withholding responsive records in their entirety. Based upon the record before us, including our *in camera* review, we determined that the records were permissibly withheld under Exemption (a)(1)(a) or (K) and that no violation occurred.

- PR 22-6** **Aubin v. Cranston Police Department**
The Complainant alleged the Department violated the APRA when it denied his request for arrest warrants and the supporting affidavit related to an incident involving the Complainant that involved him being arrested. Based on the evidence, including our *in camera* review, we concluded that the public interest implicated by disclosing the documents outweighed any privacy interest in the circumstances of this case where an arrest was involved. This Office found that the Department violated the APRA by withholding the record and determined that the Department should provide Complainant with the withheld record within ten business days. We found insufficient evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

- PR 22-7** **Hoff v. Town of Charlestown**
The Complainant alleged that the Town violated the APRA with regard to three APRA requests. The Complainant first alleged the Town violated the APRA when it did not produce a list of attendees for the Town’s virtual meetings. The evidence indicated that the Town did not maintain a list of attendees. As such, we found no violation. Additionally, Complainant alleged that the Town’s request for an extension and request for prepayment in connection with a different multi-part APRA request violated the APRA. We found that the Town did not violate the APRA by extending the time to respond to the Complainant’s request or by assessing prepayment. The Complainant also alleged that the Town improperly withheld documents responsive to a different APRA request. We found that the Town permissibly withheld a portion of the document containing handwritten notes as “notes” and “work products” under the APRA. *See* R.I. Gen. Laws § 38-2-2(4)(K). However, the Town violated the APRA by withholding a different portion of the document. We required the Town to provide the portion of the withheld

record that this Office found to be public, but did not find that the violation was willful and knowing, or reckless.

VIOLATION FOUND.

PR 22-8 **Lardner v. Central Falls Detention Facility Corporation**

The Complainant alleged the Corporation violated the APRA by denying his request for records related to a specific incarcerated individual, citing personal privacy reasons. Based on the record before us, we determined that the privacy interest implicated by disclosure of the records outweighed any public interest in disclosure and the Corporation's denial of the APRA request was permissible under these circumstances.

PR 22-9 **Bosscher v. University of Rhode Island Police Department**

The Complainant alleged that the Department violated the APRA by not responding to his request. Based on the undisputed record, including the Department's acknowledgment of its error, we found that the Department failed to timely respond to the request and thus violated the APRA. The Department represented and provided evidence that it did not maintain responsive records. As such, we found that the Department did not violate the APRA by not providing records and we found no need for injunctive relief. As the Department provided evidence that its initial failure to respond to the request was inadvertent, we did not find that violation to be willful and knowing or reckless.

VIOLATION FOUND.

PR 22-10 **Azar v. Town of Lincoln**

The Complainant alleged that the Town violated the APRA by failing to provide her with all the Probate Court recordings she requested. The Town stated that it provided the Complainant with 2020 recordings, but that after conducting a reasonable search, it concluded that it did not possess the requested 2019 recordings. Because the undisputed evidence in the record presented to us supported the Town's assertions that it had conducted a reasonable search and that all responsive documents maintained by the Town were provided to the Complainant, we found no violation.

PR 22-11 **Borkowski v. City of Warwick**

The Complainant alleged that the City violated the APRA by not providing him with a document responsive to a portion of his request, which sought a spreadsheet that was maintained by a vendor commissioned by the City to create a report. Although, it was undisputed that the City did not possess the spreadsheet, the Complainant argued that it was incumbent upon the City to obtain the document

and provide it to him. The City asserted that the spreadsheet constituted the vendor's work product and the that vendor did not provide the document in response to the City's inquiry asking if the document could be produced to the Complainant. Based on the record before us, we found that the third party in possession of the spreadsheet was not acting on behalf of or in place of the City such that it was a public body subject to the APRA. Nor did we find sufficient evidence that the spreadsheet belonged to the City or that the City had a right to obtain it from the vendor and/or an obligation to produce it for the Complainant. We thus found that the City did not violate the APRA.

PR 22-12 **Damon v. Town of Middletown**

The Complainant alleged that the Town violated the APRA by improperly denying her August 3, 2021 APRA request seeking documents related to the hiring and engagement of outside counsel to investigate an issue raised at an open meeting. In response, the Town argued that the documents were exempt as investigatory records of a public body. After reviewing the parties' submissions, this Office found that the majority of withheld emails were permissibly withheld but requested that the Town either provide two withheld emails to the Complainant or file an additional response as to why those emails are exempt from public disclosure in light of this Office's analysis in the finding. Based on the record before us, this Office declined to determine whether the Town's initial non-production of an engagement letter amounted to an APRA violation, as the letter had already been provided to the Complainant and the initial non-production, even assuming it violated the APRA, did not amount to a willful and knowing or reckless violation of the APRA. Consequently, we found no APRA violation or need for injunctive relief at this juncture, pending the further submissions as described above.

CHAPTER 38-2 ACCESS TO PUBLIC RECORDS

38-2-1. **Purpose.** – The public’s right to access to public records and the individual’s right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

38-2-2. **Definitions.** – As used in this chapter:

- (1) “Agency” or “public body” means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to, any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, any authority as defined in section 42-35-1(b), or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.
- (2) “Chief administrative officer” means the highest authority of the public body
- (3) “Public business” means any matter over which the public body has supervision, control, jurisdiction, or advisory power
- (4) “Public record” or “public records” shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:
 - (A) (I) (a) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files;

- (b) Personnel and other personal individually-identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552 et. seq.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects which are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state municipality, or public works contractor or subcontractor on public works projects, employment contract, work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section “remuneration” shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision. For purposes of this section, the city or town residence shall not be deemed public for peace officers, as defined in § 12-7-21, and shall not be released.
- (II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems as well as all persons who become members of those retirement systems after June 17, 1991 shall be open for public inspection. “Pension records” as used in this section shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member’s designated beneficiary or beneficiaries unless and until the member’s designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.
- (B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.
- (C) Child custody and adoption records, records of illegitimate

births, and records of juvenile proceedings before the family court

- (D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public
- (E) Any records which would not be available by law or rule of court to an opposing party in litigation
- (F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.
- (G) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor
- (H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining
- (I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time

as those transactions are entered into

- (J) Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 46 of title 42.
- (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical or scholarly issues, whether in electronic or other format; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.
- (L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.
- (N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.
- (O) All tax returns.
- (P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public
- (Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (R) Requests for advisory opinions until such time as the public body issues its opinion

- (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.
- (T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.
- (U) Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.
- (V) Printouts from TELE -TEXT devices used by people who are deaf or hard of hearing or speech impaired.
- (W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country; at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.
- (X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records
- (Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island General Law § 9-1.1-6.
- (Z) Any individually identifiable evaluations of public school employees made pursuant to state or federal law or regulation
- (AA) All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

38-2-3.

Right to inspect and copy records — Duty to maintain minutes of meetings — Procedures for access. —

- (a) Except as provided in § 38-2-2(4), all records maintained or kept on file by any public body, whether or not those records are required by any law or by any rule or regulation, shall be public records and every person or entity shall have the right to inspect and/or copy those records at such reasonable time as may be determined by the custodian thereof.
- (b) Any reasonably segregable portion of a public record excluded by subdivision 38-2-2(4) shall be available for public inspection after the deletion of the information which is the basis of the exclusion. If an entire document or record is deemed non-public, the public body shall state in writing that no portion of the document or record contains reasonable segregable information that is releasable.
- (c) Each public body shall make, keep, and maintain written or recorded minutes of all meetings.
- (d) Each public body shall establish written procedures regarding access to public records but shall not require written requests for public information available pursuant to R.I.G.L. section 42-35-2 or for other documents prepared for or readily available to the public.

These procedures must include, but need not be limited to, the identification of a designated public records officer or unit, how to make a public records request, and where a public record request should be made, and a copy of these procedures shall be posted on the public body's website if such a website is maintained and be made otherwise readily available to the public. The unavailability of a designated public records officer shall not be deemed good cause for failure to timely comply with a request to inspect and/or copy public records pursuant to subsection (e). A written request for public records need not be made on a form established by a public body if the request is otherwise readily identifiable as a request for public records
- (e) A public body receiving a request shall permit the inspection or copying within ten (10) business days after receiving a request. If the inspection or copying is not permitted within ten (10) business days, the public body shall forthwith explain in writing the need for additional time to comply with the request. Any such explanation must be particularized to the specific request made. In such cases the public body may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that the

voluminous nature of the request, the number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the public body

- (f) If a public record is in active use or in storage and, therefore, not available at the time a person or entity requests access, the custodian shall so inform the person or entity and make an appointment for the person or entity to examine such records as expeditiously as they may be made available
- (g) Any person or entity requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. Any public body which maintains its records in a computer storage system shall provide any data properly identified in a printout or other reasonable format, as requested.
- (h) Nothing in this section shall be construed as requiring a public body to reorganize, consolidate, or compile data not maintained by the public body in the form requested at the time the request to inspect the public records was made except to the extent that such records are in an electronic format and the public body would not be unduly burdened in providing such data
- (i) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer.
- (j) No public records shall be withheld based on the purpose for which the records are sought, nor shall a public body require, as a condition of fulfilling a public records request, that a person or entity provide a reason for the request or provide personally identifiable information about him/herself.
- (k) At the election of the person or entity requesting the public records, the public body shall provide copies of the public records electronically, by facsimile, or by mail in accordance with the requesting person or entity's choice, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The person requesting delivery shall be responsible for the actual cost of delivery, if any.

38-2-3.1.

Records required.— All records required to be maintained pursuant to this chapter shall not be replaced or supplemented with the product of a "real-time translation reporter."

38-2-3.2.

Arrest logs. – (a) Notwithstanding the provisions of subsection 38-2-3(e), the following information reflecting an initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours after receipt of a request unless a request is made on a weekend or holiday, in which event the information shall be made available within seventy-two (72) hours, to the extent such information is known by the public body:

- (1) Full name of the arrested adult;
- (2) Home address of the arrested adult, unless doing so would identify a crime victim;
- (3) Year of birth of the arrested adult;
- (4) Charge or charges;
- (5) Date of the arrest;
- (6) Time of the arrest;
- (7) Gender of the arrested adult;
- (8) Race of the arrested adult; and
- (9) Name of the arresting officer unless doing so would identify an undercover officer.

- (b) The provisions of this section shall apply to arrests made within five (5) days prior to the request

38-2-3.16.

Compliance by agencies and public bodies. – Not later than January 1, 2013, and annually thereafter, the chief administrator of each agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entities access to records under this chapter have been provided orientation and training regarding this chapter. The attorney general may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations necessary to implement the requirements of this section.

38-2-4.

Cost. – (a) Subject to the provisions of section 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on

common business or legal size paper A public body may not charge more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.

- (b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval. For the purposes of this subsection, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request
- (c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body upon request, shall provide an estimate of the costs of a request for documents prior to providing copies.
- (d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.
- (e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester

38-2-5. **Effect of chapter on broader agency publication — Existing rights — Judicial records and proceedings.** — Nothing in this chapter shall be:

- (1) Construed as preventing any public body from opening its records concerning the administration of the body to public inspection;
- (2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an individual who is the subject of a record to the information contained herein; or
- (3) Deemed in any manner to affect the status of judicial records as they existed prior to July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state

38-2-7. **Denial of access.** — (a) Any denial of the right to inspect or copy records,

in whole or in part provided for under this chapter shall be made to the person or entity requesting the right in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended in accordance with the provisions of subsection 38-2-3(e) of this chapter. All copying and search and retrieval fees shall be waived if a public body fails to produce requested records in a timely manner; provided, however, that the production of records shall not be deemed untimely if the public body is awaiting receipt of payment for costs properly charged under section 38-2-4

(c) A public body that receives a request to inspect or copy records that do not exist or are not within its custody or control shall, in responding to the request in accordance with this chapter, state that it does not have or maintain the requested records

38-2-8.

Administrative appeals. — (a) Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the custodian of the records or the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-

46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

38-2-9.

Jurisdiction of superior court. —

(a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of any party, or sua sponte by the court made in accordance with the rules of civil procedure of the superior court.

(d) The court shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars (\$1,000) against a public body found to have recklessly violated this chapter and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the records at no cost to the prevailing party; provided, further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not be a prerequisite to obtaining an award of attorneys' fees and/or costs if the court determines that the defendant's case lacked grounding in fact or in existing law or a good faith argument for extension, modification or reversal of existing law.

38-2-10.

Burden of proof. — In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter

38-2-11.

Right supplemental. — The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies

38-2-12.

Severability. — If any provision of this chapter is held unconstitutional, the decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, the decision shall not affect other applications of this chapter.

38-2-13.

Records access continuing. — All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in the records

38-2-14.

Information relating to settlement of legal claims. — Settlement agreements of any legal claims against a governmental entity shall be deemed public records

38-2-15.

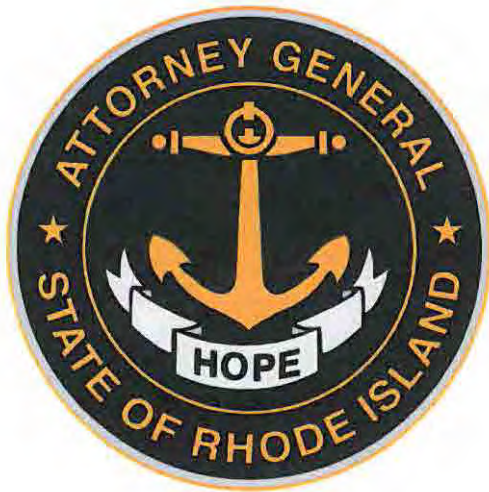
Reported violations. — Every year the attorney general shall prepare a report summarizing all the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints

38-2-16.

38 Studios, LLC investigation. — Notwithstanding any other provision of this chapter or state law, any investigatory records generated or obtained by the Rhode Island state police or the Rhode Island attorney general in conducting an investigation surrounding the funding of 38 Studios, LLC by the Rhode Island economic development corporation shall be made available to the public; provided, however:

(1) With respect to such records, birthdates, social security numbers, home addresses, financial account number(s) or similarly sensitive personally identifiable information, but not the names of the individuals themselves, shall be redacted from those records prior to any release. The provisions of § 12-11.1-5.1 shall not apply to information disclosed pursuant to this section.

SECTION II



OPEN MEETINGS ACT

Open Meeting Act Findings – 2022

OM 22-1

Chiaradio v. Westerly School Committee:

The Complainant alleged that the Westerly School Committee violated the OMA when it did not provide proper notice of the nature of the business to be discussed and/or acted upon at its August 11, 2021 meeting and its October 27, 2021 meeting. Regarding the August 11, 2021 meeting, the Complainant argued that an agenda item titled "School Committee By-Laws" did not fairly inform the public that the Committee would specifically discuss potentially changing a particular aspect of the By-laws. Based on the totality of the evidence before us, we determined that the agenda item in question did not adequately notify the public as to the nature of the business to be conducted. Regarding the October 27, 2021 meeting, the Complainant argued that an agenda item titled "First Reading: Library Media Department Policy 6130 Update" and other similar items did not fairly inform the public of the nature of the business that was discussed and carried out at the meeting under these agenda items. Based on the totality of the evidence before us, we determined that the agenda items in question adequately notified the public as to the nature of the business to be conducted, and reflected what actually transpired at the meeting. The Complainant also alleged that it violated the OMA at both of these meetings when the Committee did not permit members of the Committee to substantively respond to comments made by the public during public comment. Guided by the language of the OMA, we found that there was no violation because the OMA permits but does not require that public body members be able to respond to public comment. We did not find the sole violation identified above to be willful or knowing, and we did not find injunctive relief to be necessary as no action was taken.

VIOLATION FOUND.

OM 22-2

Stewart v. West Greenwich Planning Board

The Complainant alleged that the Board failed to timely post minutes for one of its meetings. The Board acknowledged its failure and argued that the violation was not willful or knowing. This Office found that the Board violated the OMA but did not find the violation to be willful or knowing. This Office noted that the Board must take measures to ensure that it does not repeat a similar violation.

VIOLATION FOUND.

OM 22-3 **Keep Metacomet Green! v. East Providence City Council:**
The Complainant alleged that the East Providence City Council failed to timely post meeting minutes for two meetings. The City Council acknowledged its failure to timely post meeting minutes for its June 15, 2021 and July 20, 2021 meetings. This conduct violated the OMA. See R.I. Gen. Laws § 42-4-7(d). We determined that injunctive relief was not appropriate because the City Council had since posted the meeting minutes and we declined to find the violation to be willful or knowing but warned the City Council that its conduct violated the OMA and should not be repeated.

VIOLATION FOUND

OM 22-4 **Leasca v. South Kingstown Town Council:**
The Complainant alleged that the Council violated the OMA by taking action outside of the public purview regarding deciding not to pursue criminal charges related to a release of student information. Based on the totality of the circumstances and the record before us, we did not find sufficient evidence that the Council discussed the matter outside of a noticed meeting, and accordingly found no violation.

OM 22-5 **Solas v. Rhode Island State Council on the Arts**
The Complainant alleged that the Council failed to timely post minutes for nine of its meetings. The Council acknowledged its failure. This Office found that the Council violated the OMA but did not find the violation to be willful or knowing. The Council noted that it has since posted the minutes and has also taken measures to ensure that it does not repeat a similar violation.

VIOLATION FOUND

OM 22-6 **Da Silva and Moglia v. East Providence School Committee**
The Complainants alleged that the School Committee violated the OMA by not convening a meeting until some people who were not wearing masks had left. Based on the record presented to this Office, we found that the School Committee did not prevent anyone from attending the meeting and that, in the particular circumstances of this case, it was reasonable for the School Committee to delay the start of the meeting. We accordingly found no violation.

OM 22-7 **Keep Metacomet Green! v. City of East Providence Planning Board**
The Complainant alleged that the East Providence Planning Board failed to timely post meeting minutes for four meetings. The Board acknowledged its failure to timely post meeting minutes on the Secretary of State's website for its May 10,

2021, June 14, 2021, June 29, 2021, and July 12, 2021 meetings. Accordingly, this Office found that the Board violated the OMA. However, we did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.

VIOLATION FOUND

OM 22-8 **Solas v. Narragansett Inclusion, Diversity, Equity, and Awareness Committee**
The Complainant alleged that the Committee failed to file minutes for three of its meetings. The Committee noted that it has posted minutes for the majority of its meetings in the interest of transparency, but asserted that it is an advisory public body and thus not required to post its meeting minutes pursuant to R.I. Gen. Laws § 42-46-7(d). Based on the record and the totality of the circumstances, this Office found that the Committee is solely advisory in nature and therefore, pursuant to R.I. Gen. Laws § 42-46-7(d), is not required to post its meeting minutes. Consequently, it did not violate the OMA.

OM 22-9 **Hopkins v. Charho Tri-Town Task Force**
The Complainant alleged that the Charho Tri-Town Task Force violated the OMA by limiting its September 13, 2021 and October 18, 2021 meetings to virtual attendance only following the expiration on Executive Order 21-72. The Task Force denied that it is a public body. Based on the record and the totality of the facts presented to this Office, we do not find sufficient evidence that the Task Force is a "public body" under the OMA. Therefore, on this record we conclude that the OMA does not apply to the Task Force, and we find no violation with respect to its September 13, 2021 and October 18, 2021 meetings.

OM 22-10 **Piccirilli v. Council on Elementary and Secondary Education**
The Complainant alleged that the Council violated the OMA at its August 17, 2021 meeting by voting on an issue without providing proper notice. This Office determined that the Council violated the OMA because it did not provide notice of the vote on the agenda and the vote did not fall within the statutory parameters for taking action under R.I. Gen. Laws § 42-46-6(d). We determined that injunctive relief was not appropriate, and we did not find sufficient evidence of a willful or knowing violation.

VIOLATION FOUND

OM 22-11 Hopkins v. Charho Anti-Racism Task Force
The Complainant alleged that the Task Force failed to timely file meeting minutes for several meetings. Based on the record before us, we concluded that assuming the Task Force is a public body under the OMA, its responsibilities are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), it is not required to file meeting minutes. Accordingly, we found no violation.

OM 22-12 Farinelli v. Pawtucket Mayor's Community Board
The Complainant alleged that the Board failed to timely file meeting minutes for several meetings. Based on the record before us, we concluded that the Board's responsibilities are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), it is not required to file meeting minutes. Accordingly, we found no violation.

OM 22-13 Jenkins v. Bonnet Shores Fire District
The Complainant alleged that the Annual Meeting of the Fire District did not comply with the OMA. Applying *Pine v. McCreavy*, 687 A.2d 1244 (R.I. 1997), this Office determined that the OMA did not apply to the Annual Meeting, and accordingly we did not find a violation.

OM 22-14 Childs v. Bonnet Shores Fire District
The Complainant alleged that the Fire District's Nominating Committee was subject to the OMA but did not adhere to various requirements of the OMA. The District argued that the Nominating Committee is not subject to the OMA. Based on the record, this Office concluded that the Nominating Committee is subject to the OMA and violated the OMA. In the particular circumstances of this case, we did not find injunctive relief appropriate and did not find the violation to be willful or knowing.

VIOLATION FOUND.

OM 22-15 Durand v. Pawtucket River Authority [9.14.21] [10.15.21]
The Complainant alleged the Pawtucket River Authority (PRA) violated the OMA by providing inadequate executive session notice in advance of an executive session pertaining to job performance and real estate issues. In a separate Complaint, the Complainant alleged that the PRA violated the OMA by taking action outside of the public purview to appoint an alternate member. Based on the totality of the circumstances and the record before us, we found that the PRA violated the OMA by providing inadequate executive session notice as to the real estate topic. We did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate. We did not find sufficient evidence that the PRA took

action outside of a noticed meeting to appoint an alternate member, and accordingly found no violation as to that Complaint.

VIOLATION FOUND.

OM 22-16 LeClair v. Woonsocket Housing Authority [11.18.21] [11.23.21]
In two separate Complaints, the Complainant alleged that the Woonsocket Housing Authority (WHA) failed to timely post meeting minutes for its September 2021 (11.18.21 Complaint) and October 2021 (11.23.21 Complaint) meetings. The Board acknowledged its failure to timely post meeting minutes on the Secretary of State's website for its September meeting and subsequently posted those minutes. As to its October 2021 meeting, the WHA presented undisputed evidence that its minutes were timely filed. Accordingly, this Office found that the Board violated the OMA as to the Complainant's November 18, 2021 Complaint but did not violate the OMA as to the November 23, 2021 Complaint. We did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.

VIOLATION FOUND.

OM 22-17 Barrett v. Council on Education
The Complainant alleged the Council violated the OMA at its August 17, 2021 meeting by not providing adequate notice regarding two items that were discussed and/or acted upon. This Office determined that the agenda did not provide adequate notice and that the Council violated the OMA with regard to both items. We did not find sufficient evidence of a willful or knowing violation and did not find injunctive relief to be appropriate.

VIOLATION FOUND.

OM 22-18 Weaver Aleksei v. Warwick Sewer Authority
Complainant alleged that the Warwick Sewer Authority violated the OMA when it failed to post notice of a September 16, 2021 meeting held by the Mayor and the Authority staff members. Based on the undisputed evidence, we found that no quorum of the Authority was present and thus the OMA was not implicated. Accordingly, we found no violation.

**OM 22-19 Solas v. Council on Elementary and Secondary Education
Solas v. Barrington School Committee Diversity Equity and Inclusivity Committee.
Solas v. Commission for Health Advocacy and Equity**
In three separate Complaints, the Complainant alleged that the Council on Elementary and Secondary Education (Council), the Barrington School Committee

Diversity, Equity and Inclusivity Committee (DEI Committee), and the Commission for Health Advocacy and Equity (Commission) failed to timely post meeting minutes for various meetings throughout 2021. As to the Council, we determined that the relevant meetings in question were actually attributable to two of the Council's subcommittees. Based on the record before us, we concluded that the responsibilities of each entity implicated in these Complaints are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), these entities are not required to file meeting minutes. Accordingly, we found no violation as to these entities.

OM 22-20 Solas v. Westerly School Committee Health and Wellness Subcommittee

The Complainant alleged that the Subcommittee failed to timely post minutes for its September 28, 2021 meeting. The Subcommittee acknowledged its failure. This Office found that the Subcommittee violated the OMA, but did not find the violation to be willful or knowing. The Subcommittee noted that it has since posted the minutes. Accordingly, no injunctive relief is appropriate.

VIOLATION FOUND.

OM 22-21 Mayer v. Central Coventry Fire District

The Complainant alleged that the Fire District violated the OMA at an October 14, 2021 meeting by not adequately providing notice of the business that was to be discussed and acted upon. The Complainant alleged that the Fire District violated the OMA at a December 23, 2021 meeting by entertaining public comment without providing notice on the agenda. Based on the totality of the evidence before us, we found a violation as to the October 14, 2021 meeting but did not find that the Fire District acted on the business discussed, and accordingly did not find that injunctive relief was appropriate. We also did not find this violation to be willful or knowing. We did not find a violation as to the December 23, 2021 meeting.

VIOLATION FOUND.

OM 22-22 McGwin v. North Kingstown School Committee

The Complainant alleged that the School Committee violated the OMA by convening the public portions of a meeting on a sidewalk directly adjacent to and outside of the location specified in the agenda. Based on the record presented to this Office, we found that the public portions of the meeting were held in very close proximity to the noticed location and easily observable to the public such that, in the particular circumstances of this case, it did not violate the OMA for the School Committee to convene the public portion of the meeting as it did. We also found insufficient evidence to demonstrate that the School Committee privately met in advance of this meeting regarding the meeting location. We accordingly found no violation.

OM 22-23 Lapierre et. al v. Woonsocket Housing Authority

Three Complainants alleged that the Woonsocket Housing Authority failed to post supplemental notice for its October 28, 2021 meeting in two physical locations, as required by the OMA. The WHA acknowledged its failure and cited staffing changes at the time of the issue as grounds for the oversight. Accordingly, this Office found that the WHA violated the OMA. However, we did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.

VIOLATION FOUND.

**OM 22-24 Solas v. North Kingstown School Department
Solas v. Charho NEA ESP Negotiation Subcommittee**

The Complainant alleged that the Department and the Subcommittee violated the OMA by failing to timely post meeting minutes. The Department conceded the School Committee failed to post its meeting minutes for one meeting (February 16, 2021), but provided undisputed evidence that it did not meet on the other meeting dates referenced in the Complaint. The Subcommittee acknowledged its failure to post minutes for the date specified in the Complaint. This Office found that both the Department and the Subcommittee violated the OMA, but we did not find the violations to be willful or knowing. Both entities noted that they have since posted the minutes in question. Accordingly, no injunctive relief is appropriate.

VIOLATION FOUND.

OM 22-25 Solas v. South Kingstown BIPOC Advisory Committee

The Complainant alleged that the BIPOC is a public body and is not complying with the OMA. Based on the totality of the circumstances, we concluded that the BIPOC is not a public body, and accordingly is not subject to the OMA.

OM 22-26 Solas v. RIDE's LEAP Task Force

The Complainant alleged that the Task Force violated the OMA in several respects. Guided by Rhode Island Supreme Court precedent and previous findings, we concluded based on the totality of the evidence that the Task Force is not a public body under the OMA. Accordingly, we found no violations.

OM 22-27 Langseth v. Warwick City Council

The Complainant alleged that the Council and various subcommittees violated the OMA by failing to timely post meeting minutes. The Council acknowledged its failure to post certain minutes as alleged in the Complaint. This Office found that the Council violated the OMA, but we did not find the violation to be willful or

knowing. The Council has since posted the minutes in question. Accordingly, no injunctive relief is appropriate
VIOLATION FOUND.

OM 22-28 **Solas v. South Kingstown School Committee [8.2.21], [8.4.21], [8.5.21]**
Solas v. South Kingstown School Committee – Wellness Subcommittee
Solas v. South Kingstown School Committee – DLI Subcommittee
Solas v. South Kingstown School Committee – Sustainability Subcommittee
The Complainant alleged that the Committee and the named subcommittees violated the OMA by failing to timely post meeting minutes. The Committee provided undisputed evidence that it did not convene on August 5, 2021. It acknowledged that it did not post meeting minutes for the August 2, 2021 and August 4, 2021 meetings, but argued that those meetings were Town Council meetings that merely involved Committee participation. We found that the Committee participation at those two meetings met the definition of a “meeting” under the OMA, and as such the Committee violated the OMA by not timely posting minutes. We did not find these violations to be willful or knowing. The Committee has since posted the minutes in question. Accordingly, no injunctive relief is appropriate. Additionally, the named subcommittees argued that they are advisory in nature and are thus not required by the OMA to post meeting minutes. This Office found, based on the record before us, that the subcommittees are advisory in nature and thus were not required to post minutes and did not violate the OMA.

VIOLATION FOUND

OM 22-29 **Langseth v. Buttonwoods Fire District**
The Complainant alleged the Fire District violated the OMA and/or the Governor’s COVID-19 Executive Orders modifying certain provisions of the OMA by failing to provide adequate, alternative means of public access for several meetings, failing to provide all requisite information on the Fire District’s annual meeting notice, and failing to post supplemental notice of several meetings in two physical locations. The Fire District conceded these allegations and we found that the Fire District violated the OMA and/or COVID-19 Executive Orders in place at the time of the meetings. The Complainant also alleged that the Fire District failed to post its annual meeting notice in two physical locations. As this is not a requirement within the OMA, we did not find a violation regarding this allegation. Given the particular factual record and violations in this matter, this Office determined that injunctive relief was not appropriate, nor were the violations found to be willful or knowing. Because the Fire District has had several recent OMA violations, the Fire District was directed to attend training on the OMA and provide proof of that training to this Office.

VIOLATION FOUND

OM 22-30 **Lema v. Narragansett Town Council [11.17.2021]**
The Complainant alleged that the Council violated the OMA by failing to provide proper notice that a vote on Town Beach measures would occur at an October 12, 2021 work session, and for failing to subsequently publicly post the result of the vote. The Complainant also alleged that the Council failed to timely post the minutes for this work session. We found no violation as to the “vote” issue, as the record demonstrated that no vote transpired. The Town, however, conceded that it failed to timely post the work session minutes. We found a violation as to that allegation. We did not find this violation to be willful or knowing and we did not find injunctive relief to be appropriate since the minutes were subsequently posted.

VIOLATION FOUND.

OM 22-31 **Schuler v. Johnston School Committee**
The Complainant alleged that the Committee violated the OMA by meeting outside of the public purview in advance of the public portion of its meeting on November 9, 2021. Based on the totality of the circumstances and the record before us, we did not find sufficient evidence that a quorum of the Council collectively discussed or acted upon any matters over which they had supervision, control, jurisdiction, or advisory power during this timeframe. Accordingly, we found no violation.

CHAPTER 42-46 OPEN MEETINGS

- 42-46-1. Public policy.** – It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.
- 42-46-2. Definitions.** – As used in this chapter:
- (1) "Meeting" means the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.
 - (2) "Open call" means a public announcement by the chairperson of the committee that the meeting is going to be held in executive session and the chairperson must indicate which exception of § 42-46-5 is being involved.
 - (3) "Open forum" means the designated portion of an open meeting, if any, on a properly posted notice reserved for citizens to address comments to a public body relating to matters affecting the public business.
 - (4) "Prevailing plaintiff" includes those persons and entities deemed "prevailing parties" pursuant to 42 U.S.C. § 1988.
 - (5) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority, or any subdivision thereof, of state or municipal government or the board of directors of any library that funded at least twenty-five percent (25%) of its operational budget in the prior budget year with public funds, and shall include all authorities defined in § 42-35-1. For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however, that no such meeting shall be used to circumvent the requirements of this chapter.
 - (6) "Quorum," unless otherwise defined by applicable law, means a simple majority of the membership of a public body.

- 42-46-3. Open meetings.** – Every meeting of all public bodies shall be open to the public unless closed pursuant to §§ 42-46-4 and 42-46-5.
- 42-46-4. Closed meetings.** – (a) By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.
- (b) All votes taken in closed sessions shall be disclosed once the session is reopened; provided, however, a vote taken in a closed session need not be disclosed for the period of time during which its disclosure would jeopardize any strategy negotiation or investigation undertaken pursuant to discussions conducted under § 42-46-5(a).
- 42-46-5. Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct.** –
- (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:
- (1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
 - (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.
 - (3) Discussion regarding the matter of security including but not

limited to the deployment of security personnel or devices.

- (4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.
 - (5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
 - (6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.
 - (7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions.
 - (8) Any executive sessions of a local school committee exclusively for the purposes (i) of conducting student disciplinary hearings or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
 - (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.
 - (10) Any discussion of the personal finances of a prospective donor to a library.
- (b) No meeting of members of a public body or use of electronic communication, including telephonic communication and tele-

phone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

- (1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting, except as provided in this subsection.
- (2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.
- (3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 and:
 - (i) cannot attend meetings of that public body solely by reason of the member's disability; and
 - (ii) cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication in accordance with the process below.
- (4) The governor's commission on disabilities is authorized and directed to:
 - (i) establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;
 - (ii) grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent the member from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and
 - (iii) any waiver decisions shall be a matter of public record.

- (5) The university of Rhode Island board of trustees members, established pursuant to § 16-32-2, are authorized to participate remotely in open public meetings of the board if they are unable to be physically present at the meeting location; provided, however, that:
 - (i) The remote members and all persons present at the meeting location are clearly audible and visible to each other;
 - (ii) A quorum of the body is physically present at the noticed meeting location;
 - (iii) If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used and include instructions on how the public can access the virtual meeting; and
 - (iv) The board shall adopt rules defining the requirements of remote participation including its use for executive session, and the conditions by which a member is authorized to participate remotely.
- (c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.
- (d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

42-46-6.

Notice. —

- (a) All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (f).
- (b) Public bodies shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours, before the date. This notice shall include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature

- of the business to be discussed. Copies of the notice shall be maintained by the public body for a minimum of one year. Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. School committees may, however, add items for informational purposes only, pursuant to a request, submitted in writing, by a member of the public during the public comment session of the school committee's meetings. Said informational items may not be voted upon unless they have been posted in accordance with the provisions of this section. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- (c) Written public notice shall include, but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (f); however, nothing contained herein shall prevent a public body from holding an emergency meeting, upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of state pursuant to subsection (e) and, upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours in accordance with § 42-46-6(b) and only discuss the issue or issues which created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter.
- (d) Nothing within this chapter shall prohibit any public body, or the members thereof, from responding to comments initiated by a member of the public during a properly noticed open forum even if the subject matter of a citizen's comments or discussions were not previously posted, provided such matters shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official. Nothing contained in this chapter requires any public body to hold an open forum session, to entertain or respond to any topic nor does it prohibit any public body from limiting comment on any topic at such an open forum session. No public body, or the members thereof, may use this section to circumvent the spirit or requirements of this chapter.

(e) A school committee may add agenda items not appearing in the published notice required by this section under the following conditions:

- (1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (f), and is posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting in accordance with § 42-46-6(b);
- (2) The new agenda items were unexpected and could not have been added in time for newspaper publication;
- (3) Upon meeting, the public body states for the record and minutes why the agenda items could not have been added in time for newspaper publication and need to be addressed at the meeting; A formal process is available to provide timely notice of the revised agenda to any person who has requested that notice, and the school district has taken reasonable steps to make the public aware of this process; and
- (4) The published notice shall include a statement that any changes in the agenda will be posted on the school district's web site and the two (2) public locations required by this section and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of the meeting in accordance with § 42-46-6(b).

(f) All notices required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of notices with the secretary of state shall take effect one (1) year after this subsection takes effect.

(g) If a public body fails to transmit notices in accordance with this section, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

42-46-7.

Minutes. —

(a) All public bodies shall keep written minutes of all their meetings. The minutes shall include, but need not be limited to:

- (1) The date, time, and place of the meeting;
- (2) The members of the public body recorded as either present or absent;
- (3) A record by individual members of any vote taken; and

Page 34

(4) Any other information relevant to the business of the public body that any member of the public body requests be included or reflected in the minutes.

(b) (1) A record of all votes taken at all meetings of public bodies, listing how each member voted on each issue, shall be a public record and shall be available, to the public at the office of the public body, within two (2) weeks of the date of the vote. The minutes shall be public records and unofficial minutes shall be available, to the public at the office of the public body, within thirty five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except where the disclosure would be inconsistent with §§42-46-4 and 42-46-5 or where the public body by majority vote extends the time period for the filing of the minutes and publiclstates the reason.

(2) In addition to the provisions of subdivision (b)(1), all volunteer fire companies, associations, fire district companies, or any other organization currently engaged in the mission of extinguishing fires and preventing fire hazards, whether it is incorporated or not, and whether it is a paid department or not, shall post unofficial minutes of their meetings within twenty- one (21) days of the meeting, but not later than seven (7) days prior to the next regularly scheduled meeting, whichever is earlier, on the secretary of state's website. Except for discussions related to finances, the provisions of this subsection shall not apply to a volunteer fire company if the matters of the volunteer fire company are under the supervision, control, or jurisdiction of another public body.

(c) The minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4 and 42-46-5.

(d) All public bodies shall keep official and/or approved minutes of all meetings of the body and shall file a copy of the minutes of all open meetings with the secretary of state for inspection by the public within thirty-five (35) days of the meeting; provided that this subsection shall not apply to public bodies whose responsibilities are solely advisory in nature.

(e) All minutes and unofficial minutes required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. If a public body fails to transmit minutes or unofficial minutes in accordance with this subsection, then any aggrieved person may file a complaint with the attorney general in accordance with §42-46-8.

Page 35

- 42-46-8. Remedies available to aggrieved persons or entities. —**
- (a) Any citizen or entity of the state who is aggrieved as a result of violations of the provisions of this chapter may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general determines that the allegations of the complaint are meritorious he or she may file a complaint on behalf of the complainant in the superior court against the public body.
- (b) No complaint may be filed by the attorney general after one hundred eighty (180) days from the date of public approval of the minutes of the meeting at which the alleged violation occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred eighty (180) days from the public action of a public body revealing the alleged violation, whichever is greater.
- (c) Nothing within this section shall prohibit any individual from retaining private counsel for the purpose of filing a complaint in the superior court within the time specified by this section against the public body which has allegedly violated the provisions of this chapter; provided, however, that if the individual has first filed a complaint with the attorney general pursuant to this section, and the attorney general declines to take legal action, the individual may file suit in superior court within ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.
- (d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff, other than the attorney general, except where special circumstances would render such an award unjust.
- The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars (\$5,000) against a public body or any of its members found to have committed a willful or knowing violation of this chapter.
- (e) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.
- (f) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner.
- (g) The attorney general shall consider all complaints filed under this chapter to have also been filed under § 38-2-8(b) if applicable.

Page 36

- 42-46-9. Other applicable law. —** The provisions of this chapter shall be in addition to any and all other conditions or provisions of applicable law and are not to be construed to be in amendment of or in repeal of any other applicable provision of law, except § 16-2-29, which has been expressly repealed.
- 42-46-10. Severability. —** If any provision of this chapter, or the application of this chapter to any particular meeting or type of meeting, is held invalid or unconstitutional, the decision shall not affect the validity of the remaining provisions or the other applications of this chapter.
- 42-46-11. Reported violations. —** Every year the attorney general shall prepare a report summarizing the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.
- 42-46-12. Notice of citizen's rights under this chapter. —** The attorney general shall prepare a notice providing concise information explaining the requirements of this chapter and advising citizens of their right to file complaints for violations of this chapter. The notice shall be posted in a prominent location in each city and town hall in the state.
- 42-46-13. Accessibility for persons with disabilities. —**
- (a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.
- (b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.
- (c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).
- (d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving

Page 37

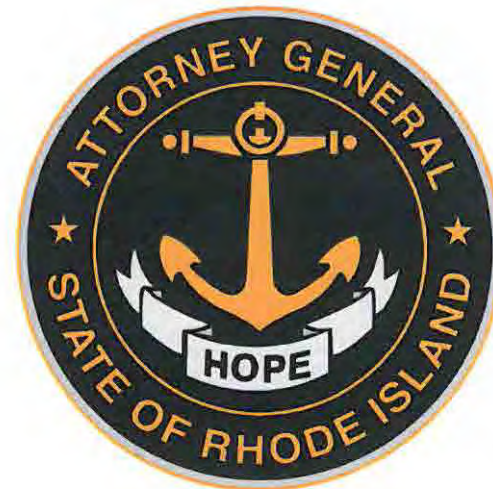
compliance with this section.

- (e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.
- (f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.
- (g) The provisions of §§ 45-13-7 – 45-13-10, inclusive, shall not apply to this section.

42-46-14.

Burden of proof. – In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the meeting in dispute was properly closed pursuant to, or otherwise exempt from the terms of this chapter.

SECTION III



PROCEDURES & FORMS



ATTORNEY GENERAL
PETER F. NERONHA

Rules and Regulations

Regarding Training under the Access to Public Records Act

1. The Chief Administrative Officer, as defined by the Access to Public Records Act, must certify annually, as provided in R. I. Gen. Laws §38-2-3.16 (“compliance by agencies and public bodies”), that persons who have the authority to grant or deny Access to Public Records Act requests have received training for the upcoming calendar year. Individuals must be certified each calendar year.
2. Any person who has not received training prior to the beginning of the calendar year, but who during the calendar year becomes authorized to grant or deny Access to Public Records Act requests, shall receive training as required under the Access to Public Records Act as soon as practicable, but not less than one (1) month after being authorized to grant or deny Access to Public Records Act requests. Such time may be extended at the discretion of the Department of Attorney General for “good cause.” The Chief Administrative Officer must certify to the Attorney General that training has been received when training has been completed.
3. Authorized training must be conducted by the Department of Attorney General. The Department of Attorney General will offer various training programs throughout each calendar year and such training programs will be conducted at various locations throughout the State. Public bodies or governmental entities wishing to schedule training sessions may contact the Department of Attorney General. Public entities wishing to schedule Access to Public Records Act training should make every effort to schedule training sessions to as large a group as practicable. The Department of Attorney General reserves the sole discretion to determine whether and when to schedule a training session.
4. For purposes of these Rules and Regulations the requirement for training may be satisfied by attending an Attorney General training in person or by viewing a recent video of an Access to Public Records Act presentation given by the Department of Attorney General. Any person satisfying the Access to Public Records Act training requirement must certify to the Chief Administrative Officer that he or she viewed the entire Access to Public Records Act presentation, or attended the live training program, and such certification shall be forwarded by the Chief Administrative Officer to the Department of Attorney General.

5. Certification may be e-mailed to agsubmit@riag.ri.gov, or mailed to the Department of Attorney General, Attn: Public Records Unit, 150 South Main Street, Providence, Rhode Island 02903. Certification forms are available on the Department of Attorney General Website.
6. The Attorney General may annually prepare and post a list of all certifications received by the office by public bodies.
7. The Department of Attorney General may assess a reasonable charge for the certification required by R.I. Gen. Laws § 38-2-3.16, is to defray the cost of such training and related materials.



**ATTORNEY GENERAL
PETER F. NERONHA**

**CERTIFICATE OF COMPLIANCE
ACCESS TO PUBLIC RECORDS ACT SECTION 38-2-3.16
COMPLIANCE BY AGENCIES AND PUBLIC BODIES**

SECTION A – TO BE COMPLETED BY CHIEF ADMINISTRATOR

This certifies that _____ of _____, has completed the Access to Public Records training on the ____ day of _____, 20____, and is in compliance with § 38-2-3.16.

The above has completed training by means of: ____ Live Presentation ____ Video Presentation

Chief Administrator Department/Entity

Dated _____

SECTION B – TO BE COMPLETED BY CERTIFIED PERSONNEL

I certify that I have viewed the video presentation and/or a live presentation and am in compliance with § 38-2-3.16 of the Access to Public Records Act. In addition, I certify that the information I have provided on this statement is true and correct.

Date of Training: _____ Signed: _____

Email Address: _____
[Email address will be used only to provide notice of future Open Government seminars]

****Please List ANY and ALL Entities for which you are certifying compliance. For instance, the Clerk’s Office, the Police Department, the School Department, the entire City/Town/Department**

Upon completion please return to this office by either emailing to agsubmit@riag.ri.gov, facsimile 401-222-3016, or mail to Office of Attorney General, Open Government Unit, 150 South Main Street, Providence, Rhode Island 02903.



**ATTORNEY GENERAL
PETER F. NERONHA**

**ACCESS TO PUBLIC RECORDS ACT CHECKLIST¹
OPEN GOVERNMENT UNIT**

It is important to note that the APRA establishes the minimum requirements with which public bodies must comply. Public bodies are encouraged to implement policies promoting increased disclosure and transparency that are consistent with the APRA and its goal of facilitating public access to government records.

PROCEDURES (R.I. Gen. Laws § 38-2-3(d))

- ❖ All public bodies must establish written procedures regarding access to public records, which must be posted on the public body’s website, if such a website is maintained, and made otherwise readily available to the public.
- ❖ Written procedures must include the following:
 - Identification of a designated public records officer or unit;
 - Where to make a public records request; and
 - How to make a public records request.
- ❖ A public body may require that requests be made in writing. However, requests need not be in writing if the requested records are available pursuant to the Administrative Procedures Act or are otherwise readily available to the public.
- ❖ A public body cannot require that requests be made on a specific form or that requesters provide identifying information or the reason(s) for their request.

TRAINING AND CERTIFICATION (R.I. Gen. Laws § 38-2-3.16)

- ❖ Any officer or employee given authority to grant or deny access to records must be trained, either by attending an Attorney General training or by watching the video of the Attorney General’s Open Government Summit.
- ❖ No later than **January 1** of every year, every public body and Chief Administrative Officer must certify that all officers and employees who have the authority to grant or deny persons or entities access to records have been provided orientation and training during the prior year.
 - Any person who becomes authorized by their employer after January 1 to grant or deny Access to Public Records Act requests shall receive training as required under the Act as soon as practicable, but not more than one (1) month after being authorized to grant or deny APRA requests. The Chief Administrative Officer must certify to the Office of Attorney General that training has been received when training has been completed.
- ❖ Certification should be accomplished using forms generated by the Attorney General and available at: <http://www.riag.ri.gov/CivilDivision/OpenGovernmentUnit.php>.

¹ This checklist is provided by the Office of Attorney General to assist public bodies and provide guidance concerning the Access to Public Records Act’s requirements. This checklist does not list all Access to Public Records Act requirements and is neither intended to replace the Access to Public Records Act nor should it be construed as legal advice. Public bodies should defer to their legal counsel when questions regarding compliance arise. Revised July 2021.

- ❖ Completed certification forms must be forwarded to the Office of Attorney General, Attn: Open Government Unit 150 South Main Street, Providence, Rhode Island 02903 or agsummit@riag.ri.gov.

RESPONDING TO REQUESTS²

- ❖ Within ten (10) business days of receipt of a request, the public body must provide one of the following responses to the requester:
 - Access to the records;
 - Denial of the request in whole or in part (i.e. redaction);
 - Extension of the time to respond; or
 - Estimate of the time and cost, which tolls the time to respond.
- ❖ The ten (10) business day clock begins to run on the first business day following receipt of the request. Requests received outside of normal business hours or on weekends or state holidays are deemed received as of the next business day.

Access:

- ❖ Requested documents are presumed to be public records and must be disclosed, unless the document (in whole or in part) is exempt pursuant to one or more of the exemptions found in R.I. Gen. Laws § 38-2-2(A)-(AA). (R.I. Gen. Laws § 38-2-2(4)).
 - Even if a document is exempt from disclosure, the public body may, in its discretion, still disclose the document, unless disclosure is prohibited by some other law, regulation, or rule of court.
- ❖ Documents must be provided in any requested media that can be provided. (R.I. Gen. Laws § 38-2-3(g)).
 - Must provide copies electronically, by facsimile, or by mail pursuant to requester's choice, unless doing so would be unduly burdensome due to the volume of records requested or the costs incurred. Person requesting delivery responsible for costs, if any. (R.I. Gen. Laws § 38-2-3(k))
 - For example, if the public body maintains and can provide a document in word or excel and the requester requests that document in one of those particular formats, the public body cannot provide a PDF.

Denial:

- ❖ Any denial of a request for records:
 - must be in writing (even if request was made orally);
 - Provide specific reason(s) (including citation to specific exemptions, where applicable) for denial:
 - Without a showing of good cause, any exemption not specifically stated in the denial is deemed waived. (R.I. Gen. Laws § 38-2-7(a)).
 - If withholding entire document, must state that no reasonably segregable portion of the document can be produced. (R.I. Gen. Laws § 38-2-3(b)); and
 - Identify procedure for appealing denial. (R.I. Gen. Laws § 38-2-7(a)).
- ❖ The following responses constitute denials for purposes of the APRA and the requirements set forth above:

- A response indicating that the public body does not maintain documents responsive to the request. (R.I. Gen. Laws § 38-2-7(c)).
- A response indicating that the public body can neither confirm nor deny whether it maintains documents responsive to the request.
- A response that includes the redaction of any records, in whole or in part.
- A response indicating that responsive documents are being withheld in their entirety.

Extend the time to respond (R.I. Gen. Laws § 38-2-3(e))

- ❖ A public body may extend the time to respond by an additional twenty (20) business days.
- ❖ The extension must:
 - Be in writing;
 - Demonstrate extension necessary due to voluminous nature of the request, the number of requests pending, or the difficulty in searching for and retrieving or copying requested records; and
 - Be particularized to specific request – no copying above boilerplate language from the statute.

COSTS (R.I. Gen. Laws § 38-2-4)

- ❖ Up to \$.15 per document copied on a common or legal-size paper;
- ❖ Up to \$15.00 per hour for search, retrieval, review, and redaction, with no charge for the first hour:
 - Multiple requests from the same person/entity within a 30-day time may be considered one request for purposes of calculating the first hour at no charge.
 - The time expended to review and redact documents may be included in the assessed costs. See D.A.R.E. v. Gannon, 819 A.2d 651, 661 (R.I. 2003)
- ❖ No more than the reasonable actual cost for providing electronic records;
- ❖ No more than the reasonable actual cost for retrieving records from storage, but only where the public body is assessed a retrieval fee; and
- ❖ Any other cost provision specifically authorized by law.
- ❖ For all costs, an estimate must be provided upon request; and a detailed itemization of the search and retrieval costs must be provided upon request.
- ❖ It is a best practice to provide requesters with an estimate up front so that they have an opportunity to make an informed decision about whether to proceed with the request.

COMMUNICATION

- ❖ Maintaining open communication with the requestor is key in order to clarify the scope of the request, to confirm that your public body understands what records are being sought, and to potentially resolve any disputes (or narrow the issues) before a complaint is filed with this Office.

² This section should not be used for requests seeking adult arrest logs for arrests taking place within five (5) days of the request, which require a law enforcement agency to provide a response within 48 hours after receipt of a request, unless a request is made on a weekend or a holiday, in which case the records shall be made available within 72 hours. (R.I. Gen. Laws § 38-2-3.2).



ATTORNEY GENERAL PETER F. NERONHA

OPEN MEETINGS ACT CHECKLIST¹ OPEN GOVERNMENT UNIT

It is important to note that the OMA establishes the minimum requirements with which public bodies must comply. Public bodies are encouraged to conduct meetings as openly as possible, consistent with the OMA and its purpose of ensuring that public business is carried out in an open and transparent manner.

WHEN THE OMA APPLIES *(R.I. Gen. Laws § 42-46-2)*

- ❖ The OMA applies whenever a quorum of a public body convenes for a meeting. The OMA applies when all three elements are present:
 - A **public body** is "any department, agency, commission, board, council, bureau, or authority or any subdivision thereof of state or municipal government," in addition to certain libraries.
 - A **meeting** is "the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power."
 - A **quorum** is defined as "a simple majority of the membership of a public body."
 - Note: a "walking" or "rolling" quorum may be created where a majority of the members of a public body attain a quorum by a series of one-on-one conversations or interactions, whether in person or by electronic means.
 - Except as provided in any applicable Executive Order, discussions of a public body by telephone or electronic means are permissible only to schedule a meeting or due to a member being on active duty in the armed services or having a disability. *(R.I. Gen. Laws § 42-46-5(b)).*

NOTICE REQUIREMENTS *(R.I. Gen. Laws § 42-46-6)*

- ❖ Annual Notice (beginning of each calendar year only) *(R.I. Gen. Laws § 42-46-6(a)).*
 - Includes the date(s), time(s), and location(s) of the meetings.
 - Notice must be posted electronically with the Secretary of State **and** provided to a member of the public upon request.
- ❖ Supplemental Notice/Agenda (minimum 48 hours before the date of the scheduled meeting, **excluding** weekends and state holidays) *(R.I. Gen. Laws § 42-46-6(b)).*
 - Notice includes:
 - the date notice was posted;
 - the date(s), time(s), and location(s) of the meetings; and
 - a statement specifying the nature of the business for **each** matter to be discussed.
 - Statement must give the public fair notice of the nature of the business to be discussed or acted upon. Agenda items such as "Old Business" or "Treasurer's Report" are insufficient.

¹ This checklist is provided by the Office of Attorney General to assist public bodies and provide guidance concerning the Open Meetings Act's requirements. This checklist does not list all Open Meetings Act requirements and is neither intended to replace the Open Meetings Act nor should it be construed as legal advice. Public bodies should defer to their legal counsel when questions regarding compliance arise. Revised July 2021.

- Cannot take a vote on an item if agenda only states that the item will be discussed and does not indicate that it may be voted upon.
- A public body may respond to comments initiated by members of the public during an open forum but may not vote on the matter absent an emergency. A public body is not required to hold an open forum or permit open discussion but is encouraged to do so when appropriate.
- Notice must be posted: *(R.I. Gen. Laws § 42-46-6(c))*
 - at the principal office of the public body holding the meeting, or if no principal office exists, at the building where the meeting is to be held;
 - in at least one other prominent location within the **governmental** unit; **and**
 - electronically with the Secretary of State.
- ❖ **Emergency Meetings** may be held without satisfying the usual notice requirements, provided that:
 - The majority takes an **affirmative vote** that the emergency meeting is necessary to address an unexpected occurrence that requires immediate action to protect the public;
 - The public body **states for the record why the matter must be addressed** without providing the usual notice:
 - The statement regarding why the matter must be addressed without the usual notice must be **recorded in the meeting minutes**.
 - Notice is **posted as soon as practicable and electronically filed** on the Secretary of State's website; **and**
 - The public body may **only address the issue or issues which created the need** for an emergency meeting.

OPEN MEETINGS *(R.I. Gen. Laws § 42-46-3)*

- ❖ All meetings must be open to the public unless closed in accordance with the OMA.
 - The public has a right to record open session meetings.

CLOSED MEETINGS *(R.I. Gen. Laws § 42-46-4(a))*

- ❖ Although not required, a meeting may be held in closed or executive session if it concerns at least one of the following:
 - A discussion of the **job performance**, character, or physical or mental health of a person(s), pursuant to *R.I. Gen. Laws § 42-46-5(a)(1)*, provided that:
 - person(s) affected shall be notified in advance **in writing**;
 - person(s) affected advised they may require discussion held in open session; and
 - A statement in open session (**and** record in open session minutes) that affected person(s) have been notified.
 - Sessions pertaining to **collective bargaining or litigation**. *(R.I. Gen. Laws § 42-46-5(a)(2)).*
 - Discussions regarding a matter of **security**. *(R.I. Gen. Laws § 42-46-5(a)(3)).*
 - **Investigative proceedings** regarding allegations of civil or criminal misconduct. *(R.I. Gen. Laws § 42-46-5(a)(4)).*
 - Discussions or considerations related to the **acquisition or lease of real property** for public purposes, or of the **disposition of publicly held property** wherein advanced public information would be detrimental to the public interest. *(R.I. Gen. Laws § 42-46-5(a)(5)).*
 - Discussions related to or concerning a **prospective business or industry locating in Rhode Island** when an open meeting would have a detrimental effect on the interest of the public. *(R.I. Gen. Laws § 42-46-5(a)(6)).*
 - A matter related to the question of the **investment of public funds**, which includes any investment plan or matter related thereto, where the premature disclosure would adversely affect the public interest. *(R.I. Gen. Laws § 42-46-5(a)(7)).*
 - School committee sessions to conduct **student disciplinary hearings** or to review other matters that relate to the privacy of students and their records, provided in either case: *(R.I. Gen. Laws § 42-46-5(a)(8)).*
 - any affected student(s) shall be notified in advance **in writing**;

- affected student(s) advised they may require discussion held in open session; and
- during open call, state in open session **and** record in open session minutes that affected student(s) have been notified.
- Hearings on, or discussions of, a **grievance filed pursuant to a collective bargaining agreement**. (R.I. Gen. Laws § 42-46-5(a)(9)).
- Discussion of the **personal finances of a prospective donor to a library**. (R.I. Gen. Laws § 42-46-5(a)(10)).
- ❖ In order to properly convene in executive session, the following must first be performed by the public body in **open session**:
 - A vote by a majority of the members to convene in executive session;
 - A statement of the specific subsection of R.I. Gen. Laws § 42-46-5(a)(1)-(10) upon which **each** executive session discussion has been convened; **and**
 - A statement specifying the nature of the business for **each** matter to be discussed. (R.I. Gen. Laws § 42-46-4(a)).

**The above information must also be recorded in the open session minutes.*

MINUTES - FORMAT (R.I. Gen. Laws § 42-46-7)

- ❖ Open **and** closed session minutes **must** be maintained and contain:
 - The date, time, and place of the meeting;
 - The members of the public body recorded as either present or absent;
 - A record by individual member of any vote taken; **and**
 - Any other information relevant to the business of the public body that a member of the public body requests be included. (R.I. Gen. Laws § 42-46-7(a)).

MAKING MINUTES AVAILABLE (R.I. Gen. Laws § 42-46-7)

- ❖ For **all** public bodies:
 - **Unofficial** (unapproved) open and closed session minutes must be available at the principal office of the public body within thirty-five (35) days of the meeting, **or** at the next regularly scheduled meeting, whichever is earlier. (R.I. Gen. Laws § 42-46-7(b)).
 - **EXCEPTIONS**
 - when a closed session meeting has been properly convened and a majority of the members vote to seal the minutes, or
 - where a majority of the members vote to extend the time period for filing minutes and publicly state the reason for the extension. (R.I. Gen. Laws § 42-46-7(b)).
 - **Official**/approved minutes must be maintained **and** electronically filed with the Secretary of State within 35 days of the meeting. (R.I. Gen. Laws § 42-46-7(d)).
 - **EXCEPTION**
 - not applicable to public bodies whose responsibilities are *advisory* in nature. (R.I. Gen. Laws § 42-46-7(d)).
- ❖ For volunteer fire companies, associations, fire district companies, or any other organization currently engaged in extinguishing fires and preventing fire hazards:
 - must post unofficial minutes on the Secretary of State's website within 21 days of the meeting, **but not later** than 7 days **prior** to the next regularly scheduled meeting, whichever is earlier. (R.I. Gen. Laws § 42-46-7(b)(2))(also note 2021 amendment excepting certain matters from the provisions of this section).

DISCLOSING VOTES (R.I. Gen. Laws § 42-46-7(b))

- ❖ **All** votes listing how each member voted on each issue shall be available at the office of the public body within two (2) weeks of the vote, and
- ❖ If a vote is cast during **executive session**, the vote must be disclosed once the open session is reopened
 - **EXCEPTION**
 - a vote taken in executive session need not be disclosed for the period during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to a properly closed meeting. (R.I. Gen. Laws § 42-46-4(b)).

PUBLIC COMMENT (R.I. Gen. Laws § 42-46-6(d))

- ❖ Nothing within the OMA requires a public body to hold an open forum or public comment session.
- ❖ Nothing within the OMA requires the members of a public body to respond to any comments made during an open forum or public comment session.
- ❖ If a public body chooses to hold an open forum or public comment session, nothing prohibits the public body members from responding to comments **initiated** by members of the public.
- ❖ The public body is permitted to limit comment on any topic during an open forum or public comment session.



**ATTORNEY GENERAL
PETER F. NERONHA**

GUIDANCE FOR CONVENING INTO EXECUTIVE SESSION¹

Pursuant to the Open Meetings Act (“OMA”), public bodies are required to conduct public business in an open and transparent manner. Accordingly, public bodies may only enter into executive (closed) session for limited, specific reasons and are subject to certain requirements when they do so. Some of the most common purposes for entering executive session, and the steps necessary to go from an open meeting to an executive session, are explained below. The full list of purposes for which executive session may be entered can be found at R.I. Gen. Laws § 42-46-5(a).

We emphasize that public bodies should only resort to executive session when necessary and are encouraged to consider whether business may be conducted in open session, even when the OMA may permit the matter to be discussed in closed session.

In addition to articulating in an open call the particular OMA subsection and providing a statement specifying the nature of the business to be discussed, the open session meeting minutes must also record the particular OMA subsection and the statement specifying the nature of the business to be discussed in executive session. See R.I. Gen. Laws § 42-46-4(a). This generally should be more specific than the categories listed below. Examples of how to convene and adjourn an executive session are included below.

Convening in and out of Executive Session

During the Open Session:

- **Councilmember A:** “*Motion to convene into executive session, pursuant to R.I. Gen. Laws § [appropriate section here], to [repeal whatever is on the agenda here].*”

Examples:

- (1) “*I move that the XYZ Council go into executive session pursuant to R.I. Gen. Laws §42-46-5(a)(1) to discuss the job performance of the Town Manager. The Town Manager was provided prior written notice that her job performance would be discussed and that she could require that discussion be held during the open session.*”

*** Meeting minutes must reflect that this statement regarding notice was made for the record²***

- (2) “*I move that the XYZ Council go into executive session pursuant to R.I. Gen. Laws §42-46-5(a)(2) to discuss the pending litigation of Leslie Knope v. Ron Swanson, Case Number: KC2019-1234.*”

¹ This information is provided by the Office of Attorney General to assist public bodies and to provide guidance concerning the Open Meetings Act’s requirements. This information does not list all Open Meetings Act requirements and is neither intended to replace the Open Meetings Act nor should it be construed as legal advice. Public bodies should defer to their legal counsel when questions regarding compliance arise. Revised March 2021.

² See R.I. Gen. Laws § 42-46-5(a)(1).

Councilmember B: “*I second the motion.*”

This motion requires an affirmative vote of the majority of members³

This motion, and the vote of each member on the question of holding a closed meeting must be recorded in the minutes⁴

During the Closed Session (at the conclusion of the substantive closed session business):

- (1) Motion to convene into open session

Councilmember A: “*I move that the XYZ Council reconvene into open session.*”

Councilmember B: “*I second the motion.*”

This motion requires an affirmative vote of the majority of members

Presiding Councilmember: “*So ordered. The XYZ Council is now in open session.*”

During Open Session:

- (1) Report on Actions Taken in Executive Session (Often Provided by the Presiding Member)

- The [INSERT NAME OF BODY HERE] convened in executive session pursuant to [section] to [agenda], and the following votes were taken:
 - Vote(s), if any, on whatever was noticed
 - Motion, if any, to seal the minutes of executive session
 - Motion to return to open session

***Note:** Any action vote taken in closed session **SHALL** be disclosed in **OPEN SESSION** unless disclosure would jeopardize any strategy, negotiation, or investigation undertaken pursuant to discussions conducted under R.I. Gen. Laws § 42-46-5(a). R.I. Gen. Laws § 42-46-4(b).

- (2) Motion to seal the executive session minutes (optional)

Councilmember A: “*I move that the minutes of the XYZ Council executive session be sealed.*”

Councilmember B: “*I second the motion.*”

This motion requires an affirmative vote of the majority of members

Presiding Councilmember: “*So ordered. The XYZ Council executive session minutes of [DATE] shall be sealed.*”

Minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority votes to keep the minutes sealed. R.I. Gen. Laws § 42-46-7(c). Public bodies are encouraged to not seal minutes unless necessary.

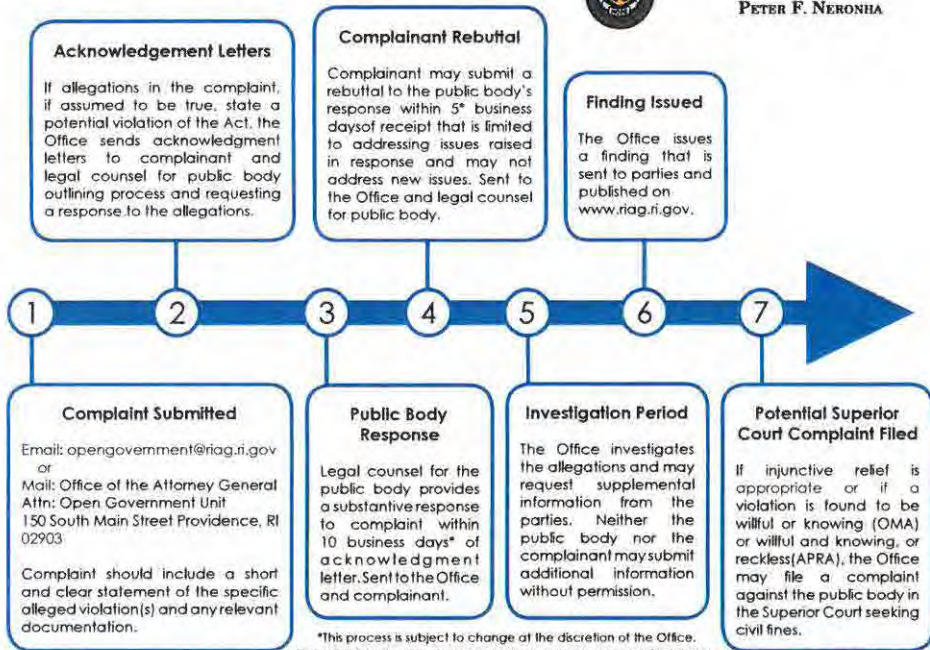
³ See R.I. Gen. Laws § 42-46-4(a).

⁴ See *id.*

Open Government Complaint Process



ATTORNEY GENERAL
PETER F. NERONHA



*This process is subject to change at the discretion of the Office. Reasonable extensions may be granted upon an appropriate showing.

Page 54

Open meetings

The Open Meetings Act ("OMA") provides the Office of Attorney General with the statutory authority to investigate alleged violations of the OMA, as well as to interpret the requirements of the OMA. See R.I. Gen. Laws §§ 42-46-8(a), 42-46-12. Pursuant to that authority, the Attorney General frequently issues findings and offers trainings and guidance regarding the provisions of the OMA.

The executive order permitting for virtual and hybrid meetings of public bodies for reasons related to the state of emergency resulting from COVID-19 expired on March 31, 2022. Accordingly, public bodies must conform to the requirements of the OMA. Some public bodies and individuals have questions related to returning to in-person meetings, particularly in light of the widespread adoption of technologies and platforms that facilitate virtual access and participation. Accordingly, this guidance document is intended to provide clarity on the requirements of the OMA, for both members of public bodies and members of the public.

As set forth in greater detail below, this guidance clarifies that:

- **Members of the Public Body Must Attend Meetings In-Person**
- **Members of the Public Must Be Permitted to Attend Open Meetings in Person**
- **Public Bodies May Livestream Their Meetings to the Public**
- **Public Bodies May Permit Members of the Public to Participate Remotely in Open Meetings**

Page 55



Members of the Public Body Must Attend Meetings In-Person

All members of a public body who are participating in a meeting in any fashion must be physically present at the meeting, unless one of the limited exceptions provided for in the OMA applies. The OMA expressly provides that "discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted *only to schedule a meeting.*" R.I. Gen. Laws § 42-46-5(b)(1) (emphasis added). The OMA provides only two exceptions to this rule: "a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States" or if a member has a disability and cannot otherwise participate as further described in the OMA. R.I. Gen. Laws §§ 42-46-5(b) (2), (3). Except in these very limited circumstances, all members of the public body must be physically present at any meetings in which they are participating.

Members of the Public Must Be Permitted to Attend Open Meetings in Person

The OMA expressly provides that "[e]very meeting of all public bodies shall be open to the public" unless closed for one of the specific reasons permitted by the statute. R.I. Gen. Laws § 42-46-3. **As such, members of the public must be permitted, in-person, to attend the open meetings of public bodies and to observe the conducting of those open meetings.** Although there may be certain particular circumstances where granting in-person attendance to an unlimited number of people may not be feasible, for example due to fire codes or health occupancy restrictions, open meetings must be available to the public for in-person attendance in a manner that conforms with the OMA and with this Office's precedent. See *Brunetti, et al. v. Town of Johnston*, OM 17-19.



Public Bodies May Livestream Their Meetings to the Public

Even prior to COVID-19, a number of public bodies livestreamed their meetings to permit citizens to observe the open meetings in real-time even if they were unable to attend in person. Although the OMA does not require livestreaming open meetings, nothing in the OMA prevents a public body from doing so. In fact, livestreaming open meetings via television, Youtube, Zoom, or some other technology increases access to public meetings and promotes the OMA's purpose of ensuring that "public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy." R.I. Gen. Laws § 42-46-1. **Although offering livestreaming does not relieve public bodies of their obligation to permit in-person attendance at public meetings, public bodies are permitted and encouraged to livestream their open meetings when feasible in order to promote additional public access.**

Public Bodies May Permit Members of the Public to Participate Remotely in Open Meetings

Many public bodies have reported that, during the time when the executive orders regarding the OMA were in effect, they found it beneficial to offer members of the public the ability to participate in the open meeting remotely by offering public comment, testimony, or other remarks through virtual means. **Although the OMA is clear that members of the public body may not participate remotely in open meetings unless expressly permitted by an OMA exception, there is nothing in the OMA that prevents public bodies from permitting members of the public the ability to participate in a meeting remotely, including, for example, offering public comment via Zoom.**

- Continued -



The Rhode Island Supreme Court has been clear that "[i]n determining legislative intent, '[i]f it is well settled that when the language of a statute is clear and unambiguous, this Court must interpret the statute literally and must give the words of the statute their plain and ordinary meaning.'" *State v. Badessa*, 869 A.2d 61, 65 (R.I. 2005) (quoting *State v. Martini*, 860 A.2d 689, 691 (R.I. 2004)). Moreover, "[w]e glean the intent and purpose of the Legislature 'from a consideration of the entire statute, keeping in mind [the] nature, object, language and arrangement' of the provisions to be construed * * *." *Id.* (quoting *In re Advisory to the Governor (Judicial Nominating Commission)*, 668 A.2d 1246, 1248 (R.I. 1996)). "In a nutshell, '[i]n matters of statutory interpretation our ultimate goal is to give effect to the purpose of the act as intended by the legislature.'" *Id.* (quoting *Webster v. Perrotta*, 774 A.2d 68, 75 (R.I. 2001)).

Here, the OMA's provisions restricting meeting by virtual means expressly pertain to "discussions of a public body" and "member[s] of a public body." See R.I. Gen. Laws §§ 42-46-5(b)(1), (2), (3). Nothing in the language of the OMA expressly prohibits members of the public from participating remotely. Additionally, offering remote participation to members of the public is consistent with the intent of the OMA, which is for government business to be performed in an open and transparent manner that is accessible to the public. See R.I. Gen. Laws §§ 42-46-1, 42-46-3. As such, under the OMA, public bodies may permit members of the public to participate remotely in meetings.

We note that any such remote participation by members of the public must be able to be heard/observed by everyone in attendance at the in-person meeting and carried out in a manner that conforms with any other requirements of the OMA or other applicable laws. Although the OMA does not require public bodies to permit public comment or to permit remote participation by members of the public, public bodies are free to do so and are encouraged to do so when they find that it would advance the purpose of the OMA. We also note that although nothing in the OMA prevents members of the public from providing remote testimony, it is outside this Office's purview under the OMA to address whether doing so would conform with other legal requirements.

We hope that this guidance is helpful as public bodies return to meeting in person. The Open Government Unit is available to answer questions and provide guidance on these and other issues related to the OMA and can be reached at:

Email opengovernment@iqg.ri.gov or call 401-274-4400.

Page 4



**TOWN OF JAMESTOWN
TOWN COUNCIL
ANNUAL MEETING
SCHEDULE
2025**

Town Council meetings begin at 6:30 PM on the First and Third Monday of each month, unless otherwise noted. In the event of a holiday on the First or Third Monday of the month, the Town Council will meet on Tuesday of that week, unless otherwise noted. Meetings are held at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, Jamestown.

The Annual Financial Town Meeting is the First Monday in June at 7:00 PM at the Jamestown School Gymnasium at 55 Lawn Avenue, Jamestown.

January	6 (Monday)*	6:30 P.M.	July	7 (Monday)	6:30 P.M.
	21st (Tuesday)*	6:30 P.M.		21 (Monday)	6:30 P.M.
February	3 (Monday)	6:30 P.M.	August	4(Monday)	6:30 P.M.
	18(Tuesday)*	6:30 P.M.*		18 (Monday)	6:30 P.M.
March	3 (Monday)	6:30 P.M.	September	2 (Tuesday)*	6:30 P.M.
	17 (Monday)	6:30 P.M.		15 (Monday)	6:30 P.M.
April	7(Monday)	6:30 P.M.	October	6 (Monday)	6:30 P.M.
	21 (Monday)	6:30 P.M.		20(Monday)	6:30 P.M.
May	5 (Monday)	6:30 P.M.	November	3 (Monday)	6:30 P.M.
	19 (Monday)	6:30 P.M.		17 (Monday)	6:30 P.M.
June	2 (Monday)**	7:00 P.M.**	December	1 (Monday)	6:30 P.M.
	16 (Monday)	6:30 P.M.*		15 (Monday)	6:30 P.M.

Pursuant to RIGL §42-46-6 (a), (b) and (c), the Annual Notice and Notice of all Town Council Meetings are posted on the Secretary of State's website, the Jamestown Town Hall, the Jamestown Philomenian Library, and the Jamestown Police Station. In addition to the above locations, notice is also posted on the Internet at: www.jamestownri.gov.

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

*Tuesday meeting following Monday holiday

**Annual Financial Town Meeting

***Updated at the Town Council Meeting

**JAMESTOWN TOWN COUNCIL
BUDGET PROCESS – DATES**

December 12 th or 16 th	Town Council/School Committee pre-budget work session (RIGL§16-2-21)
January 3, 2025	First mention on Council agenda of upcoming budget work sessions
February 3	Preliminary review of upcoming budget work session dates
February 18 th or March 3 rd	TA Mello proposed operating and capital budget FY 2026 budget (90 days before FTM) Budget work session and hearing dates reviewed
March tbd	Town Operation Budget and Capital Budget work session
March tbd	Town Operating Budget and Capital Budget work session II
March tbd	Town and School Operating and Capital Budget work session
April 7 th	Town Council Adoption of FY 2026 (July 1, 2025 to June 30, 2026) Town, School, and Capital Budget (30 days before FTM, no later than May 3, 2025)
April 21 st	Financial Town Meeting Warrant and Resolutions language adopted by Council
June 2 nd	Financial Town Meeting
June/July	Town Council as Board of Water & Sewer Commissioners adoption of the proposed FY 2026 Water & Sewer Budget

Other dates of note:

- November __, 2024 Town Administrator Memorandum to Town Departments for FY 2026 Budget Preparation
- December __, 2024 FY 2026 Budget Submission deadline to Town Administrator by Town Departments

**As adopted by the Jamestown Town Council
At a meeting held January 23, 2023**

Attest:

Roberta J. Fagan, Town Clerk

JAMESTOWN TOWN COUNCIL RULES & PROCEDURES

Upon adoption, this document supercedes all other existing resolutions regarding Town Council procedures.

RULE 1

Charter Requirements

- 1.1 All requirements of the Town Charter with respect to the proceedings of the Town Council are to be strictly followed, and no rules shall be adopted by the Town Council that are in conflict with the Charter requirements.

RULE 2

Presiding Officer

- 2.1 The Town Council President is elected pursuant to section 204 of the Charter. In the event of the absence or the disability of the President, the Vice President shall perform such duties during such absence or disability.
- 2.2 The President shall take the chair at the hour designated for the meeting of the Council and shall promptly call the members to order. The President shall enforce, on all occasions, the observance and decorum among the members and people in attendance. The President shall decide all questions and points of order, subject to an appeal to the Town Council by one member. No other business shall be in order until the question or appeal on the point of order shall have been decided by a majority of the members present. The President may speak on points of order in preference to other members and may speak on general questions. The President shall distinctly state and put to a vote all ordinances, resolutions and questions.

RULE 3

Meetings

- 3.1 The first meeting of a newly elected Council shall be held on the first Monday following certification of the election of its members by the canvassing authority; thereafter the Town Council shall meet according to section 205 of the Charter.

- 3.2 All meetings of the Council, including special and emergency meetings and work sessions, shall be open to the public, except those exempted under the Rhode Island Open Meetings Law, G.L. 1956 § 42-46-1 et seq. All matters shall be voted upon by the Council at an open regular meeting or at an open, special or emergency meeting consistent with the State Open Meetings Act and section 207 of the Charter.

The regular meeting of the Town Council shall be held on the first Monday of the month. This shall be understood to be the meeting during which the council conducts its business. On the third Monday of the month, the council will meet to propose items for the agenda of the next monthly meeting. The council may also use the third Monday to conduct either a meeting or workshop reviewing particular, specific issues or the work or concerns of a specific town commission. Additional meetings or workshops may be arranged as necessary.

- 3.3 All regular and special meetings and their agenda must be posted in advance in accordance with the requirements of the State Open Meetings Act. Such advance notice is not required when an emergency meeting is called. Such emergencies would be those affecting public peace, health, safety, comfort and welfare of the inhabitants of the Town and for protections of persons and property. An emergency meeting must comply with the requirements described in the Open Meetings Act, as amended.

Rule 4 **Developing the Agenda**

- 4.1 The agenda is the mechanism by which the Town Council as a group or body communicates with the town, making evident the Council's priorities and policy initiatives as well as the administration's efforts to promote and support those priorities. In anticipation of the first meeting of the month, *understood to be the Town Council's regular meeting during which most of its business is conducted*, the Clerk of the Town Council shall prepare and/or cause to be prepared a docket or agenda on which there will be a definite statement or summary of all ordinances, resolutions, orders, reports, communications and other business to be considered at each meeting of the Town Council.

On the *third Monday* of a month, the Town Council may also meet for which a docket or agenda as described above shall also be prepared. This meeting shall include the agenda of the Town Council sitting as the Board of Water and Sewer Commissioners.

Town Councilors may also propose items for the agenda, but must do so to the Town Clerk and Town Administrator, at least five (5) days prior to the next meeting.

Should a Town Councilor object to an item that another Councilor has placed on the agenda a vote may be taken by the Council to determine if there should be discussion of the item. To prevent or inhibit discussion requires a minimum of a 4 to 1 vote in opposition to the item if a full Council is seated or 3 to 1 vote in opposition to the item if only 4 Councilors are seated. If less than 4 Councilors are seated, the Council should delay discussion of items that have provoked such controversy.

The Town Administrator shall place items on the agenda, which are the responses or plans of action for council initiatives, under Unfinished or Old Business. The Town Administrator shall propose new items or initiatives not previously discussed by the Council first by communicating them through his report and then, if the item warrants a Council vote, at a future Council meeting under Unfinished Business. This also applies to staff initiatives which should be presented or noted in either the Administrator's Report or a staff report first then at a subsequent meeting as Unfinished Business.

A citizen may seek to place an item on the agenda by putting the request in writing, where it will be placed under Communications. The Council will then vote whether to place the item on a future agenda. When a citizen appears in front of the Council under Open Forum, without any notice described on the agenda, and requests an item to be placed on the agenda, that request shall be transformed into a communication on the next agenda that can be voted on by the Council.

If possible Councilors, the Administrator and staff should note the policy initiative or goal or action plan described by the Council in their Goals and Objectives to which the agenda item is most closely aligned. This provides a clear connection between the goals and their successful fruition. If possible Councilors should note their authorship of any item they propose for New Business.

- 4.2 Memos for Town Council review or requests for action from any Board, Committee, or Commission of the Town or from any Department Head shall be listed under New or Unfinished business to be distinguished from simple correspondence or minutes. These items are subject to the deadlines described below.
- 4.3 Letter from constituents (*residents of Jamestown*) shall be the first items of correspondence included under the agenda heading of Correspondence, followed by requests for action from other communities in Rhode Island or state agencies or officials.

- 4.4 No ordinance, resolution, order, report, communication, and other business shall be considered as having been introduced unless notice has been filed with the Clerk, and said ordinance, resolution, order, report, communication or other business appears on the prepared docket. The Clerk shall cause a copy of the docket to be posted in accordance with the RIGL §42-46-6 governing the Open Meetings Act Requirements for meeting postings.

RULE 5

Order of Business for Regular Meetings

- 5.1 The Order of Business at each meeting shall be:
1. Call to Order;
 2. Roll Call;
 3. Town Council Sitting as the Board of Water and Sewer Commissioners
 4. Acknowledgements, Announcements and Resolutions;
 5. Public Hearings, Licenses and Permits
 6. Open Forum
 7. Administrator, Department, Solicitor Reports
 8. Unfinished Business
 9. New Business
 10. Ordinances and Appointments
 11. Consent Agenda
 12. Communications and Petitions
 13. Executive Session
 14. Adjournment.
- 5.2 Attached to the agenda (electronically through the town website and physically in the packets provided to the Town Council) are the support materials relevant to the particular items listed on the agenda or the items (license applications, proposed ordinances, minutes, communications) themselves. It shall be listed on the agenda that "attachments are available to view on our website at <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes>. It is recommended that the Town Council should not vote on any issue in New or Unfinished Business that may appear on the docket but lacks support information. Any and/or all agenda item(s) requiring or potentially requiring action by the Town Council should include, at the end of the listed item of business, the language "review and discussion and/or potential action and/or vote." For agenda items that are continued or have additional and/or a larger volume of attachments, the language "for discussion documentation, please visit <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes>

RULE 6

Public Hearings

- 6.1 The public hearing portion of the agenda shall be conducted as follows. The Town Council President will invite the applicant or applicant's representative to give a brief explanation of the item for the benefit of the Council and the public. Members of the public may then be permitted to speak on the item until all who wish to speak have had an opportunity to do so. Members of the Council shall reserve their questions and comments until after the public has spoken. The Council President may allow brief, clarifying questions by the Council or brief discussion when such will be likely to expedite the business of the Council. After the public discussion is finished and the Council has had discussion, the Council President will close the public hearing. At this point, a motion is made for a decision to approve, deny or table the item.
- 6.2 The Council shall not enact any ordinance or resolution that shall in any way affect the Zoning Ordinance; the physical development plan of the Town; the existing and proposed location and arrangement of the uses of the land; transportation routes; plans of streets and revisions of such plans; public facilities; public utility systems; deteriorating or blighting neighborhoods planned for redevelopment, rehabilitation, or other improvement; natural resources and historic sites to be preserved; disaster survival proposals; and land subdivision plans, without first submitting any such ordinance or resolution to the Town Planning Commission for its recommendation. Nothing, however, shall be construed to restrict or prevent the Council from acting on any ordinance or resolution contrary to or in the absence of a recommendation of the Commission. The Council must further adhere to the relevant and applicable requirements of State law in implementing this Rule.
- 6.3 It is recommended that the Town Council should not grant any license or permit that lacks either the signature or affirmation by the clerk that the signature is forthcoming of any town official required to sign the application for license or permit.

Rule 7

Open Forum

- 7.1 Open Forum offers citizens the opportunity to clarify any item on the agenda, to address items not on the agenda or to comment on any communication or item listed on the consent agenda.

Persons who wish to be heard on the agenda shall present such requests in writing to the Town Clerk no later than five (5) days prior to the Council meeting for which they wish their request to be considered. In preparing the meeting agenda, a determination shall be made by the Town Clerk in conjunction with the Town Council President as to whether the request is an appropriate subject/topic for

inclusion on the final agenda. There will be a 10-minute time limit for such requests. Extensions will be granted at the discretion of the Council President. Other persons wishing to speak without prior arrangement will be given an opportunity to do so during the “Open Forum.”

- 7.2 If the subject of a scheduled request to address is provided on the agenda, Town Councilors may respond to that subject. Otherwise, Town Councilors may only respond to citizens in open forum to provide information or schedule the subject for another meeting. Comments from the floor under “Open Forum” on any subject not within the purview of the Town Council should not be discussed extensively, but rather, should be considered for inclusion as an agenda item at a subsequent meeting.
- 7.3 Town Councilors may not use open forum to bring up items themselves. If a town councilor wishes to present a subject to the Council and community, it must be listed on the agenda under New Business.

Rule 8 Reports

- 8.1 The Town Administrator’s report shall be in writing and submitted in advance of the Town Council meeting.
- 8.2 On a revolving schedule, at least once a year, each Department head will provide a written report for their department.

Rule 9 New and Unfinished Business

- 9.1 Each item tabled or postponed by the Council at any regular meeting shall appear on the agenda of the next succeeding regular meeting, or on a subsequent date set by the Council as unfinished business, until acted upon or removed from the agenda.
- 9.2 Citizens may speak at the discretion of the Council President or a majority of Councilors during New or Unfinished Business.

RULE 10 Appointments to Boards & Commissions

- 10.1 The Town Council will consider all requests for appointment and will continue to urge interested residents to obtain and complete the volunteer application available at the Clerk’s Office (also available at the Library and town website at www.jamestownri.gov). Appointments of members to commissions, boards and committees shall be by a majority vote of the Council.

- 10.2 The Council will continue the practice of appointing the best qualified persons to boards, commissions and committees without regard to personal or political affiliations, except as may be otherwise required by State law. Once appointed to a board or commission, citizens shall conduct themselves in a manner respectful of fellow committee members and the public. Failure to do so may prompt the Council to remove the person who, by virtue of a majority vote of the other committee members, is alleged to have violated decorum and propriety appropriate for committees and boards in Jamestown. Committees shall be conducted in accordance with the Open Meetings Act and all other relevant legal and procedural requirements.
- 10.3 The chairperson of each individual board, commission or committee shall keep a record of the terms of its members, as provided by the Town Clerk, and shall notify the Clerk within 45 days prior to the expiration of any member's term. Said notification shall include meeting location and schedule for that board, commission or committee.
- 10.4 The Town Clerk will announce upcoming vacancies for 30 days prior to the term expiration dates, or date set for filling vacancies.
- 10.5 The Town Clerk will communicate with individuals whose terms will be expiring by letter to determine if the person wishes to be reappointed, if applicable. The Town Clerk will also request a two-year attendance record from the Chair of the applicable board, commission or committee.
- 10.6 Application for the vacancy shall be by letter from the applicant to the Town Clerk's office stating qualifications of the applicant. Persons wishing to be reappointed shall follow the same procedure.
- 10.7 The Council Members shall make nominations from the files of applicants provided by the Town Clerk.
- 10.8 Individuals seeking appointment or reappointment must be qualified electors of the Town of Jamestown and residents of the Town of Jamestown.
- 10.9 In the event a special advisory committee is formed, a written charge will be given to the committee by the President of the Town Council. The Town Council shall have the authority to discharge the committee or to recall the committee as necessary.

RULE 11
Consent Agenda

- 11.1 Consent Agenda. In order to expedite the public business and provide additional time for deliberation by the Town Council on matters requiring such deliberation, Consent Agenda items are those items of business that are of a routine and non-controversial nature.
- 11.2 If the Town Council President, Town Administrator or Town Clerk determines that any item of business which requires action by the Town Council is of a routine and non-controversial nature, they shall cause it to be presented at a regular meeting of the Council as part of the Consent Agenda.
- 11.3 Upon objection by any member of the Council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Agenda. Any item removed from the Consent Agenda shall be considered at the conclusion of the Consent Agenda to take the necessary action required.
- 11.4 The Consent Agenda shall be introduced by a motion "To approve the following listed items as the Consent Agenda" and shall be considered by the Council as a single item. There shall be a roll call vote after this motion.
- 11.5 There shall be no debate or discussion by any member of the Council regarding any item on the Consent Agenda beyond correcting typographical errors or asking questions for simple clarification.
- 11.6 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution or other item of business thereon exactly as if it had been acted upon separately.

RULE 12
Parliamentary Law

- 12.1 If there are any parliamentary practices, procedures, customs and rules not covered within these rules, the current edition of Robert's Rules of Order, Newly Revised, shall govern where it does not conflict with the applicable State or Town laws, ordinances, or the Home Rule Charter.

Rule 13
Participation in Discussion

- 13.1 The heads of Departments or Divisions thereof and members of Boards and Commissions, in matters relating to the functions of their offices, and any other elected officials, shall have the right to appear before the Council for the purposes of expressing their views on matters pending before it. Any citizen or group of citizens shall have the right to petition the Council with regard to any matter within the jurisdiction of the Council, setting forth specifically the purpose of the petition and relief desired. The press shall be allowed on the floor of the Town Council chambers.
- 13.2 With the objective of facilitating prompt attention to Council Member concerns, any member of the Town Council who knows in advance of a meeting that the member wishes to obtain certain data, or have a question or questions answered, or wishes specific figures or expenditures, or budget balances, etc., should, insofar as possible, inform the Administrator in writing of the nature of the inquiry so that the Administrator will have the opportunity to have the answer available at such meeting.
- 13.3 The Town Council requests that members of the public follow a similar procedure wherever possible.
- 13.4 The Town Administrator shall submit reports to members of the Town Council in advance of a Town Council meeting.

RULE 14

Motions

- 14.1 When a motion is made and seconded it shall be stated by the Town Council President.
- 14.2 No motion shall be debated until it is seconded. Any motion may be withdrawn by the mover at any time before the taking of a vote thereon or before an amendment is made to such motion.

RULE 15

Motions of Precedence

- 15.1 When a question is before the Town Council, no motion shall be received, except to:
1. Fix the time at which to adjourn;
 2. Adjourn;
 3. Take a recess;
 4. Raise a question of privilege;
 5. Call for the orders of the day;
 6. Lay on the table;

7. Previous question;
8. Limit or extend the limits of debate;
9. Postpone to a certain time;
10. Commit or refer;
11. Amend;
12. Postpone indefinitely;
13. Main motion

The last motion on the list ranks lowest and the first on the list ranks highest. When any of the above motions are immediately pending, the motions before it on the said list shall be acted on first, and the ones below shall be acted on in order. Motion #s 13, 12, 11, 10, and 9 are debatable. Motion #s 13, 11, 10, 9, 8, 3 and 1 are amendable. Motion #s 13, 11, 10, 9, 7 and 1 are subject to reconsideration.

RULE 16

Actions of Members of the Town Council

- 16.1 Any Council member wishing to speak shall address the President, and after the right to speak has been recognized, the member shall not be interrupted while speaking except by a call to order, or for the correction of a mistake, or yield to a member. The member shall confine remarks to the question under debate and refrain from personal comments. *No member shall speak more than once on the same question until all members desiring to speak thereon shall have done so.* There shall be no conversation among members while another member is speaking or while anyone else is speaking, while a roll call is being taken, while a paper is being read or while the President is stating a question.
- 16.2 The affirmative roll call vote of three (3) Council members shall be necessary for the passage of any ordinance. The vote upon any matter shall, upon the request of two Council members, be taken by roll call which shall be called for by the President. The “yeas” and “nays” of the Council members shall be called for individually by the Town Council President or presiding officer, in the event of a conflict, and shall be recorded on the records of the Town Council by the Clerk. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the President or any member of the Council for any reason whatsoever, including points of order, personal privilege or for a member to explain his or her vote. After the roll call and before the President announces the result, any member may change his or her vote. All roll calls shall be taken alphabetically, except that the name of the President of the Council shall be called last. In case of a tie vote, the motion is not carried or passed. A member may explain the vote only with the consent of the Council.

- 16.3 After the result of a vote is announced, a motion to reconsider is in order. A member who voted with the prevailing side must make the motion. Any member may second the motion. No ordinance, resolution, question or vote can be twice reconsidered.
- 16.4 Any member who realizes or anticipates a conflict of interest with respect to a matter before the Town Council for consideration should announce the intent to recuse themselves and to abstain from voting on the matter as soon as the conflict becomes apparent, and should thereafter refrain from further discussion of the matter.
- 16.5 Any member who believes they lack the information to make a proper vote may abstain from voting.

These rules and procedures shall take effect upon passage. The foregoing rules shall not be altered, amended, suspended or repealed at any time, except by a vote of the majority of the whole number of members elected to the Town Council.

Adopted by the Jamestown Town Council at a meeting held February 4, 2013

Attest: _____
Cheryl A. Fernstrom, CMC, Town Clerk

Revised and Adopted by the Jamestown Town Council at a meeting held March 22, 2016

Attest: _____
Cheryl A. Fernstrom, CMC, Town Clerk

Revised and Adopted by the Jamestown Town Council at a meeting held March 20, 2017

Attest: _____
Cheryl A. Fernstrom, CMC, Town Clerk

Adopted by the Jamestown Town Council at a meeting held December 7, 2020

Attest: _____
Erin F. Liese, CMC, Town Clerk

Adopted by the Jamestown Town Council at a meeting held January 23, 2023

Attest: _____
Roberta J. Fagan, Town Clerk

TOWN COUNCIL MEETING MINUTES
Monday, November 18, 2024
6:30 P.M.

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on November 18, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher (arrived at 6:34), Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:32 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance

III. OPEN FORUM

- A) Scheduled request to address: None at this time.
- B) Non-scheduled request to address: None.

A motion was made by Councilor M. White with a second by Councilor R. White to move Acknowledgements, Announcements, Presentations, Resolutions and Proclamations to be considered after Public Hearings, Licenses and Permits. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

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

IV. 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: 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. The following Applications for RENEWAL have been received by the Town Council for licenses under said Act, for the year December 1, 2024, to November 30, 2025 (duly advertised in the Jamestown Press on October 17th and 24th), upon resolution of debts, taxes, State approval and appropriate signatures. **Review, Discussion, and/or Action and/or Vote:**
 - 1) Approval of Applications for Renewal of Class A (Package Store) Retail Liquor License:
 - a) Tunstall, LLC, dba: Grapes & Gourmet, 9 Ferry Wharf

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class A (Package Store) Retail Liquor License Renewal for Tunstall, LLC, dba: Grapes & Gourmet, Sunday 10 a.m.–6 p.m.; Monday through Saturday 9 a.m.-9 p.m. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

b) Varsha, Inc. dba: Jamestown Wine & Spirits, 30 Southwest Ave

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class A (Package Store) Retail Liquor License Renewal for Varsha, Inc. dba: Jamestown Wine & Spirits, Sunday 10 a.m.-6 p.m.; Monday through Saturday, 10 a.m. – 9 p.m. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

2) Set the Class A (Package Store) Retail Liquor License Cap at Two

A motion was made by Councilor M. White with a second by Councilor R. White to Set the Class A (Package Store) Retail Liquor License Cap at Two. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

3) Approval of application for Renewal of Class B Victualer Limited Liquor License:

a) Our Table, LLC, dba: Our Table, 53 Narragansett Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Limited Liquor License renewal application for Our Table, LLC, dba: Our Table, Sunday through Saturday 12 p.m.-10 p.m. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

4) Set the Class B Victualer Limited Liquor License Cap at One

A motion was made by Councilor R. White with a second by Councilor M. White to Set the Class B Victualer Limited Liquor License Cap at One. Vote: President Beye, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Vice President Meagher arrived at 6:34 p.m.

5) Approval of Application for Renewal of Class B Victualer Liquor Licenses:

a) Conanicut Restaurant Group II, LLC, dba: Beech, 13 Narragansett Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License for Conanicut Restaurant Group II, LLC, dba: Beech, Monday through Thursday, 11 a.m.-11 p.m.; Friday-Sunday 10 a.m.-11 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

b) Jamestown Locos, LLC, dba: Narragansett Café, 25 Narragansett Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License for Jamestown Locos, LLC, dba: Narragansett Café, Sunday through Saturday, 9 a.m.-1 a.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- c) Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf, 3 East Ferry Wharf

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License for Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf, Sunday through Thursday 7 a.m.-11 p.m., Friday and Saturday 7 a.m.-12 a.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- d) New England Golf Course Management, Inc., dba: Jamestown Golf and Country Club, aka The Caddy Shack, 245 Conanicus Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License for New England Golf Course Management, Inc., dba: Jamestown Golf and Country Club, aka The Caddy Shack, Sunday through Saturday, 7 a.m.-9 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- e) Slice of Heaven, Inc., dba: Slice of Heaven, 32 Narragansett Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License for Slice of Heaven, Inc., dba: Slice of Heaven, Wednesday through Sunday, 7 a.m.-3 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- f) VHBC, LLC, dba: Village Hearth Bakery & Café, 2 Watson Avenue

A motion was made by Councilor R. White with a second by Councilor M. White to approve the Class B Victualer Liquor License renewal application for VHBC, LLC, dba: Village Hearth Bakery & Café, Monday through Sunday, 7a.m-10 p.m., only serve alcohol inside and outside on deck only. No alcohol is permitted on the patio per the Zoning Board of Review Special Use Permit. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

- 6) Set the Class B Victualer Liquor License Cap at Six

A motion was made by Councilor M. White with a second by Vice President Meagher to Set the Class B Victualer Liquor License Cap at Six. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 7) Approval of Application for Renewal of Class BT Tavern Liquor License:

- a) JB's On the Water, LLC, dba: JB's On the Water, 150 Conanicus Avenue

Atty. MacGillivray representing resident Mary Lou Sanborn addressed the Town Council with objection to JB's On the Water renewal application. A letter to the Town Council with specific objections was submitted for consideration via email earlier that day. (attached).

Councilor R. White noted the letter was forwarded to the Town Council via email earlier that day, but should have been submitted before the agenda deadline (November 13th).

Discussion ensued.

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Class BT Tavern Liquor License renewal application for JB's On the Water, LLC, dba: JB's On the Water, Victualing/Liquor hours: Inside and outside porch Sunday-Saturday 8 a.m.-11 p.m.; Victualing/Liquor Patio/Lawn area: Sunday-Saturday 9 a.m.-9 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

8) Set the Class BT Tavern Liquor License Cap at One

A motion was made by Vice President Meagher with a second by Councilor M. White to Set the Class BT Tavern Liquor License Cap at One. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

9) Approval of Application for Renewal of Class D Full Club Liquor License:
a) Conanicut Yacht Club, 40 Bay View Drive

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Class D Full Club Liquor License renewal application for Conanicut Yacht Club, Sunday through Saturday, 9 a.m.-1 a.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

10) Set the Class D Full Club Liquor License Cap at One

A motion was made by Vice President Meagher with a second by Councilor R. White to Set the Class D Full Club Liquor License Cap at One. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

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

B) Review, Discussion, and/or Action and/or Vote: Approval of Renewal Applications that have been received by the Town Council for Victualing and Entertainment License for the year December 1, 2024- November 30, 2025, upon resolution of debts, taxes, State approval, and appropriate signatures:

1) Conanicut Restaurant Group II, LLC, dba: Beech

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing and Entertainment License for the year December 1, 2024- November 30, 2025, renewal application for Conanicut Restaurant Group II, LLC, dba: Beech, note: Victualing Monday through Thursday, 11 a.m.-11 p.m.; Friday through Sunday 10 a.m.-11 p.m.; and Entertainment Sunday through Saturday, 3 p.m.-8 p.m., acoustic, inside/outside. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

2) Conanicut Yacht Club

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing and Entertainment License for the year December 1, 2024- November 30, 2025 renewal application for Conanicut Yacht Club, note: Victualing Sunday through Saturday, 9 a.m.-1 a.m.; and Entertainment Friday, Saturday, Sunday and Holidays, 12 p.m.-10 p.m., acoustic, amplified, DJ, live bands, movies and performances, inside/outside. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

3) Jamestown Locos LLC, dba: Narragansett Café

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing, and Entertainment License for the year December 1, 2024- November 30, 2025 renewal application for Jamestown Locos LLC, dba: Narragansett Café, note: Victualing Sunday-Saturday 9 a.m.-1 a.m.; Entertainment, Sunday through Saturday, 12 p.m.-12:30 a.m., acoustic, amplified, DJ, Live, inside only. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

4) Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing and Entertainment License for the year December 1, 2024- November 30, 2025 renewal application for Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf, note: Victualing Sunday through Thursday 7 a.m.-11 p.m.; Friday and Saturday, 7 a.m.-12 a.m.; Entertainment, Wednesday-Sunday, 12 p.m.-10 p.m.(outside), acoustic 3-piece (max) band; no amplification; 12 p.m.-11 p.m. (inside) background music via speakers inside only with doors closed. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

5) JB's On the Water LLC, dba: JB's On the Water

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing and Entertainment License for the year December 1, 2024- November 30, 2025 renewal application for JB's On the Water LLC, dba: JB's On the Water, note: Victualing: Inside and outside porch Sunday-Saturday 8 a.m.-11 p.m.; Victualing on Patio/Lawn area: Sunday through Saturday 9 a.m.-9 p.m.; Entertainment: Inside only, Performance, Acoustic, DJ Amplified, Sunday through Saturday 9 a.m.-9 p.m. No restrictions on outside background music/speakers, other than to comply with the noise ordinance. Restrictions: Entertainment outside i.e. weddings etc. required applicant to apply for a one-day special event license. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

C) Review, Discussion, and/or Action and/or Vote: Approval of Renewal Applications that have been received by the Town Council for Victualing and Holiday License with Extended Hours for the year December 1, 2024- November 30, 2025, upon resolution of debts, taxes, State approval, and appropriate signatures:

1) Cumberland Farms #1108

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Victualing and Holiday License with Extended Hours renewal application for Cumberland Farms #1108. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

D) Review, Discussion, and/or Action and/or Vote: Approval of Renewal Applications that have been received by the Town Council for Victualing License for the year December 1, 2024- November 30, 2025, upon resolution of debts, taxes, State approval, and appropriate signatures:

1) A and J LLC, dba: East Ferry Deli

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for A and J LLC, dba: East Ferry Deli. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

2) Ace's Pizza, Inc.

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Ace's Pizza, Inc. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

3) Angel's Catering,

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Angel's Catering. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

4) McQuade's Market

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for McQuade's Market. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

5) New England Golf Course Management Inc., dba: Jamestown Golf and Country Club aka The Caddy Shack

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for New England Golf Course Management Inc., dba: Jamestown Golf and Country Club aka The Caddy Shack. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

6) Our Table LLC dba: Our Table

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Our Table LLC dba: Our Table. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

7) Slice of Heaven, Inc., dba: Slice of Heaven

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Slice of Heaven, Inc., dba: Slice of Heaven. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

8) Tunstall LLC, dba: Grapes & Gourmet

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Tunstall LLC, dba: Grapes & Gourmet. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

9) Varsha, Inc., dba: Jamestown Wine & Spirits

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for Varsha, Inc., dba: Jamestown Wine & Spirits. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

10) VHBC LLC, dba: Village Hearth Bakery & Café

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Victualing License for the year December 1, 2024- November 30, 2025, for VHBC LLC, dba: Village Hearth Bakery & Café. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

E) Review, Discussion, and/or Action and/or Vote: Approval of Renewal Applications that have been received by the Town Council for Holiday License for the year December 1, 2024- November 30, 2025, upon resolution of debts, taxes, State approval, and appropriate signatures:

1) All Ashore Cottage Outfitters

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for All Ashore Cottage Outfitters. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

2) Clark Boat Yard & Marine Works, LLC

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for Clark Boat Yard & Marine Works, LLC. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

3) Conanicut Marine Services, Inc., dba: Conanicut Gift Shop

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for Conanicut Marine Services, Inc., dba: Conanicut Gift Shop. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

4) 5 Narragansett LLC, dba: Jamestown Hardware

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for Jamestown Hardware. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

5) Aihua, Inc. dba: Nails

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for Aihua, Inc., dba Nails. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

6) TPG Marinas Conanicut LLC, dba: Conanicut Marina

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for TPG Marinas Conanicut LLC, dba: Conanicut Marina. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

7) Urban Flowers LLC, dba: The Secret Garden

A motion was made by Councilor M. White with a second by Councilor Brine to approve the Renewal Holiday License for the year December 1, 2024- November 30, 2025, for Urban Flowers LLC, dba: The Secret Garden. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

V. ACKNOWLEDGEMENTS, ANNOUNCEMENTS PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS

- A) Acknowledgements: Recognition and gratitude are extended to John Murphy for his service as the Town Moderator for the Town of Jamestown from 2013 to 2024.

On behalf of the Town Council, Vice President Meagher expressed heartfelt gratitude to John Murphy for his dedication and service as Town Moderator.

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) Town Administrator's Report: Edward A. Mello-

Town Administrator Mello invited all in attendance to the dedication ceremony of the Jamestown "ICE ROAD" bike & walking path to be named in honor of Police Chief James G. Pemantell on Saturday, November 30th at 10 a.m. at the Eldred Avenue entrance off of East Shore Road, Jamestown, Rhode Island

VII. UNFINISHED BUSINESS/NEW BUSINESS

- A) No items at this time.

Vice President Meagher stated Short-Term Rental host applications have been properly advertised listing the name and address, asking those in attendance for any objections or comments to be known.

President Beye asked to remove STR 17- Edward DePhillips, 36 Cole Street, and to be placed on the December 16, 2024 Town Council meeting agenda.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Short-Term Rental applications for licensing upon resolution of debts, taxes, State approval, and appropriate signatures, as listed on the Consent Agenda, with the exception on STR-17.. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

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

VIII. CONSENT AGENDA

- A) Adoption of Town Council Meeting Minutes
1) November 4, 2024 (Regular Meeting)

B) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing on *November 26, 2024*, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following:

- 1) Application of Our Table, LLC whose property is owned by Gino Difante and located at 53 Narragansett Avenue, and further identified as Tax Assessor's Plat 9, Lot 207 for a Special Use Permit granted under Article 3, Special Use Permits and Variances, Section 82-300, 82-301, and 82-302. This application is made pursuant to the provisions of Article 6, Section 82-601, Table 6-1, Section VI (c) (3), Lunchroom or Restaurant (Alcoholic Beverages). The Applicant seeks to expand its current beer and wine liquor license to a full BV license allowing them to sell spirits as well as beer and wine. Said property is located in a CD zone and contains 16,632 square feet.

C) Tax Assessor's Abatements and Addenda of Taxes

ABATEMENT/ADDENDA TO THE TAX ROLL			
ACCT	TAX YEAR	ACCOUNT INFORMATION	AMOUNT
01-0001-41	2024	UPDATED PROPERTY INFORMATION	-\$ 66.00
20-0407-01	2024	CERT. OF OCCUPANCY	\$1,015.60
01-0005-75	2024	CERT OF OCCUPANCY	\$4,631.69
08-0003-90	2024	CERT OF OCCUPANCY	\$4,777.43
01-0001-41	2024	CERT OF OCCUPANCY	\$ 621.00
23-0406-86	2024	CERT OF OCCUPANCY	\$1,802.95
01-0001-82	2024	CERT OF OCCUPANCY	\$ 388.46
16-0686-20	2024	CERT OF OCCUPANCY	\$1,179.20
19-0125-50	2024	CERT OF OCCUPANCY	\$1,902.29
03-1235-00	2024	CERT OF OCCUPANCY	\$2,091.14
TOTAL ABATEMENTS TO TAX ROLL			-\$ 66.00
TOTAL ADDENDA TO TAX ROLL			\$18,409.76

D) Ratification of the Administratively approved Short-Term Rental application(s) for the period of January 1, 2025, through December 31, 2025, duly advertised in the October 17th and 24th editions of the Jamestown Press; upon resolution of debts, taxes, State approval, and appropriate signatures:

- 1) STR-7 Leigh Macdonald 26 Starboard Avenue
- 2) STR-10 Connie Slick 49 Narragansett Avenue, 1st Floor
- 3) STR-16 Martin Casey 177 East Shore Road
- 4) STR-17 Edward Dephillips 36 Cole Street
- 5) STR-40 Sarah Dittleman 173 East Shore Road
- 6) STR-41 David Crompton 18 Neptune Street
- 7) STR-49 Justine Maciel 144 Narragansett Avenue
- 8) STR-97 Norma Walsh 33 Hawthorne Road
- 9) STR-99 Stephen Braman 75 Southwest Avenue
- 10) STR-120 David Grubb 30 Bay View Drive
- 11) STR-147 Paul Broude 20 Cole Street
- 12) STR-148 Amanda Fredette 156 Seaside Drive
- 13) STR-157 Lori Marzilli-Kahler 255 Seaside Drive

- 14) STR-159 Jennifer & David Clancy 382 North Road
- 15) STR-160 Thomas Vietri 59 Top Of The Mark Drive

Communications were acknowledged.

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

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

A) Communications Received:

- 1) Copy of letter to: Town Council
- From: Ernie Savastano
- Dated: September 9th and October 22nd, 2024
- Re: STR at 36 Cole Street

X. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 7:01 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

Roberta J. Fagan, CMC, Town Clerk

STEPHEN J. MACGILLIVRAY

One Financial Plaza
26th Floor
Providence, RI 02903

P 401.490.3430
F 401.588.5166
smacgillivray@pierceatwood.com
pierceatwood.com

Admitted in: RI, MA, NY

November 18, 2024

Via Email

Jamestown Town Council/Licensing Board
c/o Roberta J. Fagan, Town Clerk
Jamestown Town Hall
93 Narragansett Ave.
Jamestown, RI 02835

Re: JB's On the Water – Opposition to Annual License Renewal

Dear Members of the Town Council sitting as the Licensing Board,

We represent Mary Lou Sanborn (the “Owner”) an abutter and owner of 21 Bay View Drive, Jamestown, Rhode Island (the “Residence”). This letter is submitted in opposition to JB’s on the Water, LLC’s (JB’s) application for renewal of its liquor and entertainment license. There are three primary reasons for this opposition.

First, JB’s is in ongoing and willful violation of the Jamestown Ordinances with respect to parking requirements which has severe delirious effects discussed below. The Rhode Island Superior Court recently filed a decision reversing and denying JB’s petition for a Special Use Permit and Variance. In that decision, the Superior Court stated as follows:

In this case, there is no dispute between the parties that the Subject Property is required to have a minimum of sixty-nine parking spaces available pursuant to the ordinance. Reply Mem. at 2; see also generally R. at 145. There is also no dispute that the Subject Property only has fifty-five on-site parking spaces available. Reply Mem. at 2, R. at 49. ... The Board further indicated that if the parking issue was properly before it, it would find that the Applicants had “more than enough parking and satisfies the statutory parking requirements,”²⁶ apparently relying on the prior zoning board approval as well as the conclusion that various “regulatory agencies” have monitored the property for “at least 10 to 15 years” and found “no problems.”

Thus, while the Board complied with the requirement to consider off-street parking in connection with the special use permit request, it did so in summary fashion relying on a previously issued variance whose current application is in question. Indeed, neither the Town nor the Applicants have provided any legal

#17612683v1

Jamestown Town Council
November 18, 2024
Page 2

authority demonstrating that the Board's reliance on the prior issuance of various zoning certificates or the prior involvement of regulatory agencies should dictate the adjudication of parking issues relative to the Applicants' request for a special use permit. On the contrary, in analyzing the statutory language of § 45-24-54, our Supreme Court has stated that "a zoning certificate is not legally binding." *Parker v. Byrne*, 996 A.2d 627, 633 (R.I. 2010). **Accordingly, the Board's determination that there was adequate parking necessary to satisfy the applicable provisions of the Jamestown Zoning Ordinance is not supported by the reliable, probative, and substantial evidence of record and thus was clearly erroneous.**

(Dec. at 34, 35) (emphasis added.)¹

Second, JB's is illegally serving alcohol on the new deck structure. In an ongoing violation of the Jamestown Zoning Ordinances, JB's has made alterations to the nonconforming use and structure including the construction of a deck and additional handicap ramp. Despite what JB's might say, the new deck/patio is undeniably a "structure" under the Jamestown Zoning Ordinances. *See* Jamestown Zoning Ord. Sec. 82-103 (151) ("Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.") The Court, in the same ruling, found that Jamestown Zoning Ord. Sec. 82-703 expressly prohibits the enlargement, extension, alteration, or reconstruction to any nonconforming use of a building or structure [like the *Bon Voyage*] unless required for safety. The liquor license cannot be expanded into this illegal area.

Any suggestion that JB's did not need permission for these alterations is belied by the fact that JB's applied to the Jamestown Zoning Board for similar additions to a nonconforming structure and use and was ultimately denied. The falsity of this contention is also highlighted by the Zoning Board's grant (albeit erroneous) of a Special Use Permit and Variance acknowledging that without such approval, the modifications would be in violation of the ordinance. Any building permits or zoning certificates that may have been issued by Jamestown purporting to allow these alterations are void and constitute a willful disregard for the Court's superior authority and jurisdiction.

¹ JB's has chosen not to appeal this decision by petitioning for a writ of certiorari and, as a result, the Superior Court's decision stands and is controlling authority which this body must follow

Jamestown Town Council
November 18, 2024
Page 3

Finally, JB's, operated at its current intensity, constitutes a nuisance for the residential area in which it is located. As indicated in the attached affidavit by the Owner, JB's currently causes unacceptable levels of noise, odors and street congestion. *See attached Owner Affidavit.* JB's is directly responsible for patrons spilling out onto the street, sometimes with open containers of alcohol. Because it does not have sufficient parking, patrons routinely park on the street and the grass causing hazardous congestion on the public street. Also, because of the excessive number of patrons, the garbage dumpster, located directly on the Owner's property line, is also left open and overflowing each weekend. Foul odors emanate from the open dumpster and rodents and other vermin are inevitably attracted.

With respect to intensity, the Jamestown Zoning Ordinances use onsite parking as the primary means of limiting capacity, and with it, intensity. The Superior Court determined that Wyndham presently has 55 legal parking spaces. Of these, 32 are required to service the existing guest rooms. *See Jamestown Zoning Ord. Sec. 82-1203.* This leaves 23 spaces to service the existing restaurant. Given that a restaurant is allowed five seats for each parking space, JB's restaurant has a maximum seating capacity of 115. *See id.* In contravention of the Superior Court decision and the Jamestown Ordinances, JB's is currently operating well above the legal limit at its current seating capacity of 184. In other words, by its own admission, **JB's has 60% more seating than it is allowed.** Combine this with other alcohol service outdoors and the site becomes obviously incapable of operating without becoming a nuisance.

For these reasons, we ask that the license renewal application be denied.

Sincerely,



Stephen J. MacGillivray

cc: Mary Lou Sanborn

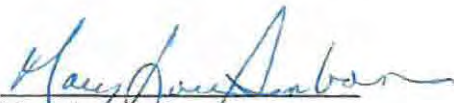
AFFIDAVIT OF MARY LOU SANBORN

Affiant Mary Lou Sanborn, being duly sworn, testifies as follows:


1. I am a resident of Jamestown, Rhode Island. I live at 21 Bay View Drive which abuts the Bay Voyage and JB's On The Water ("JB's").
2. JB's has created a legal nuisance that has severely diminished the quiet enjoyment of my home. The loud music, loud voices and odors from the restaurant and bar can be heard and smelled from my house, even with the windows closed.
3. At the end of every weekend, the dumpster, which is on our shared property line, is overflowing with garbage that has attracted vermin and caused noxious smells to cross the property line onto my property. I have attached pictures depicting the dumpster as it is left at the end of every weekend, overflowing with its lid ajar in violation of town ordinances.
4. Because JB's does not have sufficient parking for the number of seats or guests that it has, cars, party buses, delivery trucks and patrons have spilled out from JB's onto public property. Attached are pictures showing the parking and the resulting constriction of Bay View Drive so that it is impossible for two-way traffic to pass.
5. I have also attached pictures of JB's patrons drinking on public property. All of these are the direct result of the Town's refusal to enforce its parking regulations with respect to violators as well as JB's flagrant disregard for the Town, its ordinances and the residential neighborhood in which it is located.

- 6. I have had to call the restaurant and ask the employees to lower the volume of the outdoor music. I have had to call the police because of parking and other issues.
- 7. JB's, as it is presently operated, is creating a nuisance.

Executed this 13 day of November, 2024


Mary Lou Sanborn

Subscribed and sworn to before me this 13 day of November, 2024

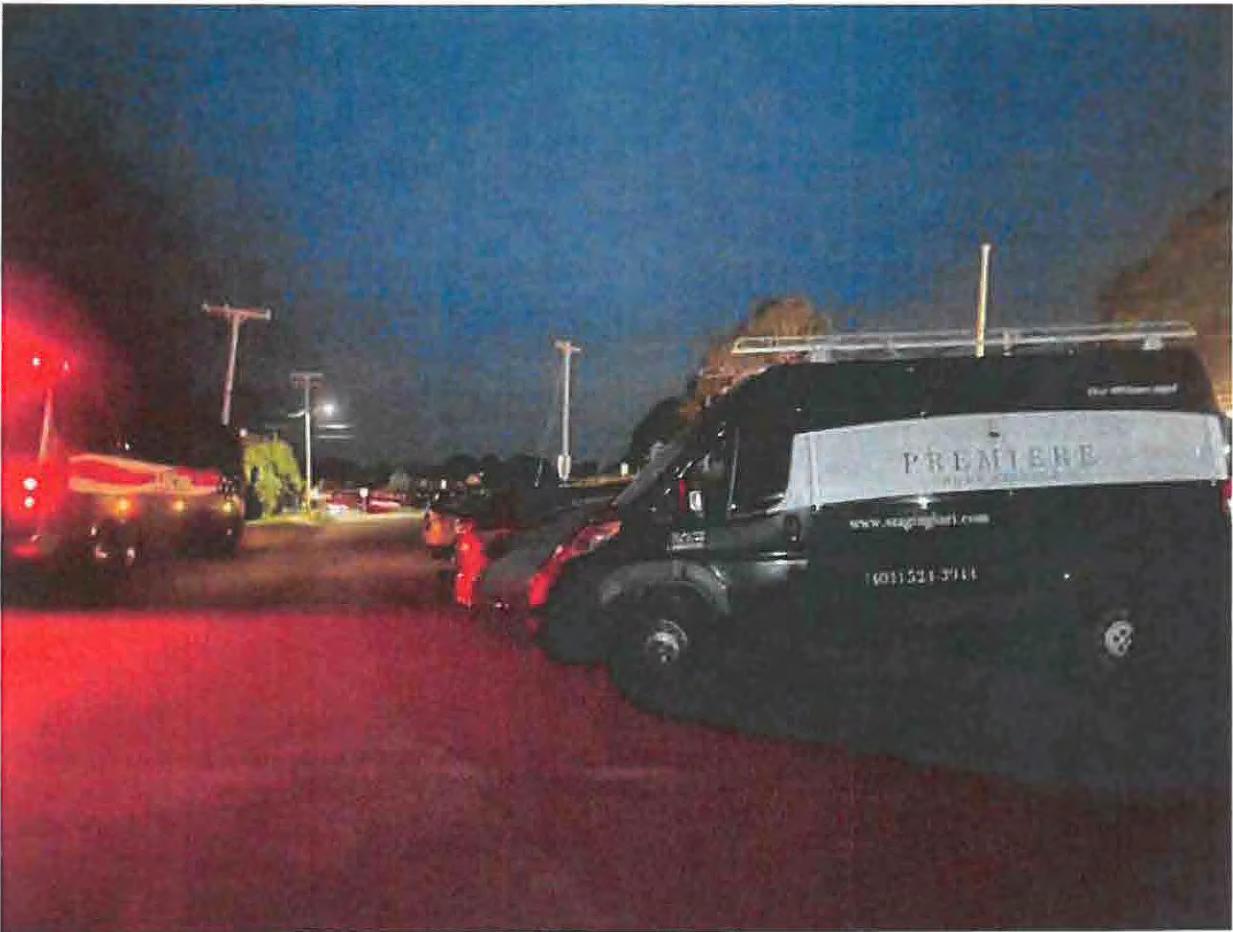

Notary Public
My commission expires 1/17/2028

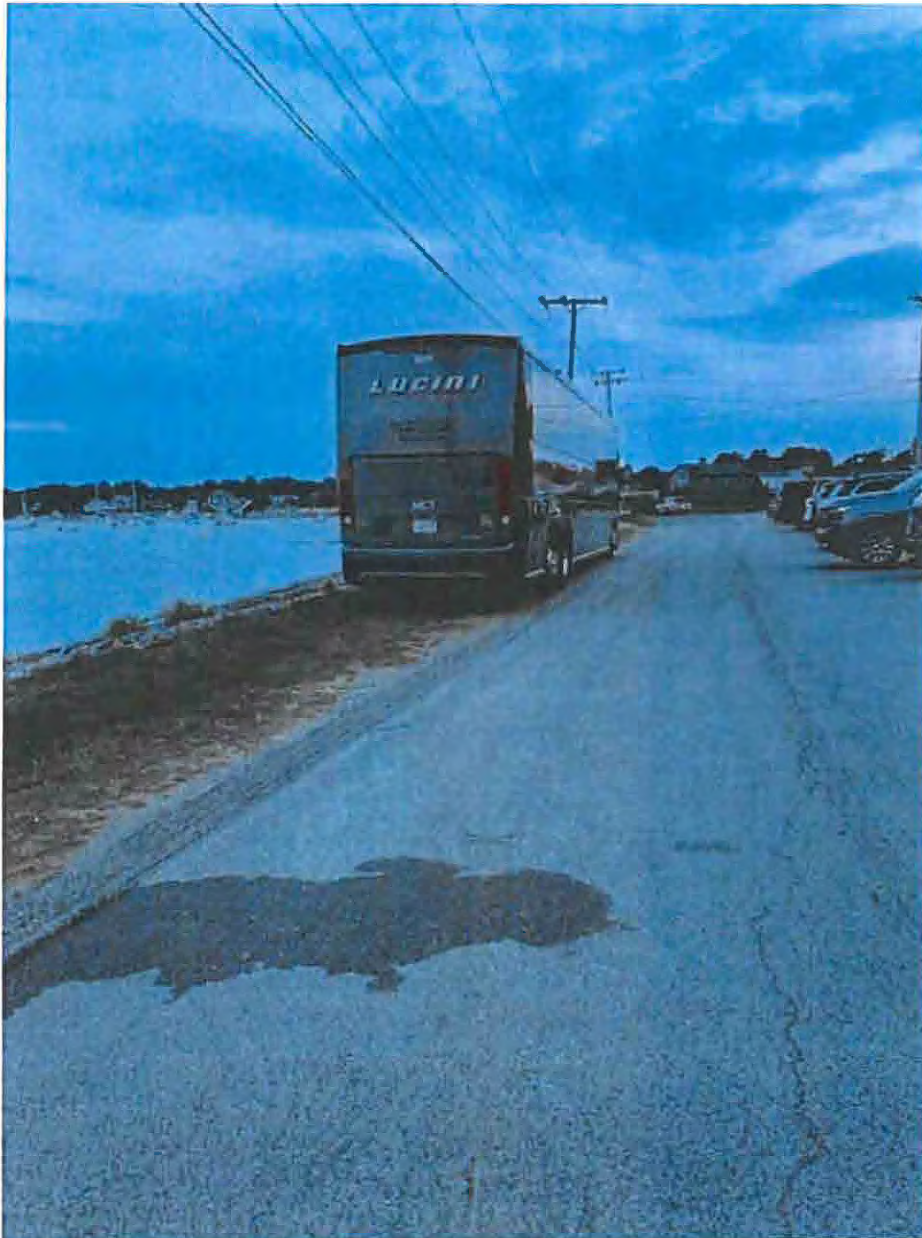
Linda J. Jamison
Notary Public, State of Rhode Island
My Commission Expires 1/17/2028

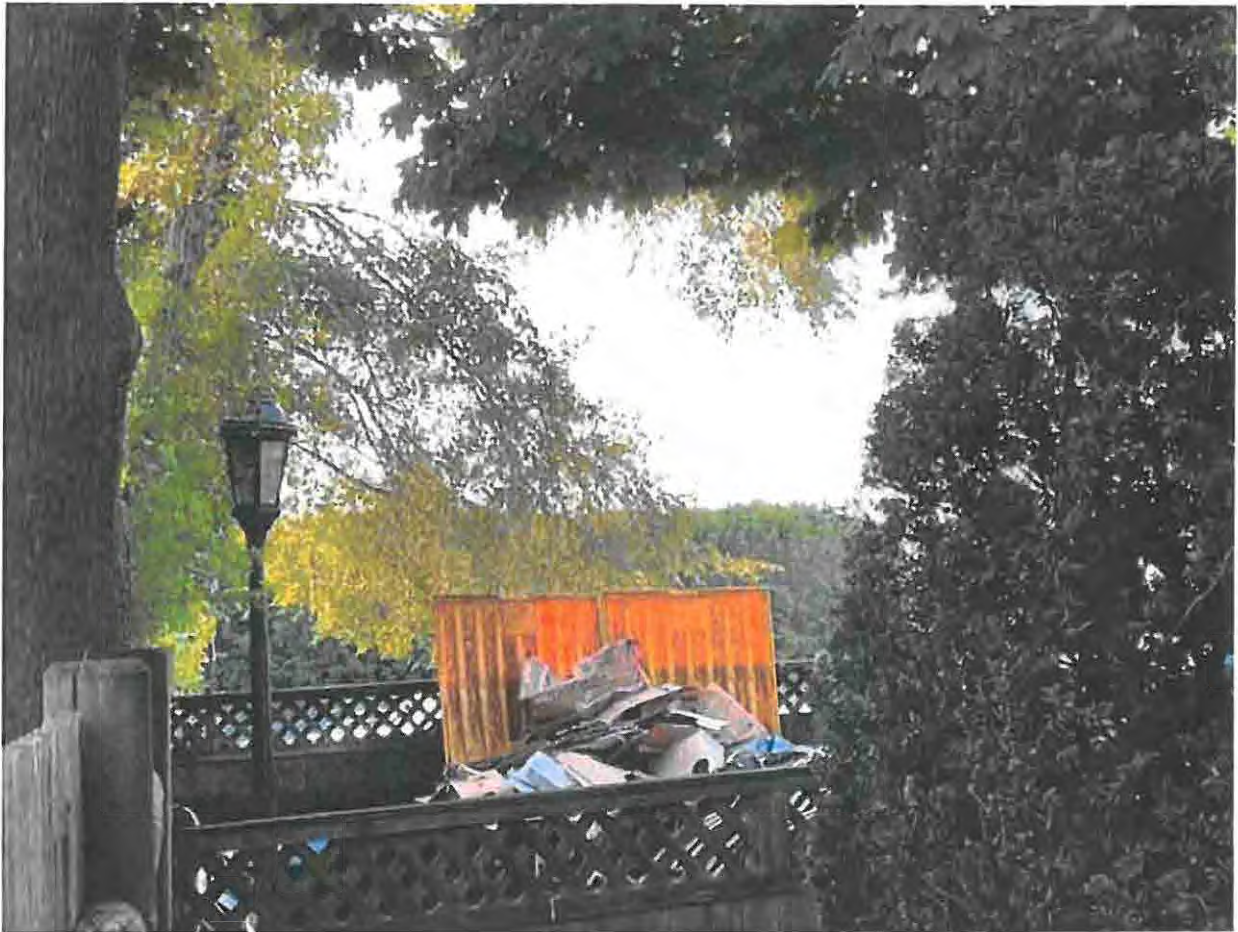




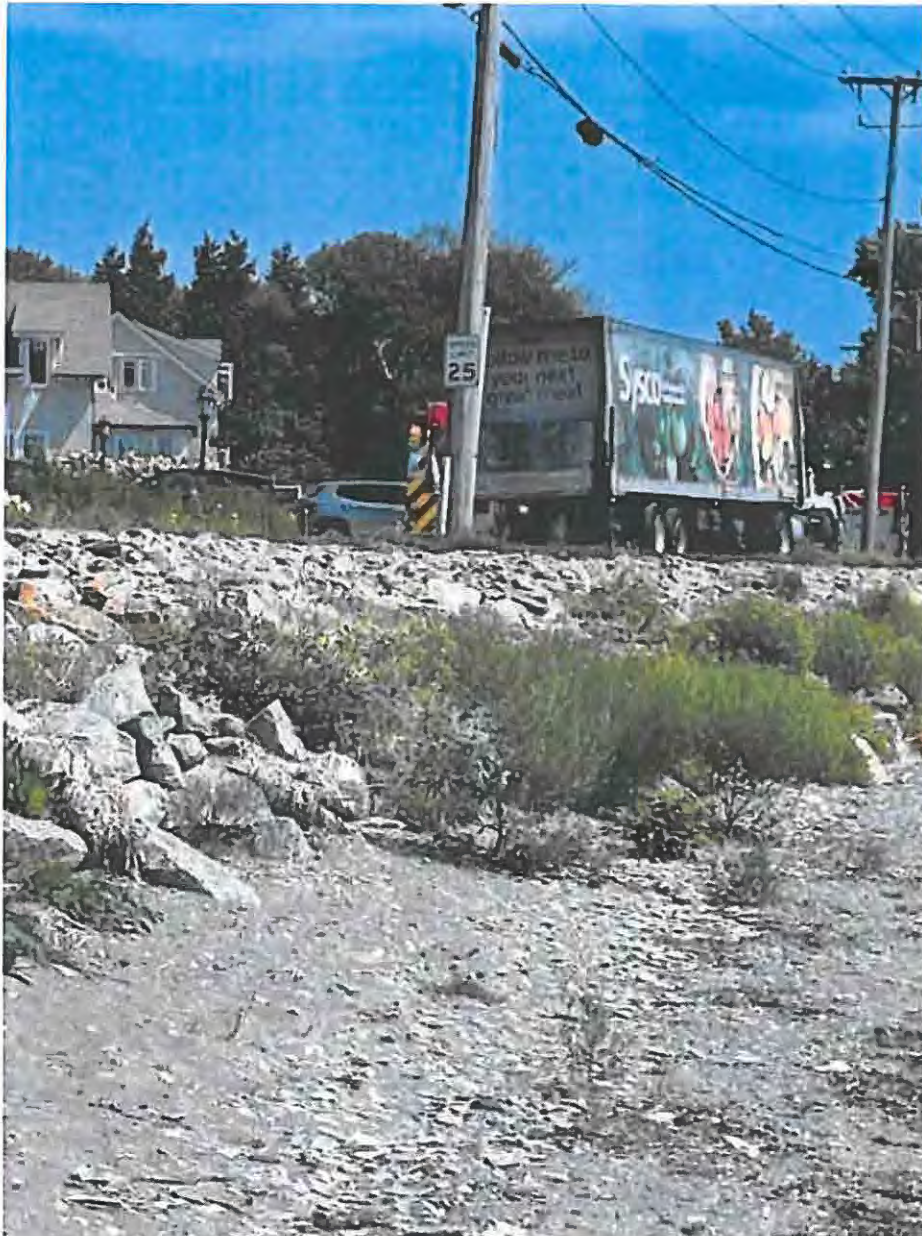


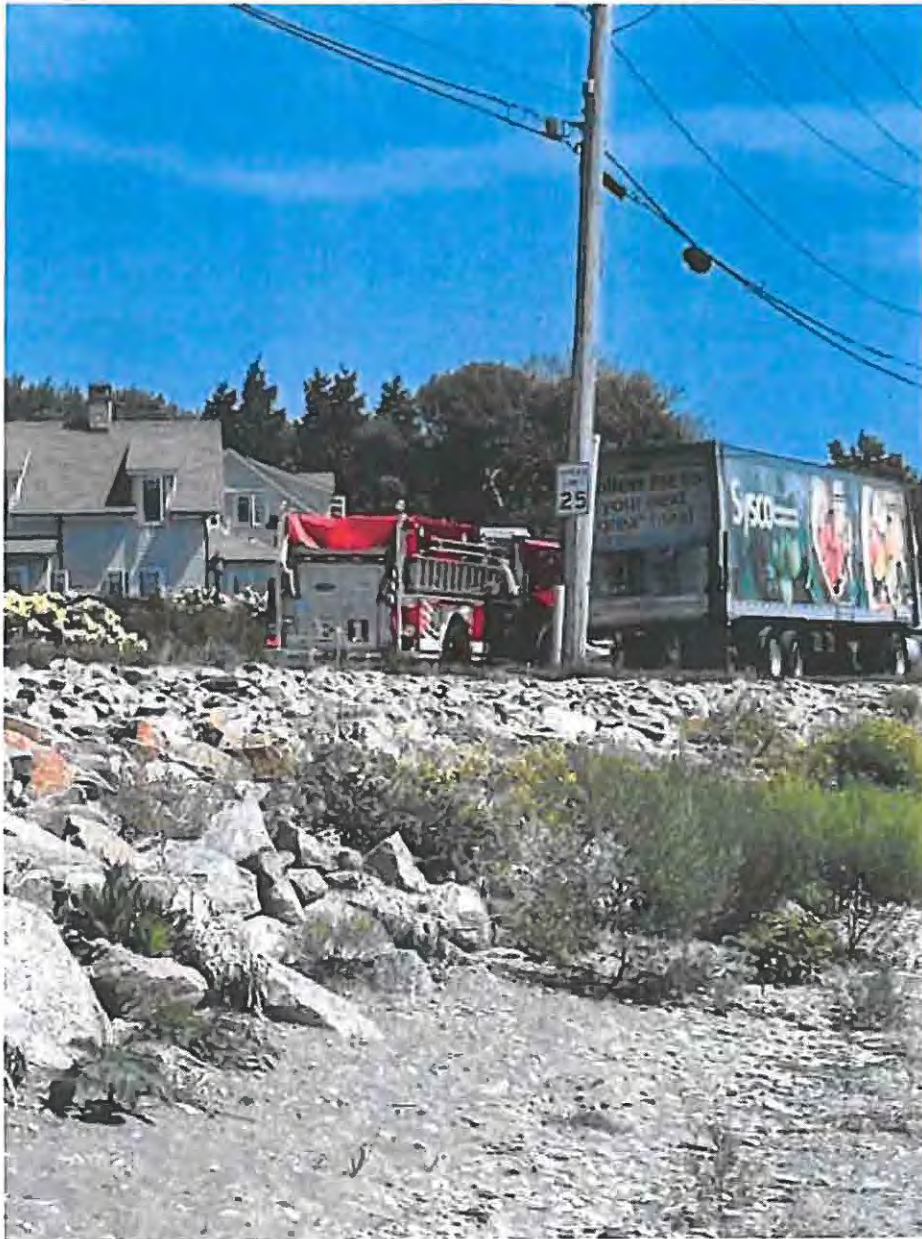






mb.





**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Approved: 11/13/24

A meeting of the Jamestown Harbor Commission (JHC) was held on Wednesday, October 9, 2024 at 5:00 p.m. in the Town Council Chambers of the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. Call to Order and Roll Call:

Vice-Chairman Tom Alexander called the meeting to order at 5:00 p.m.

Present:

Tom Alexander, Vice-Chairman
Sue Romano, Commissioner
Mark Campbell, Commissioner
Jim Archibald, Commissioner
Bob Laman, Commissioner

Absent:

Wayne Banks, Chairman
Jessica McCarthy, Commissioner

Also in Attendance:

Jim Heagney, Executive Director
Bart Totten, Harbormaster
Joan Rich, Clerk

II. Approval of Meeting Minutes – Review, Discussion, and/or Potential Action and/or Vote;

A. September 11, 2024

Commissioner Romano moved to approve the minutes of September 11, 2024 with a second by Commissioner Archibald. Commissioner Campbell had a question regarding the radar installation on both harbormaster boats, because the minutes indicate radar had been installed on both boats, but tonight's agenda states that only one of the boats has had the radar installed. The minutes will be amended to reflect that only one of the boats has had the radar installed. Commissioner Romano made a motion to approve the minutes as amended, with a second by Commissioner Campbell. So voted: Vice Chairman Alexander, Aye; Commissioner Romano, Aye; Commissioner Campbell, Aye; Commissioner Archibald, Aye; Commissioner Laman, Aye.

III. Executive Director's Report – J. Heagney

Executive Director Heagney stated he met with Bob Laman and Carol Nelson-Lee from the Conservation Commission to familiarize himself with the Right of Way program. The new boat trailer has been registered. Commissioner Campbell asked if the trailer had a police plate, but it was issued a trailer plate, like the old boat trailer.

Commissioner Archibald addressed the Asset Inventory from 2014 that was included in the packet. Executive Director Heagney stated he met with Commissioner Archibald, Mike Gray, Public Works Director, Bart Totten, and Wayne Banks to define the capital budget line item and what areas need to be prioritized for future projects. The Park Dock kayak/dinghy rack and the new boat need to be added to the list. There was some discussion.

Commissioner Campbell asked what the status is of the updates to the Harbor Management Plan and Ordinance. There have not been any changes to either document, and once the boating season has wrapped up, it will be Executive Director Heagney's primary focus. Town Administrator Ed Mello has assured Executive Director Heagney that there is no firm deadline for updating the documents.

IV. Harbormaster's Report – B. Totten

Harbormaster Totten stated that the on-the-water part of the season is winding down, and that the radar on the new boat will be installed before the start of the season next year. He has contracted with TPG to winterize the motors on both of the boats after they are pulled in early November, and has been soliciting estimates to shrink wrap the boats. The pumpouts will be decommissioned in November, and the touch and go docks will be removed for the winter.

Harbormaster Totten also updated the Commission on the status of the vessel registration project. The Harbor staff has been working all summer to ensure that everyone with a mooring permit has a registration for the boat that is associated with that permit, and that the mooring is being used. Ten to fifteen moorings were identified as not having had a boat on it, and the permit holders were sent a letter informing them their permit would be revoked. Some have responded and corrected the issues, but the Harbor office will reclaim some of those permits, which will in turn move the wait lists along. If there was a boat on a mooring that did not have a registration, those permit holders were notified that their permit would not be renewed next year unless a current registration was provided.

Harbormaster Totten also provided a heads up that the Revolution Wind Farm has had vessels operating in the West Passage in the vicinity of the Jamestown Bridge, preparing the cable route. The Coast Guard has instituted a safety zone of 250 yards around the barge. There was some discussion.

Commissioner Laman asked if the staff, given the price increase, has looked into a reusable cover for the boats as opposed to shrink wrapping them every year. Harbormaster Totten stated there is a town resident who is involved with a company that manufactures a recyclable shrink

wrap, and he is considering it. There was some discussion, including the cost benefit of purchasing reusable covers.

V. Year-to-Date Financial Report

Commissioner Romano reviewed the budget and expenses for the first quarter of the 2025 fiscal year, specifically the Admin Fees, which are charges from other Town departments when they perform work for the Harbor Department.

VI. Sub-Committee Reports

A. Budget – S. Romano and T. Alexander – Review, discussion, and/or potential action and/or vote;

Commissioner Romano addressed the question from last month's meeting regarding maintenance of the old Harbormaster boat, and that Town Administrator Mello had clarified that that cost is included in the Capital line item of \$75,000. The budget has not changed since last month, the rate increase has been approved by the Commission, and will be presented to the Town Council after the budget is approved. Commissioner Romano moved to approve the FY 2026 budget and the motion was seconded by Vice-Chairman Alexander. There was no discussion. So voted: Vice-Chairman Alexander, Aye; Commissioner Romano, Aye; Commissioner Campbell, Aye; Commissioner Archibald, Aye; Commissioner Laman, Aye.

B. Facilities – W. Banks and J. Archibald – Presentation of Asset Inventory from 2014 – Review, discussion, and/or potential action and/or vote;

This item was discussed during the Executive Director's report.

C. Gould Island Restoration – W. Banks, M. Cambell, and B. Laman – Review, Discussion, and/or potential action and/or vote;

The Gould Island Restoration Advisory Board meeting was held last night. The Army Corps of Engineers is supporting a request by DEM and the Town of Jamestown to go back and re-do the assessment for the cleanup of Gould Island so that it can potentially be used for public recreation as opposed to just being used for a bird sanctuary. This process could take years because the ACOE has to clean up Gould Island, and then they will turn it over to DEM. DEM will then develop a master plan for the use of the island, but there is currently no money in their budget for the plan development. There was some discussion. The next Restoration Advisory Board meeting will be held June 25, 2025.

VII. Liaison Reports

A. Conservation Commission – B. Laman – Review, discussion, and/or potential action and/or vote;

The Rights of Way adoption program that the Conservation Commission had begun has run into some hiccups with the one right of way that has been adopted, and one other that has a pending application. After some deliberation, the Conservation Commission is recommending to the Town Council that the program be suspended for the time being. There was some discussion.

B. Town Council – R. White – Review, discussion, and/or potential action and/or vote;
Councilor White was not present.

VIII. Old Business

A. Capital Expenses in FY 26 Budget – Review, discussion, and/or potential action and/or vote;

This item was discussed during the Budget Sub-Committee Report.

B. Proposed Budget for FY 26–Review, discussion, and/or potential action and/or vote;

This item was discussed and voted on during the Budget Sub-Committee Report.

IX. Correspondence

There was no correspondence.

X. New Business

There was no New Business on the agenda.

XI. Open Forum

A. Scheduled Requests to Address – None scheduled at this time;

B. Non-Scheduled Requests to Address

Mike Pinksaw of East Shore Road addressed the Commission about his objections to the new kayak/dinghy rack that was installed at Park Dock. He feels the rack is in a bad spot because the out of town fishermen set up their encampments right in front of the rack and they are in the way. He also thinks it is ridiculous to pay \$70/year to put a 10-foot dinghy on a rack he did not ask for, and it is yet another fee he has to pay on top of all the other fees the Town charges for trash, recreation parking, etc. There was some discussion.

There being no further business, Commissioner Romano made a motion to adjourn with a second by Commissioner Archibald. So voted: Vice-Chairman Alexander, Aye; Commissioner Romano, Aye; Commissioner Campbell, Aye; Commissioner Archibald, Aye; Commissioner Laman, Aye. The meeting adjourned at 5:47 p.m.

Attest,


Joan Rich, Harbor Clerk



Town of Jamestown

CANVASSING AUTHORITY
Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
www.jamestownri.gov

The Board of Canvassers for the Town of Jamestown, Rhode Island certifies that the foregoing document is the Official Local Results for the voting of the November 5, 2024 Election for the Town of Jamestown.

Carol Nelson-Lee

Carol Nelson-Lee, Chair

Hugh Murphy

Hugh Murphy, Member

Keith Ford

Keith Ford, Clerk

WITNESS my hand and the official seal of the Town of Jamestown, County of Newport, State of Rhode Island this 26nd day of November, A.D. 2024.



Roberta J. Fagan

Roberta J. Fagan, CMC

Town Clerk





Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
 Jamestown, Rhode Island 02835-1199
 401-423-9800 • Fax 423-7230
 email: rfagan@jamestownri.net

Roberta J. Fagan
 Town Clerk
 Probate Clerk

The following are the Official Local Results as voted by the Electors of Jamestown for the November 5th Election and Certified by the Jamestown Board of Canvassers on November 26, 2024.

TOWN MODERATOR

Dennis H. Webster (DEM) 2903

TOWN COUNCIL

Nancy Ann Beye (DEM) 2243
Erik G. Brine (DEM) 2195
Mary E. Meagher (DEM) 2086
Mary G. Glackin (DEM) 1931
Ernest Edward Ross (DEM) 1902
 Richard J. Smith (IND) 1709
 Michael T. DiMeglio Jr (IND) 1474
 Nicola Kouttab (IND) 1010

SCHOOL COMMITTEE

Lisa Tuttle (DEM) 2719
Joshua D. Furtado (DEM) 2457
Andrew Allsopp (DEM) 2309

LOCAL QUESTIONS

QUESTION 6. OFFICIAL NAME OF THE STATE OF RHODE ISLAND

(Charter Preamble) Shall the Charter be amended to list the official name of the State of Rhode Island?

Approve 2322
 Reject 1306

QUESTION 7. COUNCIL VACANCIES

(Article II - The Town Council - § 212 - Vacancies)

Shall the Charter be amended to modify the procedure to fill a vacancy on the Town Council by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?

Reject **1937**
Approve **1712**

QUESTION 8. ORDINANCE ADOPTION PROCEDURE

(Article II - The Town Council § 216 - Procedure for adopting ordinance)

Shall the Charter be amended to provide that only a digest or description of a proposed ordinance or amendment of an ordinance need be published in a newspaper of general circulation?

Approve **1782**
Reject **1768**

QUESTION 9. TOWN ADMINISTRATOR RESIDENCY REQUIREMENT

(Article III - The Town Administrator - § 301 - Appointment and qualifications)

Shall the Charter be amended to allow a person appointed as Town Administrator up to twelve (12) months to become a resident of the State?

Approve **2471**
Reject **1171**

QUESTION 10. BUILDING OFFICIAL SERVE AS ZONING ENFORCEMENT OFFICER

(Article IV - Administrative Departments - § 409 - Building official)

Shall the Charter be revised to allow the Building Official to also serve as the Zoning Enforcement Officer?

Approve **2077**
Reject **1502**

QUESTION 11. SCHOOL COMMITTEE VACANCIES

(Article V - The School Committee - § 503 - Vacancies)

Shall the Charter be amended to modify the procedure to fill a vacancy on the School Committee by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?

Approve **1997**
Reject **1636**

QUESTION 12. CHARTER REFERENCE CONSISTENCY

(Article XI - Financial Provisions - § 1104 - Public notice)

Shall the Charter be amended to revise internal section references for consistency?

Approve **2564**
Reject **856**


QUESTION 13. FULL CHARTER REVIEW FREQUENCY

(Article XII - Amendment of Charter - § 1201 - Charter revision committee)

Shall the Charter be amended to require a full review of the Charter beginning in September 2029 and thereafter at no less than six (6) year intervals thereafter and that special reviews can take place as needed?

Approve 2648
Reject 845

Attest:



Roberta J. Fagan, CMC, Town Clerk



2024 General Election

Votes by municipality: Jamestown

[View votes by precinct](#)

Official results: Updated November 22, 2024 05:31 PM

[Show ballot breakout](#)

Presidential Electors For: [\(View votes statewide\)](#)

Candidate	Total votes	Pct
Kamala D. Harris (DEM)	2657	67.3%
Donald J. Trump (REP)	1171	29.7%
Robert F. Kennedy, Jr. (Ken)	43	1.1%
Write-in	25	0.6%
Jill Stein (Gm)	24	0.6%
Chase Oliver (Lib)	22	0.6%
Robert "Robby" Wells (Par)	2	0.1%
Claudia De la Cruz (S&L)	2	0.1%

Senator in Congress [\(View votes statewide\)](#)

Candidate	Total votes	Pct
DEM Sheldon Whitehouse (DEM)	2659	68.4%
REP Patricia Morgan (REP)	1221	31.4%
Write-in	6	0.2%

Representative in Congress District 1 [\(View votes statewide\)](#)

Candidate	Total votes	Pct
DEM Gabriel Amo (DEM)	2635	68.4%
REP Allen R. Waters (REP)	1053	27.4%
Ind C. D. Reynolds (Ind)	158	4.1%
Write-in	4	0.1%

Senator in General Assembly District 13 [\(View votes statewide\)](#)

Candidate	Total votes	Pct
DEM Dawn Euer (DEM)	2581	68.2%
REP David A. Quiroa (REP)	1198	31.7%
Write-in	6	0.2%

Representative in General Assembly District 74 [\(View votes statewide\)](#)

Candidate	Total votes	Pct
DEM Alex S. Finkelman (DEM)	2927	96.9%
Write-in	93	3.1%

Town Moderator TOWN OF JAMESTOWN

Candidate	Total votes	Pct
DEM Dennis H. Webster (DEM)	2903	97.4%
Write-in	78	2.6%

Town Council TOWN OF JAMESTOWN

5 to elect

Candidate	Total votes	Pct
DEM Nancy Ann Beye (DEM)	2243	15.3%
DEM Erik G. Brine (DEM)	2195	15.0%
DEM Mary E. Meagher (DEM)	2086	14.3%
DEM Mary G. Glackin (DEM)	1931	13.2%
DEM Ernest Edward Ross (DEM)	1902	13.0%
Ind Richard J. Smith (Ind)	1709	11.7%
Ind Michael T. DiMeglio, Jr. (Ind)	1474	10.1%
Ind Nicola Kouftab (Ind)	1010	6.9%
Write-in	76	0.5%

School Committee TOWN OF JAMESTOWN

3 to elect

Candidate	Total votes	Pct
DEM Lisa Tuttle (DEM)	2719	36.0%
DEM Joshua D. Furtado (DEM)	2457	32.5%
DEM Andrew Allsopp (DEM)	2309	30.5%
Write-in	78	1.0%

1. CONSTITUTIONAL CONVENTION [\(View votes statewide\)](#)

Candidate	Total votes	Pct
Reject	2383	65.0%
Approve	1282	35.0%

2. HIGHER EDUCATION FACILITIES - \$160,500,000 [\(View votes statewide\)](#)

Candidate	Total votes	Pct
Approve	2542	67.5%
Reject	1224	32.5%

3. HOUSING AND COMMUNITY OPPORTUNITY - \$120,000,000 ([View votes statewide](#))

Candidate	Total votes	Pct
Approve	2558	68.2%
Reject	1194	31.8%

4. GREEN ECONOMY BONDS - \$53,000,000 ([View votes statewide](#))

Candidate	Total votes	Pct
Approve	2769	73.4%
Reject	1004	26.6%

5. CULTURAL ARTS AND ECONOMY GRANT PROGRAM - \$10,000,000 ([View votes statewide](#))

Candidate	Total votes	Pct
Approve	2200	59.0%
Reject	1526	41.0%

6. OFFICIAL NAME OF THE STATE OF RHODE ISLAND

Candidate	Total votes	Pct
Approve	2322	64.0%
Reject	1306	36.0%

7. COUNCIL VACANCIES

Candidate	Total votes	Pct
Reject	1937	53.1%
Approve	1712	46.9%

8. ORDINANCE ADOPTION PROCEDURE

Candidate	total votes	Pct
Approve	1782	50.2%
Reject	1768	49.8%

9. TOWN ADMINISTRATOR RESIDENCY REQUIREMENT

Candidate	Total votes	Pct
Approve	2471	67.8%
Reject	1171	32.2%

10. BUILDING OFFICIAL SERVE AS ZONING ENFORCEMENT OFFICE

Candidate	Total votes	Pct
Approve	2077	58.0%
Reject	1502	42.0%

11. SCHOOL COMMITTEE VACANCIES

Candidate	Total votes	Pct
Approve	1997	55.0%
Reject	1636	45.0%

12. CHARTER REFERENCE CONSISTENCY

Candidate	Total votes	Pct
Approve	2564	75.0%
Reject	856	25.0%

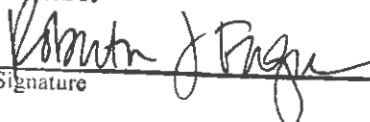
13. FULL CHARTER REVIEW FREQUENCY

Candidate	Total votes	Pct
Approve	2648	75.8%
Reject	845	24.2%

** Polling places with more than one ballot scanner may display as 100% reported despite results only being received from one scanner. Results will be updated when the results from any additional scanner(s) in that precinct are received.

A TRUE COPY

ATTEST:


Signature



**Town of Jamestown
Tax Assessor**

**93 Narragansett Avenue
Jamestown, RI 02835**

**Phone: 401-423-9802
Email: cbrochu@jamestownri.net**

To: COUNCIL PRESIDENT BEYE, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENT AND ADDITIONS OF TAXES FOR THE **DECEMBER 2, 2024** MEETING

Please see the attached.

RESPECTFULLY SUBMITTED,

Christine Brochu

CHRISTINE BROCHU
TAX ASSESSOR

Conditions:

District:

Reported Type: All

DATE: 11/21/2024

YEAR	NAME/ADDRESS	COC INFO	ACCOUNT #	GROSS OLD	EXEMPT OLD	NET OLD	TAX OLD	SEWER OLD
			UNIQUE ID	GROSS CHANGE	EXEMPT CHANGE	NET CHANGE	TAX CHANGE	SEWER CHANGE
			LIST NUMBER	GROSS NEW	EXEMPT NEW	NET NEW	TAX NEW	SEWER NEW
2024	[REDACTED]	18793R	01-0571-00	671,600	0	671,600	4,568.13	0.00
		11/19/2024	2/10	0	0	0	125.00	0.00
Accept	JAMESTOWN, RI 02835	REMOVED EXEMPTION- SOLD	116	671,600	0	671,600	4,693.13	0.00
2024	[REDACTED]	18794R	03-1125-00	796,500	0	796,500	5,464.17	0.00
		11/19/2024	3/533	0	0	0	250.00	0.00
Accept	JAMESTOWN, RI 02835	REMOVED EXEMPTION; SECOND HOM	638	796,500	0	796,500	5,714.17	0.00
2024	[REDACTED]	18792R	19-0546-30	1,980,000	0	1,980,000	14,204.72	0.00
		11/18/2024	10/115	0	0	0	-2,054.62	0.00
Accept	ROCHESTER, NY 14610	TOWN COUNCIL AGREEMENT 11/4/2	2831	1,980,000	0	1,980,000	12,150.10	0.00
2024	[REDACTED]	18795R	04-0082-85	0	0	0	0.00	0.00
		11/19/2024	3/505	528,359	0	528,359	3,790.50	0.00
Accept	JAMESTOWN, RI 02835	CERT. OF OCCUPANCY 5/15/2024	3777	528,359	0	528,359	3,790.50	0.00
2024	[REDACTED]	18796R	10-0053-01	0	0	0	0.00	0.00
		11/20/2024	9/795	236,319	0	236,319	1,695.38	0.00
Accept	JAMESTOWN, RI 02835	CERT. OF OCCUPANCY 5/9/2024	3778	236,319	0	236,319	1,695.38	0.00
Totals For -2024 R						764,678	3,806.26	
						Total Inc's:	5,860.88	
						Total Dec's:	-2,054.62	
TOTAL	# Of Accts 5					764,678	3,806.26	
						Grand Total Inc's:	5,860.88	
						Grand Total Dec's:	-2,054.62	

Town of Jamestown as an abutter.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING DECEMBER 17, 2024, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT 7:00 P.M. UPON THE FOLLOWING:

Application of Susan S. Gorelick, Trustee, whose property is located at 20 Bark Avenue, and further identified as Tax Assessor's Plat 16, Lot 38 for a special use permit to construct a 12x16 foot garden high tunnel in the backyard. The property is in R-40 zone with 30,720 sq ft and falls under sub-district A requirements of the High Groundwater Table and Impervious Overlay District.

BY ORDER OF THE ZONING BOARD OF REVIEW

RICHARD BOREN, CHAIRMAN

DENNIS BEGIN, ZONING OFFICER

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

The public is invited to observe and participate in the deliberations of this meeting, in person @ Town Hall.

TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING LINK:

<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>

PLEASE NOTE: All Correspondence you wish the Board to consider on any of the above matters must be received by the Zoning Office no later than Dec. 4, 2024. Email to dbegin@jamestownri.net or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835.

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

Roberta Fagan

From: [REDACTED]
nt: Wednesday, October 30, 2024 5:01 PM
To: Roberta Fagan
Subject: Thank you

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

Dear Roberta, and the Town Council, sitting as the licensing board,

I received notification that Our Table is looking to upgrade their liquor license, this does not surprise me, it was a matter of time.

However, the concern I have is the long term effect, since I hope to live in my home another 40 years. I assume at some point they will sell their restaurant and I don't know if a new owner automatically gets the most current liquor license? Or do they have to earn the right to a full liquor license?

As things are now they don't have late evening hours, so even when people get loud from alcohol I can tolerate it. But if their hours change, or a new buyer comes along, that would be of great concern to me. It would not only impact my right to a peaceful evening, but also on my livelihood.

As you all know I was unhappy they were able to dismiss the Blue laws from the beginning. Then the outside dining was added, and now the extended liquor license, all within a couple years. I told Marla that I will not oppose this license but I do hope the current Town Council will respond to my questions, and seriously consider how many licenses a small island should distribute.

Sincerely,
Connie Slick

[REDACTED]
Jamestown, RI 02835

Roberta Fagan

From: [REDACTED]
nt: Thursday, October 3, 2024 1:44 PM
To: Roberta Fagan
Subject: Our Table liquor license request

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

Dear friends,

We are regular patrons of Our Table restaurant, and we fully support their request for a liquor license. It's a great place for us Jamestowners as well as for visitors, and a modest bar would only add to its appeal.

Please share this letter with the Board of Zoning Appeals and the Town Council.

Sincerely,

John and Quaker Case

[REDACTED]
Jamestown RI 02835
[REDACTED]

October 3, 2024

Town Clerk
Jamestown RI
Roberta Fagan

Dear Ms Fagan,

We are in full support of Our Table's application for a full liquor license. They want to be able to offer their customers spirits as well as wine and beer.

They have and continue to be, a great addition to this community. Marc and Marla welcome you into their second home. They are hard working, welcoming and the food is great!

They will be improving the experience for their patrons and will not in any way, negatively impact the community.

Their restaurant is exactly what Jamestown needed.

Sincerely,

Nancy Sall

[REDACTED]

Jamestown RI 02835

Roberta Fagan

From: Mary Jo Roberts <[REDACTED]>
Date: Wednesday, October 2, 2024 5:06 PM
To: Roberta Fagan
Subject: Support for "Our Table's" full liquor license

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

(Hi Roberta! Please share with the Town Council and Zoning Board)

Dear Roberta, Members of the Jamestown Town Council and Zoning Board of Appeals,

I am writing in strong support of "Our Table" restaurant's request for a full liquor license. As a valued member of our community, "Our Table" has consistently provided a welcoming and high-quality dining experience for both Jamestown residents and visitors. This expansion would allow them to enhance their offerings, improving the overall experience for patrons without negatively impacting the character or tranquility of our town.

I believe that granting this license will not only contribute to the local economy, but would also provide more options for residents and tourists alike. The owners have demonstrated their commitment to responsible business practices, and I am confident they will continue to operate in a way that aligns with Jamestown's values and community standards.

Please consider approving this request to allow "Our Table" to further enhance the dining experience while continuing to be a positive part of our town.

Thank you for your time and consideration.

Sincerely,
Mary Jo Roberts-Braisted

--
Mary Jo Roberts-Braisted
Gnarly Sheep Design Studio
[REDACTED]
Jamestown, RI 02835
[REDACTED]
[REDACTED]
[REDACTED]

Roberta Fagan

From: Christine Heenan [REDACTED] >
nt: Wednesday, October 2, 2024 3:49 PM
To: Roberta Fagan
Subject: Our Table restaurant

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

As a resident of Jamestown (63 Howland Ave), I am writing to offer strong support for the liquor license application of Our Table Jamestown. Beyond enjoying the menu offerings and friendly neighborhood atmosphere of Our Table, the restaurant seems to me a real community anchor, owned and run by a couple devoted to our town and its residents and well-being. What an important resource!

The number of shuttered restaurants that line Narragansett Avenue stand as a stark reminder of the tough economic prospects of running a restaurant in Jamestown. Don't we need to do all we can to help those with the courage and commitment to keep a restaurant going here succeed?

I often describe Our Table as the "Cheers" of our island - a place where customers are known by name and cared about. I have every confidence that a limited number of cocktail offerings or tasting events would not change the character of this family-friendly restaurant. Please approve their proposed license expansion.

Christine Heenan

Christine Heenan
Executive Partner and CCO
Flagship Pioneering

Calendar: csabsoul@flagshippioneering.com

Roberta Fagan

From: Ross Harris [REDACTED]
it: Wednesday, October 2, 2024 6:53 PM
To: Roberta Fagan
Subject: Our Table

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

Hello Roberta,

I understand that Our Table, a wonderful restaurant here in Jamestown that has become a valued part of the town, is applying for a liquor license.

I think this would be a worthwhile addition to the restaurant.

Please share my letter with the Zoning Board of Appeals and the Town Council.

Thank you,

Ross Harris

[REDACTED]
Jamestown, RI 02835
ll: [REDACTED]

Roberta Fagan

From: Tara Villanova <[REDACTED]>
it: Thursday, October 3, 2024 9:03 PM
To: Roberta Fagan
Subject: Our Table restaurant liquor license

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

Good afternoon Ms. Fagan,

My name is Tara Villanova. I am a Jamestown full year resident. I'm writing in support of Our Table restaurant securing a full liquor license, with the hope that you will share this letter with the members of the Zoning Board of Appeals and the Town Council. My husband and I eat dinner here almost every other week. Their food is absolutely delicious, and Marc and Marla are two of the most lovely, and hard working people. There aren't many restaurants where both owners are constantly present. This liquor license will help bring a more full rounded drink menu for their guests to enjoy. I know they'd like to add special offerings, such as bourbons or single malt scotch as well as more traditional cocktails. I have personally tried Marc's red sangria, it is amazing. Marc makes it himself! Seasonal home made cocktails and a more extensive drink menu will add to the special touches Marc and Marla already shower on their guests. I might suggest to Marla a few coffee cocktails to pair with her phenomenal desserts.

Thank you very much, your help is greatly appreciated.

Tara Villanova
[REDACTED]
[REDACTED]

--

It is not what you gather, but what you scatter, that tells what kind of life you have lived. - Anonymous

Roberta Fagan

From: Sandy Sorlien [REDACTED] >
It: Friday, October 4, 2024 9:21 AM
To: Roberta Fagan
Cc: John Arnold
Subject: support for Our Table license application

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

Dear Roberta, and the Zoning Board of Appeals and Town Council:

We are writing to strongly support the application of Our Table Jamestown for a full liquor license.

Our Table has been a wonderful community asset even before the restaurant itself was completed. During the Covid shutdown, Marla and Marc delivered their delicious and healthy meals to numerous Jamestown households, including ours on several occasions.

We have dined at Our Table maybe 20 times, and have also ordered birthday cakes from them. We bring family and visitors there. The ambience and menu selections are great for all ages and a diversity of tastes. We see lots of different people there, quite diverse for Jamestown.

But we often wondered how much their business suffered by being "beer & wine only" when all the other dinner restaurants in town can serve spirits, including Chopmist which is about to revive across the street.

It sounds like the Our Table model would be similar to Salty (at Village Hearth), where there is not a full bar but craft cocktails and selected other spirits are offered.

We don't see how there would be negative impacts from this license, since intoxicants have always been served there without (as far as we know) significant rowdiness, but the convivial dining experience would be broadened and a community treasure would be supported.

Thank you all for your consideration,

Sandy Sorlien and John Arnold

[REDACTED]
Jamestown
[REDACTED]

Roberta Fagan

From: Paul Morse <[REDACTED]>
nt: Sunday, October 6, 2024 3:10 PM
To: Roberta Fagan
Subject: Our Table

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

Good afternoon:

I am writing this letter in support of Our Table obtaining a full liquor license.

Having eaten at Our Table numerous times, it is clear that the restaurant is a family restaurant that provides much needed service to the community. I have only experienced respectful customers and good vibes at the restaurant.

I have come to know the proprietors and they run a welcoming restaurant. It's run like a well conducted ship.

I would expect this to all remain the same if they acquire a liquor license. However, for patrons like myself it would offer another level of fine dining with the addition of a full liquor license.

Please pass this along to the Zoning Board of Appeals and the Town Council.

Thank you for your consideration.

Paul Morse
[REDACTED]

Roberta Fagan

From: Michelle Estaphan Owen <[REDACTED]>
Date: Sunday, October 6, 2024 8:50 PM
To: Roberta Fagan
Cc: Ian Estaphan Owen
Subject: Our Table Full Liquor License

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

Dear Roberta, the Zoning Board of Appeals and Town Council,

As long time residents of Jamestown (22 years & 18 years), we have watched numerous restaurants come and go.

We realize the seasonal businesses are tough and because of this, we strongly believe that Our Table should be approved for a full liquor license.

We have lost two restaurants, J22 and Chopmist Charlies, that used to have full licenses, so this seems like no additional concern to the town. It is impossible to understand how this could have any negative impact on our town.

We are frequent customers of Our Table and we love the diversity of culinary experience they are providing, which will only be improved if they are approved for a liquor license, in our experience.

Thank you for considering our voice on this matter,
Michelle & Ian Estaphan Owen
[REDACTED]

Roberta Fagan

From: Win <[REDACTED]>
It: Monday, October 7, 2024 11:39 AM
To: Roberta Fagan
Subject: Liquor Application

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

Dear Roberta,

I wish to write in support of Marc and Marla whose restaurant is Our table in their application to add selling spirits to their liquor license. Marc and Marla run a wonderful business and are highly respected in our community for the quality of the service they provide, their honesty and , especially, their generosity to our little community of Jamestown. Please look favorably and kindly on their application to sell spirits. If you would be so good as to share my recommendation with the members of the zoning board of appeals and the Town Council , I would greatly appreciate it! Thank you and

Sincerely,

Win Reed, Win R Realty
[REDACTED]

NOV 06 2024

Ms. Nancy A. Beye
Jamestown Town Council
Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835

RE: Environmental Study Group / Gould Island Restoration

November 3, 2024

Dear Ms. Beye:

As noted in a group email sent to a number of stakeholders on October 30, 2024. I would like to request that a study group be created to carefully analyze the environmental impacts of converting a wildlife sanctuary, one of the last nesting and roosting sites of birds in the Narragansett Bay, into an overnight campground. I would like to ask that the planning of the RIDEM for the conversion of a significant portion of Gould Island from a wildlife sanctuary be paused until the results of this environmental impact study be completed and that future planning will be made in the light of the conclusions of this study group.

Background

I attended the meeting of October 08, 2024 of the Gould Island Restoration Advisory Board. It was indicated at this meeting that the RIDEM and the WSACE have decided to go forward with planning to convert a significant portion of the protected wildlife sanctuary on Gould Island in the Narragansett Bay into an overnight campground. There were only two attendees of the public that spoke during this meeting, myself and Dr. Charles Clarkson, the Director of Avian Research at the Rhode Island Audubon Society. We two individually expressed grave concerns about this plan for the following reasons:

Negative Impacts of Conversion of Gould Island into an overnight campground

- 1) Gould Island is currently an important breeding and nesting site for endangered birds
- 2) Any frequent human occupation in the form of a campground will eliminate this as a viable nesting site
- 3) Due to habitat loss, bird populations have in the last 20 years have declined on the order of 90%

Preliminary objectives of the study group to include analysis and consideration of

- 1) Impacts to nesting and roosting birds due to frequent and overnight use by humans
- 2) Impacts to nesting and roosting birds due to site modification to convert the wildlife sanctuary on Gould Island to frequent and overnight use
- 3) Impacts to nesting and roosting birds from anchored or moored vessels providing access to a campground on Gould Island
- 4) Impacts to nesting and roosting birds from any future increased access by ferry vessel or other public conveyance
- 5) Historical impacts to birdlife on other islands in the Narragansett Bay such as Rose Island and Prudence Island where public access has been facilitated
- 6) Analysis of sites of existing populations of nesting and roosting birds in the Narragansett Bay to determine the importance of Gould Island as a wildlife sanctuary
- 7) Impacts of climate change and sea temperature rise on future availability of sites for nesting and roosting birds in the Narragansett Bay
- 8) Impacts of anticipated sea level rise on the availability of sites for nesting and roosting birds in the Narragansett Bay
- 9) Impacts of anticipated private shoreline development on the availability of sites for nesting and roosting birds in the Narragansett Bay
- 10) Alternative sites for recreational camping that will not negatively impact the environment.

I would be very appreciative if you could assist in establishing this study group in procedurally proper way so that these questions can be answered in manner of record. This is an crucial moment for the preservation of bird populations and the natural environment of the Narragansett Bay and I do hope that the opportunity be afforded for a deliberate and careful study of these important questions.

Sincerely,



Mark Baker

Jamestown, RI 02835

CC: Ms. Lisa Bryer, Mr. Terry Gray, Ms. Anne Kuhn-Hines, Mr. Ed Mello, Mr. Gary Morin, Sen. Jack Reed, Mr. David Sommers

Roberta Fagan

From: Harrison, Jill [REDACTED]
it: Tuesday, November 12, 2024 9:32 AM
To: Roberta Fagan
Subject: Riven Rock
Attachments: nov12boatlift.pdf

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

Dear Roberta and Town Council Members:

Mr. Clarke Moody and I have exchanged correspondence regarding his request for a 16,000 lb. boat lift and deck. He asked me to withdraw my objection, and I responded with this note, attached, that was mailed to him today.

I continue to object to his expansion based on a number of factors, in particular the precedent it will set for other such dockage and expansions across the island.

Thank you.
Jill Harrison

[REDACTED]
[REDACTED]

November 12, 2024

TO: Clarke Moody, [REDACTED] Jamestown, RI 02835

FROM: Jill Harrison, [REDACTED] Jamestown, RI 02835

RE: Your 10/23/24 letter

Thank you for your letter dated 10/23/24. While I thank you for providing the correction, I continue to remain concerned for our environmental habitat and more. In due consideration of your request, I've read some studies about docks and boat lifts. For your proposal, I refer to *Estuaries and Coasts* <https://doi.org/10.1007/s12237-021-01006-0> research entitled, "A Review of Habitat Impacts from Residential Docks and Recommended Best Management Practices with an Emphasis on the Northeastern United States," published in September 2021. This article addresses several concerns that I have about docks, piers, and lifts on our fragile coastline. While you were approved for a 7,000 lb lift space, your plan to more than double the environmental impact with the proposed 16,000 lb. lift is a significantly different request. It increases shoreline development by twofold and in equal measure, impact habitat for birds, fish, and the like. I remain against your proposal.

Principal among my concerns should your proposal be approved, is the precedent it sets for other large docks and lifts to be built on the island. Power boats, and what you're suggesting, I'm guessing they are from twenty to thirty feet in length, have significantly more consequences for the environment. Regulatory oversight and zoning are important, such as setback rules and to what degree the shoreline can be altered over and over again with large docks and boat lifts with each new request. What does DEM say about these modifications to the shoreline?

Over the last twenty years, I've seen modest to excessive development along our shores. As a laser sailor, my tiny 130 lb. sailboat has experienced the increased boat traffic that has brought with it complete disregard for navigation rules. I've experienced local power boats nearly swamping and capsizing my little boat on more than one occasion. My incidents aside, increased motor traffic has a carbon emissions impact, upsets marine life, and will negatively affect water quality, public access and use, and over time will destroy the aesthetic quality of our graceful island. Noise, air, and water pollution will also increase. There are myriad reasons to reject large docks and boat lifts, and I've only named a few here.